

ORDER:

The name and anything else that might identify the child of the deceased must not be published. The following names must not be published: “Damien Kellett”, “Marcus Hays”, “Mr Rackkus” or “Mr Rakus”, Marcus Hays, “Veronica”, “Andrea Hudson”, “Bradshaw”, “Dean Jones”.

CITATION: *Inquest into the death of Shane Tapp* [2024] NTLC 1

TITLE OF COURT: Coroners Court

JURISDICTION: Katherine

FILE NO(s): D0062/2021

DELIVERED ON: 2 February 2024

DELIVERED AT: Darwin

HEARING DATE(s): 17 – 20 October 2023

FINDING OF: Judge Elisabeth Armitage

CATCHWORDS: **Unknown cause of death; open finding; deceased involved in illegal drug trade; decomposing body found on island in Katherine River.**

REPRESENTATION:

Counsel Assisting: Mr Michael McCarthy

Judgment category classification:	B
Judgement ID number:	[2024] NTLC 1
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IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0062/2021

In the matter of an Inquest into the death of

SHANE TAPP

BETWEEN: 3 April and 8 April 2021

AT: KATHERINE, NT

FINDINGS

Judge Elisabeth Armitage

Introduction

The Deceased

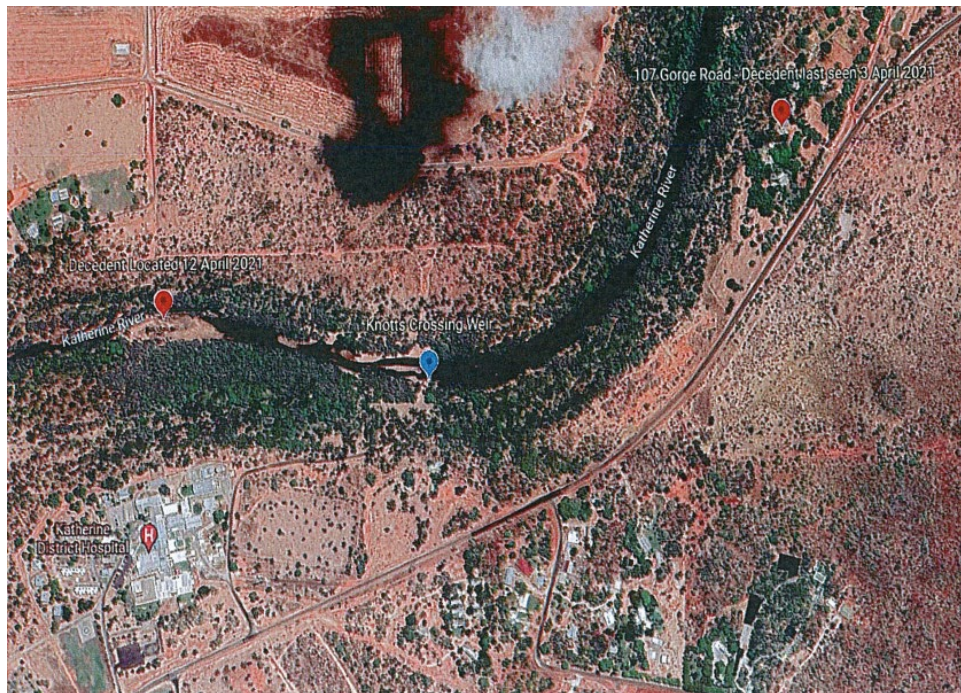
1. Shane Tapp (Mr Tapp) was born on 7 June 1977 in Melbourne to Shing Tapp and Dennis Farrell, a family of prominent pastoralists in the Katherine and Big Rivers districts. For the first years of Mr Tapp's life he lived in the homestead at the Killarney Cattle Station with his parents, and members of the extended family.
2. He went to school in Katherine, and for a time, boarded in rural Queensland. Mr Tapp's cousins reported that at school he was very loyal and often stood up for family members when they were being bullied. Mr Tapp was good at football and talked to his grandmother, June Tapp, of training to become a chef and his interest in martial arts.

3. Mr Tapp's first involvements with the criminal justice system occurred in 1991 when he was 14 years old. He came to police attention for offending including unlawful entry, stealing and minor drug offences.
4. When he was 16 he moved into a share house in Katherine with a number of friends. Sadly, Mr Tapp used, and became addicted to, illegal drugs. He initially kept this from his family but when he was older admitted that he regularly used methamphetamine since he was about 20 years old. Mr Tapp also admitted to dealing drugs and reported that from this he "*earnt a significant income*".
5. When Mr Tapp was 23 he entered a relationship, and he and his partner had a daughter, although he never enjoyed a significant role in his daughter's life.
6. The seriousness of Mr Tapp's offending escalated as he grew older. To illustrate, in his 20s and 30s he was convicted of offences such as threatening a person with a firearm, domestic violence, assaulting police, and for serious drug offences. He spent periods of time in prison for this offending.
7. There were also times when he attempted to rid himself of his drug addiction. In 2014, 2016 and 2019, Mr Tapp attended Strong Bala. In 2019 it was reported that he was a very enthusiastic participant, was very open with the group and was supportive of other attendees. However, these periods of engagement with rehabilitation services and supports were often short-lived, and he remained addicted to methamphetamine throughout his life.
8. Mr Tapp met Stacey Coull in 2019. They entered a relationship shortly thereafter and in April 2020 Ms Coull fell pregnant. Although their relationship was negatively impacted by both drug abuse and domestic violence, there were periods of affection between them, and in her oral evidence Ms Coull spoke warmly of Mr Tapp's relationship with her children from previous relationships.
9. On 11 February 2021 Ms Coull gave birth to their son. Due to mental health issues, drugs and domestic violence, Ms Coull and Mr Tapp were not able to care

for the newborn. Territory Families became involved and the newborn was placed into the care of Ms Coull's mother, Kathy Roberts.

10. After this intervention, Mr Tapp and Ms Coull attempted to get their lives back on track so that their son could be returned to their care. They engaged with Territory Families, Catholic Care and Wurli. Mr Tapp bought Ms Coull a car, and on 9 March 2021 they rented a donga (donga) on a larger property on Gorge Road (Gorge Road Property) for their family to live in. In spite of these efforts the relationship continued to be marred by both drug abuse and domestic violence until the time of Mr Tapp's death.

The Scene



11. Their donga was at 107 Gorge Road (see red marker in the top right-hand corner of the photo above). On the evening of 3 April 2021, the evidence indicates that Mr Tapp was present at the donga. The evidence suggests that it is likely that later that night, Mr Tapp made his way down the hill and through the bushland between his house and the edge of the Katherine River, and that he entered the Katherine River at that location. It is likely that Mr Tapp was taken from that location by the flow of the river, down past Knotts Crossing (see blue marker), to

where his body was located by a fisherman on 12 April 2021 (see red marker at the bottom left of the photo above).

