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NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 28 NOVEMBER 2022

(Continued from 25/11/2022)

Transcribed by:
EPIQ

THE CORONER: Please take a seat.

Mr Coleridge.

MR COLERIDGE: Good morning, your Honour. We've misplaced Ms Dwyer – Dr Dwyer, and Mr McMahon. The first witness today will be Mr Bruno Wilson. I think they're just outside - - -

THE CORONER: Okay, thank you.

MR COLERIDGE: - - - making arrangements for him to come in. We may need a minute or two, your Honour.

DR DWYER: Sorry to keep you waiting, your Honour.

THE CORONER: No, that's fine. So our first witness today is Mr Bruno Wilson, is that correct?

DR DWYER: That's right, your Honour. And Mr Wilson's just coming into court now.

BRUNO WILSON, affirmed:

XN BY DR DWYER:

DR DWYER: Mr Wilson, can you tell the court your full name?---Bruno Jordello(?) Wilson.

And you provided a statement to help the Coroner to understand what evidence you can give in court?---Yes.

Your Honour, that statement's at 8-72B.

Mr Wilson, Julian McMahon's going to call some evidence from you first. But before he does that, can I ask you what – to tell the court what languages you speak?---I speak Warlpiri at home.

And you're obviously very fluent in English?---Yes.

And you're comfortable to give evidence today without an interpreter?---All good.

Your Honour, McMahon will ask the first questions.

THE CORONER: Yes, thanks Mr McMahon.

XN BY MR MCMAHON:

MR MCMAHON AC SC: Thank you, Mr Wilson for (inaudible). Mr Wilson, you and

I have spoken a number of times over the last year or so, and today we're just going to go over some of the topics that we've talked about. You understand that?---Yes.

And you speak beautiful English, but if you want to speak through an interpreter, the interpreter's in court if you feel like you want to do that later?---I understand that.

The first thing I want to do, Mr Wilson, is just help the Coroner understand about your life story, so that we can put the other evidence into context. So could you just tell the Coroner how old you are and – well start with that. How old are you now?---I'm 33 years.

And have you lived your whole life in Yuendumu?---Most of life in Yuendumu.

Except for some study?---Yes.

All right, we'll come back to that. But basically, you were born in Yuendumu, and you've lived there your whole life, except for when you went away to do some study?---Born in Alice Springs.

Born in Alice Springs and raised in Yuendumu?---Raised in Yuendumu.

And have you got some brothers and sisters?---Yes.

How many?---There's two brothers, makes us three. And three sisters. I'm the youngest out of the family.

You're the youngest?---Yes.

Okay. And can you just tell her Honour your skin name?---Jordello(?).

And when you were growing up, was your mother a stay at home mum who raised the kids?---Yes.

And your dad, what sort of work did he do?---For the local – local council, local government he – at the times he been president, yes.

Okay. And is he still working or is he retired?---Dad passed away back in 2011.

Sorry about that. But after the intervention, did he continue to work or was that the end of his work?---For a first start, continued to work. But as the intervention came in, it took away our powers, especially the local council, yes.

And so, he stopped working soon after that?---Stopped working, yep.

Okay. In fact, so while we're talking about your father, you told me about what happened to him when he was very young. Can you just tell her Honour about that?---Yes. Originally, he was taken to Tiwi Islands, (inaudible), Snake Bay. There was a mission there for half-caste kids.

He was taken away at a very young age. Do you remember – do you know what age it was?---When he was four, four or five.

And when he was an adult, did he come back to live in Yuendumu?---Yes, correct.

What age did he – was he when he came to Yuendumu?---When he was 18.

Eighteen?---Yep.

Just so we have bit of an understanding of what the history of your family is, can you just tell the court what you told me about when your father was young and wanted to speak in Warlpiri language, what used to happen to him?---Well, back in the mission days, you could not speak language. When dad tried to speak Warlpiri, the nuns used to put the soap down his mouth and wash it off, started telling him not to speak devil's language.

Tell him not to speak the devil's language?---Correct.

Okay. And one of the reasons you speak such good English is because your father, when he came back Yuendumu, he obviously spoke good English?---Yes, yep. Unfortunately, he lost a little bit of Warlpiri as well.

Sure?---Yep.

When you were growing up, did you go to primary school in Yuendumu?---Yes.

All the way up to grade 6?---Grade 6, yep.

And then, what about secondary school?---I came here to Alice Springs Yirara College, boarding school.

You stayed at boarding school?---Yes, from '01 to '05.

Yes, 2001 to 2005. And then, you used to go home to Yuendumu a lot when you were at boarding school?---Yes, for the holidays.

But when you finished boarding school, you obviously were a very good student. You did some study in New South Wales. You did four weeks of pre-law?---Yes.

Is that right, when you were about 17 years old?---Yes.

And was that at the University of New South Wales?---Correct.

And the following year, did you go back to the University of New South Wales and enrol in a law degree?---Yes.

And you did that for about one year or so. Is that right?---Yes.

But after that when you came back to Yuendumu, can you just tell us a little bit about how hard it is for someone who's grown up in the way that you have, in a remote community to living in a city like Sydney and how that influenced you in coming back to Yuendumu?---I cannot understand that question at the time.

Okay. Did you find it lonely at times in Sydney?---Yes.

Okay?---Obviously, it was a big culture shock from Yuendumu to Sydney, yep.

A pretty big change?---Bit change.

THE CORONER: Did you get any particular support?---No support back then.

No support?---Yes.

MR MCMAHON: It's not very relevant to our case but I know I was fascinated. You love going down to the beach when you're up in Sydney, Coogee Beach, yes?---Yep, yes.

Okay?---Yes.

Not a lot of beach out at Yuendumu?---No.

So, you came back to Yuendumu at about 2010. Is that right?---Yes.

And that was to help your father, you told me?---Yes, to help dad. During that time, the fighting started back in Warlpiri camp and it caused the problems that is still affecting us today.

Yes. So, that's around about 2010. Is that right?---Yes.

And we don't need to go into a lot of detail, Mr Wilson, but I'll just ask some general questions, if I can, about that. There was a death in Warlpiri camp in Alice Springs. Is that right?---Yes.

And that led to family disputes at Yuendumu?---Yes.

And your father was one of the people trying to help sort that out. Is that right?---Yes.

Trying to help solve the problem?---Yes.

And that's one of the reasons you came back to Yuendumu, because it was very tiring and hard work for your father to do that?---Yes.

Is that right?---That's right.

Okay. And I know you've been following the inquest a little bit, but you've also got a fulltime job, so you can't watch the screen the way that some people are watching the inquest over the last couple of months, can you? Can I ask you some questions about something we've discussed out of court, which is the question of payback, which is what's called "payback". And if you can't answer the questions, that's fine, but one day out of court, you previously told me that the family disputes back then in 2010, they couldn't be solved in the traditional way using customary lore. Is that something you can talk about today?---Yes. Well, since the payback is not allowed in Yuendumu or in every Aboriginal community here and NT, because of that – did not allow us to do our traditional payback, the problem still going on. Payback is – payback doesn't – payback is not what you think is like spear in the leg. It's more than that.

It involves a lot of talk?---Yes, a lot of talk, family talks. Excuse me, Julian, I'm just not thinking straight at the moment.

That's all right. One of the things we've been joking about is, coming to court can be a stressful experience. What do you reckon?---Yes.

Okay. So, I'll just ask you a few more questions about that and it might make it easier for you to give some answers. Some of the things that you've told me is that in traditional lore when there was some payback sort of carried out, one of the things that would happen is that would be the end of the problem?---Yes, that stops the problem and problem finishes then.

Yes. And I know that you understand that the legal system obviously would never tolerate traditional spearing as part of the legal system, Kartiya legal system and one of the things we've discussed is how, in the absence of traditional lore, it can be very hard to solve some community problems?---Yes. If community lore is not there, that's all catastrophic in the community for the Yapa mob, just going through the white man's law.

And one of the consequences of that is that some problems just go on and on, because they can't be brought to an end?---Yes, yep. It keeps going on and on.

And one thing we've discussed which we haven't really got to the bottom of this problem, but we've discussed it, is are there other parts of traditional or other parts of customary lore that do not include a spearing which can be used to solve these difficult problems?---I – at this time again, I cannot answer that.

Okay?---Yep.

That's a very hard question, isn't it?---Yes.

And everybody who is involved in trying to solve problems in Warlpiri Community, finds that a hard question to deal with. Is that your experience?---Yes.

All right. So, I'm going to ask you questions about parts of life in Yuendumu, just so

it's clear for people watching and listening and so, what we've spoken about it, we're trying to work out ways to make sure there are no more shooting deaths in Yuendumu in the future. That's – you understand that of course?---Yes, I understand.

And one of the things we discussed is the solution to that kind of problem is a complex solution. You have lots of different parts of life in Yuendumu, to put it all together, to get the picture right, you understand that?---Yes.

And so that's why I'm asking you about different kinds of things today, including things like housing and relationship, police, and things like that, you understand?---Yes.

Over the years that you've lived as an adult in Yuendumu, you've had a number of different jobs. And one of them in about 2005 was working for the Mount Theo Program?---Yes.

Can you just explain a little bit about the Mount Theo Program, because it seems that back then it was a very successful program?---Mount Theo Program helped stop the petrol sniffing in Yuendumu. It has been a successful organisation. There – Jaru Pirrjirdi(?) who are just part of Mount Theo Program, and that's who I been working with. That's dealing with the youth as well.

So just talking about petrol sniffing for a moment. Going back say 30 years into the 1990's with – you were obviously very young, but into the 2000's as well, petrol sniffing was a problem in a lot of communities, including in Yuendumu, is that right?---Yes.

And Mount Theo is quite a long way from Yuendumu isn't it?---Yes, long way.

About two hours' drive or more?---About two hours.

Two hours, then it's a remote place off the main road, and it's in the bush?---Yes.

And how was that used to help young who were sniffing petrol? How did Mount Theo get used?---Usually take them – take them out and stay out at Mount Theo homeland, and just the – the appropriate place to do the culture practise there, and just - - -

Good for the young fellows?---It is good for the young fellows, it really worked out well. Yeah.

So I'm going to ask you about two different things there. About how they got young people to go to Mount Theo, and the sort of things that happened when you were staying at Mount Theo. So, what I've been told in the past, and you – I want you to make sure I get this right, and you can add on it, is that some of the young people sniffing petrol, they might not want to – they might not have wanted to go to Mount Theo, but the community would gather them up and put them in the car and make

them drive out there?---Yes, community would – would all be together and send them out, work together, support each other, to send a – yeah to Mount Theo.

And I've been told a few jokes that some of the young people might not have wanted to go but they were given a little push into the car and told them, you're going whether you like it or not. That sort of thing used to happen a bit?---Yes, a bit.

Yes, just a bit. And when they were out at Mount Theo, they might be staying there for a long time, is that right?---Yes.

Might stay for a few weeks or a few months?---Depends, yeah few weeks or a few months.

And there would be some of the Elders from Yuendumu would be out there as well?---Yes, Elders would be out there.

And they were teaching young men how to do things like make weapons, like spears or boomerangs?---Yes, yeah teach them how to make weapons, for good use, hunting.

For good use, yes?---Yep.

For hunting?---Yes.

Is that right?---Yes.

And they would also go hunting with the young fellows?---Yep.

And while they were doing all these things, they'd be young men, instead of being caught up in petrol sniffing, would be learning about Warlpiri culture, and learning the stories of their culture?---Yes.

And growing in confidence about living in the bush?---Yes.

So from your point of view, the program was a very successful one?---Yes it is, it was a successful one.

Yes. And - - -

THE CORONER: Mr McMahon, who funded the program when it first started?

MR MCMAHON: I'm not sure that I can answer that. Mr Wilson may know?---No, I'm not sure if I can answer that too.

It had a long slow growth didn't it? It just gradually became a program that began to work and went over about 15 years, is that right?---Yes.

So I'm not even sure that the funding would have been consistent, your Honour.

THE CORONER: Sure.

MR MCMAHON: I'll try and remember to ask - - -

THE CORONER: Can I also ask this question. Where there people out at Mount Theo all the time, or did they just go out when there was a group of children going out, and sometimes it was empty? Or was there always people out there, so the kids could go any time?---It was depends on the weather. When it was cold, there's people always there all the time. The family members from Mount Theo area. Yeah.

MR MCMAHON: And there was often someone – but even if the young people weren't there, there was often one of the Elders or traditional owners living there at the time?---Yes, often.

And one of the end results of all that, was that the petrol sniffing problem was defeated in – in Yuendumu?---Yes.

And the way it was defeated was by very strong community leadership and community involvement?---And community control.

And community control, which is something that I'm going to ask you questions about a little bit later. One aspect of community control which we've discussed in the past, is the permit system, which disappeared from the intervention, is that right?---Yes.

And one of the policies that came with the intervention in 2007 was the abolition of the permit system for some areas of the Northern Territory, is that right?---Could you repeat that again please.

One of the results of the intervention in 2007, was that the permit system for some places, like Yuendumu, was abolished?---Yes.

And is that something that you can talk about, what effect that had? How it changed things?---Yes. When permit system was in place, Yuendumu was pretty much controlled by Yapa and therefore Yapa looked out for each other, and made us safe within Yuendumu.

Made it safe?---Safe, yep.

Yes. And so just to explain that for people who aren't familiar with it, if for instance kartiya, some white man came to live in Yuendumu for work or something, and he turned out to be a person who caused problems, then the local community could cancel his permit?---Yep, it was possible back then, we could cancel it and he could leave Yuendumu.

And that person would have to leave Yuendumu?---Yes.

So that the permits were controlled by the Land Council, but you also had a local council back then as well?---Yes.

And we'll talk about it in a minute, but there was a strong contrast between the amount of local authority in Yuendumu before the intervention and after the intervention? Big difference between the amount of local people running the community?---Yes, there's big difference now, yep.

And something that we've talked about is that one of those examples of the change, was the change in the permit system, and how that affected the community?---Yes.

Mr Wilson, one of the things that we spoke about also, we've talked about fear, and the fear that people sometimes having different ways, and in a moment I'll talk about guns. But when – when we were talking about this recently, you also spoke about the fear that happens every day when you're driving along. And you gave me some examples, just of your own life, and of community life, when – might be a row of cars with white people, kartiya people driving along, and then a car with Yapa in it. Do you want to just, if you can remember, to tell her Honour what you told me about that?---Here in Alice Springs, if you're travelling past the Stuart Highway, or any streets, if the cop car goes past, say if there's one Yapa car - Aboriginal car going past the police will automatically stop him - stop the Aboriginal person in the car where the whites will be allowed to go pass - past. I saw those with my own eyes, yep.

So that's something you've experienced in your life, you see the ten white cars - then the white Yapa car that's where the trouble starts?---That's when the trouble starts, yes.

And you spoke about how, when that happens every day, that there's fear every day amongst young black people, young Aboriginal people on the streets, who are just going about their lives?---That brings more fear, yes, to the young peoples life - young Aboriginal life.

And when you were talking about that out of court you also spoke about some examples, like just driving around to the shop without your licence in your pocket. Can you remember those discussions and what you - can you tell her Honour about those examples?---Driving without a licence - but with licence but with our licence may be back at home, that the coppers still stop us for that and deal with us for that.

And people get into trouble for that?---We get into trouble for that.

You might have a driver's licence but it's sitting home in your wallet?---Yes.

And another kind of fear that you spoke about was the fear in the community after the shooting of Kumanjaji Walker and you talked about fear and shock and anger? So can I just ask you to tell her Honour what it was like in Yuendumu straight after the shooting of Kumanjaji Walker as best you think you can about fear in the community?---After the shooting, after the shots there was shock and there were fear

that the shooting actually happened and it come to reality that the officers who are meant to protect and serve shot - shot our - shot Kumanjayi Walker. The question you ask, the community was angry at that time but shock and fear as well.

And one of the ideas that you've previously discussed with me out of court is that this kind of everyday fear that people experience going about their normal lives due to the police targeting, that became a reality. The shooting made that fear a reality? ---Yes. Especially for the - the older - Elders that we have in Yuendumu, that they remember the time from the Coniston massacre and with this shooting just made it more - more real.

Is that something that especially affected the older people? ---Yes, it affected the older people mostly.

So can you just explain that to her Honour. You told me that young people had some reactions and older people had maybe some different reactions? ---The difference with the older people - well, because of Coniston massacre and the generations after that, the elders which are the - like knew that, that it happened and then how come it happened again in 2019 and the elders saw that - that the police shooting it's still possible.

And the way you've described it in the past, out of court, is that you thought that there was actually a great deal of fear with the older people because of their memories? ---Yes, with their memories, yes.

Another thing we've spoken about is the question of police walking around the community in Yuendumu with guns on their belts. So there's two kinds of questions about guns. We don't need to talk in court today about the rifles and the long arm guns, I don't think that is going to be a controversial point in our submissions later, but I want to ask you about what the community things when they see police with a Glock. Do you know what a Glock is? ---Yes.

It's the pistol on the belt? ---Yes.

And we talked about that and what is your understanding of how the community feels about seeing the police with Glockes on their belt? ---Yes, definitely with them on the police when they come in Yuendumu but outside of Yuendumu, especially in the Tanami Road highway, I understand about the safety that possible for police to have gun but on the highway, Tanami Road but not in Yuendumu community.

So I will just ask you some more questions about that. So in the past you've said that you understand that if you were a policeman out on the Tanami Road with cars going - whoever knows where they are going, you understand that the police might want to have guns if they are patrolling the roads because of dangerous situations which might happen? ---Yes, I understand that.

But in Yuendumu itself when the police are just going about their daily business you have a different opinion?---Yes, it's not necessary to walk around with a pistol. That's like you in the wild wild west - no.

Just like in the wild west?---Yes.

Yes. And I asked you one day, I said, "Well, how do you know what the community thinks about that?" And can you remember the answer you gave me? It's to do with school council?---Sorry, Julian could you repeat that.

Okay. So I asked you, "How do you know what people Yuendumu think about guns, you know, have you asked everybody?" And you said - - -?---Yes.

You were president - you are president of the school council now, aren't you? ---Yes.

And I will come back and ask you about the school in a few minutes, but you said, "Well, in my job as president of the school council" and then you told me about all the different people that you asked and talked about this question of guns with. So can you just tell her Honour about that?---Yes. As a school council president I found this - I find out from my school council members which is from all corners of Yuendumu, north, south, east, west. Hear their story when they come talk to me is they all have negative feelings about the gun like in Yuendumu, because of the kids and the future safety sake. What I heard from my school council members it's not guns in Yuendumu.

And you gave that as an example. When we were talking out of court you gave that as an example to me of how you learn when people all over Yuendumu are thinking about different problems?---Yes.

THE CORONER: Do the people from north, south, east and west meet together in the council or do you speak to them separately?---We - like I can't speak to them separately back at this time. Obviously community was - we was going through unrest for the last few months and because of that I had to go around to their camps and speak to them there, it's for their safety as well. But before the community was in unrest we used to have our school council - you meetings at the school and that's where we come together.

When was the last time you were able to come together at the school?---I cannot answer that because that was a while back.

So not this year?---It was earlier this year but I can't recall the date.

Okay.

MR MCMAHON: But in your job on school council, but the school council doesn't have a lot of meeting in any year - it doesn't have a lot of meetings?---Not really, not a lot of meetings.

But your job is to go and talk to everyone on school council?---Yes.

And just so her Honour understands, you've also told me about how all of your life there have been people in Yuendumu who have had guns, legally, with a licence? ---Yes.

For hunting purposes, is that right?---Yes, for hunting.

And they've gone out - that's something you've seen your whole life? ---Yes.

And the men take - the older men take younger men out to go hunting when they can?---Yes.

And in fact, we'll talk about housing in a minute, but you also told me about how important it is just to get food on the table. Do you want to tell her Honour a bit about that?---Yes. Well, the shops in Yuendumu are too dear. It's ridiculous prices. Therefore, family members would come, we'd go out bush, we'd go out hunting and go get feed there. A lot cheaper.

We've spoken before about how quite a few families in Yuendumu doesn't have enough money to buy enough food and so hunting is very important for people, if they can do that?---Yes, certainly, hunting is really important.

THE CORONER: I've heard from when we visited Yuendumu that there was breakfast at the school. Is that right?---Yes, that's right. We organised that to be every Wednesday morning.

Only once a week, is it?---Once a week, yep.

Not every day?---We should have it every day, but no.

Right. Do you know why you can't have it every day?---You have to find out that from the Department of Education NT.

MR MCMAHON: Sorry, I couldn't quite hear that answer.

THE CORONER: Have to find out from the Department of Education NT.

MR MCMAHON: Okay. So, it is the - - -

THE CORONER: And are there any food programs on the weekend?---Sorry?

Are there any food programs on the weekend?---With the – with our local swimming pool run by WYDAC, on Sundays there's a family get together, got food, barbecue. But it doesn't really happen every Sundays, just maybe one Sunday, then after two weeks, we have it again.

Right. So, about every two weeks there's a barbecue at the pool on Sundays put on by WYDAC?---Yes, WYDAC and Wanta, another organisation.

Wanta. And after school, we heard that at least sometimes there were afterschool programs and there was food available at the programs for the kids. But we've also heard there are some difficulties and those programs aren't always running. Are there afterschool programs at the moment, do you know?---I only know about WYDAC's youth program that's currently on, but not others.

And what's the afterschool program for WYDAC at the moment?---That's the – we have the day at the basketball.

Okay?---Or footy at the oval and some painting faces.

Just while we're talking about the swimming pool, not long ago one Sunday when I was trying to – or when me and my solicitors sitting in court with me, when we were trying to find you in Yuendumu, we found you at the swimming pool?---Yes.

And you were there – you were doing duty, just watching the kids, making sure it was safe?---Yes.

So, you were doing that on your Sunday. You work Monday to Friday full-time?---Yes.

And then one night when I was driving out of Yuendumu, I saw you, late at night just before dark, fixing the school fence?---Yep.

What were you doing on that day?---Helping a colleague out to put the fence back up, yes.

Yes?---I do it to keep their school safe, yep.

Yes.

THE CORONER: Is there any funding to pay for lifeguards at the pool?---I'm not sure about that one. Yeah, I'm not sure about that.

MR MCMAHON: I might just ask you some other questions about the pool, because it fits into a bigger picture that we're talking about, Mr Wilson. But we discussed the idea of having lights at the pool. Can you just tell her Honour what you think about that?---It would be great if we had lights at the swimming pool, but that would get our kids to stay at the pool and well, when they keep swimming, when they knock off, go home, about to go to bed and go to school the next day.

You've told me a couple of times that you think that if they did enough swimming, they'd just fall asleep every night?---Yes, get them to school in the morning.

So, you want every kid swimming every day. We also talked about food at the swimming pool. Can you tell her Honour what you told me about the idea of having a lot more food at the swimming pool and how that might help Yuendumu and the young kids?---If we have a lot more food in the pool, it will keep our kids fat and well organised. Without that, that's when we see the crime. Kids get hungry, go breaking in, stealing in the houses. So, we try to prevent that by maybe food stuff at the swimming pool.

We'll talk more about that in a minute, but just zeroing in on the food and hunger, and the swimming pool. You've spoken to me in the past about when kids are breaking into places at night, it might often be because they're hungry looking for food and that one of the reasons kids are going out looking – breaking into places, looking for food?---That's one of the reasons, yep.

Yes. And you said that if there was more food available at the swimming pool each afternoon, that that would be good for the kids just to get them to the pool, get them eating and get them swimming?---Yes.

