

**Acknowledgement of country and reflections of Judge Elisabeth Armitage,
Acting Territory Coroner, at the start of the inquest into the death of
Kumanjayi Walker**

5 September 2022

Alice Springs

I begin this inquest by respectfully acknowledging the Arrernte people the traditional custodians of Mparntwe, Alice Springs and the surrounding regions, the land on which we sit today. I also acknowledge the Warlpiri people, the traditional owners of Yuendumu, Kumanjayi Walker's home, his country and his culture, and the place where he passed away. I pay my respects to all the Arrernte and Warlpiri elders, past, present and emerging and to all Aboriginal people sitting in court today or who are following these proceedings from other locations.

At the start of this inquest I ask myself this question - Do I know the story of Kumanjayi Walker and Constable Zachary Rolfe? Do you?

I expect that many will have followed media reporting of the trial of Constable Rolfe and of his acquittal. Some may have listened to podcasts about the events and the trial, or watched interviews with Constable Rolfe and his family. Many will have seen Constable Rolfe's and other police officer's body worn video and will recall the images and sounds of shots being fired.

Some might recall that a few days earlier two other police also attempted to arrest Kumanjayi. Their body worn video shows Kumanjayi threatening them with an axe. Both officers backed away, and Kumanjayi escaped.

You might wonder whether there is anything more to say.

During this inquest I am inviting everyone to look a little deeper, and listen a little longer, because I think there is more to learn from, and more we need to try and understand about, this story.

On the day Kumanjaya passed away, there was a funeral for a family member in Yuendumu. After the funeral, when the sun was setting, some family members gathered at the front of their houses which were very close to each other. Perhaps they were grieving, vulnerable and thinking and talking about the funeral or about the man that passed away. In those circumstances, I wonder how it looked and felt when police arrived?

What did it sound and feel like for Kumanjaya's family when they heard those three gun shots? We haven't seen body worn video from the family and of course we never will because it doesn't exist. But just as it is of great significance to watch that police video, isn't it also important to hear from the family sitting outside, to hear their perspective? Who knows, they might have something very important to say. Maybe there is something we can learn.

After he was shot Kumanjaya was dragged past his family and taken to the police station. The police and Kumanjaya were locked inside and the family and wider community members were locked outside. Perhaps you recall seeing some body worn video and CCTV from inside the police station? Maybe you recall seeing Constable Rolfe and other police trying to assist Kumanjaya? But what about the people outside? We don't have the benefit of body worn video or CCTV from their perspective. But we do know that they were all prevented from being with Kumanjaya as he passed away.

During the pandemic, many of us experienced a family member passing away in circumstances where we were unable to be with them during their last days and hours. While we largely accepted that there were good reasons for family

members to be excluded, we nonetheless listened to stories from some of those affected families. Through those stories we tried to understand the additional pain and suffering those families experienced because of their exclusion. With greater knowledge and understanding, we considered and debated the strengths and weaknesses, the costs and benefits, of the safety measures that were adopted. We also empathised. As a nation we allowed ourselves to feel their loss.

While I appreciate the circumstances are very different, in order to understand this story, I must seek to understand why the police station doors were locked, and equally, I should also hear from the persons who were locked outside the police station that night and try and understand these events from their perspective. Maybe there is something important that this inquest can learn from them.

What does policing look like in Yuendumu? Are there examples of policing where the risk of this kind of confrontation can be minimised or even avoided altogether? Perhaps the community, or local police, or expert witnesses can help us understand what that might look like and how that might work?

We know from the trial verdict that Constable Rolfe was not guilty of any crime when he fired his Glock pistol. We also know that a few days earlier, when two police officers were threatened with an axe, those officers backed away, they did not use any force at all, and no one got hurt. On any given day in the Northern Territory police officers find themselves in situations where they might be, and indeed are, confronted and threatened by an armed person or persons. In each case the officer on the ground has to decide, perhaps in a split second, how to respond. In each case there is likely to be a range of possible responses, de-escalation, no or minimal force, and potentially up to and including lethal

force. Out of a wide range of possible choices how is an officer to make the best and most appropriate choice? What are the Northern Territory Police guidelines on risk and use of force? What is the training? Are the guidelines and training adequate and sufficient to ensure police are equipped to make good choices in high risk situations? Should they be improved to prevent similar deaths in the future? If so, what should they be?

Today I sit in court with eminent senior and junior counsel and their instructing solicitors who are here from around the country and who are representing the various parties affected by this death or who have a sufficient interest in these proceedings. The many counsel provide their expertise to ensure that I examine all the relevant matters concerning this death and consider and weigh all the different views and perspectives before I make findings, comments or recommendations. I thank them in advance for what I anticipate to be their vital contributions to the functions I must fulfil. I thank my counsel assisting team, Dr Peggy Dwyer, Mr Patrick Coleridge and Ms Maria Walz for extensively engaging with the parties, the family, the community and the investigating police to ensure all the relevant evidence is gathered and presented during this inquest, and for the hard work that they will continue to do. I thank the Aboriginal Interpreting Service for their expertise and assistance in making this an inclusive process. I acknowledge the cooperation received from the Northern Territory Police Force, the Department of Health, the Community Justice Centre, other government and non-government services, and Aboriginal organisations, who have all worked and are still working to provide significant information to this inquest.

To the family and community of Kumanjaya Walker, I again express my sincere condolences for your loss. Your willingness to share your stories and

understandings with Counsel Assisting and with this inquest is gracious and courageous. I thank you for your important contribution.

I have a lot to learn from all the witnesses who will be called in this inquest and I will listen carefully to what each has to say.

I now invite informal statements from the elders and community of Kumanjaya Walker.

Mr Ned Jampijinpa Hargraves

Mr Robin Granites

Ms Samara Fernandez-Brown

I now invite appearances and any expressions of condolence from the parties.