Circumstances Surrounding the Death

Mr Tapp's Drug Trade

12. It was clear from the evidence at the inquest that Mr Tapp was a not insignificant figure in the context of the Katherine criminal drug trade.
13. DSC Gregory provided insight concerning the general landscape of the Katherine drug industry which he had gained through his experience in the drug squad. DSC Gregory noted it was likely that there were a small number of key figures who dealt drugs in Katherine and that the culture of the trade was secretive and difficult for non-participants to interrogate.¹
14. DSC Gregory reviewed Mr Tapp's telephone records and observed that the high volume of short duration calls suggested that, in the period leading up to his death, Mr Tapp was in possession of a quantity of drugs which he was diligently selling into the Katherine market.² DSC Gregory also noted Mr Tapp's history of residing in hotels and explained that it was not unusual for those in the illegal drug industry to move between hotels while selling their stock in order to elude police.³
15. The inquest was given a rare insight into the workings of the Katherine drug trade through the frank admissions of a number of witnesses who were connected to Mr Tapp's illegal enterprise. Some of this evidence pointed to the risks faced by participants in the illegal drug trade, which might provide context concerning how Mr Tapp came to harm.
16. Adam Vanstone gave evidence that he was Mr Tapp's "*silent partner*" in the sale of Ice and Cannabis. Mr Vanstone gave evidence that his role was to receive large quantities of drugs from wholesalers and pass them on to Mr Tapp for

¹ Transcript p.80. Also, Transcript p 189 – per the testimony of Charles Ashmore Delacour.

² Transcript p.75.

³ Transcript p.69.

distribution. Mr Vanstone said that Mr Tapp was encountering problems involving ‘standover’ by customers or clients that were unwilling to pay for his products.⁴ Mr Vanstone said that he continued the trade after Mr Tapp’s death. He explained that he liaised with the wholesale suppliers and undertook to receive drugs from them and sold them on consignment in order to effectively ‘close the books’ of the joint criminal enterprise.⁵

17. Shane Duturbure (or ‘Butterbean’, as he was commonly known) gave evidence that he was Mr Tapp’s ‘right hand man’ in the distribution of drugs. He provided a drug pick-up and delivery service and received cash payments.⁶ Jonas Doctor also admitted to providing assistance for payment⁷ through his connection to Butterbean.⁸
18. Some of Mr Tapp’s customers gave evidence in the inquest.
19. Callan Collins said that he purchased Ice from Mr Tapp.⁹ He said that the market was somewhat flexible, explaining “*in the Ice world, it’s not as structured as people would like to think... any Joe Blow down the road can have a point or a gram... and be a drug dealer for a day or an hour or whatever*”.¹⁰ He recalled meeting Mr Tapp in the days before he disappeared to purchase “*a couple of grams, you know, maybe a couple of grand worth of gear*”.¹¹ He said he paid cash for the drugs because “*Tappy’s not the sort of bloke that you don’t pay... I made sure I had the coin on me*”.¹² He admitted knowing Charles Ashmore Delacour, Anthony Chong and a “Radney Ragget”[sic] through their shared involvement in the Katherine illegal drug scene.¹³

⁴ Transcript p 123.

⁵ Transcript p 123-124.

⁶ Transcript p 202.

⁷ Transcript p 116.

⁸ Transcript p 102.

⁹ Transcript p 177. See also 181.

¹⁰ Transcript p 178.

¹¹ Transcript p 182.

¹² Transcript p 182.

¹³ Transcript p 179.

20. Charles Ashmore Delacour admitted to purchasing drugs off Mr Tapp. He testified that on the morning of 3 April 2021, he settled a \$5,000 debt to Mr Tapp in cash in a meeting at the donga. He said that they consumed some drugs together not far from there,¹⁴ and that Mr Tapp in effect ‘advanced’ him drugs on the understanding that he would pay for it in the future.¹⁵ He admitted an acquaintance with Callan Collins, Anthony Chong and Marcus Raggett.¹⁶
21. Anthony Chong testified that he purchased drugs through Ms Coull (his sister-in-law) from Mr Tapp.¹⁷ He also gave evidence that he had acted in mediating a dispute between Callan Collins and Charles Ashmore Delacour in the period after Mr Tapp’s death as to who would now be permitted to sell drugs in the lacuna left by Mr Tapp.¹⁸ This dispute about ‘drug turf’ and the privilege of selling drugs in the Katherine area was, to his mind, a possible factor in Mr Tapp’s death.¹⁹

Mr Tapp’s Family Circumstances

22. As noted above, Ms Coull and Mr Tapp had been in a relationship since 2019. In 2019 both Ms Coull and Mr Tapp were living a precarious existence, moving between a number of different hotels in Katherine and her mother’s address in East Katherine.
23. In her written statement, and in her oral evidence, Ms Coull recounted the fractious and at times violent elements of their relationship. She also gave evidence of her own paranoia and psychosis that developed during and immediately after the birth of their child in February 2021.
24. There was significant evidence in the form of records from the Northern Territory Police and Territory Families as to the domestic violence which

¹⁴ Transcript p 185-186. This is supported by the fact that approximately \$5,000 was located in Mr Tapp’s pocket at the time his body was recovered.

¹⁵ Transcript p 187.

¹⁶ Transcript p 191.

¹⁷ Transcript p 197.

¹⁸ Transcript p 195-196.

¹⁹ Transcript p 197.

afflicted their time together. The evidence established that there were at least five incidents in which police were notified about domestic disturbances or violence between them.

25. On 6 September 2020 police received a report of a domestic disturbance at Mr Tapp's mother's home in Rundle St, Katherine. On arrival, police were told by Mr Tapp and Ms Coull that the pair had a verbal argument and that "*everything was fine now*". The attending police offered to take Ms Coull to an alternative location, however, she declined their offer and stated everything was okay and that she had access to her car and could leave if she wanted. Ultimately, the police determined that no further action was required.²⁰
26. On 4 December 2020 Ms Coull called the police and reported a domestic disturbance between her and Mr Tapp at Knotts Crossing Resort. The police notes record, "*Coull is currently 7 months pregnant to the alleged offender... Coull said that due to her pregnancy, her emotions are crazy at the moment. On the day of this incident, COULL stated that she and TAPP had a misunderstanding which turned into an argument. COULL got worked up which is why she was out of breath and in her words, got a bit 'catty' and when she called police communications, deliberately exaggerated what happened by saying TAPP had assaulted her. COULL stated there have been no further incidents involving her and TAPP and that they are working things out*".²¹
27. On 24 December 2020 police received a call from the Manager at the Beagle Motel who had witnessed Mr Tapp assaulting Ms Coull. Police notes record, "*On arrival members spoke with the complainant... who stated that he observed [Mr Tapp] pushing [Ms Coull] over the bed. Members spoken with [Ms Coull] who stated that she had an argument with [Mr Tapp] and they engaged in some pushing and shovel [sic], however she did not obtain any injuries or being hit by [Mr Tapp]. [Ms Coull] refused to provide a statement of complaint against [Mr Tapp], however she was encouraged by members to contact Police at any time*

²⁰ PROMIS 941430.

²¹ PROMIS 9500121.