And we've also spoken about how that – the parents of different kids would come as well, if there was food for the parents, coffee, food, et cetera?---Yes.

Yapa and Kartiya events?---Yapa and Kartiya, yes.

So, you see the pool as being a – something that could be developed into a much stronger community venture in Yuendumu?---Yes.

And you, yourself, spent a lot of time there watching kids and just observing the whole situation?---Yes. I see the pool as a pretty neutral place, that's why, in the community.

Neutrally based?---Yes.

Yes.

THE CORONER: Are there other neutral places?---The school.

School. Is the basketball court neutral?---Yes, basketball court, and the local council building area.

MR MCMAHON: Sorry, your Honour.

THE CORONER: No.

MR MCMAHON: Do you know anything about how – whether the kids who don't go to school, whether they're allowed to go swimming after school?---Yep, well we have this school, "Yes school. Yes pool" policy. WYDAC have that, yes.

So, is the idea that if you don't go to school, you're not allowed to go to the pool after

school?---That's the idea.

THE CORONER: It's in the positive though, Mr McMahon.

MR MCMAHON: Pardon?

THE CORONER: It's in the positive, not the negative, "Yes school. Yes pool".

MR MCMAHON: Yes, I appreciate that, your Honour.

Some of the reasons the kids don't go to school can be quite complex reasons, can't they?---Yes.

Okay. But then they're locked out of the pool as well. So, you know, you've told me like some kids don't go to school because of like the water situation in the house and washing and they find it hard to go to school, because it's hard to wash at home under some – in some of the housing?---Yes. Some of the houses – most of the houses before the renovating started, hot water system didn't work in most of the Yapa houses, therefore, prevented kids from having shower in the morning and going to school and the adults from going to work as well. See housing standard was really rubbish in Yuendumu.

THE CORONER: What's happening now?---As we speaking, there a – there is just room to breathe. I'm not sure who organised that, maybe NTG Housing. That's – that's happening right now, renovating houses.

MR MCMAHON: So that Room to Breathe Program, the idea there is to – is to add extra rooms to the houses, is that right?---Yes.

And give some more space?---More space.

THE CORONER: Are there showers at the pool?---Yes. Yes, there's showers at the pool.

MR MCMAHON: And the pool's free isn't it, for the kids to go in?---Free.

While we're talking about the (inaudible), I'll ask you some questions about the houses generally. It's something that you've thought a lot about, the housing in Yuendumu. For instance, you were telling me about the way the houses were designed, actually causes real problems for the community?---Yes. It's not really designed according to the Yapa way of life. The housing itself, the architecture, the designs, don't suit Yapa – Yapa people in – in that condition.

And you said to me previously, that what needs to happen is that the people who design the houses need to come and spend a lot more time talking to Yapa?---Yes.

So they understand what Yapa want in their houses?---Yes. I wonder what the changes and difference and all that. The houses we staying at, I mean they put in

the air conditioner now, but for the winter, it'll be freezing. Summer it'll be stinking hot.

Summer is stinking hot. So it's like a heat box, is that right?---Yes.

And do you know that a lot of houses are not insulated?---Not a lot.

So they become incredibly hot in the summer, is that right?---Yes.

And then in the winter, and when it's below zero in the desert, they become very cold?---It's very freeze.

Freezing?---Yep.

And you're laughing now, and I'm laughing, because you've told me in the past that the cold just seeps into the house, and the whole house becomes totally freezing?---Yes.

Now one of the problems with a house that's not insulated is that it needs an enormous amount of electricity if it's going to be kept warm or cold, in the right weather?---Yes - - -

Could you tell her Honour about the problems – the problems with electricity?---Problems with electricity that is well we pay rent, which usually takes us for a fortnight, but then this extra, we pay for the power. We – there used to be a token, power ticket. Now you go to the shops and pay through in the shop. Just to add up more credit.

And that's pre-paid electricity, is that what it's called? Pay – pay in advance?---Yes.

And obviously you don't know what everyone pays, but you gave me some examples in the past, you've said well people might pay 29 or \$35 a couple of times a week to get their electricity?---Correct, yep.

And we know that there's not a lot of money in Yuendumu?---No.

And so from your observations and talking to people, do you know that some houses just don't have electricity because they can't afford it?---Some just stay – stay without electricity for two, three, four days. And if they can accord to get – pay for the electricity.

So they have it sometimes, and then if they don't pay in advance, it just cuts off?---Cuts off. I don't understand that bit, when we're paying for the rent, and then why we pay for the extra power. I don't understand that bit.

You're living on land which is the traditional lands of Warlpiri people?---Yes.

But you're living in houses which are, many of them are very poor quality?---Like third world condition.

And then you're paying the government of the Northern Territory rent to live in those houses?---Yes.

On your land?---On our own land.

And the houses are just unsatisfactory?---Yes. No good.

And you're shaking your head, because you've thought about this a lot haven't you?---It's frustrating, yeah, living in Yuendumu and in the houses like that, yep.

And one of the things that we discussed is when you piece it altogether, you've got houses which are not good enough, and causing people – causing troubles in the houses. Which is one of the reasons the kids are out at night?---Yes, overcrowding, maybe food finishes, that's why kids go out at night, that's when the crime starts.

And when the electricity goes off in a house, so someone – let's say someone has got some electricity going for a while, and when – and paid the next instalment in advance, all the food in the fridge goes off, yeah?---Yes.

And - - - ?---It's also a health risk in that, but too many people in one house, yeah.

THE CORONER: Is there any central place to do washing?---There is women's centre, but obviously it's only women can go there.

Right?---Us men can't do washing there.

MR MCMAHON: Can you – can you tell her Honour what you told me just in the last couple of days. We've been talking about hot houses, and these kinds of things for a long time. But you told me in the last couple of days about suddenly there's a whole lot of air conditioning appearing. Can you just tell her Honour about that?---Yes. Out of the blue, suddenly, there's (inaudible) split system air conditioners happening around in Yuendumu.

Can you just say that again, I couldn't quite hear you?

THE CORONER: Fantastic split system air conditioners?---It's being installed now in Yuendumu.

MR MCMAHON: Right now, in the last little - - - ?---Right now, in the last two – two to three weeks, but just trying to work out why, it's happening now. Yep.

One of the jokes you had with me, and it wasn't just a joke, you were being serious, is you thought it might be because of the inquest?---Yes.

And you don't know that, but that's what people in Yuendumu are saying isn't

it?---Yes, that's what they're saying.

And a lot of houses are getting a split system installed?---Yep.

Is that right?---That's right.

But then we also discussed - - -

THE CORONER: You have to have the money to pay for the electricity - - -

MR MCMAHON: (Inaudible) - - -

THE CORONER: - - - to make it run, and if they break down, how long will it take to have repairs? Or will there be regular maintenance checks, now that they're installing air conditioners?

MR MCMAHON: Your Honour's ahead of where we're going. But I need to ask those questions, but I think your Honour understands those issues.

So we have – we'll wait and see how that all works. But what you've said is that just in the last two to three weeks, suddenly there's a lot of air conditioners being installed in Yuendumu?---Yes.

THE CORONER: When we come back next year, you might be able to give us an update, Mr McMahon.

MR MCMAHON: So I know you have been nervous about coming today, Mr Wilson, but we might try and invite you back for half an hour next year, and you can give us an update on the air conditioning system. All right, what do you reckon?---Yeah. Yeah.

THE CORONER: What is your job, apart from the school, or is that your full-time job?---Indigenous Engagement Officer for the - - -

For the school?---NIAA. National Indigenous Australian Agency.

So that's an employment type officer?---Yeah.

Okay.

MR MCMAHON: So that's a fairly new job for you?---New job, yeah.

Yes. And could you just describe for a minute, just tell us, because everyone here's interested in the NIAA. Just tell us the sort of work that you're getting prepared to do, and what you're working on?---It's – it's all in different categories, I suppose. I've just started back in August, on 8 August, just recently about (inaudible) just been there five months now, five, six. I can't really say a lot about the work - - -

Okay?---It's still new.

THE CORONER: You might employ an air conditioning mechanic.

MR MCMAHON: And the other work that we've briefly mentioned, working at the school, being on the school council, working at the swimming pool, and many other things that you do in the community, that's extra to your full-time job?---Yes.

THE CORONER: Is the school council –

Sorry, Mr McMahan.

MR MCMAHON: No.

THE CORONER: Is the school council - sorry, Mr McMahan - is the school council a paid position or volunteer?---Volunteer.

Do you have kids at the school?---My older daughter, Rianna Wilson, she's 15, she - she been at school, Yuendumu school but then stayed away from the school. There's a reason, because of the family conflict that's been happening for a few months but which stopped, it's all clear now.

Just in relation to the family conflict, you've told us that the school is a neutral place, so was the concern about going to school travelling to and from school or was that a problem or - - -?---Yes. Getting - getting there - the travelling to school.

MR MCMAHON: Just while we're talking, we've just been talking a bit about the school and also about housing. I just want to bring those two ideas together because one of the things that you discussed over the year with us, is having Yapa teachers at the school and that the Kartiya teachers go home from the school after working hard, they go home to a house which is in good condition and air conditioned and so on and you've talked about how the Yapa teachers, it would be good if they had the same opportunity. Can you just tell her Honour what you told me about your idea about Yapa teachers and housing?---Yes. If there's decent accommodation or place for all Yapa teachers at Yuendumu school, a safe peaceful place to go back after work and relax and - to have our own space, we would really really want that for our school staff teachers, because when they go back home - going back to their overcrowded houses and Yapa teachers don't have time to refresh and think about for the next day.

And one of the things you've spoken about in your observations is that it can be very exhausting for Yapa teachers to live in a house which is very crowded and very hot in the summer and so on, very cold, and then coming to work at the school full time and that's different compared to the Kartiya teachers?---Yes, really different. Accommodation-wise, yes, if - the first flats just for the teachers, yes, that will be right.

THE CORONER: The police told us that they provide housing for police officers including ACPOs, I don't think for ALO's but a lot of - from what I could tell, the Act - maybe -I could be wrong, that the ACPO's choose to take the allowance rather than the housing, so there are people who might be able to get housing through police, for example, but choose not to do that. Do you understand why that might be?---No, I'm not sure but .

MR MCMAHON: How are you going, do you need a break or can you go on for a bit longer?---Go on a little bit longer.

Okay. I've probably got about five or 10 minutes more worth of questions, okay, and then I think you will get some questions from some interested barristers as well, all right? But if you need a break just let us know. One of the things that we have spoken a lot about is - and you said it today a number of times, is talking about local control and local authority in the community of Yuendumu where the people of Yuendumu have more power and more control over the way things are organised?
---Yes.

And we've spoken about that, how that can lead to all kinds of improvement in relationships including police relationships with young men who are in trouble?
---Yes.

So if we just go back to the beginning of that and local authority. You grew up watching your father on the local council, is that right?---Yes.

Your father, Albert Wilson, he had been on the council when you were a young person and told you a lot about it?---Yes.

So you've known about that all of your life?---Yes.

And - I am sorry, I said your father's name. I am sorry about that. And he told you a lot of stories about how the local council used to work and how it worked with the community?---Yes, he did.

And did he tell you also about how there was a tribal council that also used to exist which the local council would refer to and get advice from?---Yes.

Is that something you can talk to her Honour about for a moment?---Yes. The tribal council - local council - the tribal council was really important, really significantly important within the Warlpiri/Yuendumu (inaudible) structure. That's - that's the appropriate way how to deal with - deal with problems that's concerning Yuendumu, that we had a tribal council to deal with that after the local government used to deal with it. If it's a Warlpiri matter we pass it on to tribal council.

So we've talked outside of court and now I am just going to ask you some questions about this inside of court so that her Honour hears what you have to say. We've talked about two different things. There's the idea of the leadership group and the idea of a cultural authority, which is similar to the old tribal council?---Yes.

And you said some very powerful things to me about that so I am just going to give you some information and then ask you some questions about that. You've liked the idea of having a local leadership group elected by the community of Yuendumu?
---Yes.

And you understand the idea that we've been talking about is not that that local leadership group would run things as if they were a council but that they would be a leadership group, one voice for the community?---Yes.

And also we have spoken about - in combination with that, similar to the tribal council, the language that people are using in Yuendumu now, is the language of having a cultural (inaudible)?---Yes.

That is made up of Elders?---Yes.

And if there was a leadership group which is elected by the community so that there was one voice for the community, can you tell her Honour what you think about that and how the community think about that?---Sorry Julian could you repeat it?

If there was a local election or a leadership group, so that there was group of people - old people, young people, people of your age and people much older than you, elected from all parts of Yuendumu, so there was one group who were the leaders of the community who were elected, can you tell her Honour what you think about that idea?---Well, we had this before, we bring that back, this - this will only show - show us in the community that we - sorry, I'm just getting confused here, yeah.

That's all right. Look, maybe it's nearly time for a break but we've previously spoken about a feeling which you've observed and you've noticed and you've talked about is that there was a sense that there was a lot less hope in the community after the intervention, because a lot of power was taken away from the community?---That's true, yep. Yes, when the intervention came, that stripped away a lot of powers in the community.

And you talked about what that did to hope for the people and hope for the future. We lost home then, hopelessness, yeah.

And you've talked – as I understand it, that if there was more authority put back into Yuendumu, so a local leadership, a local election of leadership. You thought that would be a way of bringing a lot of hope back into the community?---Yes. If we bring that back, yes, it will. It will also prevent the wrongdoings in Yuendumu if you put Yapa back in charge.

And you understand from what we've discussed that you'd see that if there was a group, that would work well with the group of Elders with the cultural authority like the old tribal times?---Yes.

Just two or three more questions for you for a few minutes, okay. Are you okay to go

on? You used to be involved at the school in – you were studying teaching. Is that right?---Yes.

And you stopped doing that now because of your new job, but you've been closely observing the school for a long time, right?---Yes.

And you said to us in the past that years ago, there were a lot of Elders who used to come into the school to teach the kids?---Yes.

And there was a lot of Warlpiri language in the school?---Yes.

And there's been a change in terms of the Elders coming into the school?---Just one of the big changes was the Ochre card problem. That makes it really, really hard for some of our Elders to come and – come visit, for example, school or yep, without a Working with Children's Card.

And you've told me that it's very easy for almost anyone in Yuendumu if they'd been picked by the police in the past have charges against their name?---Yes, real easy.

And then it makes it much hard to come into the school to do some work as an Elder. Is that right?---Yes, even for minor offences, get a charge and spoil your way to get an ochre card.

And I know it's obvious, but this is just about getting evidence before her Honour, getting the evidence in the court, but what's the advantage of having the Elders and the old people come into the school to teach and talk to young people? Why is that a good thing?---For old people to come teach the younger ones, we need that to just stay in our Warlpiri lifestyle, culture, language, identity. Yep, but the biggest obstacle is that – with the ochre card.

So, they're incredibly important things, aren't they?---Really important.

That's the future of Yuendumu?---Yes.

It's the young people learning those things from older people?---Yes.

We've been going on a long time. I think I'm going to stop there with you, Mr Wilson. You've probably heard enough questions from me. And I'll leave it – her Honour might like to – for other people to ask questions now or do you feel like having a - - -?---Is it possible for a break?

THE CORONER: Sure. Let's take the morning tea adjournment.

WITNESS WITHDREW

ADJOURNED

RESUMED

BRUNO WILSON:

THE CORONER: Take a seat.

Yes, Mr McMahon.

MR MCMAHON: Your Honour, I'm just going to throw into the transcript at this convenient point, that over the break, I've received different information about the funding for Mount Theo - - -

THE CORONER: Yes.

MR MCMAHON: - - - and the answer is complicated.

THE CORONER: Sure.

MR MCMAHON: There's different funding over different times. It started with a grant from the school council in 1994, a \$5000 grant. And then over time, different governments have given different amounts. And a lot of barbeques, fund raising and so on, as well as substantial input from the different (inaudible). So we'll try and help your Honour with that later, but we won't be able to do it today through Mr Wilson.

THE CORONER: Sure.

MR MCMAHON: Just one more question for you, Mr Wilson. Really because it's part of what we spoke about out of court in other – on other occasions about the link between the quality of living in housing, and how that leads to trouble at night, and kids getting in trouble with the police. And one of the things that you've spoken about is water, and water quality. Can you just tell her Honour about that?---Well in Yuendumu we're drinking uranium water, which – which is not really safe, and I think that that leads to – leads to health problems in – within Yuendumu area, such as diabetes, dialysis. I think it's the – because of the water in Yuendumu, uranium.

And we've previously discussed that people without much money can't go and buy purified water?---No, can't.

Unlike of course the better houses which have purified water in them?---Better houses in Yuendumu definitely have purified water, but obviously there's white fellows staying in them houses.

I'll sit down now and then you'll be asked some questions by some of the other barristers around the table. Thanks, Mr Wilson.

THE CORONER: Ms Morreau.

XXN BY MS MORREAU:

MR MORREAU: Thank you, your Honour.

Mr Wilson, my name is Paula Morreau, and I appear for the Brown family. And I just have a few questions of you. You were in Yuendumu on 9 November when Kumanjaji died weren't you?---Yes.

And do you remember where you were when you first heard about the shooting?---Yes I was outside of my house, in the yard, House Lot 536 North Camp, Yuendumu.

And that's not very far away from Margaret Brown's house is it?---Not far, yep.

Is it just, what, a few houses away, or a block or two? How – how far?---There's about two blocks away.

Okay, and do you know, how did you come to know about the shooting?---Well first of all there was gunshots - - -

Did you hear the gunshots?---Yes, I heard the gun shots.

And at that point, were you outside your house or inside your house?---I was outside my house, at that same time, there was a – people, family members, just heading back to Yuendumu from the cemetery.

From the – from the Brown family funeral?---From the funeral, yes. Yes.

Okay, so you knew people were going – were they going past your house and past – walking down the streets were they?---With cars, going past.

In cars, okay?---Yep.

So you heard the gunshots, and what did you feel, or – what did you feel at that moment?---At that moment I didn't want to think it was a gun. But at that moment I didn't know. As soon as I seen the - - -

What was the next thing you saw?---People yelling, and the – the police vehicle going past - - -

I see?---Fast.

Did you see one police vehicle, or more than one police vehicle?---There was two inside, going past.

Yes, so you saw the police vehicles go past fast?---Yes.

Were you still in the front of your house at that point?---Yes.

And what did you do after that?---I still didn't know what was happening, until one of my brothers came, and then that's when I knew. He told me that Kumanjayi's been shot.

Okay, so you knew who had been shot, and you knew that it was from police?---Yes.

Okay. And what sort of impact did that have on your emotions?---Shock was the first one. Then anger came in.

Yes. And so, what did you do after that?---After a while, I went to the – outside of the police station where there's been a mob gathering.

Yes. About how many people did you see down there?---Roughly more than a hundred.

Okay?---Yeah, still a bit more.

And did you see Derek Williams and Warren Williams down there?---As far as I can see, Derek was in the front of the police station.

Yes. Was he sitting, do you remember, or standing at that point?---Standing.

And do you remember, was it a long time after you heard the shots or, you know, do you know about how long after? Are we talking half an hour or only five minutes?--- Since the - - -

Do you know how long that was?---Since the shop came in, yeah, I can't recall that time.

That's okay?---Yeah, it was just happening fast.

Okay. Were people still heading down to the police station when you went down to the police station?---Yes, people were still heading.

Did you drive down or walk down?---I walked down.

Walked down. And so, can you describe – did you see the Brown family outside the police station as well?---Yes.

Margaret and Leanne and Joyce?---I was right in the back of the crowd.

Okay?---It's – I didn't want to be rude to go right in the front, so - - -

That's okay?--- - - - it's better to stay back.

So, did you stay across the road or still on the block where the police station was?---Across the road from the police station, opposite.

Okay. And so, did you see the Brown family members sitting down a bit further away from where the Elders were?---At that time, people were standing, walking, yelling.

Okay?---Yeah, it's a bit hard to - - -

I see?--- - - - pinpoint that.

Okay. And did you see Derek and Warren Williams talking to people out the front?---Yes.

Yes. And also, Kumanjayi Nelson?---Yes.

And were people – what were people saying that you can remember hearing?---It was like a warzone. You can't hear anything.

Okay?---Yep.

And by that, do you mean that there were lots of people talking?---Lots of people talking.

And people were asking questions. Do you remember that?---There were questions asked, people answering, but it was chaotic at that moment.

And how were you feeling at that moment?---Just still that shock revisited me and I felt that we Yapa people are on our own.

Sorry, Yapa people are?---On our own.

On your own?---Yes.

Did you see any police officers at all while you were down there?---No.

No. And what do you mean by feeling on your own?---It's the mistreatment that's been going on a long time against Yapa. I thought, in that moment, it finally just – yep, opened up.

Yes. So, when you say you're on your own, did you feel that you were left on your own by police or just by more general - - -?---It really is the police. Like their motto says to Protect and Serve, not to Kill and Murder.

And how long were you down there in front of the police – out the front of the police station across the road?---I was there for about an hour and then I left back home.

Okay. And did you see that at different times, people were coming and going in that period of time?---Yes, some were, but mostly, the group was still waiting on that side of the police station.

Yes. And so, while you were there, do you remember the ambulance arriving, or did

that not happen while you were there?---That didn't happen.

Okay?---Not while I was there, no.

Could you tell how people were feeling around you, that you were talking to and seeing?---Angry most the time, disbelief.

And so, what did you do after you were down there for an hour or so?---I went back home and just do – try and find out information what happened on that day.

Could you see when you were there, people were listening to people like Derek and Warren and Kumanjaya Nelson?---Again, it was a bit hard with the crowd shouting.

Okay?---And as I said, I was right in the back, way back.

Sure?---Can't really listen to people in the front.

All right. Now, during that night, you were back at your house that night, were you?---Yes.

And I take it you didn't travel down to the airport or anything at all?---No.

Okay. Did you see anything unusual occurring during the night from your house?---Definitely, the plane, aeroplane. The pattern was unusual, with the – I remember listening three times the aeroplane sound. The sirens going on loud and the police vehicle rushing to the airstrip. That's all I can see from my house.

You saw that. So, in this period of time up until that point, what did you think was the state or the physical state of Kumanjaya Walker?---I didn't know at that point, to be honest.

Yes. When was it that you found that he had in fact passed away?---Next day.

Was it early in the morning or later?---Roughly after 10ish.

Okay. And how did you find that out?---From my aunty, Valerie Martin.

I see. She told you, did she?---She told me.

I see. And did you see family of Kumanjaya in sorry business the next day?---The next day, but I still didn't get it the next day that it had happened.

You still didn't process it?---I still process, yep.

Okay. So, can you describe how you were feeling at that point, the next day?---Just – I felt really angry, but I just didn't get it that it happened - like, yeah.

So, shock really?---Shock, yeah.

Yeah. Disbelief?---Disbelief, yep.

Yes. Did you see police officers around in the next day?---At the crime scene, I saw the police officers there.

And did you see, what were those police officers doing – and you mean at the red house, at Margaret Brown’s house?---Yes, at the red house.

What were the police doing around there?---When I saw the police line, yes, I knew that it did happen then, after a while seeing that - - -

You mean the crime scene?---Crime scene, yeah, red house. There were police standing with a gun, but I’m thinking that was to protect the red house and the crime scene.

What sort of gun?---I don’t know what the gun is called, but I can show you the - - -

Just describe it, yes?---Just like that.

So, that’s about – what about 70 centimetres – a couple of feet, three feet long - - -?---Yep.

- - - or so, is that right?---Yeah, that’s right.

I’m not very good with maths, so it was a long-armed gun though, wasn’t it - - -?---Yep.

- - - yes, that you’re describing?---Yes.

Did you just see one police officer with that, or more than one?---There was more than one.

Okay. Can you hazard a guess how many you saw?---On the – where I can see, I saw two - - -

Okay?--- - - - on the south side a bit. That’s when we made our way to the basketball court. That’s when the chief minister came down and - - -

Yes, okay?--- - - - everybody came down.

I see. So, you saw two on either side of the red house, of Margaret Brown’s house?---Two on the one side.

On one side, okay?---But there could be more on the other side, but I couldn’t see them.

And is that the side towards your house? That side of the house, or the side closest to the basketball court?---The side closest to the basketball.

Okay. Did you see police officers in the community more generally than that?---I don't understand that bit.

Did you see some police officers that you didn't know, around the community that day, more than the local police officers that usually were at Yuendumu?---Yes, there were – there certainly was different police officers on that day.

And did you see any police officers wearing the sort of army camouflage colours?---I saw them, but they been – they were escorting Chief Minister.

I see?---Yep.

How did it make you feel seeing the police officers with the long arm guns that you saw on the south side of the Red House?---First I thought, really, come with more guns. I – well, I knew that there was going to investigation, but yeah, that just made me feel like, yeah, you're going to come back – come back again with a gun and do this.

So you were pretty unhappy about it?---Yes.

Yes. Did that – did it make you feel angry as well?---Yes, made me feel angry, but I knew that they were doing their job, investigating.

You spoke about the impact that these events had, particularly on the Elders in the community, given their memories, you remember that – what you've told us already today. I'm wondering if you had the opportunity, given you were at the school, to see the impact that these events have had on the kids at school, and what impact you've seen?---I apologise, could you repeat that again?

Yes, I'm just wondering, you've told us about this having a real impact on Elders, because of their memories of the Coniston Massacre, and this happening again. I was just going to ask you, whether in your role at the school, and the things that you've been working with kids, have you seen an impact on the younger people in the community? The kids in the community?---I cannot answer that now.

That's okay?---Yep.

That's okay. Do you know if the school has done some work with kids to speak about what happened, that they might have heard and seen around this time?---At that time, after 2019, 2020, yes, a bit at the school. But not much since that.

Okay. And have you noticed that the impact – the – firstly, for yourself, do you feel that the emotional impact of these events has been a long impact or a short impact on you?---That's – it's this long impact.

Still?---Still impacting us today.

Yes. And what about other people in the community?---Yep, community's really impacted, but.

How does it make you feel about police now?---That's a tough question.

It is, I'm sorry?---I understand the police are doing their system, but they need to be there in the community. But I do think that if – if the police really works with – works with Yapa, sit down, actually listen, not just hearing, listening as well, sit down together and work it out. I don't have anything with the police, but I just don't like the way they executed that at Yuendumu.

And when you say you don't like it, what do you mean you don't like it? What was it about it you don't like?---Well we had a community police – policeman there. They would usually gone and seen him, and the shooting would not happen. It would have worked it out after funeral. But instead, you call in the IRT team to come – come out and do that. That's no go.

And by that, do you mean that it was disrespectful?---It's – it is, yeah, it was disrespectful.

Is that what you mean by that, is - - - ?---I mean that, yep.

- - - I (inaudible), yes. Okay. Have you heard about the media reporting about some text messages that have been sent by Constable Rolfe, with some of his other police officers in – in Alice Springs?---Yes, that's disgusting.

Mm mm, yes. Were you surprised?---Not really. Well growing up in Alice Springs, in Yuendumu, in the Northern Territory it's – you bump into racist nearly daily if you're Aboriginal.

Thank you for telling us about all of that, I know it's not – not easy. Just a couple of questions about things you were speaking to Julian McMahon about. You – you were talking about some new renovations in the community. Also there's been some new housing, some demountable housing bought in. Have you seen that recently?---Yes. Recently.

Yes, how long as that been going on?---At least two – two to three months.

Okay?---But two months.

And there's quite a number of - - - ?---But with air cons, and that, that's been happening about three – about three weeks back, two weeks.

Okay, so the housing - - - ?---That's the recent one.

- - - the new houses have been about two or three months, and the air cons have been about two or three weeks, or is it the same time for each of them?---Different.

Yes?---Yep, it doesn't happen all in one in the community.

No?---It doesn't – it doesn't work like that.

I wondered whether these new houses that have been put up, whether you think – you've seen any change in the architecture for Yapa living, have you seen anything that – that's changed about that?

THE CORONER: Are the new houses for Yapa?---There's for Yapa, but it's not designed the way it is meant to be for condition in Yuendumu.

MS MORREAU: What do you think better design for houses in Yuendumu would be – look like for Yapa?---I cannot answer that, because that's the ongoing one.

Okay. Can I ask you about perhaps whether part of housing to accommodate Yapa living would be, you know, shady, outdoor spaces, for instances. Do you – would you agree or not?---Like what I said for – for our designs, still ongoing.

Okay.

Thank you, your Honour.

THE CORONER: Ms Pincus.

XXN BY MS PINCUS:

MS PINCUS: Hi Mr Wilson, my name's Julia Pincus. I'm one of the lawyers representing the Walker, Lane and Robertson families. I just have three short questions for you. In your statement, you talk about, and I know you've talked about this earlier today as well, that you say you found the job of being assistant teacher very rewarding, but also difficult, because it's stressful and hard going home every day to overcrowding. So we've talked about overcrowding a lot. But just so we could get a better understanding of what we're talking about, can you tell us how many – and I know there's a lot of movement in the houses, but can you tell us is there sort of a maximum number of people who are – who you understand, from your own house, or other houses, sometimes living in these houses, in Yuendumu?---Well getting up a – teaching from nine – nine to three, 3.30, finish at four, 4.30. After all working for the Department of Education, government, switching from English, Warlpiri, maybe hundreds of thousand times a day, and then going back home, you deserve to have a better safe place to go back. But going back home, yeah, we have extended families, which may be (inaudible) which is eight people in the house. And four – two to three bedroom is not a lot. It's - I mean teaching itself, it's stressful job and you deserve a better day - a rest day at the end. Our housing doesn't really have that space.

And when you are - are you talking sort of two bedroom or three bedroom houses?
---Three bedroom houses.

Three bedroom houses, okay. And do you have any feel for any of the other houses and how many people might be living there at any one time?---Well, speaking from my experience, well going out to try pick up some students at their houses, yes, there is at least nine or 11 people in the houses. Kids - kids most the time don't want to come because of still waiting for the shower to be used.

Right, I understand?---Yeah.

Okay. Another thing from your statement is you talk about how you do not want war veterans working as police officers in Yuendumu. Are you able to elaborate on why you say that?---Definitely, yeah. We don't want war veterans to come work in Yuendumu, or perhaps not other communities, because of the - I'm not sure what - how to say this - of PTS that the veterans have when they come back.

PTSD?---PTSD yes, and actually it is to time - twice it happen, a member from the Army working with the police, it happened in 1928 with the Coniston, with Constable Murray an ex Gallipoli soldier and now it's Zachary Rolfe, ex Afghanistan soldier. We pretty much don't want any ex - yep, Army mob working in the police in Yuendumu.

Okay. And finally did you know Kumanjayi Walker at all? Had you had much experience or interactions with him?---At school?

Yes?---I taught him a few times. He was - he was a - a smart, smart young man, yes.

Anything else you can tell us about his character?---Smart, friendly, talk and jokes too much but - - -

THE CORONER: How old was he when you were teaching him?---15 - 16. And when he was about 14. That's no - not always stay in Yuendumu but every now and then when he came to Yuendumu he used to come to school there.

MS MORREAU: Thanks very much, no further questions.

THE CORONER: Mr Espie?

XXN BY MR ESPIE:

MR ESPIE: As I met you this morning, good morning, my name is Mr Espie and I appear on behalf of NAAJA. Perhaps just picking up on that last question, you worked a number of different jobs with WYDAC but part of the time with WYDAC you worked as a youth worker, is that right?---Yes.

Can I ask, we've heard at some point in his life Kumanjayi attended WYDAC - attended Mt Theo, did you have anything to do with the time that he was at Mt Theo when you were working with WYDAC?---No, it was before his time.

Right. And part of your role when you were a youth worker there was picking young people up and them, with old people taking them out bush - out on country and doing cultural activities?---Yes, making - making Kali - which is boomerang, spears, Kulada, so.

And you talked about, for example (inaudible) a good way of making kids tired so that they are not up rallying around all night and that sort of thing, is getting out bush on country, is that also a good thing to do with kids?---Yes, it is, it is really important to getting out on country.

I notice you mention you have kids - or at least you have a daughter. Do you have a number of kids of your own?---Two - two daughters.

Right, but is getting out on country something you are able to do with your kids or other family members?---We'd like all that happen for the whole community to go out on country.

Sorry?---I would love that to happen for the whole community, the students.

And so some families - some strong families still able to do that?---Yes. These days it depends on the car, the petrol cost, that's all too much.

And that's very important to have a good car - good four wheel drive that can handle off road?---yes.

But also have, you know, like troopie or something that can have a lot of family in it, is that - - -?---Yes.

Yes, And having a licence is something important to be able to get out on country as well?---Yes.

And is it difficult for people in Yuendumu to get their licence?---It is difficult.

Yes, there's not a lot of people with licences, is that right?---Not a lot really, mm mm.

And if you are someone with a licence and with a good car there's a lot of pressure - a lot of family want you to take them out or drive them to town, that sort of thing. Is that a bit of pressure for people with licences and cars?---That is the pressure, yes.

THE CORONER: Is there a bus from Yuendumu to Alice Springs?---Yes, there's bush bus service.

How often does the bush bus go?---Every Thursdays, Sunday it goes to Yuendumu, stays overnight at Nyirippi, comes back on Monday.

So if you go on the bush bus you need to stay in Alice for a few days before you can catch the bus back again?---Correct.

You also talked earlier about the importance of having guns for hunting - for going out and doing things like hunting? And again, perhaps a similar question, is there not a lot of family or people in community that have access to guns and licenses for guns?---Not a lot.

Similarly, taking young people out for things like hunting is also an important part of getting out on country and seeing different parts of the surrounding area, is that right?---That's really important.

And it's one thing we talked about having food programs at school and that sort of thing but you talked about the importance of hunting for getting things like kangaroo and emu and that sort of thing because of the food costs but there's also - it's also as you say, it's something important to be able to do with family, with your kids and that sort of thing, to show them hunting skills?---Yes, it's important.

Is that something you have done either as a young person or now as an adult with your family?---Throughout my life, yes, I've done that .

And do people in Yuendumu still cook - for example cook kangaroo the traditional ways?---Yes, the - apart from the coal pit but still, yes.

Yes, so it's not just about cutting it up like cooking steak, it's a whole process that involves cooking it in the ground and sharing it with - - -?---Well that's been traditional and we still do that.

Yes, and you have rules about who eats which part of the kangaroo and that sort of thing?---No.

But it's something that it's a whole event it might take, you know, half a day once you've killed a kangaroo to cook it up and share it with family?---Sorry?

It's a big thing isn't it? It's not you just shoot it and then you cook it straight away, it takes a while and a lot of people are involved in that?---Yes. It's a big thing.

An important thing for young people to learn that?---Yes.

Yes. And we talked briefly about training and education when I spoke to you this morning but having ways that are easy for people to get their drivers licence or a shooter's licence, that would be better for the whole community wouldn't it, if more people had things like driver's licences and cars to be able to - - -?---Yes, that will be better.

To be able to do those sort of activities?

THE CORONER: When you go out with the kids from school, does the school provide the car?---Yes.

And how often are the kids taken out?---Just recently, the kids been going out at least daily because of this – obviously, this Coronial inquiry, but before then, yes we had a regular trip out bush, but I can't really say much.

So, it would be helpful if there was more than one vehicle, like a lot of opportunity for different people to do those sorts of activities?---Yes.

Your knowledge of working with the school or being part of the school council and that sort of thing, is there a certain age when maybe it's harder to get older kids at school, or do you have an idea of when teenagers are sort of leaving school or giving up coming to school?---It's roughly about when they're 15/16, but I can only speak about senior fellas' class that I taught. After the ceremony initiation, they're young men. It's all on them like, they still come to school, or some just decide not to.

No. And part of that is because they've become a young man and it's – perhaps doesn't feel right for them to be at school with younger children?---That's part of it, yep.

Yes. And are there any training opportunities for young men that don't involve attending the school or education opportunities in Yuendumu?---I need to get back to this later.

Yes, all right. Yourself, you – we talked briefly outside about you going to – spending a year in Sydney at university?---Sorry?

You talked about going and studying interstate. You studied prelaw and then you did a year of studying law. Is that right?---Yes, that's right.

That was something you said I think was a culture shock, a very different life from Yuendumu to moving to a big city?---Yes.

All right. Was there any problems back then that supported you to do that?---There was this Nora Kili(?) from the Coria(?) mob organised that. But there was not much support from this end at Yes, your Honour.

And was there anyone else from Yuendumu that went and studied with you, or you were really on your own?---On my own.

Right. Were there any other Warlpiri people when you were studying?---No.

No. Anyone else from centre, from Central Australia, that was at the uni that you knew?---Not in the same uni.

Okay. But part of the things that may have made that earlier for you is you went to boarding school?---Yes.

All right. And just going back to – you talked about young fellas aged about 15. Are there still some young men that are attending boarding school, either here in Alice Springs or elsewhere?---There's still – yep, yep, some.

And are they getting through school, as far as you know, still - - -?---Yes. Some of us students are in Cairns at the moment, Djarragun College.

All right. And is that a college that - - -?---Yes.

- - - the community has a connection to, is it?---Yes.

Right. So, that's something that helped you, when there's somewhere to do interstate that the community has some sort of connection to a school, or a college or a university?---This one is still new. But I'm still really not sure about that.

It's only been a few years, has it. Is that right?---Yes.

THE CORONER: Where is that college, Mr Espie?

MR ESPIE: I'm not sure, your Honour, Cairns, I believe?---Cairns, Djarragun College.

And if it's not a school education, so if it's something beyond that, we were talking earlier about other communities that have – we talked about a place called Wargaba (?) Study Hut, which is in the Top End near the community of Ngukurr. I was explaining to you that's a place where young adults can go and study away from the community. But it's something that helps them to, for example, go to university in the city. You'll recall, we had a quick chat about that?---Yep.

Is that – did you think for yourself or for anyone else from Yuendumu, it might be easier to travel to a big city if there as – if you weren't on your own. If you had other people from your community to go and study and - - -?---If we have other people, yep, that will be better. But, it would be more better if we had a centre in Yuendumu to train our mob better, how to – instead of going.

So, having opportunities where educators or trainers come and work with you in a place in Yuendumu?---Yes.

And if we're talking about young adults, would that be at the school or would that be somewhere else that's separate from the school with the children?---It has to be separate, make it culturally appropriate.

Yes.

THE CORONER: Make it what?---Culturally appropriate.

MR ESPIE: You might also have separate male and female classes and

teachers?---Yes, yep.

THE CORONER: So, the school is not culturally appropriate?---Since the school started in 1946, I can't really answer from that. But from now, yes, school is the uninitiated men never meant to be in the same school area with the primary aged kids.

Right, okay. So, they need to be separated once they're older?---Yes.

Okay, thank you.

MR ESPIE: It was really a question, your Honour, about when young men are becoming disengaged at that age of 15.

THE CORONER: Yes.

MR ESPIE: Just moving on to some different issues, Mr Wilson. You talked about when the intervention came in and also when you lost the community council, the tribal councils. You said your father worked at Yuendumu Council in the eighties?---Yes.

And there was a lot of changes after that? Other than the community control, back before the intervention and losing the councils, do you have a sense from your own memories or conversations with your father or others about – were there more jobs for people in the community, do you think, doing things like fixing roads, for example?---Definitely, before the intervention, yes, there was jobs that were available to the locals for the locals.

All right. And is it the case now that because of the big shire's people come and do those jobs from – I think you called them "outsiders"?---Yes, I don't want to offend anyone, but we call them outsiders - - -

Yes?--- - - - when they come in and grabbing our jobs.

Yes. We also talked about housing and that sort of thing. Are there opportunities compared to before, do you see more or less people involved in things like building houses and the use of builders or carpenters?---It goes back to the intervention. Before the intervention, even with the housing or education or council, we see a lot of Yapa local workers. After this today, even the housing is struggling to find labourers, Yapa workers out there, which some don't want to show up.

Yes. I think that's part of what you described before, is that loss of hope?---Yes.

And is it – how important is it for your children to see their father working?---It's really important now for my two girls to see that, but I'm concerned for them when they my age, I don't want them to go through what I'm going through now.

Right?---Yep.

And is it important do you think for children to have a lot more family members, or relatives that are, you know, parents and uncles and aunties, that they see working and having opportunity for employment?---It is seriously really important.

And that issue of outsiders, or people coming in and doing those – those jobs, is something that needs to change?---Yes, something needs to change.

Just – just another thing I wanted to ask you about, going back to your involvement with WYDAC. We talked earlier about how Mount Theo, for example, really helped to tackle and get rid of petrol sniffing as a big – was a big problem before?---Yes, was a big – big problem.

And Mount Theo really changed that?---It changed – Mount Theo as he was really successful.

Right, and obviously another issue that some people have that gets them in trouble with the law is alcohol, and drugs, and that sort of thing?---Yes.

Do you think WYDAC or Mount Theo, do you think there's opportunity for more programs in the community to help people with those sort of problems with alcohol?---I can't really comment on that at this moment.

One thing that you're aware of is that Kumanjayi had left rehab here in Alice Springs, and came back to the community. And do you think it would help people like, in the future, to be able to do those sort of programs, if the court told them to go to rehab, do you think it would be easier for people if they could have rehab programs in Yuendumu?---At home, yep. It will help, if we had that at home, Yuendumu.

And you'd have some experience with working with young people, who, for example, because you've worked at the school, and your youth worker, but do you think people would finish those programs, or be easier for them to finish those programs if they were closer to home and to family?---Yes.

Just the last few questions I wanted to ask you about Mr Wilson, we – you've talked about your experience with police, and also perhaps the sense that some of the people in the community. You've talked about the experience of driving in town and it sounds like you kind of expect the police, if they see you, that they're more likely to pull you up than a car full of Kartiya's?---Yes. If – now that I'm working, employed by the NIAA, which is federal, when I – when I drive the NIAA vehicle, even though I work for the government, every time I saw in the revision mirror, when I see a police vehicle in the back, I still get nervous. Even though I have my licence, uniform. I think he may pull me up. Not because they – who I work for, what I look like.

All right. Do you think – have you been pulled up when you're in your own car with the children in the car, and your family?---Definitely with own car been pulled up.

Yes?---Yep.

Do you think your kids are growing up with that same anxiety or that fear?---My older one, yes.

Right, she's starting to feel that now that she's older you think?---She's 15 and she – it's no surprise, she sees – she sees that happen, here in Alice, even in Yuendumu.

Yes. What about coming into town and going into the shops, do you ever get that sense of being followed by security, for example?---Yes.

Yes?---Yes.

And you know that's - - - ?---The colour of our skin.

- - - your skin colour?---Yep.

Do you come – do you go to the pubs when you're in town at all?---Obviously you have to have Alice Springs address.

Right?---So if you're from the community you can't.

Yes?---Yep.

And obviously, you're well aware of – you know, that's what people describe as racism, when it's a feeling they get from the police, it's a bit scarier isn't it, because of the powers that police have?---Yeah.

And I think you described what you've heard about the text messages, the racist text messages that we've heard in this inquest as disgusting?---(Inaudible).

Did that surprise you that police had that sort of thing on their phone?---Didn't surprise me.

How do you think – how do you think that effects the way – you describe police being there to serve and protect?---For – for Warlpiri it's – it's all about seeing things, and believing. Well when they see that moto – in seeing they meant to protect and serve, we believe in that. But not after what happened.

Right?---Yeah.

But from the way you've talked, you don't always feel like that as an Aboriginal person you're getting that same feeling of the police serving, and serving you?---If a – yeah, Yapa, Aboriginal person, I don't know if the police is there for us.

And you also – sometimes it feels like you get targeted by police?---Yes.

We've talked a bit in this inquest, or have heard some of the people involved in training of police, do you think it's an important thing that police – all police need to

learn that Aboriginal people are probably going to feel scared of them, quite a lot of the time, and that they should perhaps change the way they behave towards Aboriginal people?---Yeah – yes.

And perhaps just one more thing to ask you about, there was an incident where an Elder was arrested and not treated very well by police in about 2009 in the community in the Top End. The community developed something called a Mutual Respect Agreement. So it was an agreement between the community and the police about how they would respect the community better. Do you think that's something that might help in Yuendumu after everything that the community's been through?---Yes and – just still new for us, what happened there.

Yes?---Yeah, can't answer that much really.

Thank you. Thank you, Mr Wilson.

Nothing further, your Honour.

THE CORONER: Ms Morreau.

MS MORREAU: Your Honour, I have one very quick question that I missed out earlier - - -

THE CORONER: Sure, as long as it's quick, because he's been a long time in the witness box.

MS MORREAU: I realise that. I apologise for extending that slightly more.

XXN BY MS MORREAU:

MS MORREAU: Just one question, in the days after Kumanjayi passed, did you see or hear about police pulling over vehicles driving out from Yuendumu to Alice, to search them?---Only heard rumours.

You only heard rumours, okay.

Thank you, your Honour.

THE CORONER: Dr Freckelton.

XXN BY MR FRECKELTON:

MR FRECKELTON AO KC: Thank you, your Honour.

Mr Wilson, my name is Ian Freckelton, I appear for the Northern Territory Police Force. Thank you for giving evidence to the court today. I've just got a few questions for you. You've got two daughters I think you said?---Yes.

The older one 15?---Oldest one 15.

Yes. Is – is it right that it's hard to keep girls at school in Yuendumu, at the moment?---Yes.

What makes it so difficult do you think?---I don't understand.

What are the factors that result – what are the things that result in girls leaving school early?---Which school?

The Yuendumu school?---Yuendumu school. Could you repeat that, sorry?

Yes, I was asking about girls leaving school earlier - early?---Yes.

Do the girls leave school earlier than the boys?---I don't understand that bit, why - why girls have to leave earlier.

Yes, I was asking you why they - do girls leave school at a younger age than boys? ---Not really, it's about the same time, yes.

And you told her Honour about the importance of initiated boys being separated from the younger boys. Do you remember that?---Yes.

Is it important for the initiated boys to be separate from the girls?---It is really important to be separate.

And is that happening at the school at the moment - that separation?---Only the location at the school. We put the senior - senior fellas class right at the corner.

Yes?---Away from the primary area.

Yes?---But the whole yard is still the same - all in one ground.

You told her Honour too about how important it is to get young people out into country and you talked about boys going hunting and those sorts of things. Is it important for the girls to get into country too?---it is really important for girls to get onto country.

What do the girls do when they go out into country?---Obviously I cannot answer that for the girls because I'm an initiated man so I can't talk about the girls.

Yes, yes. Have your girls got out into country?---Yes, with their aunties, yes.

Okay. You told her Honour too about there being guns in community and that they are used for hunting and so on, yes?---Yes.

If you were to give her Honour an idea - just roughly - of how many guns there are in Yuendumu would it be more than 50?---I cannot answer that without seeing - not more than 50.