*she wished to provide further information against [Mr Tapp]. PROMIS number provided to [Ms Coull] from members. Members explained DVO options under s 28 to [Ms Coull] but she refused”.*²²

28. On 19 March 2021 police received a report of a domestic disturbance between Mr Tapp and Ms Coull at the Gorge Road Property. Police notes record, “*On arrival to 107 Tapp was the only person present at the location, he states that he and his partner had a verbal argument. He has then told her to leave the location. Members... spoke with COULL about the incident and she stated they had a verbal argument over the phone while she was on her way home with her friends as she had a night out. He has told her not to come home. On arrival to the house they have had a verbal argument face to face, the child remained in the car”.*²³
29. On 28 March 2021 police receive a report of a domestic disturbance between Mr Tapp and Ms Coull at Hunt Street, Katherine. Police notes record, “*at 1140 [Mr Tapp] and [Ms Coull] were observed by a neighbour to be having an argument standing at a car outside house 6 Hunt Court Katherine. The witness observed [Ms Coull] holding [their child] in her arms when [Mr Tapp] took 3 strikes at her with his left hand with a closed fist while trying to grab at her with his right hand. The witness has told [Mr Tapp] to stop and they have yelled at each other before the witness went inside his property to call police. [Mr Tapp] left the location prior to police arrival ... [Ms Coull] appeared under the influence of drugs, her behaviour and thought process was erratic and difficult to understand at times”.*²⁴
30. Following this incident, Ms Coull was taken to the hospital and Territory Families were notified. Mr Tapp was arrested and charged with aggravated assault and a Domestic Violence Order was served on him under the provisions of s 41 of the *Domestic and Family Violence Act*. On 29 March 2021 he was

²² PROMIS 9518533.

²³ PROMIS 9592109.

²⁴ PROMIS 9600491.

granted bail by the Local Court, on conditions that he return to court on 29 April 2021 and that he reside at the donga on the Gorge Road Property and adhere to a curfew to remain at that address between 2000 and 0600hrs daily.

31. In parallel with various police call-outs, the relationship was coming to the attention of Territory Families. Territory Families received their first notification with respect to the family on 24 December 2020 in the context of the domestic violence incident described above.²⁵ Shortly after the birth of their child, staff at the hospital became suspicious that Mr Tapp and/or Ms Coull were continuing to use drugs while in the hospital.²⁶ Because of these concerns, Territory Families maintained contact with Ms Coull throughout February and March 2021. The issues experienced by the family escalated and the child was moved into the care of Ms Coull's mother.
32. Although Mr Tapp was causing harm to his immediate family it seems that to some extent he was also suffering. On 30 March 2021 Mr Tapp attended the offices of Territory Families to discuss the removal of their child. During the meeting, Territory Families staff observed that Mr Tapp "*appeared exhausted*" and at times "*broke into tears*".²⁷
33. On 1 April 2021 Mr Tapp, Ms Coull and Ms Roberts attended a family meeting at the offices of Territory Families. The child protection worker explained that their key concerns related to domestic violence and drug abuse. Ms Roberts recalled that at this meeting both Ms Coull and Mr Tapp agreed to attend rehabilitation. The records note that Ms Coull "*advised that their living arrangements have stabilised now*" and that the family optimistically discussed their plan for the Easter long weekend, namely, that Ms Roberts, Ms Coull and Mr Tapp intended to stay at the Gorge Road Property together, to allow Ms Coull

²⁵ TFHC records p.269.

²⁶ TFHC records p.250 - 251.

²⁷ TFHC records p.217.

and Mr Tapp “to spend time with baby but have a safety person present” and to “allow [Ms Roberts] to help [Ms Coull] set the house up”.²⁸

34. The account of Mr Tapp’s interactions with his friends shortly before his disappearance seemingly confirmed his optimistic attitude. Mr Tapp visited Mr Vanstone on 1 April 2021 at the Paraway Hotel, shortly after the family meeting facilitated by Territory Families. In evidence, Mr Vanstone recalled their interactions and said that Mr Tapp had bought some “new stuff” for the house including a TV, a stereo system and a lounge and was “really happy for a change”, was “absolutely bubbly”, had “been off the drugs for a couple of weeks” and “was absolutely looking forward to the non-stress of everything which he had been through”.²⁹
35. Similarly, Graham Cowan, a childhood friend of Mr Tapp, gave evidence of having seen Mr Tapp and Ms Coull together at a community market on the morning of 3 April 2021, the last day he was seen alive. In response to questions about how he appeared Mr Cowan recounted that, “he actually looked pretty good actually, yeah. He wasn’t – didn’t look like he was on drugs”.³⁰ Mr Tapp told Mr Cowan that he was intending to visit “for a yarn” but did not say why he wanted to talk with him.³¹ Mr Cowan was at the markets with his partner, Kara Burgoyne
36. While Ms Coull did not recall seeing Mr Cowan, she recalled their trip to the markets and said that Mr Tapp “seemed like he was in a good mood, like – because he was buying me things. He was getting himself some stuff. Picked up a couple of little items for the baby. So, it was kind of just, yeah, one of those good moods”.³² She recalled that they drove to the markets in their Mitsubishi Magna.³³

²⁸ TFHC records p 213.

²⁹ Transcript, p 126.

³⁰ Transcript, p 134.

³¹ Transcript, p.134.

³² Transcript, p 17.

³³ Transcript, p 21.

The period immediately preceding Mr Tapp's death

37. It is against this backdrop of circumstances that the inquest investigated how the badly decomposed body of Mr Tapp came to be found in the Katherine River some 2 weeks later.
38. The police charged with investigating the death believed that he died by misadventure, having fallen into the Katherine River from the river bank some time on the evening of 3 April 2021.
39. From the documentary evidence which I have received in the course of this inquest, and in particular from the comprehensive statement and correspondence of Ms June Tapp, it became clear that the family and some members of the wider community held doubts about this hypothesis.

The 3rd of April 2021

The morning

40. On the night of 2 April 2021, Ms Coull stayed at her mother's house and Mr Tapp remained at the donga. In the hours before dawn on 3 April 2021, Butterbean called Mr Tapp on 20 occasions which, according to Butterbean, resulted in Mr Tapp making a cash sale of drugs to Butterbean.³⁴
41. As discussed earlier in these findings:
 - In the morning, Ms Coull drove to the Gorge Road Property to pick up Mr Tapp so that they could go to the Katherine markets.
 - Charles Ashmore Delacour attended the Gorge Road Property, settled the \$5,000 debt to Mr Tapp, and consumed drugs with Mr Tapp.³⁵ Charles Ashmore Delacour said that Ms Coull was present at the donga while this occurred.

³⁴ Ibid.

³⁵ Transcript p 185-186. This is supported by the fact that approximately \$5,000 was located in Mr Tapp's pocket at the time his body was recovered.

- Later, Ms Coull and Mr Tapp went to the Katherine markets and Mr Tapp ran into Mr Cowan.

42. At about 12:30pm, Mr Tapp visited the shop “Rod, Rifle and Tackleworld” and purchased, among other things, a machete, a headlamp, a camouflage balaclava and t-shirt, pictured below.





43. Ms Coull gave evidence that these items were purchased for the purposes of undertaking gardening at the Gorge Road Property. The police appear to have accepted this account, though were unable to explain why Mr Tapp may have been gardening by the river in the middle of the night.³⁶

³⁶ Transcript, p.249.

The afternoon

44. After lunch, Mr Tapp and Ms Coull returned to Ms Roberts' house. While there, they argued. Both Ms Coull and Ms Roberts' accounts of the argument gave the impression that the argument was the result of Ms Coull's state of mind at the time, rather than due to any act or omission by Mr Tapp.³⁷
45. Following this argument, Mr Tapp and Ms Coull left Ms Roberts' house in the Magna and drove toward the Gorge Road Property. Ms Coull recalled that they argued in the car and Mr Tapp drove her back to her mother's house, parked the car and left it with Ms Coull, before going next door to arrange a lift back to the donga with Ms Coull's neighbour.³⁸
46. The evidence suggests that Mr Tapp spent the afternoon at the donga. He was seen by the owner of the property who noticed that there were a number of cars quickly coming and going which made the owner suspect that Mr Tapp was dealing drugs.
47. Mr Tapp was next seen by Ms Coull and her mother later that afternoon when they drove out to the donga.³⁹ By this time, Mr Tapp and Ms Coull had both cooled down and in her statement, Ms Coull recalled the interaction as follows, *"We sat on the verandah and spoke about getting things back on track and getting baby back. This was a calm conversation. He looked fresh like he just got cleaned up, but was sweating and when he was talking he kept looking past me"*.⁴⁰
48. In response to questions in oral evidence, Ms Coull said that when she arrived at the donga *"he actually came out because he seen a different car [pull up at the*

³⁷ Statement of Kathy Roberts [9]-[17]; Statement of Stacey Coull [49]-[53]; Transcript p 20 and 43.

³⁸ Transcript p 22-23; 43-44.

³⁹ There is some conflict regarding attendance at this meeting – on Ms Coull's account, she drove herself out to the Donga from her mother's house after borrowing one of her relative's cars (Transcript, p 23). Her statement to police is somewhat ambiguous and conflicts with the assertion made in her evidence that she drove herself to the Donga (Statement of Stacey Coull [49]-[53]) whereas Kathy Roberts was consistent across her evidence that she drove her daughter out to the Donga and witnessed the détente between Ms Coull and Mr Tapp on the verandah.

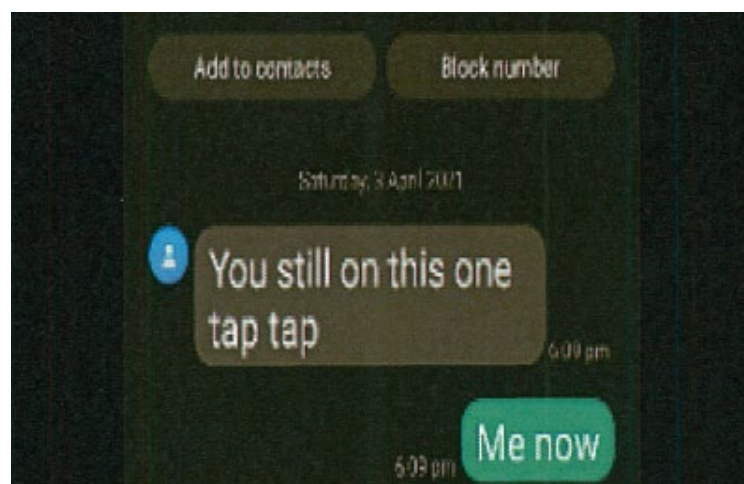
⁴⁰ Statement of Stacey Coull, [52].

donga] but then he realised that it was me, in my sister's car, so he came out... and me and him sat on the verandah and just tried to have a civil conversation".⁴¹ Ms Coull re-iterated "he was high or paranoid. Looking around. That's what that meant was that he wasn't focused and that's why I left, because he just seemed like he wasn't serious".⁴²

49. Ms Roberts gave evidence that from the driver's seat she witnessed Mr Tapp and Ms Coull conversing on the verandah of the donga. She said that on the drive home Ms Coull "*seemed happy, so I didn't want to question her more about it. I knew she was all right with the conversation they had*".⁴³ Ms Coull did not recall her mother driving her to the donga but I prefer the evidence of Ms Roberts, as it was not disputed that Ms Coull was still suffering to some extent from psychosis at the time.

The evening

50. Shortly after that visit, the evidence of Mr Cowan and his partner, Ms Burgoyne, suggests that Mr Tapp sought to meet with Mr Cowan. At 1800hrs Mr Tapp texted Mr Cowan seemingly to confirm Mr Cowan's mobile phone number. The screenshot extracted below captures the relevant exchange (Mr Tapp's messages are on the left).

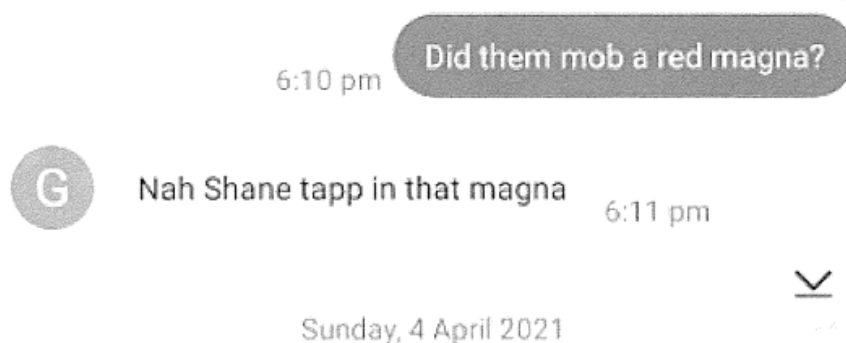


⁴¹ Transcript, p 25.

⁴² Transcript, p 26.

⁴³ Transcript, p 49.

51. In her statement Ms Burgoyne said that shortly after this exchange Mr Tapp drove past Mr Cowan’s residence in the Magna.⁴⁴ The timing of this brief alleged visit by Mr Tapp is indicated by a text message sent by Ms Burgoyne to Mr Cowan at 1810hrs that evening captured in the below screenshot (Ms Burgoyne’s messages is on the left).



52. Mr Cowan confirmed the interaction in his oral evidence. He said that Ms Burgoyne was able to identify Mr Tapp because she had seen him earlier that morning at the markets. He added that Ms Burgoyne had told him that when the Magna drove off from outside his house it “*bumped the guard*”, suggesting Mr Tapp may have left in a hurry.⁴⁵
53. This evidence is contradicted by Ms Coull because she said that Mr Tapp did not have access to the Magna which he had left at her mother’s house.⁴⁶ Additionally, Ms Coull confirmed that when she left Mr Tapp at the donga he was effectively stranded there “*on a curfew, with no car... it couldn’t have been Shane in that orange car because it was at my Mum’s and he was at the block with no car*”.⁴⁷

⁴⁴ Statement of Kara Burgoyne, p 9-11.

⁴⁵ Transcript, p 137.

⁴⁶ Transcript, p 19.

* the photographs of the scene show another car, a grey Nissan Tiida in the carport of the Donga, however by Ms Coull’s own account that car was inoperable at the relevant time: ‘*well, the silver car wasn’t able to move at that time ‘cause I had got angry and put a lot of like little wishy balls in the motor, so I couldn’t drive it*’ (transcript, p 34).

⁴⁷ Transcript, p 27-28.

54. On the evidence before the inquest this inconsistency does not appear to be significant and may be explained by a case of mistaken identity by Ms Burgoyne, or a failure of memory by Ms Coull, who was impacted by psychosis during this period.

The night

55. In the course of evidence from witnesses there were seemingly three versions of events that night.

56. The first of these relate to the attendance at the donga by the witnesses Butterbean and Jonas Doctor. The second is, to put it loosely, an allegation of a conspiracy in which at least four persons participated in killing Mr Tapp with a 'hot shot' (injections of a high dose of drugs or poison). The third is from the landlord who was staying in a caravan next to the donga, as to there being no visitors or disturbances that night.

57. Butterbean and Mr Doctor both provided statements to police. These statements were made the day Mr Tapp's body was found. They also both attended the hearings in Katherine and were questioned by Counsel Assisting regarding their statements. In their oral evidence, Mr Doctor and Butterbean went further than their police statements in explaining their relationship with Mr Tapp and their involvement in his criminal enterprise. However, this was a common and explicable⁴⁸ aspect of the evidence of witnesses in this inquest. In my view, their credibility as witnesses does not suffer as a consequence of their earlier reticence.