Just a little bit less? So I'm just trying to get some kind of an idea for her Honour? ---I'd say more than 15.

More than 15 but less than 15?---More than 10 - less than 20 - less than 30.

THE CORONER: Less than 30.

MR FRECKELTON: Got it, thank you very much.

You were asked by Mr Espie a moment ago about mutual respect agreements. Do you have any ideas about what you would like to see in a mutual respect agreement in Yuendumu?---At this moment - - -

THE CORONER: Do you know what - first of all, do you know what they are? Have you heard about them before?---Actually I don't. I was going to ask him that question.

Yes.

MR FRECKELTON: We'll do that, all right, thank you. Now, her Honour has heard from you about hard issues in Yuendumu in terms of income and the price of food and so on. There is a gold mine called "Granites" about 220 - 250 kilometres out of town on Warlpiri land isn't there?---Yes.

And that results in some payments to Warlpiri people, doesn't it?---Some.

Does - I've got something here from the Central Land Council which talks about payments for things like the Yuendumu swimming pool. Does money come to individual families or is it just for projects and entities like the museum and the pool? ---I only know a little about this. It goes to the organisations as well.

Right?---To the family members as well but not - not the old Yuendumu residents, no.

Not the old ones?---Not the - as a whole.

I see.

THE CORONER: Just some?---Just some that are within 10 - to 20 kilometres out of Granites Gold Mine.

MR FRECKELTON: I see, the traditional owners?---Traditional owners, yes.

And so does that money feed into the people who live in Yuendumu?---It's distributed people who live in Yuendumu, Willowra, Nyirripi, Lajamanu as well.

And is that done through a body called the "Granites Mine Affected Area Aboriginal Corporation"?---Yes, GMAAAC.

Thank you. Does GMAAAC give money for a variety of community projects at Yuendumu?---Yes, but not a lot.

Okay. They say - or at least the Central Land Council says that GMAAAC has given more than \$64m over the last 13 or so years to lots of projects. Do you see that in Yuendumu?---I would've seen Yuendumu more different by now with that much amount.

Yes?---But it's still the same.

They say that they give money to the Yuendumu Mens' Museum Development. Do you know anything about that?---I didn't know anything about that.

Okay. What about the swimming pool? Does money flow from GMAAAC to the swimming pool?---I only know a little about that, but not a lot.

What about money coming for school upgrades in Yuendumu from GMAAAC, do you know about that?---That have - yes but they definitely help us with - help us out with the bush trips.

And do they help with - now I'm not quite sure what this mean, but you probably will know, "Ceremony groundwork" - is that a concept that you understand?---Part of it it helps, yes.

What does it mean?---I'm not sure but is this for the ceremony, yes. Yes.

I see. And so does GMAAAC contribute toward that as well?---A little, yes.

And I won't ask you about the other activities that they say they help with but how does GMAAAC work with the Yuendumu community? Do they talk to the Elders or how does it function?---I didn't really experience around that area, so I didn't - I didn't know much about GMAAAC.

All right, well thank you for answering the questions anyway. I just want to ask you as a last topic, you're almost free to go, all right? I just want to ask you about the - that awful night in 2019. You said that you went and joined the people outside the police station for - I think you said about an hour, is that about right?---Yes.

Roughly what time of the night were you there, can you say?---Like what I said, the time didn't count at that time, it was chaotic, it's just - everything was happening, I didn't - did not bother to look at my time or just - - -

That's okay. At any rate, it was before you heard aeroplanes - well before that?
---Yes, well before that.

You even said, I think, that it was - you said it was a war zone and chaotic and there was shouting, is that right?---Yes.

And people were angry?---Shock.

Yes?---Some were angry, some were frustrated, yes.

Yes. So there was quite a bit of noise coming from what people were saying?
---A bit, yes.

Did you see people with weapons?---No.

Did you see people throwing stones - rocks?---No.

But you - but some people were angry, some people were shouting and it was like a war zone with all the 100 or so people who were outside the station?---Yes, but without any weapons or what - without any weapons or what rocks, so I don't.

Yes, I understand, yes. And when you left - what led you to go away from outside the police station?---To go back home?

Yes?---I really wanted to find out from home instead of from when the group was. Again, it was chaotic then.

Yes?---Yep.

And were your daughters at home?---Yes.

So, you wanted to go and make sure that they were all right?---Yep, that's one of them. The other one was to try and find out from home what's going on at the police station.

Yes. And what did you think was going to happen at the police station when you left?---I thought there was going to be an officer coming out and letting the people know what's going on.

Yes?---That's what I thought was going to happen.

Did you think there could be trouble there?---No trouble.

Why do you say that?---Why is that? We just finish funeral on that day.

Yes?---A fella got shot, Kumanjayi. And there was no time for trouble after grieving.

No time for trouble after?---Grieving.

THE CORONER: Grieving.

MR FRECKELTON: Grieving?---After the funeral, yep.

But was the mood of a warzone and chaos pretty much the same during that time when you were outside the station?---I meant warzone and chaotic is not by trying to charge into the police station, it's by the disbelief the community had, the shock, the frustration. That's why there was yelling and that. Not towards the police, yep.

Sorry?---Not towards the police.

Not towards the police?---Otherwise, the police station would have been burnt. Nothing happened.

Okay. Thank you very much?---We proved it right, yep.

THE CORONER: Dr Dwyer.

REXN BY DR DWYER:

DR DWYER: Mr Wilson, I can see how sick you are of Kartiya lawyers and I don't blame you. I don't have many questions for you. It's so interesting to hear from you for lots of reasons, but because you are a young fella in Yuendumu growing up, as counsel assisting the Coroner, it's really interesting, I think, to hear your -what happened for you when you were a young fella, compared to what's going on for the kids now. Can I ask you about then and now, when you were at school, primary school in Yuendumu, there was two-way learning, Warlpiri and English. Is that right?---Yes.

And compared to now, is that better or worse?---It's still better. The two-way learning is still better.

Okay?---I just can't really say much about this, yeah.

When you were a young fella, did you have a food program, like breakfast in the morning every morning?---Not really.

Okay?---Only lunch.

When you were a young – sorry, you just said “Only lunch”. So, there was lunch every day at school?---Every day.

What about now for kids. Is there lunch provided?---Yes, there's lunch provided.

When you were a young fella at school, did you go out bush with the teachers?---Yes.

Did you go out bush more than the kids do now, do you think?---Yes, more than after the intervention.

Okay. And when you were a young fella growing up in Yuendumu, was there fighting between the different family camps like now?---There have been fightings, but it's been resolved straight away during that time.

Okay. One of the things that – we heard from this group called Wanta when we were in Yuendumu. Do you know about the – some of the work they do?---A little.

They said that they are taking some kids to school, but they don't yet have funding to pick the kids up. Do you think it would be helpful to have a program that took the kids to and from school?---I totally - just finished that question, that's an ongoing issue with funds at the school.

Okay. When you were growing up in Yuendumu, did kids do break ins, like of the houses or the store?---Yes.

Do you reckon that's got worse?---As about for last year or the year before, the breaks in have increased, got worse.

Okay. So, just questions now about housing and then I'm finished. When you were a young fella, there were – were there more people living in houses or has that got worse?---It was more back then when I was young, and it's got worser today.

Okay. So, you know how you formed – you know the Parumpara Committee that formed to help present things to the Coroner?---Yes.

When we're looking at housing and how to design houses, do you think it would be helpful for the government to listen to Parumpara Committee or something like that was that formed?---It will be really helpful if they listened to Parumpara Community.

Thank you, your Honour. Those are my questions.

THE CORONER: Thank you very much. Sorry that we kept you here so long and there were so many questions, but we very much benefited from hearing from you and learning a little bit more about the difficulties that confront community growing up in Yuendumu and living in Yuendumu. So, thanks for explaining that to us.

WITNESS WITHDREW

THE CORONER: Yes.

MR MCMAHON: I'm just about to – we've got one more witness to call. But I'm wondering if we could have a two-minute break, your Honour, so that the witness - - -

THE CORONER: Sure. So, just for scheduling, you've got one more - - -

MR MCMAHON: I've got Ms Katagaringa who is sitting in the box.

THE CORONER: - - - witness and is Ms Katagaringa the lady with the scarf?

MR MCMAHON: Yes.

THE CORONER: Great, thank you.

MR MCMAHON: And we'll be going with an interpreter with Ms Katagaringa.

THE CORONER: Okay. And then this afternoon?

DR DWYER: We've got Dr Quilty, your Honour. Dr Quilty is in court today.

THE CORONER: Yes. And are there time constraints in relation to finishing with Dr Quilty today?

DR DWYER: There are, your Honour, we will have to finish with Dr Quilty today.

THE CORONER: Today, but I'm just wondering, any particular time?

DR DWYER: Would your Honour excuse my back?

THE CORONER: Sure.

MR MCMAHON: Your Honour, I can also say that Ms Katagaringa is more single – we're focussing on Night Patrol.

THE CORONER: Okay, all right.

MR MCMAHON: So, I don't expect her to take as long as Mr Wilson.

THE CORONER: If we just take a couple of minutes break, then we might start Ms Katagaringa before lunch now.

MR MCMAHON: Yes.

THE CORONER: So, we'll just take a couple of minutes break.

ADJOURNED

RESUMED

THE CORONER: Please take a seat.

ELIZABETH KATAKARINJA, affirmed:

THE INTERPRETER, affirmed:

XN BY DR DWYER:

DR DWYER: Ms D Ms Katarinja, your – your full name is Elizabeth Katarinja, is that right?---Yes.

And I'll just spell that surname for the transcript, K-A-T-A-K-A-R-I-N-J-A. And you've provided a statement to help the Coroner in relation to understanding the issues about Kumanjayi passing, is that right?---Yes.

That statement, your Honour, is found at 8-38AA, thank you, your Honour. And Mr McMahon will ask some questions first.

THE CORONER: Yes, Mr McMahon.

XN BY MR MCMAHON:

MR MCMAHON: Thank you, your Honour.

Ms Katarinja, I'm going to start with your skin name. Could you please tell her Honour what your skin name is?---My skin name is Napaltjari.

Napaltjari. And is that the name that we'd best to talk to you today when we're talking to you?---Yeah, prefer it with my traditional - - -

Thank you?---Skin name.

All right. Napaltjari, you speak many languages. I think about eight languages, is that right?---I probably am speak about four languages, I understand another four, yeah.

Another four, all right. And you've got Velda(?) sitting there next to you. You obviously speak English fluently, but for some of the questions and answers, you might like to grow through Velda interpreting some of your answers, is that right?---Yes.

So just – it's up to you when you answer in English, or when you ask Velda to translate, do you understand?---Okay.

Most of the questions that I'm going to ask you about today, Napaltjari, are about Night Patrol, where you've been involved for many decades. But before we do that,

I'd like to ask you some questions, just about your whole life, so that the Coroner and people listening, understand how – how it is that you came to be giving evidence to that, is that okay?---Yes.

Okay, so can you just tell her Honour where you grew up and where you got educated at primary and secondary school?---I am originally from Hermannsburg, I been to – I grew up, and my birth place is Hermannsburg. I grew up at Hermannsburg and been – been to school in the mission days, yeah.

And you went to primary school in Hermannsburg?---Yeah, I've been - - -

And then - - - ?---To school - - -

THE CORONER: Is that – is that the mission school that's still there, that you can – it's not operating now, but you can visit it?---Mission school is still there, but it's probably different now. It's – because there's some kids going to until they're 12-year-old now. Yeah, year 12, sorry.

MR MCMAHON: And did you do your secondary school there as well, Napaltjari, in Hermannsburg?---No, I only just went to school until – until grade six, and from there, I been to Yirrara College.

In Alice Springs?---In Alice Springs.

And you've still got some family living in Hermannsburg now don't you?---Most of my family lives there.

And when you finished your education at school, you went on to do more education, and then to work in child care, is that right?---Yeah went to do some regular studies in those time, for early childhood in our education.

And did the study that you did there, that was in child care?---Yes, and in school.

You went back to Hermannsburg and did that kind of work?---Yes, it started from Hermannsburg anyway.

And then in 19 – I think it was 1999, but correct me if I'm wrong, about 1999, did you move over to Yuendumu?---Yes I did.

And that was with your partner, Simon Fisher?---Yes.

Who – and you still live in Yuendumu today sometimes, and sometimes in Alice Springs, is that right?---Yes.

And sometimes in Hermannsburg?---Yes, I'll be going back to Hermannsburg after this.

And in fact, Simon Fisher, he wrote his Master's Thesis with Dr Lisa Watts, on Pikilyi Water Rights and Human Rights, is that right?---Yes.

And I'm just asking that question, your Honour, because we might come back to that document later in the inquest.

THE CORONER: Mm mm.

MR MCMAHON: And after you started living in Yuendumu, in the next 10 years or so, you did some more study didn't you?---That was the studying at – at early childhood study and business management.

When we were getting organised for court one day, I told you about what a quiet voice you have, and remember what I said about court? We're going to try and get you to speak up a bit in court okay?---Yeah.

So in about 2008, you did some further study in media studies, is that right?---Media and also business management course.

Yes, so after your media, you went on and did business management, is that - - - ?---
Yes, same time.

And was that at Charles Darwin University, or at Batchelor?---Batchelor.

THE CORONER: And is that out here, at Alice Springs, at the Batchelor site here, or somewhere else?---Yes and in Darwin.

Both, okay.

MR MCMAHON: So most of the questions I'm going to ask you about are about Yuendumu and Night Patrol, but even when you were still a young woman living in Hermannsburg, were you on the council, or involved in the local council at Hermannsburg?---Yes.

During the 1990's?---In 1986.

When you moved to Yuendumu, at some time after that, I don't have a note of when it was, but I think you were on the school council, is that right?---Yes.

And were you chair of the school council at some stage?---I was chair person.

And can you just tell her Honour what year that was?---I was the chairperson since 2008, in Yuendumu School.

And you know, Napaltjari, that the reason that we're asking you questions, we're going to ask you questions about life in Yuendumu, especially with Night Patrol, is to help us make submissions, and help her Honour write about how to prevent shooting deaths in the future in Yuendumu - - - ?---Mm mm.

- - - so there's no deaths like that in the future. You understand that's - - - ?---Yes, very well.

- - - what all the questions are about. And before you came to Yuendumu, when you were living in Hermannsburg, you also worked for Night Patrol, is that right?---Yes.

And you would work – during the day you were working in child care, and then at night you would work on Night Patrol?---Yes.

Do you remember the first year that you ever starting working Night Patrol? It's – I've got a note saying 1991, but is that right? Or when did you start roughly on Night Patrol?---I – probably work at – in 1980 – 88, I think.

Eighty eight?---Yes.

So you've done much more than 30 years of work - - - ?---Yes.

- - - on Night Patrol?---Yes.

And is most of that work, when you've been on Night Patrol, been at night-time?---Yes.

Would you just be able to – we all know something about Night Patrol, but could you just give a bit of a summary of what – what it means to talk about Night Patrol, like, if you were talking to someone who'd never heard of it, and they said, well what's Night Patrol, what would you say?---Night Patrol is like we look after young and old people. Especially young – young people that used to sniff petrols. We used to like look after the young people and take him back home for the safety. And we used to take the petrol off them a lot of times, because the petrol was so bad for them. We used to take them back home. And – and the nurses used to help us, so just to give them something that is good for their – their health. And we always also stop the grog runners coming into the community, bringing grog. And also domestic violence.

So, that's a lot of different issues. In the last few months, one of your knees is actually causing you a lot of pain. Is that right?---Yes.

And you haven't been able to do Night Patrol for a few months?---Yes, probably that is five months, I didn't work.

Last five months?---Yeah.

And before that, for more than 30 years, you've been doing Night Patrol?---Yeah, I was doing a lot of work.

Okay. What we'll do is ask you some questions about different kinds of work on Night Patrol. But before I do that, so like domestic violence work or young people involved with crime and drugs or different types of issues that you have to deal with.

But before I do that, I wonder if you could just talk about the different between Night Patrol, say 20 or 30 years ago and now in terms of how it worked with the ladies going out? So, I'll give you an example. I've been told that many years ago, there might be four ladies go out on Night Patrol and maybe a similar number of men?---Yes.

But nowadays, it's less people going out?---Yes.

So, could you just explain that to her Honour what it used to look like when you were younger and what it looks like now and the differences?---Yeah, because in Night Patrol, we used to walk four ladies patrolling at night, starting from 6 o'clock until 12 o'clock and then, bringing the young people back home.

And nowadays, is it that you only go out with two ladies?---Yeah, nowadays, it's two.

And do you go out in a vehicle, usually?---Yeah, we use to go out with Night Patrol vehicles.

And on the same night that the two ladies go out in the vehicle, do you also have two men going out in a different vehicle?---Yes.

And one of the ideas that I'd like you to talk about with her Honour is the idea of mediation and working with mediators on some of the problems that you are faced with. So, just to start with an example for instance of a domestic violence situation, you might know from just talking in the community that in a particular house, there's a problem with domestic violence. Someone might ask you to go to that house. And when the ladies turn up, what sort of things do you do when you arrive?---When there's domestic violence with maybe husband and wife, we always ring up for mens to come and help us, because they can solve the problem with mens, men. And we can solve the problem with the woman. So, we'd take them apart from each other to maybe a women's centre or to stay with family members from other side, from their homes.

And do you get the men on Night Patrol to come at the same time?---Yeah, they come on the same time and they talk to the mens.

So, in a situation like that when you've been talking to make, you've also been mentioning that you might get mediation or people involved in mediation to come and help. Can you just explain how that would work?---Sometimes, our mediation comes after, because we – all I said, solve the family members, bringing family members, and husband and wife and the eldest together and with the mediation, we solve their problem to – just to stay away from each other. So, the members, Elders have to know about it and the mediation solve the problem with the family members as well.

So, that involves a lot of talking and communication, doesn't it?---Yes, it do.

And it involves – can involve a lot of time?---Yep.

I think from what you've been discussing with me over time, is that the importance of taking time to do things properly, not rushing, but talking to people?---Yeah.

So, as you know, on the night that Kumanjayi Walker was shot, things were moving very fast. And what I want to do is ask you to explain to her Honour, not talking about that night, but just talking about when you were on Night Patrol normally, how important it is to talk to with people and to involve family or Elders or Night Patrol workers to talk about problems?---We talk to the main family members. If there's a grandmother or an aunty, and we all us take them out – there's a (inaudible) in another area, we take the lady to the family members and the grandmother to stay with the family members. And we talk to them because we always - it doesn't just solve the problem in the one place. We take family members and talk, or else we all – other way around. We just come and pick the family members and they come and solve the problem, then take the young family that fights, take them away and stay with them to the other side. Because if something happen at the centre, they get taken to the west side or maybe east side, north, where their family lives.

THE CORONER: Is there a safehouse?---Yes, there is a safehouse, but sometimes, there's some - also like we have a problem with no police working on that time at night and we just get the family members. And sometimes family members always stays with them at the safehouse anyway, in a lot of times.

Sometimes, I feel it's a bit unfair that the lady always has to go away to either the safehouse or family. Is there any possibility of there being a place for the man to go to and would that be safe, or would he maybe just go straight back into the trouble?---There's always be a – like older people like Elders just talking to the mans anyway, all the time. They take them out, because they used to be a men's centre there but yeah, Night Patrol and then just using it to have a place there for mens to stay and try (inaudible) in that area.

So, do the men get taken to the men's centre?---Sometimes they always be there when there's – maybe in the morning, there's activity and then - - -

Okay?---Yeah.

So, that's something they can do during the day, but it's not like a safehouse where they can sleep at night-time?---No. The – sometimes the police always take them when they're really (inaudible) that's all, because in the first time before the police, we go first, police comes after because we see what's happening with the families arguing or fighting. So, we can solve the problem there and sometimes, if it's the second time, family members always ring the police.

Right. And you said, the "safehouse", there's a safehouse for the ladies, but is it always open or not always?---It's – there's a person there is working, but it's always open in the daytimes, but in the night-times, we also look for the ladies that is working there and take the ladies to the person that is working, because we go around finding them as well.

Right?---The person at the safe house is not always here at night.

Right, so but you might be able to find that person and if they needed to they would go and open the safe house up?---She is saying at home, yes, find them.

And then they would go to the safe house?---Yes.

Okay.

MR MCMAHON: One of the things that you've told me is that the work for Night Patrol doesn't just stop between 6:00 and 12 o'clock but sometimes the next day you have to keep talking to the people who have been caught up in, say, domestic violence and you might have the mediator come and keep talking to people?---Yes and we always go in the morning and try to - just to tell - tell the family members what happened and - because sometimes they - because of from the big argument they always start - we have to tell the truth of what is - what happened in that night. So parents or maybe a family members, the Elders consult there too with the family there.

Can we talk about a different example now? When you are dealing with young people who are getting into trouble, maybe children who are 14 - 15 - something like that? You've told us that Night Patrol used to - might pick up young people and maybe take them home and deliver them back to their family home? Is that something that still happens?---Yes, that's what still happen, because we take - we take the children back home to their home and then we just let them stay around until they go into their yards and go into the houses and it's like - because sometimes if they don't want to come - come from the - like we just say "public area" we just come and get their parents or some elders or there's maybe mens around that - to talk to the boys. There's not always be boys, they always be some young mens around to we gets mens to come around to talk to them, take them back, or their parents always comes and pick them up too because we picked him up and then they talk to their children and they take them back home then.

And that's the sort of things that happens almost every time when you're doing Night Patrol?---Yes.

You told me that before the intervention some of the ladies who work on Night Patrol used to give the young men a bit of a smack with a stick if they were misbehaving? ---Yes, they used to be some night patrollers before us used to work.

And you said that you'd only smack them on the leg or the bum?---Yes, sure.

You wouldn't really hurt them?---No.

But you would embarrass them?---Yes.

And it was on the - so these were grandmas and older ladies giving these young men a smack?---Yes, some - like they used to just get the petrol out of their hand

and just throw that away and jus was jus putting - telling them drop it, yeah, just warning them, "Don't do that again."

But you're not allowed to do that any more?---No.

With sticks?---No.

Since the intervention?---Yes, and the intervention came in, it's just a more worse than what happened in those times because we can't discipline our children nowadays.

Is that something that you can talk to her Honour about? It's an idea that we can learn from you about how the change in disciplining children before and after the intervention?---Yes, because a lot of - when I was a child - as a young girl I used to have a lot of disciplines, like my parents not letting us go out and guess them telling us to come back on their time and because now today, there's a lot of kids just going around everywhere at this moment.

And is one of the reasons that people in Yuendumu have been told that if they smack their children or discipline like that, the children will be taken away?---That's what they told in those times they was tell - I heard a lot of stories about it because I - because they don't want their children to be taken away, because some children have to at home, in the community, home land, with the culture and with the language. They don't want to have their children to go out from the community. We know that they can go to learn English but they can learn English in the school year in our Yuendumu community, because a lot of families, they've been telling us lot of stores about taking their children away, so they're losing their culture and languages.

THE CORONER: Has there been any teaching or programs for the families, so parents can learn new ways to discipline their kids and teach their kids without smacking?---Sometimes they - they have to some program that they always take young kids outside from community because young womans always goes with the older ladies. They have little activities outside from the community, and talk about everything. Yeah, they talk about their safety, they talk about their - how to look after their children, in the cultural way and they - because of the Elders they have their own - own stories to tell to their children.

I am just wondering whether - I haven't looked up the program but, you know, family as first teachers when families are involved, for example, in that program, is part of it teaching parents how to look after their kids and teach them the right way, but without using smacks?---No, at this time. Because seventh day of - they have every Tuesday is they - all of us have young girls and young mothers program with Wanta.

Because sometimes we involved when some of our patrollers are working on the nights.

Are there programs for the boys to learn how to be good dads?---Yes. They did, yes.

Who runs those?---It's with WYDAC and Wanta as well, yep.

Now, (inaudible) I just want to ask you about prevention of trouble, which is something that night patrol is good at, and working with the police and then I am going to ask you about what happened on the night that Kumanjaji Walker was shot.

So, one of the things that we discussed that you have taught about is that the job of night patrol is often to prevent trouble, to see trouble coming and then to arrive and stop the trouble from growing. Is that how you see a lot of the work of night part?
---Yes.

From what you've said to me, it sounds like that's one of the most important parts of Night Patrol. You – because people on Night Patrol know the community, and they can hear stories and know where is trouble coming, Night Patrol can get involved early, and stop trouble from becoming big trouble?---Yes, Night Patrol is always there for like when people start – start the argument at the shop, or something they get Night Patrol is always sometimes there, and sometimes – day times we don't – it doesn't work. That's the reason they don't have – they have problem, Night Patrol is not there to stop them. Because we only work at night, not day time. Day time's they have quite a lot, that's why they don't have any support from Night Patrol, because we was trying to get Night Patrollers to work in day time too, because our community people can – get help from - on those times too. Because I seen not a teams happening on day times.

So it would be useful to have the Night Patrol - - - ?---Yeah.

- - - doing work during the day as well, from 12:00 until 6:00?---Yeah, because - - -

THE CORONER: Day Patrol.

MR MCMAHON: Day Patrol?---Day Patrol, I'm talking with the day patrol.

Okay?---Because sometimes we – if we look at the fight there, but we always be there, just to stop them fight.

When you come across a problem that is a dangerous problem – I'll ask you two questions. You've told me that often when you're dealing with young people, or people who have weapons, that the ladies from Night Patrol can just talk to them, and just keep talking to them, and maybe even yell at them, and get the weapons off. That happens quite a bit?---Yep, mm mm.

And that might be because the – of the way you talk to people with weapons - - - ?---Yeah.

- - - they just know they have to hand them over to you?---Yeah, because they have to stop like – because sometimes we always say, we are the person – we are your people, that is, on the ground, trying to stop your guys and before the police comes. It'll be different story, because we are here for you. We - - -

And you say, if the police come it'll be a different story?---Yeah.

But sometimes you do call the police?---Sometimes we do.

And what happens then? What happens when you call the police, do they come straight away or - - - ?---Sometimes they don't. I've been ringing the police a lot of times. None of the police came when I rang up when there was a lot of (inaudible) happened. Because I'm the person that always ring the police for help.

So the number you're calling, if you need the police, do you call the 000 number?---Yes I do.

And - - - ?---They come in the next days.

They come the next day?---Or week after.

The week after?---I just ignore them.

But sometimes they come on the night, do they?---Sometimes. If they in Yuendumu.

Yes. But you've – obviously you've told me stories about them not coming on the night, and coming much later?---Mm mm.

And that makes you feel cross?---I feel – I feel angry too, for some for the sake of the family members, like with a – maybe with a child, or something like that, needed to help.

Your Honour, I've probably got 15 minutes to go - - - ?---Even – sorry. Even there's two men's fighting, always needed a help too, no matter only not woman against woman, men's against men's too, we can stop that. But there's not – no police around a lot of times.

I'm in your Honour's hands. It might be easier to come back and finish that point after lunch, or - I'm going to go to 9 November, or do we do it now? I'm just in your Honour's hands.

THE CORONER: Look, I think we should take the lunch break. But we might come back at five to 2:00.

MR MCMAHON: Just in terms of planning, I've probably got 10 or 15 minutes to go, but it's probably a harder topic, and then there'll be some other questions.

DR DWYER: We should just – can I indicate, I just think we have to get Dr Quilty(?) on by 2.30, because we won't have it again tomorrow.

THE CORONER: All right, well then let's come back at quarter to 2:00.

MR MCMAHON: Thank you, your Honour.

WITNESS WITHDREW

ADJOURNED

RESUMED

THE CORONER: Please take a seat. Yes, Mr McMahon.

MR MCMAHON: Thank you, your Honour.

ELIZABETH KATAKARINJA,

XN BY MR MCMAHON:

MR MCMAHON: I'm just going to ask you about two more things. The first is about the – what you saw on 9 November when Kumanjayi Walker was shot, on that night. And the other thing, after we've talked about that, I want to ask you some questions about a different way of arresting a young man in terms of talking to family, talking to Elders and police talking with everybody involved, okay?---Mm mm.

So, can we just start with 9 November. You were in Yuendumu, this is 9 November 2019, the night that Kumanjayi was shot, you were in Yuendumu that night?---Yes.

And can you tell her Honour where you were and what you saw and heard?---Yeah, I was at my home, just across the road from where it happened, the incident happened. And because I waited for my duty on the night for the night patrol job as a respect for the funeral to finish.

So, when there's a funeral like there was on that day, normally, you would not do night patrol that night?---No.

Is that right?---Sometime not, sometime do. But like I said, it was my duty to do that job at that night. I waited for funeral to finish and when I was at my house, I saw some police come – going across to that house, but the funeral wasn't finished yet. And then, after that, there was one shot, and then there was a second one and there was also a third one. And I was talking to my husband. I was saying "Japumardi(?), something happen to your family." But I didn't know who it was, because I might thought it was from my other cousin's son, because I knew that young fella very well as well. When I – when the – I saw the family was rushing and then I started – my husband told me to run up and find out about it, what's happening there, because he was a great-grandfather of a young fella and he was the father of the son of the funeral. From inside, he just pointed me, just go and have a look and I did run across. But I was near the power pole and there was one of the young ladies come running towards me and just saying, "They shot him." But I'm not – you never told me the names, but I thought it was her son. But I didn't know about this other one, Mr Walker. And then, we both was both holding each other and ever since that, we was standing outside, I saw one of the police was treating the young fella just really roughly like I – all I seen something happen in – like warzone that they doing that. But in our own remote community it happened like this in front of our eyes, it's not so good. And I was saying something, but they never heard me what I was saying, "Don't do that cruelty. He's not a dog, he's a human being too."

So, you were saying that out loud to the police?---Yes.

Because you were seeing?---I saw it with my own eyes.

And you saw Mr Walker being - - -?---Want to go outside, but not inside.

When you saw Mr Walker being dragged out, you yelled out, "Don't treat him like that." That's when you yelled it out. Is that right?---Yes. Yes, I did.

Because you were so upset at what you were seeing?---I was hurt and upset.

All right?---Because we don't do our children like that. This the first time this happened, all different people coming into our communities that are policemen like this one. Not doing that, because I didn't know that he was my nephew as well, because I was just only - just calling, on my cousin's side, calling as a great-grandson. But from my father's side, he was my nephew.

Napaltjari(?), one of the things that you've talked to me about is the difference between jumping fences and barging into a home or just waiting out the front and talking. Can you just explain how important those two differences are to her Honour?---Because like we always tell the police not to barge into our house. We always tell them, if you want to ask us – if you want to get somebody else, wait outside, because we'll sort the problem out talking to that person, because I've seen it. There was police jumping over from two sides of the fences, from the side west and from the next to the yellow house was somebody just jumping over. We don't jump over their fences. And there was other policemen coming in, in the gate. Only one police was standing outside. He was outside all the time, never went in.

In your work on night patrol, did you have to deal with a problem, you come to a house and there's a problem that you have to deal with, you wait out the front and you wait for someone to talk to. Is that right?---Yes.

Can you just explain that to her Honour, how that works in Yuendumu and Warlpiri culture?---Because when the police comes to our community, because in my yard, all I said, "Wait outside so we can talk to them". And we solve the problem and get the police and talk to them outside our yard, not inside.

When you arrive at a house, the first thing you do, the proper way of doing it is for you to wait out the front with night patrol?---Yes.

Until someone talks to you?---These are my orders, when I go as a night patrol worker, I go around to the community, I respect people and I sing out from outside for the people to come outside, not barbing in. We respect our people as what we are, talking to them from outside, not just barging in like this.

And if the police come on night patrol, and you're doing work at night patrol and the police have to come, you tell them to wait outside?---They still have to wait outside.

And sometimes, you had to go inside, sometimes?---Sometimes. We don't go inside, we pay respect to the people that is owned the house.

So, always, you're trying to stay outside?---Yep, mm mm. But sometimes, there's no room for us to go into that house, because we've got cultural respect too from mother-in-law and father-in-law, we can't go in, or son-in-law. Even when son-in-law have a fight with somebody else, I can't talk to him. I pay respect. I stand along with somebody else, like some other mens have to talk to him. That's what why we take the alcohol away in our communities, elsewhere.

And on those – on those times, when there's serious trouble, and police have to come, when those times happen, you still take the police – you stay at the front gate, and you wait there, and then wait for other Night Patrol people to sort out the problem?---Sometime we don't – we not around, they go straight in.

So, I want to ask you some questions now, Napaltjari, because one of the most important things we have to talk about in court, is to make sure that this kind of thing doesn't happen again. You understand?---Yes.

So what you've told – what you've told me about in the past, is a different way of solving this kind of problem. So if the police want to arrest a young man, let's say next week, you're working at Yuendumu, you're on Night Patrol, and you know that the police want to arrest a young man, maybe he's got a warrant or something out for him, what are the ways that Night Patrol, and the families, can work, to make sure that the arrest is peaceful and safe? Can you explain that to her Honour? What would – what would the police do, in order to make sure it was peaceful and safe? Do they come and talk to Night Patrol?---They need to come and talk to the – because there's about three organisations that work with that – our young people. Is like WYDAC, Night Patrol, and Mediation. And plus main important is the Elders, and we – we need police to talk with them, even our ALO he stand before the police, they got to come through by our ALO first, now this time.

The ALO officers?---Yes.

So from what you've told me in the past that police should make sure the ALO who's working with Night Patrol and the families, to come – if there's someone there who needs to be arrested, could it be ALO comes and talks to - - - ?---Yeah, because that's – we put our ALO to stand and talk to our people through to police to talk with people or our young people, and maybe there must be a woman to arrest as well. They can be ALO ladies, or Night Patrol is there to talk to them. And also police can come after - - -

Police come after?---They have to come after.

If the young person starts off saying, I don't want to go to the police, I don't want to go to the police station, how do you solve that problem? You've told me in the past about who would talk to the young person, how that would work. So just explain that to her Honour?---Because I – because sometimes then we talk to young people.

Sometimes then – like I don't talk much, because I always leave it up to men to talk and the Mediation, mostly. And because like, ALO's because like my son he used to talk to young people a lot of times, because a lot of young people grew up together with him, and that's why they – he stand up for the young people. And he – he didn't want to work back again, because (inaudible) people were worry for him, for his grandson.

You – you knew Kumanjayi Walker well? You and your family knew him?---Yes, we did.

And so, just thinking about a young man like that, who the police want to arrest, but he might say to his family, I don't want to be arrested, I don't want to go - - - ?---We (Inaudible) - - -

And what you've told me in the past is, there's a way of dealing with that, that people would talk to the young man, and he would stay at the house, and make it – family and the Elders would make him stay at the house until he was ready for the police to arrive and pick him up?---Because none of the police was patient at all that time, I seen it myself. They was just going breaking in and arresting people. They never used to talk to us. We were standing there and never talked. Like one of the – one of the lady's was there, oh there's a Night Patrol, why couldn't Night Patrol helped. Because they never respected Night Patrol, because of my – I was just across the road. They didn't bother talking to the – any of the WYDAC or maybe Mediations. I don't know what – they don't do that. They never. They never listen to people. Because that young fellow he grew up with my son. He was just 13-year-old, go to school all the time. Bruno was their teacher. Because I say when they became a young – young men, he was with them as well. And with their other teacher, white teacher. They was teaching them separately, as a young men, always separate. Because that young fellow, he was so quiet, he never look for fight. And never was aggressive person. Because that – that I seen him all his life, until he was about 15 year old. All the Brown kids grew up with my son, as he grew up with them as well. As – as they all went to initiation, and finish. Because he was the last one that my son took him to initiation. Because as he was a grandfather, young grandfather.

Your son was ALO wasn't he?---Yes he was ALO.

And did he take Kumanjayi down to the police station sometimes?---No because he was – when he started ALO, he was in gaol all the time now that young fellow, yeah.

So Napaltjari, as you know, one of the things we have to do, the lawyers have to do, is to – is to write submissions for the Coroner, to try and make things better in the future. And from what you've told me, the better way to arrest a young man like Kumanjayi, and this could have happened back on 9 November, if it had been done the right way on the 8th or 10 November, was just to be very patient, to talk?---Yeah.

Talk to Night Patrol, talk to family and just be patient?---Like I was trying to say, is like - like Derek could have been better for him because he was like a - for - family members always be there to talk to the young people and it could have been my

some because when he used to get into mischiefs like other kids teasing him, my son used to stop him all the time. And they all grew up together and learn - because he - because after that - and he never used to live in the community, a lot of times he used to go to another - another community like Hasts Bluff or Papunya to his other families living there as well. That's why we - when he as a bit older I never used to see him around much because they used to - when he got into trouble and he moved away to another areas, but like Mount Theo, Mount Theo was the first place that young people used to live, not only from Yuendumu, is was from - from everywhere.

From other communities as well?---Yeah, other communities because there was community from Tennant Creek, from Hermannsburg as well, there was lot of young people was there. There was well look after it and - because there was a lot of Elders working there and some - and younger workers, middle-aged.

(Inaudible)?---There was - yeah, as well. Because - - -

So (inaudible) - sorry. Just my last question for you is what you have told me outside the court on other days, it's not a good idea, it's not respectful to try and arrest a young man on the day of (inaudible), sorry business?---No.

That was the wrong way to do that?---Yes. That's no respect.

No respect?---Yes. But next time - or even (inaudible) - even for someone like the situation with Kumanjari Walker the right way is just to talk and be patient?---Yep, could've been talking to them.

And you were across the road?---Yes.

You were in the house across the road for Night Patrol?---Yes, because yes, and they come - they blame because people talking to him and the family members and Elders.

And it might take a long time but eventually you get the young fellows to just wait until the police come. Is that the right way to do it?---Yes.

All right, thank you. You will be asked some questions by some of the other lawyers.

THE CORONER: Brief, brief questions.

Ms Morreau?

XXN BY MS MORREAUU:

MS MORREAU: Napaltjari, thank you for speaking about these difficult events. My name is Paula Morreau, I appear for the Brown family and I am going to try and limit my questions for you to not be too long.

THE CORONER: We need to finish at 2:30, so we have got time for our next witness.

MS MORREAU: Can I ask you, after you saw what you have already described and you were very upset, did you stay in your house that evening then or did you end up going out on Night Patrol that night?---No.

Yes, so you stayed home?---Yes, I stayed home.

Were you able to sleep?---No, I didn't.

No. Did Charmaine come and see you a couple of hours later at your home?---She came round before 9 o'clock. We had to some - we respected our culture by feeling that what's happening and that there was some really cold wind coming in and we respected that, that he left us on that day, in that night at that time and I told Charmaine, "He's already left" because - - -

You believe that?---Yes, yeah.

From what you had seen?---Yeah.

THE CORONER: And what she felt.

MS MORREAU: Thank you, your Honour?---Everybody felt that, not only me, it was all the community because they knew, the culture that every cold wind comes, that's saying - that's mean we're losing someone else.

And did you have that news confirmed to you the next day?---No, at night.

During the night?---She is saying like her son told her.

Yes, okay. All right. Did you see lots of police in the community the next day and for - the next day?---Yes.

Yes, and how did you feel when you saw police with - - -?---Angry.

Did you see them with long arm guns outside the red house?---Yes.

At Margaret Brown's house I mean?---Yes.

And for how many days do you remember seeing more police in the community? ---Nearly about a couple of days I think.

And did you try to speak to the police at any time when they were in the community over the following days?---No.

You said you felt angry?---Yes.

Did you want to expand on the other feelings that you had at that time?---Because I know losing a loved one is feelings that he is missed deeply really sad from the inside out, so that's why we can't talk to anybody.

How, in your sense has Kumanjayi's passing in the way that this happened affected Yuendumu community?---We felt it really bad for all of the community and - - -

And you - sorry, keep going?---Yeah, everybody was sad.

Do you think that is still the case now?---Yes, it is still.

And what about your son and grandsons that were closer to him in age, how do you think that has impacted them, to your observation?---He - he dreamed about working as a police and he was staying with ALO a lot but he had that deep sorryness inside him and he stopped working ALO.

I see. This is your son?---Yes.

And that was because of what happened, was it?---Yep.

And has he gone back to working as an ALO or still not?---No.

Napaltjari, have you heard about the text messages that have been tendered in evidence there between Constable Rolfe and other police officers in Alice Springs? Have you heard about that in the news?---Text messages. Would I know of that (inaudible) is that Zachary Rolfe (language spoken). No.

No, okay. You've spoken about there being only I think two women and two man in Night Patrol, now. How many people do you think Night patrol would need to cover seven nights a week properly?---I think I said before, like was are, well, four ladies working, probably eight now because they've got they work each - each three nights a day a man and a woman but look, like I was mentioning it before, we need somebody to work as a paid patroller because there's a lot of fights happen in day times.

And if Night Patrol extended to Day Patrol as well you would need perhaps a lot more people working?---We've got more people already but we need them, we need to make it extend little bit of job for a woman to work on day times - men and woman, yeah. We've got eight - eight each.

Because there's gender issues to respect?---Yes.

There's also family issues so that certain people may or may not be able to work with particular people, to cover that as well, yes?---Yes.

And does Night Patrol currently try to cover seven nights a week or is that not possible with the four people that are currently rostered?---no, I don' think so.

Because we need more - more young people to work. Will be better when they're learning with their role model - with the older people.

Yes, thank you.

MS PINCUS: I've just got one quick question.

THE CORONER: Sure.

XXN BY MS PINCUS:

MS PINCUS: Hi Napaltjari, my name is Julia Pinkus I am one of the lawyers working for the Walker, Land and Robertson families. I've just got one quick question and I'm sorry if it's a difficult issue but because you were living across the road from he shooting and you talked about just earlier about having witnessed what happened outside the house. Did you happen to see when they were dragging Kumanjayi out to the police care whether they were dragging him face down or face up?---Face down.

Face down?---With handcuffs. That's not fair.

Okay, thank you. No more questions.

XXN BY MR ESPIE:

THE CORONER: Yes, Mr Espie, sorry about the timing.

MR ESPIE: Yes. Napaltjari, just in relation to your work in Night Patrol and over the yeas have you got much training in that job - formal training from anyone?---He has read it.

All right. We read this both before during the – at the end of the lunchbreak about mediation and I asked you whether or not you were aware of people from other communities from Groote Eylandt coming in and travelling to do the – to talk about how they run peacemaking and mediation. Are you aware of that happening in Yuendumu?---What year was it?

In the last year or so?---Yeah, that'd be good for like community to share different cultures, yeah.

And different solutions - - -?---Yes.

- - - that had worked in their community?---Yep.

Is that something you and your staff would benefit from not only people visiting you, but you being able to see what happens in other communities?---Yes. How the mediation goes, because we need the night patrollers to go out too, because there's a lot of night patrollers everywhere working in the different areas and doing different

stuff too. Yeah, when it's the exchangers.

Right. So, like some communities call it community safety patrol - - -?---Yep.

- - - because they do work both day and night, for example?---Yep.

All right. Is the big problem with not being able to work in the day time that, if there were some issues with young people, for example, it's hard for you to get some sleep and then still follow up in the morning with family? Is that – does that make your job difficult?---Yeah, because sometimes like, about the jobs in the morning because like a mediation may be going out and talking to them.

Right?---Yep.

You don't get a lot of sleep sometimes in the business?---Yeah.

This is the last question. You mentioned your son. Is it your son that was an ALO?--
-Yep.

He stopped working after the shooting?---Yep. Now, he didn't work until when they had the court up in Darwin - - -

Darwin?--- - - - he waited until that to finish.

Right?---And then he started a ALO.

Were you aware of whether anyone from the police had spoken about why he wasn't coming to work or to check on how he was feeling?---No, I don't think so.

You don't think so?---Yeah.

Thank you.

No further questions, your Honour.

THE CORONER: Your son who is the ALO, what's his name?---His name is Isiah Fisher.

Thank you.

Anything - - -

DR DWYER: Just briefly from me, your Honour.

THE CORONER: Yes.

REXN BY DR DWYER:

DR DWYER: I've just got one question about something that you explain in your statement at par 40, which is really interesting, Napaltjari. You say this, "Police are good at the moment and are working together with community. Police are now more aware of not using their weapons, like pepper spray or tasers. They have settled down a bit. The sergeant, Annie, has really controlled police officers and has help Aboriginal liaison officers to work together with the night patrol"?---Yes.

The Coroner has heard from Sergeant Annie and we saw her in Yuendumu and she gave evidence that she really cares about the community and she's trying to work with the community. What do you think of her?---The same, yep, because I work with her a lot of times.

And does she seem to care about night patrol? She helps night patrol, or nothing?---Yeah, she do work with night patrol.

And you said something about your son, Isiah, here. You said that he's working as an ALO and he originally wanted to be a police officer, but he chose to be an Aboriginal liaison officer because he thought he could do more in that role?---Yes.

Is that right?---Yes, because for me, it was – he was the youngest night patroller working with us, yeah. And he continued working as an ALO. But I mean, I didn't know what worries him too much and that's why he stopped, yep.

So, is he back working there now as an ALO, or not yet?---Nope.

Nothing, okay. But he learnt some good things from you working in the night patrol. Is that right?---Yes.

Thank you very much. Nothing further.

THE CORONER: Napaltjari, thank you so much for coming in to court today and telling us about your many years of experience in night patrol and other roles, helping your community. We really appreciate the evidence that you've given and we certainly have learnt a lot from it. Thank you very much?---Thank you.

WITNESS WITHDREW

THE CORONER: Dr Dwyer.

DR DWYER: Thank you, your Honour. Your Honour, the next witness is Dr Simon Quilty.

THE CORONER: Thank you.

DR DWYER: And I call Dr Quilty.

SIMON QUILTY, affirmed:

THE CORONER: Thank you.

XN BY DR DWYER:

DR DWYER: Dr Quilty, could you please tell the court your full name?---Simon Quilty.

And your current employment position?---Today is the last day of my 11 years of employment with Northern Territory Health, although I will be working casually with NT Health from now on. I'm also the medical advisor for Purple House and I'm now employed at Bellingen Hospital.

So, your primary position after today will be – is it as a career medical officer at Bellingen Hospital?---I haven't figured that out yet.

I see, okay. So, that's one of your positions?---Probably – I would consider my primary position to be medical advisor for Purple House.

Thank you. Before I ask you a little bit more of your background, particularly because those listening would really like to understand it, I know that you've provided her Honour with a statement dated 26 November 2022, a significant number of articles as well and your Curriculum Vitae. Is that right?---That's correct.

Your Honour, I tender the statement of Dr Quilty dated 26 November 2022 along with his Curriculum Vitae.

THE CORONER: Do you have a copy for me or not? That's okay if you don't.

DR DWYER: I don't have it with me in - - -

THE CORONER: That's okay.

DR DWYER: - - - court, your Honour.

THE CORONER: They will be as a bundle, the next exhibit number.