58. The narrative thrust of their story commences with Butterbean's description of his and Mr Tapp's friendship. It seems that the two were close and they saw each other more or less every day. Butterbean admitted that he was also a customer and purchased drugs from Mr Tapp. Telephone records revealed that Butterbean

⁴⁸ Given the availability of s38 *Coroners Act 1903* certificates and the passage of time.

had called Mr Tapp 37 times in the days prior to 3 April which Butterbean explained was because he “*was hanging out for drugs*”.⁴⁹

59. Butterbean was adamant that on the evening of 3 April 2021 Mr Tapp called him and they had a conversation over the phone for about 30 seconds. Butterbean said Mr Tapp sounded “*distressed, crying... he was just crying to a brother, pick me up, I need your help... something was wrong with my brother... he rang me crying and in trouble*”.⁵⁰ Butterbean decided he needed to go to Mr Tapp’s aid. As he did not have a car, Butterbean said that he contacted Mr Doctor and requested that he pick him up so that the two of them could attend Gorge Road together.
60. The phone records fix a telephone call between Butterbean and Mr Tapp at 1922hrs that evening, though the records demonstrate that it was Butterbean that called Mr Tapp and not the other way around.
61. Mr Doctor described how he picked up Butterbean, stopped briefly at a service station to get some fuel, and then cruised up and down Gorge Road looking for Mr Tapp before getting directions to the Gorge Road Property courtesy of a three-way phone call involving Ms Coull and Butterbean’s partner. The telephone records suggests that Mr Doctor and Butterbean arrived at the Gorge Road Property between 2100 and 2200hrs.
62. Mr Doctor described the scene when he drove into the driveway. He explained that they parked behind a grey car with a smashed back window and that “*when we got there the house was – the whole front part of it was pretty dark and you have the light inside of the house where the lounge room was*’. Mr Doctor continued ‘*we both got out then, [Butterbean] told me to stand where my driver seat is... he closed the back door of the car because he couldn’t sit behind. He’s too big to sit on the seat behind. So he sat on the opposite side of me and he got out and he just told me to stand there with my headlights on while he go and*

⁴⁹ Transcript p.202.

⁵⁰ Transcript p.204-205.

knock on the door and check if Uncle [Mr Tapp] was all right... just the side part and the front part [of the donga was illuminated] and the other side was just dark. And from where we were the road straight across from it there was a caravan park[ed] ... on the left – on the left. All the – not the view I had from the car while I was – looked at the house, it was dark left and on the side and just at the front. But you can see clearly that the loungeroom light or the back light was on but it was clearly shining straight through the house”.



A photograph from the approximate viewpoint of Mr Doctor and Butterbean as they arrived at the donga



A photo of the grey car described by Mr Doctor, being a Grey Nissan Tiida which was bought by Mr Tapp for Ms Coull’s use, though was unserviceable at the time.

63. Mr Doctor’s story continued, “*and Butterbean walked away from me as I was standing back where my car was parked. He walked away from me. He was straight at the window, banging on the window trying to knock then kept singing*

out, 'Shane'. Went to the front door, kept banging on that and we didn't get no answer. And then I was start getting a bit concerned ... and where I was standing – and [Butterbean] was keep knocking, I seen a figure came in from the other room because the glass that he has on his front door it's like – I'm just trying to picture. It's like – it blares out the picture behind the glass. And you can see like there's a clear picture moving behind that you can see a person walking in and out of the house... The light was shining up (inaudible) out there some, and it was reflecting back on this part of the window. And a light was in this room. And where I was standing on an angle from the car, it looked like I seen a figure came out from the other room straight up and went to the room on your left at the front”.



A photo showing the front of the donga. Mr Doctor recalled seeing a figure through the opaque glass to the right of the door.

64. Mr Doctor and Butterbean both reported that they returned home without having found Mr Tapp. Butterbean, Ms Coull and Ryan Ashford attempted to call Mr Tapp repeatedly throughout the rest of the night and through until the next

morning. With the exception of the calls discussed immediately below, Mr Tapp did not answer his phone.

65. Between 1:30am and 2:30am, telephone records confirm that Mr Tapp answered 5 calls from Butterbean. On each occasion, the call was disconnected 1 or 2 seconds after it was answered.⁵¹ In evidence, Butterbean was unable to shed any light on what, if anything, he heard during these calls.
66. The accounts of both Butterbean and Mr Doctor were variously contradictory, internally inconsistent, and imprecise. On Butterbean's account, at times he indicated that he was unable to see any persons within the house and at others he recalled seeing figures inside and outside the donga.⁵² Mr Doctor's account similarly varied and when challenged in cross examination, Mr Doctor made what may well be an appropriate concession, namely, that he only "*thought*" he saw people inside.⁵³
67. It is common to both of their accounts that they had contact with Ms Coull by telephone that night for directions to the house. Ms Coull remained with her mother, and Ms Roberts independently confirmed the phone call to Ms Coull that evening.⁵⁴ Additionally, Mr Doctor and Butterbean's accounts include that the light in the donga was on when they arrived. This fact was corroborated by the landlord who was staying in a caravan next to the donga and recalled waking at around 2:00 am to see a light on in the donga.⁵⁵
68. On this evidence, it seems probable that Butterbean and Mr Doctor did in fact attend the donga as described. Given the failure of Mr Tapp to emerge from the donga at this time, one possibility is that Mr Tapp had left the donga when Butterbean and Mr Doctor arrived to seek him out.

⁵¹ Confirmed by Technical and Covert Operations, NT Police.

⁵² Transcript, p 208-209; cf Statement of Shane Duturbure, p 6-7, 26-27, 29-31. Transcript p.210.

⁵³ Transcript, p. 108.

⁵⁴ Transcript, p. 28, 49.

⁵⁵ Transcript, p. 63.

69. A counter-veiling possibility is that there was no visit made by Butterbean and Mr Doctor on the night of 3 April 2021. The testimony of the landlord, who had a dog who was likely to bark in the circumstances of such a visit, and who did not hear anything that night, would seem to support this.⁵⁶ When Counsel Assisting put to Mr Doctor that the landlord's evidence suggested that perhaps he and Butterbean had not attended the donga, he rejected the suggestion, and offered an alternate explanation, stating, "*so they didn't hear us actually banging on the front door, parking my car? ... Far out. What drugs they was on*".

The period following Mr Tapp's disappearance

70. On 4 April 2021, Ms Coull attended the donga. It was locked and Mr Tapp was missing. At or about 10:00 am, Ryan Ashford, Rebecca Blaik and Butterbean arrived at Gorge Road in a taxi to check whether Mr Tapp had come home, which he had not. Ms Coull reported him missing to the police.
71. In the period that followed the police made a number of inquiries in an attempt to locate him: they spoke to his friends and family, they checked in with hotels in Katherine and they confirmed he had not been admitted to hospital.
72. Mr Tapp's body was ultimately found by a fisherman in the Katherine River some 8 days later, on 12 April 2021.
73. Having located Mr Tapp's body, the police appeared to take the death very seriously. The death was declared a 'Major Crime' and Major Crime Squad detectives were sent from Darwin to Katherine to conduct the investigation. In the days that followed, police interviewed and took statements from a significant number of witnesses and commenced the process of gathering other objective evidence, such as the telecommunication records of the deceased.
74. On 14 April 2021 police conducted a line search of the Gorge Road Property. In the course of that line search they located footprints by the edge of the river and a slide mark into the river believed to have been caused by the person who left

⁵⁶ Transcript, p. 60.

the footprints. In the near vicinity of the slide mark, police located a machete, a toiletries bag containing approximately \$20,000, a phone and other items, such as jewellery, a ripped black garbage bag, a velvet bag and a headlamp. It is understood that each of these items belonged to Mr Tapp.

75. Forensic analysis of the machete, headlamp, toiletry bag and garbage bag were undertaken for the inquest. The results, provided on 6 December 2023, were as follows:
- a. **Machete:** The staining on the blade tested negative to a presumptive test for blood. No DNA profiles were recovered from the machete.
 - b. **Headlamp:** A partial mixed DNA profile was recovered. It was noted that Mr Tapp “*could be a contributor*” and that due to uncertainty and complexity, the remaining components have not been interpreted further.
 - c. **Toiletries bag:** Partial mixed DNA profiles were recovered referable to Mr Tapp, an unknown female, and a number of other unknown persons.
 - d. **Garbage bag:** A swab from the outside of the bag recovered a partial mixed DNA profile. It was noted that Mr Tapp “*could be a contributor to the profile*” and that no other links were obtained. A swab was also taken from inside the bag – no scheduled drugs were detected.
76. The camouflaged balaclava purchased by Mr Tapp has not been located. As it was loose fitting, it is possible that Mr Tapp was wearing the balaclava at the time he entered the water and that the movement of the water removed it from his face.
77. Having conducted the initial investigation, police concluded, “*as no overtly suspicious circumstances were identified to suggest the decedent’s death was directly linked to the actions of another person and given the discovery of the decedent’s property on the edge of the Katherine River directly behind his residence it is indicative that the Decedent most likely died from misadventure*”.

78. In the context of this inquest, I received the Institutional Response of the Northern Territory Police prepared by Assistant Commissioner Travis Wurst (**AC Wurst**). AC Wurst provides an overview of the investigation and concludes that in the main, the investigation undertaken by the Northern Territory Police was conducted in accordance with policy and met his expectations. AC Wurst acknowledges a number of shortcomings, including as follows:

- a. Upon location of the body, investigators failed to declare a crime scene that incorporated the house, yard, vehicles and the area down to the river.⁵⁷
- b. Investigators failed to search the vehicle that Mr Tapp had been observed driving on the night he went missing.⁵⁸
- c. Investigators failed to take technical photographs of the footprints by the river.⁵⁹
- d. Investigators and the Forensics Team failed to progress forensic examination of a number of items located by the Katherine River in a timely manner, including the machete, the head torch, the black garbage bag.⁶⁰

79. AC Wurst confirms that the Northern Territory Police have or are progressing a number of reforms to prevent the reoccurrence of these types of issues, including the update of the General Order,⁶¹ increases in supervision of the Katherine Crime Scene Examination Unit,⁶² and the introduction of a new process to ensure timely conduct of forensic examinations.⁶³

⁵⁷ Paragraph [97] of the statement of AC Wurst dated 16 October 2023.

⁵⁸ Paragraph [101] of the statement of AC Wurst dated 16 October 2023.

⁵⁹ Paragraph [103] of the statement of AC Wurst dated 16 October 2023.

⁶⁰ Paragraph [108] to [117] of the statement of AC Wurst dated 16 October 2023.

⁶¹ Paragraph [98] and [124] of the statement of AC Wurst dated 16 October 2023.

⁶² Paragraph [107] of the statement of AC Wurst dated 16 October 2023.

⁶³ Paragraph [116] of the statement of AC Wurst dated 16 October 2023.



Footprints and the headlamp can be seen in this photo. The area in which it was said that Mr Tapp slid into the river can be seen at the top right of the photo above.



The slide and the area in which it was said that Mr Tapp slid into the water can be seen at the top of the photo above.



*The slide and the area in which it was said that Mr Tapp slid into the water can be seen in this photo.
Note the trees and vegetation by the river's edge.*



The machete pictured above was located near the area in which it was said that Mr Tapp slid into the water.



The black plastic bag above had a knot tied in it. The cavity below the knot was ripped open and the contents of the bag had seemingly been removed.



The black toiletries bag above, known to be Mr Tapp's, contained approximately \$20,000 as well as a mobile phone and other of Mr Tapp's personal items.

Down by the River

80. The situation begs the question why Mr Tapp would have left the donga alone, in the darkness with a headtorch, machete and over \$20,000, only to (if we accept the police hypothesis) battle downhill through thick scrub to the bank of the Katherine River, fall in by way of misadventure, not extricate himself, and drown. The picture of Mr Tapp which emerged during the inquest was *not* one

which could, without some considerable imagination, be stretched to have him embarking on such a trek without good reason.



The photo above was taken a fortnight after Mr Tapp's disappearance and shows the condition of the vegetation immediately bordering the Donga.



Similarly, the photo above, taken a fortnight after Mr Tapp's disappearance, shows the condition of the vegetation immediately bordering the Donga.

81. In evidence, Ms Coull made it clear that Mr Tapp was not in the habit of going to the river bank while they lived at the donga.⁶⁴ The landlord gave evidence to the effect that the vegetation would, at the relevant time, have been overgrown and thick.⁶⁵ According to the landlord, venturing down to the stretch of river below their property “*doesn’t make sense*”.⁶⁶ Other witnesses who were personally acquainted with Mr Tapp found the notion of him having gone alone to the river in darkness absurd.⁶⁷
82. I carefully picked my way along the path said to have been taken by Mr Tapp, with the benefit not only of broad daylight but also at the end of the dry season. It seems to me that it is highly improbable that Mr Tapp would have made his way to the edge of the river without good reason.
83. The evidence received by this inquest sheds little light on what that reason may have been. Mr Delacore gave evidence that he and Mr Collins had discussed the potential of there being a stash of drugs on the property.⁶⁸ Mr Vanstone said that Mr Tapp had previously told him that there was a ‘stash’ approximately 44 metres from the house.⁶⁹ There is some support in the physical evidence for the proposition that Mr Tapp may have been by the river with a stash of drugs or money, noting that a large plastic garbage bag was located in the near vicinity to Mr Tapp’s other possessions. The bag was knotted, suggesting the bag had previously contained something, though the bottom of the bag was ripped open, possibly because whatever had been inside the bag had been removed. Forensic analysis of the garbage bag recovered a partial mixed DNA profile, and it was noted that Mr Tapp “*could be a contributor to the profile*”. A swab was also taken from inside the bag and while no scheduled drugs were detected, this

⁶⁴ Transcript, p. 37.

⁶⁵ Transcript, p. 55.

⁶⁶ Transcript, p. 66.

⁶⁷ Adam Vanstone (Transcript, p.128); Daniel Kelly (Transcript, p.174); Callan Collins (Transcript, p.183); Statement of Shing Tapp; Statement of Teigan Sario;

⁶⁸ Transcript, p.192.

⁶⁹ Transcript, p.129.

analysis was not completed until some 2 years after the bag was first located by the Katherine River.