DR DWYER: Thank you, your Honour. And I will separately tender a bundle of articles prepared by Dr Quilty.

THE CORONER: Sure.

DR DWYER: Dr Quilty, in terms of your background, this is set out in some detail, of course, in your Curriculum Vitae, can I ask you first, what year did you graduate as a doctor?---2004.

And where was that from?---Sydney University.

Prior to that, you'd finished a different degree. Is that right?---Yeah.

What was that in?---Engineering.

And what made you want to do medicine?---I was keen to work in remote Northern Territory and I didn't think that engineering would give me that opportunity.

Dr Quilty, I'm quite loud and you're very soft?---Sorry.

So, sorry, you were saying that you were keen to work in the Northern Territory and you set this out in your statement that your reason really for doing medicine is because you had a passion to work in the Northern Territory?---Yeah, that's correct.

And that's because you had a passion to work with Aboriginal people in the Northern Territory?---Yes, that's correct.

And but you grew up in Sydney. What was it, do you think, that gave you a particular passion to work with Aboriginal people in the Northern Territory?---So, as a young child, I had the privilege of having parents that would take us on long adventures and spend a lot of time in remote Northern Territory in the late seventies and early eighties. And I – it drew me in completely at a very young age.

Do you remember on those – so they were road trips with your parents. Is that right?---Yep, correct, yep.

And with your two brothers?---Yep.

And do you remember meeting other Aboriginal kids your age?---Yeah, very vividly on many occasions in really remote places.

Can you give us an example of some of the places that you went to?---In 1981, it was somewhere between Warakurna and Warburton. There was a community of what I now believe would probably be Ngaanyatjarra people right out in the Western Desert and we spent – I think we spent a night with them. They couldn't speak any English and we couldn't speak any Ngaanyatjarra. We wouldn't have even known what language they spoke.

But your parents were obviously interested enough in Aboriginal culture to want you to have that experience as well. Is that right?---Yes, I think so, yep.

And then what was your first job, as a doctor, in the Northern Territory?---Intern at Royal Darwin Hospital.

Just before I ask you then about your career, in terms of your actual clinical role, you've also done a degree, in addition to your medical degree, in public health administration?---In public health, that's right, yeah.

Public health. So, just so that the rest of us who aren't doctors understand that, what sort of things do you study in public health?---I guess the – the underlying factors that allow society – society to maintain health, and thrive in – in every dimension.

So one of the things I'm going to ask you about this afternoon is, a passion you have for better housing for Aboriginal people in the Territory. Is that included within the discussions of public health?---I think in public health there's a presumption in Australia that everybody has reasonable access to a good house, or a home. And I think that public health would consider that to be foundational and often it's overlooked because it's not present.

It's an area that you feel passionate about, is that right?---Yes, correct, yep.

And you have provided an outline in your statement of the ways in which you think the current housing situation in the Northern Territory for Aboriginal people, contributes to some poor health outcomes?---Yes, that's correct.

And when – I'm asking you there are about four health outcomes, does that include physical health and mental health?---Both, yes.

And in terms of those things, physical health and mental health, can that also lead to poor outcomes in terms of behavioural difficulties, conflicts at school, those sorts of things?---Yeah, so having a good house is a stable place for children to be safe, and to engage in school and to be allowed to study and to be able to have a good night's sleep, and to be able to have access to a fridge to have – to eat before they go to school.

I'm going to circle back to that issue shortly. But I just note, when did you do that further degree, looking at public health?---That was half way through my medical degree, I took a year off.

So right from the very beginning you were interested in those broader societal issues linked to health, is that right?---Yeah, absolutely, yeah.

So I asked you earlier about your first role in the Northern Territory. And it was your role in Darwin. And was that to complete your – or as part of your training as a physician?---Yeah, so yeah that was the beginning – that was the end of university and the beginning of the training on the job so to speak, yes, correct.

In addition to Darwin Hospital, you've then worked in other hospitals in the Northern Territory, is that right?---Correct, yep.

That's in Katherine Hospital?---Katherine Hospital and Alice Springs and Utopia.

I want to ask you specifically about your work in Katherine Hospital. I'm sorry, before that, I'll just go chronologically. You worked at Darwin Hospital for a period of time?---For one year, yeah.

Then you completed some training in Newcastle is that right?---No then I came to Alice Springs for a year, and then six months in Utopia. Then back to Darwin, before I went down to Newcastle.

So your time in Utopia, what role were you playing there?---I was the Remote Medical Officer for Urapuntja Health Service for six months.

Were you the only doctor based there during that time?---Yes I was.

And did you work in a Northern Territory Health Clinic?---That was a – that was an independent Aboriginal health service.

Prior to that you were in Alice Springs for a role. What was your first role in the Alice Springs Hospital?---I was a resident. I very vividly remember my first day of work here.

And after Utopia, where did you go?---Back to Darwin for two or three years, from memory.

And it was – was it after that period, that you went down to Newcastle to (inaudible) - - - ?---Correct, yep, yep.

And did you finish your physician training there?---I actually finished my physicians training at Katherine Hospital, and the last – last six months of my training at Katherine Hospital.

So in terms of your work in Katherine Hospital, you have indicated in your statement, you were in fact the first specialist doctor, to work remotely in the Northern Territory when you commenced a general specialist service at Katherine Hospital?---Yeah that's my understanding.

So you were the first consultant physician that was ever employed at Katherine Hospital, is that right?---Outside of Darwin or Alice, that's correct, yeah.

And what years did you work at Katherine Hospital as a physician?---2012 and I finished December 2019.

In terms of your role in a hospital, when you were head physician, you commenced a number of specific services for people in Katherine, is that right?---That's correct, yep.

And that included a cardiology service?---Mm mm.

A remote satellite oncology unit, for people with cancer? A remote outreach program covering all the communities in Katherine region, and a palliative care service?---Mm mm.

In – can I ask you about some of those services. For the remote – I withdraw that. The for the remote outreach program, covering the communities, what did that involve?---The Katherine region in 2012 had a great deficit of specialists, visiting specialists. And there – the Katherine region is covered in its entirety in primary care, for Indigenous communities, by Aboriginal health services. And so there was only three Aboriginal health services to engage with. And I started with Katherine West Health Board, and the service worked really well for the first 12 months, and then Sunrise Health Service also got engaged. And I had to figure out how to fund those flights. So it was a slow process over about two years. And then it was – then I would visit every single community in the Katherine region, depending on what they required. So they – they told me what they needed, and I provide the service.

Did you also provide telehealth service to those communities?---I did, yep, I did.

And was that something that started up in your period of time when you were at Katherine?---Correct, yeah, I started that.

THE CORONER: Is all of that still continuing?---Yes, Dr Richard Budd is keeping that thriving.

DR DWYER: So you moved from Katherine to Alice Springs, is that right?---That's right.

When was that?---January 2020.

And prior to you moving to Alice Springs, you recruited another position to fill your role, and that was Dr Budd is that right?---Yeah that's right. So I advertised for five years and didn't get a single Australian applicant. Richard's trained in Sheffield(?) in England.

How was it that you were able to attract somebody trained in Sheffield England to come to that position?---I flew him over, and I had a friend take him for a ride in a helicopter over – over Kakadu. And it really was the most still extraordinary – it still is the most extraordinary job in Australia, was very easy to convince him.

It was a job that you obviously felt, and feel – still feel passionate about, is that right?---Correct.

Do you think that your enthusiasm for the role was a significant part of being able to attract somebody else into the role?---Yeah might have been, yeah probably.

THE CORONER: But you didn't – you weren't able to attract another Australian for five years?---No.

DR DWYER: In terms of your services to Katherine, I appreciate that you might feel uncomfortable seeking – seeking some sort of recognition for your work, but I do note that you have received a number of awards in relation to your clinical services to rural and remote outreach areas, is that right?---That's correct, yeah.

And some of those are set out, at my insistence in your statement, that they include a 2017 your Medal for Clinical Services to Rural and Remote Australia, presented by the College of Physicians?---Correct, yeah.

There were awards for Innovation for the Katherine Health Remote Outreach Service issued by the Northern Territory Department of Health in 2017 and 2018, correct?---Mm mm.

THE CORONER: I know you're about to go on, I'm just going to ask one more question.

Do you know why it was so difficult to, well impossible, to recruit another doctor in Australia?---Specialists colleges have a metro-centric problem, and they have a culture where doctors think that they are only successful if they work in a tertiary hospital, and it leaves rural Australia out. And that's why I joined the Rural Doctors Association of Australia, to try and advocate for more sensible policies for these kind of jobs.

DR DWYER: I'll ask you about then Dr Quilty. When did you join that organisation?---I think it was – I think it was in mid-2020.

And what's your role, or what has been your role with that?---So I'm a board member, and I'm also the chair of the Rural Specialist Group.

Are you the first chair of the Rural Specialist Group from the Northern Territory?---I'm the first specialist on the board.

And so that's still a board position that you hold, is that right?---Correct.

And what are some of the objectives that you have while you're on that board?---To make sure places like Katherine Hospital are seen as viable and exciting opportunities for other doctors.

In terms of providing an attractive position for doctors to go to, thinking of when Dr Budd, if he moves on from that position at some stage, is it – is financial reward one of the difficulties, or is it more complex than that?---It's probably more complex than that. It's a very tough job. It's more complex than. It's a very tough job. It's more complex than that. I think it's more to do with the culture of people wanting to be in urban spaces and the academic institutions and including the Royal Australian College of Physicians letting down remote Australia.

While you were in Katherine, you developed five new registrar training posts - - -?---Yep.

- - - at Katherine Hospital. Can registrars do their training absence a physician?---No, you have to have a physician there.

So, is it the case that that role of a specialist physician is really important in terms of attracting other stuff underneath - - -?---Absolutely. So, the first Australia -trained physician to work there was someone that I trained at Katherine Hospital.

And how long were you able to keep that person for?---He's returned just recently. So, he was a junior registrar and now he's working part-time in Katherine.

So, that's another benefit, is it, I suppose, of being able to do your training there?--- Yeah, absolutely, because people see that – well firstly they know how to operate in a really complex environment and they realised that they have the capacity to do it and they also realise that it's probably one of the most rewarding jobs that you can do, to spend time in a town like Katherine and really contribute.

So, before we move on then to some of the other substantive issues and noting that this transcript will be available for doctors and trainee doctors to listen to, what are some of the things that you would say to people thinking about a career in the Northern Territory Health?---It's incredibly rewarding and extremely enriching and I have received much more than I've given.

In terms of your role there, you were also – you commenced the cardiology service. Prior to the cardiology service in Katherine, were people in Katherine and surrounding areas having to go up to Darwin for their cardiology?---Yes, so it wasn't a comprehensive cardiology service. It was just echocardiography with a general physician. In terms of the – so there were 800 retrieval flights to Katherine in the year before I started. Then it went down to about 300 retrieval flights. That was across the board and so, a lot more people could stay in Katherine and receive more complex care.

In terms of the benefits for them then, staying in Katherine, benefits in terms of staying near family and country?---Correct, yep.

Did it also increase the compliance rate, because people would – didn't want to go far away to Darwin?---Yeah, so absolutely. There was a drastic improvement in engagement and there were a few kind of measures of that that showed that there was a much better acceptance of western practices for healing for Aboriginal people.

Are you able to recall now the cost of a retrieval flight?---It's about \$12,000 a flight.

And by starting that service, you reduced the retrieval flights from 800 to about 300?---About 350, I think it was, yeah, from memory.

So, it's also a massive cost saving for Northern Territory Health, isn't it?---Correct, yep.

Can I come then to your work in Alice Springs? You moved to Alice Springs with your family and took on a role here. What was your role when you first came down?---I came down here. I was employed as a senior staff specialist and as the director of physician education here at Alice Springs Hospital.

When did you – well, in that role, did you become – were you visiting any of the more remote communities?---In 2020, just as COVID was kicking off, we attempted to start a program that was similar to Katherine that was going to be a similar model of outreach and in-patient care.

And so, was that then severely – effectively scrapped because of COVID?---Yeah, effectively. So, yeah, it got started. We visited it a few times and then by the middle of 2021, it was not operational anymore.

And has it become operational since or not?---No, I think the health service is still struggling to pick itself up with a lot of exhausted staff and a lot of burn out.

So, what was the objective for that service then, if we hadn't had COVID?---To provide more culturally appropriate care. I think it really helps to fly out to the communities to recognise how challenging life can be for people living in remote communities. So, it's good for the doctors, but it's much better for the communities. It also makes the GPs in those communities have a physical connection with someone that they get to know. And it allows people not to have to fly in or drive in or catch a bus into Alice Springs for more complex treatment. And obviously, all of that is also very cost saving.

So, it would have allowed for a physician like yourself to provide specialist care to a community like Yuendumu?---Correct, yep.

Is that right? And the benefits to the patients are obvious, but also benefit to a doctor, like Dr Amy Rosser, who is then getting some specialist expertise?---Yes and developing a relationship with someone who she knows now who works inside the hospital.

Are you – can you tell us whether or not there is any Telehealth to those communities that you're aware of?---There is Telehealth, yep.

Okay, right. But obviously, being able to fly in and stay in the community for a period of time means you develop relationships with both staff and patients?---Yes and Telehealth has also got the vexing problem of other private providers wanting to do their good work in the bush and so, it's also – I think you need – you can only have Telehealth if you actually visit that community regularly. You can't completely replace it.

And this – I think I know the answer to this, but why is it that it's important to visit the community if you want then Telehealth to be successful?---You have to be there. In Telephone, the interface isn't personal enough. It's good when you're meeting somebody for a second or this time. It saves both of you from travelling, but the physical presence is necessary.

One of the questions that you were asked in your statement was your observations of the significance of community control in effectively running health clinics. And I

think you said earlier, in terms of your work in Katherine, the health clinics were controlled by community. Is that right?---Correct. All of the – yeah, I didn't realise that there was still government-controlled clinics until I got down here.

Okay. And you make a point of saying that there are some very good government-controlled clinics, but you still see that overall, there is more benefit in community control. Why is that?---That's a complex question. But as I set out in my statement, most of the Yapa people that I look after and Amangal people, most of them still have very strongly held beliefs in healing. They criticise western medicine for lack of spiritual healing and they have no intention of giving up their beliefs about what made them unwell and how they can cure it. And so, the way that western medicine has interfaced with the community, if you have – if the clinic is run by people that are not sensitive to it, then it's run in a way that doesn't provide what's needed and it can drive big wedges between the community and the clinic staff.

And given your years of experience in more remote communities and in the two hospitals, do you see the best health outcomes come from having the two systems work side by side?---In terms of western medicine and – absolutely, it's the only way to do it. Yeah, it's not just non-Indigenous people that feel sceptical about western medicine. But definitely, you know, for Yapa people, these ideas of healing and wellness and treatment are many tens of thousands of years old and I would hate to contribute to any kind of demise of that amazing knowledge of wellness that is otherworldly to us. They can only work side by side, I think.

And have you, in terms of your work in community, you have obviously had an opportunity to see traditional healing take place for some patients. Is that right?---Yes, correct, yep.

And have you, yourself, as a western doctor, been impressed and moved yourself by the way in which those healing practices operate?---Yes, absolutely, completely.

What do you think enabled you to gain that – or to understand the important of those practices. So, going back before I started medicine in Darwin, I spent three or four months in Gapuwiyak in East Arnhem and I was – it was a completely immersive experience. I'd had childhood experiences that had made me realise that there was a whole other way of thinking. And then I spent this extraordinary time out at Gapuwiyak and was taken in by some families and didn't spend much time with non-Indigenous people at all for a long period. And so, I guess they were really formative years that I had very deep and rich experiences and it went along with me and I realised that, you know, you can keep looking into this and you'll never find the bottom of it. And so, I'm still fascinated by it and learning as much as I can.

You're someone who has a deep respect for Aboriginal culture?---Yep.

Have you learnt any languages in the different areas that you've worked?---Yes, so I left Gapuwiyak in 2000, being able to understand and speak, not so well, learnt to speak a bit of Gurindji and in Katherine, Gurindji and Warlpiri a little bit.

And what can you tell her Honour about the significance to you of being able to speak some parts - language to the best of your ability?---So in the hospital you often have people that are - so I treat old people who can remember the first time they met white people, that has been quite a common thing for me to come across and a lot of old people who have never been to hospital and, in fact, a lot of Aboriginal people that have been traumatised by western health care systems and if I can say to them, "Hello" if I can greet them in their language and start to discuss some of the elements of their body and what they are experiencing in their language it immediately makes it joyful and you break down these barriers of anxiety immediately, that a doctor has tried to learn to speak Warlpiri is a really powerful representation of cultural safety, I think.

You've had an opportunity to observe Yapa staff working in clinics where you have worked remotely, is that right?---Not Yapa, not Warlpiri, no, not at Yuendumu and not at - there was a cleaner at Lajamanu but there was no - in Purple House I have yes.

I will come back to that then. Could I start with Katherine. When you visited communities that were - sorry, clinics that were community controlled?---Yes.

Were there first nation staff, Aboriginal staff?---Yes, in more than half, I'd say, yes.

And were they working, in terms of the jobs that they did, did that include clinic nurses?---Occasionally nurses, usually Aboriginal health practitioners and particularly Barunga and Kalkarindji.

What was the significance to you, as a doctor, of working alongside Aboriginal health practitioners and nurses?---It immediately meant that the community had embraced the clinic. So there were some clinics, for instance Ngukurr Clinic, which is built across a song line and on an old cemetery and people are just not safe with the architectural position of that - or the geographical position of that clinic and I don't even know that you would be able to have an Aboriginal staff member in that clinic, but I'm not sure, that would have to be a community conversation. So if you come to a clinic and there's no Aboriginal staff then I feel that there's an immediate flag of concern of cultural safety from that clinic.

Coming down then to the Central Desert communities, you've had an experience of working in Lajamanu, is that right?---Yes, I visited Lajamanu a lot and I've spent time out there socially and as part of the Emergency Response to the Corona Virus in 2021.

And was the clinic - or is the clinic community controlled in Lajamanu?---Yes, it is, yes.

And have you visited the clinic in Yuendumu?---Yes, I have.

Over what period of time?---So I went to Lajamanu for about 2013, I think, or perhaps 2014 through to 2019 and then in 2021 and Yuendumu Clinic was just 2020 and perhaps the beginning of 2021 I think.

So can I start with Lajamanu. Were there - were you working alongside Aboriginal health workers in Lajamanu?---There weren't but there were liaison officers and there were other staff within the building and it had a lovely flow, there were no locked doors from memory, and it felt like it belonged to the community.

And does that feeling, no locked doors, it belonged to the community, having the Aboriginal staff there, does that contribute to positive health outcomes?---Yes, well there was even, you know, even the design of the building, they had a men's waiting space and a women's waiting space that were separated and it was taken quite seriously. Absolutely people just were - were quite visibly safe coming in. I was the doctor visiting their clinic.

And did you - I appreciate that was quite a period of time, from 2014 to 2019 and in 2021. Did it appear to you to be a place that the community wanted to go to, as in felt happy to go to?---Yes.

Apart from the fact that they were unwell and needed to be?---Yes, look I don't think every aspect of western care in a clinic can be perfectly right for Yapa people but I think that it did a very good job.

Your experiences in Yuendumu were in 2020 and 2021, is that right?---That's correct, yes.

And so was that while COVID was operating in that community then?---So, so - no, that was the beginning of the Outreach Service. That as before the pandemic reached.

I see?---And then - and then I was back there for a week with Purple House when the pandemic arrived in Yuendumu.

We understand that Yuendumu is a clinic which is controlled by the Northern Territory Government. It is a government run clinic and do you see a difference firstly in architecture between Lajamanu and Yuendumu?---Yes. So I visited and did about three clinics. When you start a service it takes a while for the GP to get to know you but the architecture was immediately oppressive.

In what way?---It looked like a gaol.

And did you work alongside Aboriginal health staff in Yuendumu?---I think there might have been somebody at reception there but I can't recall.

Did you notice a difference in the numbers of Aboriginal Health Staff compared - as - and I'm talking about proportionally to the population, in Lajamanu versus Yuendumu?---It was very different.

In what way?---There was just less Yapa people present inside the clinic.

And what were your observations of that in terms - I appreciate you're not a Yapa person but in terms of your perception of it, as a western doctor. Was that something that you were concerned about?---So I - I chose Yuendumu Clinic because I had learned to speak a bit of Warlpiri and I knew I would have connections between Yuendumu and Lajamanu that would facilitate a better relationships both ways and a richer experience for me and for the people of Yuendumu that I spoke a bit of Warlpiri and I was very surprised when I got to Yuendumu Clinic at how different it was and how architecturally different it was and how culturally different it was, the clinical care that was provided from there was.

You were only - you visited, I think, on three occasions, is that right?---Yes, two or three or maybe four occasions, I can't remember quite how many.

And that - you would have continued to do that had COVID not intervened, is that right?---Yes. Yes.

Did you have some ideas? At Yuendumu?---yes, so I have also visited some government controlled primary care clinics that are fantastic so partly it was part - it was post the police shooting in Yuendumu and I presume that that shaped some of the tensions but I also think the problem with the government controlled clinics is that there is no community voice when things aren't going well and so the community cannot possibly have any say if there is a problem with the culturally safe provision of care from that service. They don't have a voice.

Were you aware of any advisory committee that was operating to assist Yuendumu Clinic when you were there?---No, I wasn't.

In terms of the existing architecture, this court hasn't seen Lajamanu by comparison, is here a way of adapting the existing clinic to make it more accessible do you think, or is it a total rebuild?---Look, I'd have to bow to the opinion of the community.

Sure. So the further starting point would be to consult with the community about whether they feel culturally safe there and if now what could be done about that? ---Yes, correct.

Can I ask you about your work with Purple House. Firstly, can you tell us what is Purple House?---Purple House is a Pintupi-led organisation with a remote Dialysis service. We provide dialysis to 19 remote communities. It started in Kintore with the Papunya Tula Arts Movements in 2001 who raised the funding and the ambition to try and dialyse some senior Pintubi Elders back home. The importance of being at home was that they were the holders of cultural knowledge that needed to be handed down to the next people and they were vitally important people to be in that community and they wanted to be in that community and they had the resources to be able to do that through the sale of their art and so on 2004 they commenced dialysing in the back room of the clinic in Kintore and the clinic itself was Aboriginal controlled and it has grown from there.

Before dialysis was provided by Purple House, did people have to come into a major centre like Alice Springs or Darwin?---Yes, that's right.

And how often to people have to be on dialysis?---On average, so every - you have to go three days a week, Monday, Wednesday Friday or Tuesday, Thursday Saturday for four to five hours each time.

So did it mean in effect that unless a service was – until Purple House came along, those Elders and others on dialysis would have to move into the major centres?--- Yes, that's right.

And away from country?---Correct, yep.

And you explain this in your statement, that that resulted in a severing of some very important cultural time?---Very important, yep.

And really interfered with the way in which those Elders could pass on their cultural knowledge to others?---That's right, yeah.

And is it the case that in fact there's quite – there's some young people who have to go on dialysis?---Absolutely there is, yes.

So Purple House is now – it started in Kintore. It's now spreading to 19 communities, including Yuendumu is that right?---Yep, correct, yep.

And have you visited Yuendumu, the clinic there?---Yes I have, yep.