84. The report prepared by the police concludes that the most likely explanation for Mr Tapp's death is that he fell or slipped into the Katherine River, was unable to extricate himself and drowned. The report states, "*whilst foul play cannot conclusively be ruled out there is no evidence to support the involvement of another party*". To their mind, a set of footprints tracking to the river's edge, the presence of Mr Tapp's belongings by the edge of the river, as well as what has been described as a slide mark⁷⁰ strongly indicated that Mr Tapp had entered the water alone, and through misadventure, expired in it.

The evidence of Dr Tiemensma

85. Dr Tiemensma, the Chief Forensic Pathologist in the Northern Territory, gave evidence. While Dr Tiemensma did not undertake the post-mortem examinations, she reviewed the reports and provided comment. The evidence of Dr Tiemensma was that when his body was found, it was in an advanced state of decomposition and that this impeded the physical examination and limited the other types of analysis that could be undertaken.
86. Given the delay in locating the body, there was no blood or other fluids available for analysis and as a result, a section of iliopsoas muscle was submitted for toxicology screening. Dr Tiemensma explained this is not an optimal sample and while it was sufficient to identify some substances present within Mr Tapp's system, it was not possible to make an accurate assessment of the concentrations of those substances. To illustrate, the toxicology results noted methylamphetamine and amphetamine in Mr Tapp's system. This suggests that prior to death Mr Tapp had used, consumed or had injected methamphetamine, but it was not possible to determine the amount of methamphetamine consumed, the time at which it was consumed, or how it was consumed.

⁷⁰ Transcript, pp. 70, 73, 93, 95.

87. The extent of decomposition meant that Dr Tiemensma was not able to comment on the cause of death with any certainty. However, Dr Tiemensma was able to observe that there was no evidence of any injury to the skeletal system, no skull fractures, no fractures of the limbs, no rib fractures and no pelvis fractures. Although the internal organs were in a state of decomposition, Dr Tiemensma noted they were still intact. There were no stab-wound tracks through the body and no definite pressure marks to the neck. Dr Tiemensma noted that while it was possible that there may have been subtle trauma to the skin and the soft tissue that could have been hidden by the state of the body, there were no overt signs of severe traumatic injury to the body.
88. Dr Tiemensma could not determine how long the body was in the water, nor whether Mr Tapp was alive or deceased when he entered the water. From the level of decomposition, Dr Tiemensma opined that Mr Tapp had died at least 3 or 4 days prior to being found.

The Hotshot

89. During the preparation for this inquest police obtained a statement from a long term associate of Mr Tapp's, Mr Daniel Kelly, who, like many in the community, had followed the news of Mr Tapp's death with a close a personal interest.
90. Mr Kelly gave evidence that he met Mr Tapp in the period immediately prior to his disappearance. Counsel Assisting questioned Mr Kelly extensively with respect to his statement to police. Mr Kelly recounted that Mr Tapp attended Mr Kelly's workshop, unannounced. In Mr Kelly's words: *"It was on the Saturday. It's my business. I work every day. But I was there – I was at work on the Saturday. My wife was doing cakes ... on site. We had two businesses going on site at the time. She was in the room. I was, you know, planning things, doing things, as you do when you own truck business, fixing things. Basically, I spotted Shane in the car come in, flat out. It was all the yelling. Shane got out and, as we do, I said, 'Hey, (inaudible)' And he said – with a bowl of cereal and*

with no milk in it and a spoon, said, 'You got any milk?' I go, 'Of course, I do, brother. Sit down, man.'

91. Mr Kelly recalled their conversation which, in substance, seemed to relate to some threat to Mr Tapp. Mr Kelly's own words again: *"I looked over to Shane and I said, 'What's the matter, mate?' I could feel his aura. He was whiter than myself. Very scared, and very sober, which for me is very interesting... I said, 'Is she causing too much grief for you, mate? Is it – you know, are you having trouble with the girl, you know?' ... He then said to me that he was in – he needed a favour. I said, 'What sort of – what do you need, mate?' He said, 'I'm in a lot of trouble, mate. I'm in big – I'm in big.' And I said, 'All right. Well, what – you know, what – let's make phone calls, brother. Let's – what can I do for you, you know?' He said, 'Well, you were there for my first-born'."*
92. Mr Kelly said they discussed the possibility of Mr Kelly taking money on trust for the benefit of Mr Tapp's teenage daughter.⁷¹ According to Mr Kelly: *"He said, 'No. Look, all I want you to do is' – I have this – and he unzipped a black duffel bag that was – it was over his shoulder while I'm sitting here, you know, or here, whatever – sitting, you know, at the front. Like a bum-bag type of thing. Unzipped it. And in there would have been – and I've seen a lot of money before. I would say at least easily to 20 to \$40,000, you know, maybe 50. And then there was also a large amount of amphetamine, as I would take for amphetamine. I've seen a lot of amphetamine, taking a lot of amphetamine in my days. I – yeah, I basically was surprised. And I said, 'What's going on, mate'. He said, 'Like, just in this bag, but I have enough for my children', you know. 'Just give me until this afternoon'. And that was on the Saturday. I said, 'Okay, no problem'. 'Mate', like, 'I don't want you to do this, Butter, what's going on'. I thought he was going to hurt her, Stacey. Because I didn't know – I didn't know the situation"*

⁷¹ Transcript p. 169.

93. It seems that following this conversation Mr Kelly believed that Mr Tapp's life was at risk.
94. According to Mr Kelly, when he later heard that Mr Tapp's body had been found, he was motivated by their friendship to find out how his friend had died. Mr Kelly gave evidence that he took it upon himself to make inquiries and, in a particularly energetic display of civic mindedness, arranged through a mutual friend, Terry Booth, an audience with one 'Ashmore', who Mr Kelly understood may have had some involvement with the death of Mr Tapp.⁷²
95. Mr Kelly described this encounter in his sworn evidence as follows: "*It was in the afternoon, I know that. I rocked up at his unit on Bernhard Street. Boothy and Ashmore, this fellow called Ashmore, was inside. Terry has nodded at me. He went in, shut the door and the flyscreen. And the fellow called Ashmore said, 'Where's – who the fuck are you'. And I said, 'Well, it doesn't matter who I am'. And he said, 'Where's Boothy going'. And I said, 'Stand in front of the fridge, fuckhead'. I'm sorry for the language. He said – and then yelled out, 'Boothy, who the fuck is this wanker, you fucking white cunt'. I said, 'Fuck you'. I've stand him in front of the fridge. I front punched him here, once. I was angry, as an angry person. I said, 'I want to know what happened to my brother boy, Shane Tapp and who killed him'. He said, 'I know nothing about you. I know Shane Tapp'. I hit him once more. He hit his head on the back of the fridge. I – he then looked at me. He said, '(inaudible)' And I said, 'Tell me the fucking story or I will kill you right now. Not only – there won't be no more punches mate, I will stab you dead. I want answers'".*
96. Mr Kelly's evidence was that in response to his request for answers, Ashmore provided him with a story that put 'Callan Collins', 'Marcus Raggett', 'Chongy' as well as this 'Ashmore' (that Mr Kelly testified to beating) squarely in the middle of a conspiracy in which the four men delivered a 'hot shot' to Mr Tapp. Mr Kelly said that Ashmore told him that while Mr Tapp was partially

⁷² Transcript, p. 170.

incapacitated, the four men took him down to the river in a ute. Apparently the plan was to drag him to some place near Knotts Crossing and then leave him. On Mr Kelly's evidence, the Mr Ashmore (whom he had beaten up) admitted that the plan was interrupted when Chongy separated from the rest of the group. When Chongy returned he admitted to the other three men that he had killed Mr Tapp.⁷³