And her Honour had the opportunity to visit the Yuendumu Clinic, and note for herself the architecture there. And is that similar style of architecture that you've seen for Purple House buildings in different communities?---Yeah so every – every community has its own unique building, built within the constraints of costs and the clinical need to provide dialysis. They are infrastructurally really quite challenging, because there's a lot of plumbing and other technical work that needs to go behind the machines. But they are all built by the community, for the community, with a lot of community say into how they look and operate. With a strong desire to be open, however, that's not always the case. A lot of people on dialysis like to – to shut the windows and go to sleep whilst they're on the machine as well.

And you're a passionate advocate for Purple House, is that fair?---That's fair, yeah.

And in terms of the way in which Purple House work with the community, what's the – what makes Purple House so successful, in terms of being appreciated by the community and - - - ?---So – so Irene Nangala is the chair of our board, and we have a very powerful board. They – they govern with the assistance of lots of people that help form the governance structure that works between – between Anungu and Kartiya. So it's – it's a – because of course, all first nations people have their own forms of governance, and law. And so it's an adaption that meets and there's lots of

flexibility and an absolutely necessity to make Anungu law, the foundational law, and then figure out how we make western governance structures fit around that.

We have heard some evidence in this inquest that staff working in the clinic in 2019, felt isolated, and they spent time with each other, but not so much with other Kartiya people or with the Yapa in community. Can I go back to your time in Utopia, you were working for a community controlled clinic in Utopia, is that right?---That's correct, yep.

And you've – were you there with your partner at the time?---Yes I was, yeah.

And did you feel that you were a part of that community of Utopia?---Yeah absolutely. We had people that checked in on us. I still have a lot of friends from Utopia. It was an incredibly generous place, and I feel – I feel very sorry for – for non-Indigenous people that go to communities and can't figure out how to engage in that community. Because that is the entire richness of the job.

So when you were in Utopia, you made friendships obviously, but were they with both Aboriginal and non-Aboriginal people?---There weren't many non-Indigenous people there, so we knew all four of them in the clinic area. But we made a lot of Indigenous friends as well, yeah.

What was the population of Utopia?---So Utopia's quite a unique community. I think it's about 800 people spread out over 16 different outstations. But where the clinic was, there were I think about 10 houses and probably 50 people – 40 people.

And when you were in Utopia for that period, was there any issue in terms of break-ins to the houses owned by – or who – clinic staff were - - - ?---No but their kids from the neighbouring community would drive their parents van down to visit us, and there'd be a van with a 10 year old driver turn up, and they'd come and have lunch with us. And then they'd drive home, which was unusual, but a lot of fun. And there was never, ever, a threat of break-ins.

Do you know what was – what about Utopia made that particularly a community that you felt very welcomed in, for example, we've been trying to think of ways in which the clinic staff might feel more comfortable in community if they did language classes, or if they did an orientation with other service providers, or – are there any things that you can suggest?---Well look, yeah one of the things that – so I formed a couple of very deep friendships from my time in Utopia. And one was just the simplicity of acknowledging the injustice of housing immediately, I turned up and my partner and I were given an architecturally designed really pretty three-bedroom house that was fully equipped with an air conditioner. We didn't have to pay any power, because I was a doctor, I was on a great wage. And my neighbour lived in a tin shed with no isolation. It was probably four metres by five metres. No internal walls. And no insulation what so ever, and a tap, and a one single electrical point. And he had his wife and five kids in that building. And I immediately felt incredibly uncomfortable about the injustice there, and I talked to him about it. And I apologised, and told him that I would work to try and resolve that situation. And so I

think just acknowledging the elephant in the room, people feel relieved that you've notice what they know all along. And it's – you know, it's like every single remote community in the Northern Territory, this injustice of going out there and getting paid more than anybody else in the community, and getting a house with free power and free water and free everything, and free trips, and three months off a year. And then the local staff don't get any of those benefits. There is no justice in it.

In terms of advocating for local staff, you feel passionately about ensuring that Aboriginal staff members are properly compensated for their expertise?---Absolutely, yes.

And had you worked alongside Aboriginal people who perform a very important role in interpreting for patients?---Alice Springs Hospital has an extraordinary interpreters ALO service. I would say it is the best in Australia. There's about 12 Aboriginal Liaison Officers that represent all language groups, and they are incredibly important to the success of Alice Springs Hospital.

And are they paid the same wage as an interpreter would be, do you know?---They're some of the lowest paid staff in the hospital.

Do you know why that is?---I have asked the question, and haven't received an answer.

We – if her Honour's interested in that, we can ask further questions, but just in terms of your opinion, you – your belief is that it is important for them, and for the Hospital, to ensure that they are better compensated?---From what I've observed, they – they resolve many, many issues, and they make people feel safe. Alice Springs Hospital is a really good hospital. People do genuinely feel safe. I've worked in other hospitals in the Northern Territory where there's – people don't feel that safe. And it's in large part because they know the interpreters are always there, and the interpreters go and visit every patient every day, and check in on them and make sure that us non-Indigenous staff who are working there, are aware of any issues that we might have over – not recognised.

Can I come to then the final broad topic I wanted to ask you about, which is to go back to that issue about health and housing inequality. You set this out in some detail in your statement. That you – you provide an opinion that the remote Northern Territory, in your observations, has some of the poorest living standards in Australia. And that's based on your research in that area, as well as your observations of the housing, is that right?---Correct, yeah.

You've provided this statistic, that Yuendumu is the 47th poorest of the 13691 suburbs in Australia. There are 35 remote communities in the Northern Territory that are poorer than Yuendumu. There are 892 people in Yuendumu living there. Only four men and 14 women over the age of 65, and there are 338 young people and children. Do those statistics show, once again, the gap between the life expectancy of Aboriginal people compared to non-Aboriginal people?---Knowing this space really well, I mean those statistics do, but I don't – I still don't think that most people that I

know that – that work in the space of health care appreciate how impoverished remote living people actually are, from a western point of view. And I really want to canvas this as well by saying that I go to these remote communities, and I am always amazed at the joy and the cultural richness, and I feel like when they – they come and visit me, they feel sorry for my cultural poverty, but I don't have western material poverty. So I don't want to – I don't want to paint these places as places of sadness, in fact they're places of happiness, but western poverty is extreme.

One of the issues we heard about from Mr Wilson this morning in court, was the overcrowding in Territory houses. Is that something that you observed as a doctor?---Yes so in my statement, one of – one of the crystallising events for me, it's hard to believe that some of the stuff you see is real, but I was in Lajamanu for the – for the pandemic outbreak, which is a complex thing. And I had to go out door to door, and I knew a lot of the Warlpiri people there. And I hadn't – it was a static moment, where everyone was in their house, so I could see how many people were in the house, because we counted a number of swabs. There were two houses that had 25 people in each house and the average number of people per house was about 13 for Indigenous houses and about one and a half for non-Indigenous houses.

What is the impact of that level of overcrowding on physical health conditions? And then I'll ask you about mental health conditions?---Well, I mean, I think if you have a party in your own house and you have 25 people over, you try and clean up afterwards and think, well I'll wait a few months before I have another party. To have it day after day after day and in recognising that for a lot of these people, you know, people that I know in a town like Lajamanu who started living off in tents before the first houses were built, there's a very different mindset about what western housing is for those people, because they've never really experienced anything different. I know a lot of my friends who have never been to dinner at any other non-Indigenous person's house except mine, so they don't know what's inside our houses, just as we don't know what's inside their houses. It is very hard to imagine, on a 47-degree day where it's about 70 percent humidity in Lajamanu what the inside of those houses is like. It is horrific.

I'm going to – well, I'll go there now. In terms of the structural design that you've seen, her Honour's obviously had an opportunity to see the houses in Yuendumu, are the houses in Yuendumu similar to the houses in Lajamanu? I'm talking about Yapa houses?---I think that the houses – I think the more remote you are, the worse they get. I think the houses in Lajamanu are probably worse.

And what impact does that level of overcrowding and the design of the house perhaps have on chronic diseases?---So, the design of the house, firstly, needs to be thermally clever and done of them are. Even the brand-new houses are thermally moronic. I don't know who is designing them or why they are doing it, but brand new houses that don't have appropriate eaves, that are built of Besser brick structures that heat up when the sun hits the walls. They're painted the wrong colour, so that they absorb the heat. I really cannot fathom how these mistakes are being made by the Northern Territory Department of Housing in their design. There is no design.

The design of the houses is getting worse with time, not better. I've recently been doing some work with some Wurrumiyanga friends of mine in Tennant Creek around housing, and housing that's being built now is sometimes the most unpopular houses in town and people would prefer to live in tin sheds than the things that are coming out now.

What are people telling you in Tennant Creek why they don't want to live in the new houses?---Firstly, there's no landscaping around the houses and when you have a house and you run out of power all the time in really hot weather, you have to take your bed outside. And if there's no trees, then you can't take the bed outside until it's dark, then the architecture of the house is, I believe from what I've seen of the internal cavities of houses, becoming more oppressive and more prison-like. So, a Besser brick wall that is not rendered, it's just painted, looks like the prison walls that I saw at Long Bay gaol. The grates over the windows look like prison windows. The minimalist stainless-steel benches look like they're prison issue. The bathrooms look like prison bathrooms. They are definitely not homes.

Going back to what Purple House does, when it designs its architecture in the community, there's consultation with community. Have you, staying with Tennant Creek by way of example, given your relationship with Wurrumiyanga Elders, is there any consultation with the community, that you're aware of, before the new houses are being built?---So, I'm working on a project at the moment where we are trying to build some houses with consultation and I've been told by Wurrumiyanga people, it's the first time they've ever been asked.

One of the other issues that you refer to is essential services like power and the importance of power in a household to health. Some of those might sound obvious, but fridges. Are there some medicines that need to be stored in fridges?---Yeah, so with western medicine, we just presume that everyone has safe storage of medicine. That's because Australia is defined by its southern cities. And so doctors don't even know which medicines are temperature-vulnerable. So, for instances, sodium valproate, which is an antiepileptic, is very temperature sensitive. It still looks like the same pill if it's been exposed to heat or not. You don't know that it's now completely inactive. There's lots of medications that are temperature sensitive and up here in the Northern Territory where people don't have safe storage, I presume that a lot of it cooks.

And you have made a point about the power issues for Territory communities. You've been working with a research team connected with the Australian National University. Is that right?---Yes, correct.

And the research team has discovered that Indigenous communities in the Northern Territory are thought to be the most energy-insecure in the world and that is exacerbated by the hot weather?---Yes, that's right, yep.

And that will be further exacerbated by climate change. Is that right?---And even more exacerbated by the terrible design of these houses. If your house is poorly designed and you have an eastern or western facing wall that isn't adequately

shaded from the hot 47-degree sun, that wall could heat up to over 60 degrees Celsius and radiate heat into the building all night, requiring the owners to – or the tenants to have their air conditioner switched on all night long. The power bills of some of these houses are astronomical and it's just to keep them thermally safe inside.

And your observations of houses like Yuendumu and Lajamanu, how is power paid for?---It's paid for in power cards and there's a new way that Power and Water has implemented that called, "Smart Metres".

And can you tell us how they work?---Yeah, even that's an outrage. So, the old power metres, you could buy these little magnetic strip cards. They were traded with in the community. They'd been implemented in the 1980s and everybody was very used to them and you could trade these power cards. And then there was implementation of Smart Metres which made it easier for the utility to administer their service and you now have to take your individual card with a barcode on it down to the shop in town that sells it. So, for instance, in Tennant Creek, there's only one shop, that's the BP at the northern end of town. And you have to show them your card. They scan your barcode. I believe now that you can also tell them which house that you're in and then – but you do need to physically go down there to buy it and if you don't have a car, that's a \$20 taxi, just before you put any power in your metre.

And do you need a credit card to - - -?---So, they do have two other – they did have two other options that I'm aware of. One was to purchase it on the internet and one by phone. Both of them required credit cards and they didn't offer a Basics Card payment for it.

So, in terms of what you've seen in communities like Yuendumu and Lajamanu, do houses regularly get their power cut off for periods of time?---Very regularly.

So, I just want to bring – much of this is set out in your statement, Dr Quilty and I need to give other people an opportunity to ask some questions, but in terms of a young person like Kumanjaya growing up in the community, we understand that he had hearing difficulties, which then impacted on his work in school. And that's clear from the material available in the brief of evidence. What does overcrowding – what's the causal link between that and hearing problems potentially?---So, I'm not a paediatrician, but in my time in Utopia, it was very clear lots of kids had chronic otitis media that was often suppurative meaning pus coming out of their ears that damaged their ability to hear and that's because of the overcrowding and the lack of ability to have showers, just as we heard earlier this morning, there's long lines for the showers. And it's also impossible to stay clean when there's so many people in a single house.

Which then can affect children's ability to go to school and then affect their outcomes in life for the rest of their life?---That's right.

So, another issue affecting Kumanjaya with no disrespect to his family, is that sadly,

he witnesses some significant domestic violence perpetrated by adults when he was a young person. In – given your observations of community over many years, is that more difficult for young people in overcrowded houses?---The tension that the overcrowded houses causes is unimaginable. I can't imagine that anybody could live in a house that's so overcrowded with such a huge degree of uncertainty. Often with hunger tapping at the door all the time, for adults and children. It's no wonder that they're – that they're tense places. And also having spent eight years in Katherine, where it is a very hot climate, knowing even within my family how – how titchy you can get, how much naughtier your children can seem when it's a 45 degree day compared to a 35 degree day. So yeah, of course these overcrowded houses are, I think that they're – the genesis for violence is easy to see when the desperation is so severe.

In your role as a physician in the Territory, or a resident doctor before that, have you – have you provided services to adults and young people who are suspected of having PhaseD?---I have provided care, but not in relation to PhaseD.

But you've provided other care to those people?---Correct, yeah.

Have you had an experience of providing care then to adults and young people who you perceived to have poor impulse control?---Yes, correct.

And that that – and have you – do you think, as a physician that – or do you understand that that might be related to PhaseD?---Yes, yeah.

And if you're an adult, trying to control those sorts of behaviours, given your understanding of it, I take it that's going to be much more difficult in overcrowded housing as well?---Absolutely, yep, So I've first hand, even smaller children, just trying to keep the door shut when the air conditioning was on when there's 12 kids in the house is almost impossible. I've heard parents complain about that.

Last question then, again, going back to Kumanjayi specifically. You just referred to an issue about hunger. Often with hunger knocking on the door. And we've heard evidence of break-ins to houses and to the store, which then generate action by police, and become of concern to clinic staff. Do – have you had an appreciation that sometimes break-ins in community are related to hunger?---Definitely, even in Katherine, my wife ran a café, and it was broken into regularly, often just for food.

Do you have an understanding then, being a long term resident of the NT, why is there hunger still in some communities?---Food is very expensive. At least twice, in Kintore at least, so in Kintore, where the average adult income is \$166 a week, the food is triple the price. And people just don't have enough money. And so they – there's not even the possibility of going hunting, because you can't fill your car up, even if you're lucky enough to have a licence or – or a shooters licence. So the ability to go hunting is very hard. So what people do instead is that they buy things that don't require refrigeration and can store and are cheap. So that is flour and sugar, and powdered milk.

And then has long term very serious health implications for people?---If you're only eating that every day, then – then – then you're ramping up the chances that you'll get diabetes.

Finally, Dr Quilty, I note your work in with Warramunga(?) Elders in Tennant Creek, and the hope that you will be able to generate funds so that a property can be built, and that's a proof of concept in effect, that can be rolled out, is that right?---Correct, that's right.

And at the moment, you're devoting significant periods of time to that, balancing that with your other clinical skills. Why is it that you feel so – why do you feel the need to devote so much of your time to that, as a physician?---So as a physician in the Northern Territory, I'm very well paid, and I feel complicit in a – in a big lie about where the gap lays. It's absolutely obvious we don't need any more research. It is the problem of displaced people on their own land who have no home.

Thank you, your Honour, those are my questions.

THE CORONER: Were you able to assist your neighbour in Utopia?---That is my old neighbour. We – I promised him I'd build him a house, and we will get there.

Mr McMahan.

XXN BY MR MCMAHON:

MR MCMAHON: I'm a bit discombobulated Doctor, because I normally go last, instead of first. Just in. I'm not interested in blame. But I'm going to talk to you about failure – policy and failure of delivering policy. And yesterday afternoon, after I read your statement, I went back and looked at the press release for the intervention, which was 2007 from the relevant minister of 21 June 2007, which identified some of the objectives of the intervention. One of them was to improve housing – improving housing and reforming community living arrangements in prescribed communities, which would include Yuendumu. Including the introduction of market based trends and normal tenancy arrangements. So trying to put some context into what you've been talking about, that's 2007. So 15 years ago. And you've been in the Northern Territory before that time, and during that whole period. Would you say that in your time in the Northern Territory, that we have seen improved housing with reformed community living arrangements?---Three weekends ago I was up in Tennant Creek - - -

Sorry, can you just say that - - - ?---Three weekends ago I was in Tennant Creek, and there's three tin houses out the back of Village Camp. And in 2007, as a result of the intervention, they shut the water off, and there was not nearly enough houses. And so there's now about 15 hoses connected end to end, that run over the hottest ground in Tennant Creek, to supply these three houses with a single hose outlet, as a result. And that is what the intervention did. Intervention did nothing. It has gone backwards in the last – in the last 15 years.

And these are of course your own personal observations over that whole period of time. One of the other - - -

THE CORONER: Can I just ask about that. Why was the water cut off? Because the houses were inadequate?---There's lots of examples. There's examples in Katherine as well, of houses that are deemed to be condemned. But there's an acknowledgement that there's way too many people on the housing list, and so they don't get knocked down. And that is a fortunate thing that they don't get knocked down, particularly in towns like Katherine, because it will displace another 40 or 50 people who will have to face the wet season with no roof over their head. And so what they did in Tennant Creek is they disconnected the taps, because the houses were condemned in a presumed move to try and move the people on. And the community has found a resolution. And even worse, the new houses that they're building are less popular than the tin houses with no water, for some community members.

MR MCMAHON: So just that last point you made. You were saying that the new – can you just make that last point, I didn't quite hear everything said about it. The new houses that are being built?---We were given a tour of some houses in Tennant Creek, and the new houses were, for most people, appeared to be the most unpopular house to live in.

Yes?---Less popular than the tin houses.

So - - -

THE CORONER: How much are these new houses, do you know?---In Ngukurr, they're \$950,000 each.

MR MCMAHON: I'm going to ask you some questions about some issues that have already been raised, but I didn't introduce myself in terms of my client, who is Purumpurru Committee, Yuendumu. And our focus is, in this inquest, is looking at preventing the kinds of crime, or incident, the shooting, that led to this inquest in the first place. And so although the questions might be wide ranging, the focus is something which is not spelt out in your statement, but it's the linkage between particularly youth crime, and the sorts of things that you've been talking about. So just if I can put that in your mind as you answer some of these questions. Because through your statement you talk about essentially the dreadful health outcomes associated with the issues that you're identifying. And we will be submitting to her Honour, that there's another set, which of course you're not expected to take in your medical statement. But there's another step which is co-existent with those dreadful health outcomes, because of the things you've identified, there is another reality, which is common to poverty. That is, the increased likelihood of young people who do get into trouble immediately being confronted with police and all of the outcomes that follow after that. So that is the sort of underlying basis for some of our questions, but just to try to piece a few things together, are you familiar with the problem - I think you were sitting in court for at least some of Mr Bruno Wilson's evidence, (inaudible) with the problem of the quality of water, in particular the

uranium content in water in the area around Yuendumu?---I wasn't aware that uranium was a problem. I'm not - I don't know for sure, but I wasn't aware.

Is that a problem that you have come across in other - - -

THE CORONER: There are water studies. Are you aware of those, Mr McMahon?

MR MCMAHON: Yes.

THE CORONER: And do you think they show uranium in Yuendumu. I know that they do in some communities but I thought the issue for the water in Yuendumu was - and Dr Quilty will correct me because I won't get the term right, but it's to do with solids in the water?---The hardness of the water. So my understanding of most bore waters - and it's really problematic for housing is that there's - it's hard water if you drink the water out of the tap in Alice Springs it has a particular flavour. When it's not properly processed it means that all of the plumbing and the evaporative air conditioners that are used, block up very quickly, within a year and - but I don't believe - although I am not an expert, however I would know because we wouldn't be able to provide dialysis if there was too much uranium in the water, but I don't believe that Yuendumu is affected. The water - water - - -

But there's definitely issues identified in the material that I've read in relation to the quality of the water but for different substances. That's just my reading. I am not widely read on that issue.

MR MCMAHON: Well, I am certainly not as widely read as I would like to be on that issue but one of the reasons I asked you the question is because within the material that you have provided today and - - -

THE CORONER: Can I - I am just going to interrupt you, I am really sorry. So we had one night in Yuendumu in a government provided housing. It seemed to me that there was a dishwasher there, the dishwasher was unworkable and it was full of what looked like white solidy substances which I am assuming comes out of the water and also all the bathrooms and everything else had that similar appearance? ---Yes, correct, and that happens in many remote communities. You can stop that happening by putting a water softener on before the house, and all of the houses' plumbing will fail pretty quickly in those kind of environments and have to be replaced.

Right, so there is a solution?---Yes, there is a solution.

Which is some sort of - - -?---A water softener.

And where do you put that?---Before the house.

Before the house?---Mm mm.

And we've just obviously also heard about all these air conditioners that are being installed in Yuendumu and if there are not water softeners on those houses how long a lifespan are those air conditioners likely to have?---The Northern Territory - it's interesting that they're putting compressive air conditioners until last year the policy was not to put compressive air conditioners but the evaporative - well it said "mechanic" - the policy states "mechanical air conditioners" so all houses that I know of are built with what we call "swampies" down here, or evaporative air conditions and what happens is the water goes through panels and the air gets sucked through it and as a result it cools the air down, so it's a much more cost effective way of doing it and the problem if you don't have water softeners is that they block up and fail within a year or two in a town where the water quality is poor.

Is that what you fear in relation to the air conditioners that are being installed in Yuendumu at the moment?---My concerns with the air conditions that are being installed in Yuendumu is that - not that they will fail but that they will increase the amount of energy that is required by the household to run them, so they use two or three times as much electricity as a swampie does.

Right, but they won't have that water issue?---They won't have a water issue.

Right, so it's the same poverty issue whether or not people can afford to run the air conditioners?---So they will have less time of running their air conditioner than the traditional swampie but the problem with the swampies is that they stop working when it gets humid and you get - definitely get humid days in Yuendumu, particularly when there is monsoonal whether further to the north and your swampie won't have any effect on cooling the house.

MR MCMAHON: Just still on that same point, I have been given some figure about how much people need to spend on electricity a day, the figures are almost so extraordinary I hesitate to use them. Have you got any idea what sort of cost it is living in the houses that you've described as the "worst kind of houses in terms of structure and the way they heat OP's? Have you got any idea what sort of electricity costs a household like that would be basically - if they had the money (inaudible)?---So if you have a poorly designed and constructed house you can spend over 25 bucks a day on power.

Over 25 a day?---Yes, over 25 a day.

I am just going to convert one of my questions to a hypothetical. I have certainly got instructions about the uranium water but I also hear what your Honour has said about the water.

THE CORONER: Don't take it from me. It's just - - -

MR MCMAHON: No, it may be that the situation is not as clear as it looked to be for me, but hypothetically for a moment, if that was an issue - are you aware of any studies between the link of water with undesirable amounts of uranium in it and diseases such as renal failure?---This is a controversial area at the moment and the

fact that the water coming out of your bore has high uranium levels is very problematic but even more problematic is when people stop drinking the bore water which has low levels of uranium that may be above the standards and possibly are still safe. The alternative is going to the shops to buy water or to buy Coca Cola and if Coca Cola and water costs the same price then that sugar is way worse.

So if you can afford not to drink the tap water than the problem again associated with poverty, it's choosing Coke over pure water?---Well, there's even more problems that, so at the moment in Kiwirrkurra there is a problem with fluoride in the water out there and they are trucking out bottled water and there's huge volumes of plastic waste as a result. So that's for free for the people in Kiwirrkurra but I think what – I think what you're alluding to is the anxiety and the distrust that a lot of Aboriginal people face in the utilities - the service providers in their communities and that is a very real thing that I think needs to be acknowledged and addressed just as in western medicine, I don't really feel that you can ever start a relationship with remote living first nations person without acknowledging that they have every right to distrust you.

You spoke about injustices a few moments ago when Dr Dwyer was asking you some questions and I suppose the way you were framing it is that it's a profound injustice that you observed in numerous places that when you arrive in that community what you see is a number of houses which might be described as "nice, comfortable houses with a full range of services and utilities" placed alongside the houses of Aboriginal people, to many which are shockingly below acceptable standards? ---Correct, yes.

And so you end up with a - perhaps just - the injustices where people are living on land which they own traditionally, which perhaps because of the five year lease program which came in with the intervention or some other reason, in this case in Yuendumu, the land is then - although it is owned by a trust with Aboriginal people, the houses which are put on the land are owned by the government and - in brackets (we know that many of the houses are absurdly poorly designed and built). And then the people living in these houses are paying rent back to the government to live in the houses on their own land and to magnify an injustice with throwing water, which for whatever reason is of a very low standard, of a very poor quality and may in fact generate illness. And on top of that, we throw in the unreliability with regard to supply of electricity due to poverty in a climate where both water and electricity should be regarded as essential, secure human rights. That about sum it up?---Yeah, that sums it up.

Are you able to explain why there doesn't seem to be much solar energy, certainly in Yuendumu. And I don't know enough about other communities. But are you able to give any insight into that?---There's – so we live here at the southern edge of the best solar return per square metre of land anywhere in the world except for parts of Africa, which are equivalent to us. And a lot of – lot of non-Indigenous people, including myself, have benefited from that. And there is only one Indigenous public housing house in the Northern Territory, as far as I'm aware, that has solar panels on it, and that's my friend and collaborator, Norman Frank Jupurrurla in Tennant Creek.

And when you look at most of the houses in Alice Springs, as you fly into land, you see that many have solar panels on it, and every single one of those houses would have had a government subsidy, and none of the government subsidies have extended to remote Indigenous houses. When you do go to remote communities where there's solar farms, the problem with the solar farms is that they are saving Power and Water the diesel to generate that electricity, but the costs of power is still 24 cents per kilowatt hour to the – to the people whose land it's on, even though they would argue that it's their sunlight that's hitting the panels. And so there is a major risk at the moment that the rollout of renewables will, if it's done by big solar farms will benefit Power and Water and eventually the Northern Territory Government financially, and the households will not benefit unless it's put on their rooftops.

So like some of the other things you've described, the injustice flying from what you characterised is something which can be sold by good policy and good decision-making. And that goes to that complex answer that you just gave, with good policy and decision-making and implementation, there could be solar energy across the entire community of Yuendumu?---Yes, correct.

Which would then provide ease of access to, for instance, hot water and a secure electricity supply, correct?---Correct.

Which would then solve, to a significant extent, issues to do with failed configuration and the security of medicines which require permanent temperature control?---There are challenges but there's no ambition, it appears, within the Northern Territory to this.

It is the, perhaps the most striking thing, coming to the Northern Territory, as I am as an outsider, is the acceptance of the status quo of what you describe. And if one is to be challenged on saying, "Well, there's an acceptance of it," your comments about housing over 15 years would validate that observation. That's certainly more than enough time to fix many of the problems you've identified, or at least just seriously attack and work towards fixing those problems, isn't it?---Mm mm.

And you've been her longer than 15 years; more like 20?---On and off, yeah, for most of the last 20 years.

MS MORREAU(?): For the record, I just note that the witness was nodding throughout that question. I don't think there was a verbal response affirmatively.

MR MCMAHON: Yes, feel free to verbally - - -?---Apologise.

But I thank my learned friend for that. The point she's making is we need your answers on the transcript?---Okay.

You were agreeing to the propositions that I was putting to you?---Yes, I was.

And to zero-in on perhaps on the question of prevented future deaths, which is not such a long gap from what you've been talking about, where you have this

wide-spread, enduring and deep failure in policy, catastrophic failure in policy and in delivery, it's simply much harder to live a healthy life. That's obvious, isn't it?---I'd call it impossible.

Impossible. And if it's impossible to live a healthy life in the conditions which you've detailed, it's much harder to raise healthy children?---I would say impossible.

And in the same circumstances, it's much harder to pass on good education, especially in terms of Aboriginal culture?---The culture will continue to be passed on, but I think it – any kind of illness impairs your ability to perform wholly as a human being, yes, I would agree.

Well, part of the environment of passing on culture is the pleasure of learning culture for the children and the excitement and joy of learning from people they respect. Do you agree with that?---Yes.

And in an environment where people are suffering from a combination of matters such as heat stress, poverty, food poverty, fuel poverty, those combinations, together with things you've identified in your statement, such as prevalence of preventable disease, serious preventable disease; all of that combines to make it very hard to educate children in culture, doesn't it?---Yeah, it makes it harder.

The next step, which we're particularly interested in – and you may not be qualified or feel qualified to answer this, is that in that environment, it's unsurprising that there's a prevalence of young people who might be heat stressed and/or hungry and/or suffering from preventable disease, moving around at night and getting into trouble with the law?---I accept that.

Especially if part of that equation is in fact food poverty; people are hungry, young people are hungry?---Yep.

And as you already have identified in your statement, the average income in Yuendumu was, I think \$254 a week or thereabouts?---Yes.

And when you take out the obligation to pay rent to live on your land and you take to the need to pay for electricity, the amount of money left in a household is a small amount. You agree with that?---Yes.

With that small amount, you then have to feed whoever's living in the house?---Yep.

And so it's unsurprising, once you line up all those factors, which you've done in your statement, it's unsurprising that there is in fact a significant issue of hunger amongst people living in such poor conditions?---Yep.

There's no reflection on the richness and poverty of care and love of culture and family that Yuendumu have. But on top of that, they also have to live with these harsh poverty (inaudible) realities?---It's very oppressive.

And so one of the issues we've been talking about in this court in your absence is what sort of education young probationary constables should receive when they go into the police academy as a fresh-faced new member of the police force, hoping to graduate in six months' time as probationary constables. And so it'd be important – this is a question, would it be important, do you think, that such a young police officer, who when they picture themselves down the track going out to perhaps deal with a problem or even arrest a young person, they realise that, although they're leaving an air-conditioned house and an air conditioned police station, with a stomach full of food, the person they're going to speak to has a really chance of having, for instance, hearing difficulties, based on illnesses arising from poverty, and perhaps being hungry, and if it's in the hot months, suffering from the serious physiological effects of living in a heat box. Do you think that would be useful for young police to be trained in, to understand the implications of all that?---Speaking personally, from my own experience, it's hard to believe the extent of the poverty. Even when you've lived in it for 10 years, it's taken me 20 years I think, to really start to understand the extent of what you're talking about. And absolutely, I think it's missing across just about every single professional domain in the Northern Territory, to some extent.

In your observation as an usually well-educated and well-travelled person, and usually, intimately connected with the Aboriginal community by your work, together with your personal interest, your observation is that there's significant deficit in understanding across the professions in the depth of poverty and conditions that people are facing living in remote communities?---Yes I think in Australia, it's not just the – a lack of recognition of the lack of poverty, but also the realistic – sorry the – the real lived experience of racism that a lot of people – Aboriginal people experience because of their colour of the skin. I think it's hard to come from places like Sydney and believe that it's true. And it takes you a few times to witness it to start to recognise it. And I think there's a lot of denial about racism within this space as well. So it's not just the poverty, it's also the racism that comes with it, as an explanation to simply what it is that you're observing.

Can I ask were you in court when Mr Wilson spoke this morning about the idea of constantly being frightened of being pulled over, and in fact being pulled over?---Yes I was. And I was reflecting that I have never been pulled over by the police in the Northern Territory.

Now I'm sure it's uncontroversial to say that Mr Wilson was also particularly articulate and thoughtful and well-educated Warlpiri man. And that's the reality that he faces. What do you – are you able to enlighten us what you as a medical professional, listening to him talk about that, what your responses – what you thought of that?---I acknowledge that his journey through life is much harder because of that subtle racism that he faces every single day. It would happen if he walked into Woolworths, and I walked into Woolworths. He said that it happens to him every day, and I appreciate this, because we have a young Aboriginal girl living with us. And I see it between my daughter and – and Leila.

The differences of their two lived realities?---Walking through the shops.

Finally, in terms of again, focussing on Yuendumu, and looking at the future, and our position, as I'm sure you appreciate, is to be putting to her Honour that there's a mosaic of factors here which need to be understood in order to make appropriate recommendations to the minute, the sorts of situations where we saw back on 9 November 2019, and the shooting. Would you say, and I'd invite you to expand this list, in terms of addressing these kinds of problems, firstly, it seems obvious that we're talking about a will to address problems over decades. Not weeks or months, or before 30 June expenditure (inaudible)?---Correct.

Secondly, that there needs to be an interrelated policy response, in the sense of both Territory and Federal Government, and departments within those governments?--- Yes I agree.

Which requires both imagination and courage of course?---And acknowledgement of the truth.

And acknowledgement of the truth. And you would agree too, it seems abundantly clear, you would agree that part of this way of thinking, must involve a radically reimagined and realistic delivery of control to local communities?---Absolutely, yep.

Together with governments that are prepared not just to hear, as we heard today, but also to listen, profoundly and deeply. You would agree with that?---Yes I'd agree with that.

Thanks very much?---Thank you.

THE CORONER: Ms Morreau.

MS MORREAU: Thank you, your Honour.

XXN BY MS MORREAU:

MS MORREAU: My name is Paula Morreau, and I appear for the Brown family of Kumanjaji Walker. I only have one question for you. You spoke about the new builds that were occurring in Tennant Creek, and the lack of popularity associated with those buildings. Are you at all familiar with the surmountable buildings, which seem to be pre-fabricated under the new roll out of housing, that – or demountable buildings, excuse me. And have you had any experience or observations in relation to those kinds of buildings that are presently being rolled out in Yuendumu as we hear?---I believe that they're probably made locally here in Alice Springs. I haven't had much experience with them, no.

Okay. In terms of suitable housing, you've spoken quite eloquently about energy requirements, environmental requirements, and there's also equally cultural requirements for suitable housing. Do you have any observation about some of the factors that you've observed in your experience, that may feed into what might be appropriate – culturally appropriate architecture of housing in remote communities in

the desert region?---Yes, so Dr Paul Memmott has done a lot of work in this space. And there is a lot of work in this town, but there – there just needs to be more action. There's lots of really beautiful and playful and exciting ways to engage in how to build a more culturally appropriate house. And there's lots of subtleties that I presume are – play out in different ways across all first nations of Australia, in terms of what it is that's important. But what is fundamentally lacking is – is any kind of engagement, or agency, in the way that future residents of the house, shape that house. Or an acknowledgement that a lot of these people are only one or two generations, or themselves, first contact people from colonisation and – and what it is to even live in a house. As western people, we take it for granted, because we are many, many generations of living in houses. And for many of the people that – that I work with, it's not even one generation old.

Thank you doctor.

Thank you, your Honour.

XXN BY MR DERRIG:

MR DERRIG: Good afternoon, my name's Matthew Derrig, I'm from NAAJA. It's Aboriginal (inaudible) Northern Territory. I just want to speak to you firstly about community-controlled health organisations. In your statement, you've provided that quote, "Ensuring community has leverage over culturally safe provision of care, is a fundamental imperative." Could you provide the Coroner with further detail of why this leverage is so important, imperative?---Because if – if the – the community needs to have some agency in the way that it's – it's health care is provided. And the only true way to ensure that, is to have a board, that can control the CEO, and absolutely correct any oversights. And it's a really complex space. The concepts of western medicine and traditional healing practises are not mutually incompatible at all. However, if a western clinic is placed on the ground, and operated in a western way with – with no credence to local values, then it can actually end up being antagonistic. And certainly, as you might have read in my statement, the history of the provision of health care to Aboriginal people is brutal. I know people that have been brutalised by western health care, even in the last 10 years that I've worked up here. And the only way to overcome that is to ensure that the - the institution that provides health care is from the community.

Do you think that would also develop trust in those clinics if you have that (inaudible)?---I've seen – I've seen that to be the case.

And do you think that that might mean that people might come to the clinic more frequently?---I have no doubt.

Earlier?---I have no doubt.

And allow for better compliance of better medication?---Possibly, yeah.

You've said in your statement, again quote, "It's my absolute conviction that community control's fundamental to ensure continued provision of culturally safe and safe health care." Which is (inaudible) described just a moment ago. So it flows from these – would you agree that it flows from these two statements that culturally safe provision of care is fundamental, and to be able to best achieve this, community control of the service is necessary?---Yes I would agree.

Okay. Now, if there were – you've worked in both mainstream services and Aboriginal control services, would it be fair to say that some of the benefits of Aboriginal control services might mean that the management has better understanding of their clientele?---Yes.

And that they're in a better position to provide culturally safe services?---Yes.

And you've also mentioned that you've noticed people being traumatised and brutalised by the health care system. Is that less likely to occur in Aboriginal controlled services?---Less likely, yes.

Now, you mentioned in your statement as well, talking about Lajamanu, you say, "In Lajamanu, a community that was forced Warlpiri people living in Yuendumu in the late 1940's to relocate to Hooker Creek which is on Guringji ancestral land, the clinic's initial commencement was based on health care from another era." That's what you said in your statement. Just to clarify, when Warlpiri people were forced to relocate to Hooker Creek, that's the side of Lajamanu, isn't it?---Correct, yes.

And could you expand on how the establishment of the clinic in these circumstances means that the health care at the initial commencement was from another era. Could you expand on that?---It's – my grandmother lived in a house where it was normal to have a baby and to die in the house, and so that was one generation back from me. And so, western health care has changed culturally very dramatically, even in the last 10 years, and I'd argue, even in the last two years. COVID had a massive impact on the whole of society. And so, 100 years ago, prisons were built on top of the hills, because it was thought that that would blow through them and make them more morally pure and part of their immorality was sought to be tuberculosis and so there was this, 100 years ago, we were less scientific and more spiritual. And so, sometime in the last 100 years and now, remote clinics across the Northern Territory spread out and that started between 1940s and right up to more recently. And so, particularly in the 1960's when there was a much more paternalistic approach to individual health care, particularly for Aboriginal people, but for the whole of society, the clinics were actually build to treat diseases that western people believe that Aboriginal people had against their will.

And in your statement, you do go onto trace the history of the development of clinics and the associated problems. So, you mention how the western mindset of morality intertwined health disease – health and disease with morality. Is that right?---That's correct, yes.

And that, at that stage, being sick equated to being dirty?---Yes.

And in that, you also note how treatment has been enforced on Aboriginal people in the past?---Yes.

As opposed to consent. And then you mentioned the Leprosarium that was built in Darwin harbour which was a form of involuntarily treatment in detention. To your knowledge, was that solely for Aboriginal people?---I have always presumed so, but I can't confirm that absolutely. In fact, I do remember that non-Indigenous people were allowed to leave, but I don't know if there were actually any non-Indigenous people on that island.

Okay. You also mention persons being taken to Lajamanu by cattle prod up until the 1980s. So, that's something obviously still in living memory of people in Lajamanu. Is that correct?---Yes, that's correct.

Yes. And you also mentioned a current issue being doctors threatening patients with incarceration if they did not comply with tuberculosis treatment?---I've seen that in the last five years.

Was that directed at Aboriginal people?---Yes.

Was it ever directed at non-Indigenous people?---No.

Now, do you agree with this, that what is at the heart of your evidence is that there's been this history of this western mindset of health leading to some pretty shocking treatment of Aboriginal people?---Yes.

And this was carried out through health and governmental institutions?---Yes.

Okay. So, would it be fair to say that there's been a significant and overt history of institutional racism in amongst health services?---That's correct, one that's been improving year by year, but yes, absolutely.

Okay. And am I to take it from your evidence that given that these things have happened in living memory and in the consciousness of Aboriginal people, it's important to recognise this history, counterbalance it, in order to improve health outcomes?---Yes, that's what I try and teach my junior staff.

Okay. Would you agree that the best way to do this is through an Aboriginal controlled health and reporting station?---Yes, I would.

Okay. Now, you mentioned in your statement a little bit about the local Aboriginal staff. So, you say, "In a highly functioning clinic, the single most important factor of positive health care service relationship with the community is clinical and executive leadership and stability of local Indigenous employees through and set maintained culture." Could you expand on how local Indigenous employees set and maintain that culture?---There's very, very high turnover of staff in remote – of non-Indigenous staff in remote clinics and I would acknowledge the incredibly challenging jobs that

they do, indeed, the six months that I spent in Utopia were definitely some of the most formative, but also definitely the most challenging work I've ever done. And that's why people turnover. They are culturally alone often and so that, if you have a - I would say that every single remote community has a very high turnover. Some have less than others. And some people have - some clinicians keep coming back to that same community for years and years. The only constancy is the one that's right there and it's the people that we're serving, and they're often not represented in the clinics.

Okay. And so, would it be fair to say that it's important that those local Aboriginal staff are involved in sort of strategic frameworks and decision-making about the clinic?---Yes, absolutely.

Okay. Now, how do you think - how can you make sure that local Aboriginal staff are fully supported to provide such a contribution?---The institution has to make sure in their government structures.

Are there any decisions that you think local Aboriginal staff members should be excluded from?---None.

Now, the increase cultural competency of the Katherine Hospital while you were working there has been subject to some praise in the media. And one thing that's been reported on was the increased use of interpreters in that hospital. Does that accord with your memory?---No, there was no increase in interpreters despite my request.

Okay. Interpreters generally, how vital are they in providing health services, Aboriginal health services?---So, I guess this comes back to why I started learning Warlpiri, Warlpiri people have - hold onto very strong language. In the Katherine region, a lot of people speak Creole, which is quite interpretable and easy for me to hear. And so, that's why I started learning Warlpiri. When you come down here to Central Australia, the linguistic challenges are much greater. There's the same - there's probably less language groups than in Katherine, but there's a lot more people that have very limited English skills and without an interpreter, it would be - it is indeed impossible to provide any kind of explanation as to what you think the disease process is and what the treatment options are. And absolutely, you can't get consent.

Okay. And so, this might have already answered some of this next question, what are some of the negative consequences of not having adequate access to interpreters?---People will have very negative experiences with the health care system. You know, it's just as if you were in Japan and you didn't have much health literacy and a Japanese doctor did some things to you and you were left completely unaware. You wouldn't want to go through that experience again, particularly when our view, our western view of what disease is, is very different from First Nation's view. And so often, western system treats diseases that Aboriginal people have a very different idea of and don't agree with it, and until you've got that concordance of ideas, then you really shouldn't proceed. And so without somebody understanding

what you're doing, you can create a lot of harm. And that harm can spread further by then going home and explaining to their family their very negative experience of western health care. And I think, for instance, the COVID – the recent COVID outbreak was a very good example of this. For instance, for Pitinjara (?) people, the idea of a curse is that a shard of timber thrown into their skin and piercing their skin. And so vaccination had implications that were also cultural. And so without long explanations where there's no resentment of the non-Indigenous health care provider to the Indigenous persons lack of initial trust, you can't do it without assaulting people.

Okay. In your experience, is it fair to say that the best practise when someone needs or asks for an interpreter, is to seek the assistance of the AIS trained interpreter service?---Yes it is.

Compared to say someone who might rely on a family member who doesn't have that same level of training?---Preferably, yes.

And given that's the best practise, what would you advise a patient who would say that they would like a family member to interpret, rather than say the interpreter service?---In – in this jurisdiction, I've had one lady who was the last speaker of the Marra language. There was no – there's no alternative. So very small groups of people that speak language, I'd accept that. I let the patient make all of the decisions.

What about in say the situation in say the Yolngu, where the interpreters are a little bit more available, and so that issue of limitations isn't so much an issue. What would you normally say to someone who was saying I'd rather my family member did this?---I would still – even if it was – even though I would do what the patient requested of me, I try to explain why the idea of – privacy's important. But privacy is a western concept. If a Yolngu person told me they'd prefer their family member to interpret for them, then I would accept that.

Would it be fair to say, just – for my own clarification, you might advise the benefits of the areas first, but then if they still say I'd rather my family member, then you just - - ?---Absolutely, yep.

- - - fair play. All right, so just going to health and housing for a moment. You've stated in your statement that overcrowded houses leads to spread of infectious diseases, such as COVID, Tuberculosis, skin diseases that lead to Rheumatic Heart Fever, kidney diseases, scabies, things like that. It's fair to say, isn't it, that these kinds of conditions are far too remote in the Northern Territory communities?---Far too – far too common.

Sorry, prevalent, sorry?---Extraordinarily so. It's one of the great challenges of working up here is that the emotional burden of seeing so many young people with such preventable disease, every single day.

Would it be fair to say, that the attempts of remote clinics to treat these kinds of diseases, only goes so far, unless there is a reduction or so in the overcrowding of houses?---Absolutely.

And so essentially, health care services and houses services are complementary in that respect?---Yes, yeah.

And without – would you say that without having an increase in the stock of houses, this must – this work must feel reasonably futile when you're trying to treat these kinds of diseases?---It feels completely futile.

That's all my questions, thank you very much?---Thank you.

THE CORONER: Yes, Dr Freckelton.

XXN BY DR FRECKELTON:

MR FRECKELTON: One question, thank you very much for your evidence today, doctor. At some stage convenient to you, would you be prepared to come to the Police Training College and speak to the providers of training and senior police about some of the issues you've raised with the court today?---If I could bring an Aboriginal friend with me, yes, absolutely.

Yes?---Mm mm.

Thank you.

MR MCMAHON: No questions for this witness, your Honour.

THE CORONER: Thank you.

DR DWYER: Nothing arising, thank you, your Honour.

MR MCMAHON: No that's all right. Your Honour I just have one point of clarification, just for future reference. I'll come back with some better evidence, either written or whatever, but I understand that not at all times, but at some times, the uranium content is above the prescribed healthy level for Yuendumu.

THE CORONER: But, and also of course, part of the issue, as has been explained, is the lack of trust, and no doubt, lack of understanding of what the implications are for health, in relation to those readings.

MR MCMAHON: Absolutely, Dr Quilty, I put one question to him about that, which was about the renal – possible in between renal failings that is controversial, obviously it's something (inaudible).

THE CORONER: It is, yes.

MR MCMAHON: The 2021 report, which has just been sent to me, shows a fluctuation of readings. Some of which are above the safe requirement.

THE CORONER: Thank you.

Dr Quilty, I know that you have done a lot of work in addition to your normal work, to provide a detailed statement, access to your publications, and your time in attending this inquest. We are very grateful for the evidence that you've provided. It is completely different. A completely new perspective, but obviously an incredibly important insight in relation to the issues that we are dealing with in this inquest. And we appreciate your time and contribution?---As the court pleases, thank you very much.

WITNESS WITHDREW

THE CORONER: We can adjourn until 9.30 tomorrow.

ADJOURNED