97. This inquest heard evidence from the witnesses who were thought to correspond with the personalities mentioned in Mr Kelly's story.
98. Callan Collins agreed that he knew Marcus Raggett, Mr Ashmore and a Chongy, albeit in the more general setting of their shared drug addictions. He categorically denied ever having participated with them in the murder of Mr Tapp.⁷⁴
99. Similarly, Anthony Chong, who accepted in his evidence that he was one of "*a couple of people... at Katherine and Darwin*" who go by 'Chongy'⁷⁵ conceded to acting as something of an intermediary between Callan Collins and Charles Ashmore Delacour about the time of Mr Tapp's disappearance.⁷⁶ In the course of his evidence, Mr Chong testified that following Mr Tapp's death, both those men and some others proceeded to expand their drug enterprises in Katherine, in effect to take over what was previously Mr Tapp's 'turf'.⁷⁷ Mr Chong nonetheless made a vehement denial of any involvement in the death of Mr Tapp.⁷⁸
100. Marcus Raggett was also called, and gave an account of his familiarity with Mr Collins, Mr Chong and Mr Ashmore.⁷⁹ He stridently denied killing Mr Tapp with those men.⁸⁰

⁷³ Transcript, p. 174.

⁷⁴ Transcript, p. 179.

⁷⁵ Transcript, p. 195.

⁷⁶ Transcript, p. 196.

⁷⁷ Transcript, pp. 196-197.

⁷⁸ Transcript, p. 198.

⁷⁹ Transcript, pp. 222-223.

⁸⁰ Transcript, p. 224.

101. Mr Charles Ashmore Delacour also admitted knowing the other gentlemen named by Mr Kelly, as well as Mr Tapp. However, his evidence was interrupted by Mr Kelly when Mr Kelly shouted from the public gallery that the Mr Ashmore who was giving evidence *was not* the same Mr Ashmore that he had punched into a refrigerator.⁸¹
102. DSC Gregory took steps to investigate Mr Kelly's allegations. Analysis of the phone records of each of the four alleged conspirators confirmed there was contact between them during the relevant period, or between these persons and Mr Tapp.⁸² However, no other evidence was presented that supported the allegations.
103. The possibility of a 'hot shot' was raised with the Forensic Pathologist, Dr Tiemensma. While the toxicology testing undertaken did not reveal the presence of any toxins, the state of decomposition and the absence of any bodily fluid meant that it could not be ruled out as a possibility. Dr Tiemensma noted that although no puncture marks were identified in the post mortem examination, this could also not be ruled out as a possibility due to the level of decomposition of Mr Tapp's body.
104. While the evidence of Mr Kelly was highly animated, and while the named persons were known to each other and Mr Tapp, there is presently no objective evidence that corroborates any aspect of his story of murder by 'hot shot' and a possible intentional drowning.

Mr Tapp's Family

105. Mr Tapp's family, and in particular, Mr Tapp's grandmother, June Tapp, played a significant role in ensuring this inquest proceeded and that all available evidence was put before me. Before I commence my conclusions, I want to acknowledge their contribution and express my condolences to Mr Tapp's family.

⁸¹ Transcript, p. 192.

⁸² Transcript p. 81.

Conclusion

106. In closing Counsel Assisting submitted that the possibility of Mr Tapp going to the riverbank at night of his own volition, sliding in, being unable to extricate himself and accidentally drowning, is not a satisfactory explanation for how a fit man, such as he was at the time, would later be found, dead, in the river.
107. Having considered the totality of the evidence put before this inquest, I consider that the conclusion reached by the Northern Territory Police is incomplete. It does not explain why Mr Tapp was next to the river at that time of night, with a machete and a large amount of money. I have seen video footage of the edge of the river and have visited the river. It is relatively shallow at the edge of the bank and there are a number of branches and snags that Mr Tapp could easily have held on to in the event that he slipped in. The inquest has also received evidence that Mr Tapp was a good swimmer,⁸³ and that to the extent that he was affected by methamphetamine it is unlikely that this would have hindered his capacity to swim.⁸⁴ Mr Tapp's family were not persuaded by the accidental drowning theory and neither am I.

⁸³ Shing Tapp, Adam Vanstone.

⁸⁴ Evidence of Callan Collins, transcript p.181; evidence of Adam Vanstone, transcript p.130.



The photo above shows that 2 weeks after Mr Tapp's disappearance, the river was moving at a relatively slow pace.

108. The police suggested a further possible explanation as to why an otherwise fit and healthy man drowned in the river was the potential that Knotts Crossing was a “drowning machine”,⁸⁵ described as follows:

Hydraulic jumps are a common feature of rivers and waterways, where they can be found close to spillways, weirs, rocky ledges, and boulders. People adrift upstream of a hydraulic jump are liable to become trapped in the turbulent roller of the hydraulic jump. For this reason, hydraulic jumps have been termed “drowning machines” and are recognized as a public hazard. We use experiments and theory to show that on average a buoyant object spends a time τ/p trapped in a jump, where τ is the period of a harmonic process inherent in the jump, and p is the probability that the object will escape in any time interval τ . The probability p is governed by the statistical theory of extreme values and depends primarily on the ratio between the density of the object and the density of the fluid. We use our results to draw conclusions that might prove to be useful to public-safety agencies intent on carrying out tests in drowning machines. Our results can also be used to predict the amount of flotsam that accumulates at the toe of a hydraulic jump.

109. Given the likely speed at which the river was flowing, his swimming acumen and the presence of foliage where he is thought to have slid into the water, it

⁸⁵ “Residence time of buoyant objects in Drowning Machines”, Proceedings of the National Academy of Sciences United States of America, Vol 108 Number 16.

seems unlikely that Mr Tapp would have been washed downstream except if already incapacitated. Accordingly, this explanation also lacks plausibility.

110. There is some evidence before this inquest that may tend to support the possibility that Mr Tapp's death was the result of the actions of an adversary. There is some evidence from some of his colleagues that in the period leading up to his death, he was concerned about an impending threat to his safety.⁸⁶ On the morning he went missing, he purchased a machete, a camouflaged balaclava, a camouflaged shirt and a head torch. Later that evening, only a couple of hours before it is believed Mr Tapp went missing, he spoke on the telephone to Butterbean who in effect said that he was crying, in trouble and asking for help.
111. Further, there is evidence before me that may explain the motive of an adversary. The possibility that Mr Tapp was in possession of a stash of drugs and/or money appeared to be well understood among the criminal elements in Katherine. The presence of the knotted black garbage bag with a rip in the bottom and the contents missing may suggest that something, perhaps drugs or money, may have been removed from the scene. Additionally, there was some evidence that the opportunity to sell drugs on Mr Tapp's turf was coveted by other persons in Katherine involved in the drug trade.
112. The police involved in the investigation were not able to rule out the possibility of intervention by an adversary in Mr Tapp's death.
113. Ultimately, there is insufficient evidence before me to make a finding with respect to the cause of Mr Tapp's death. I acknowledge that this does not provide closure for Mr Tapp's family which is an unfortunate reality in some inquests.

⁸⁶ Evidence of Ryan Ashford, Butterbean and Daniel Kelly.

114. This inquest was told that while there are no current additional lines of inquiry being pursued by the Northern Territory Police, the investigation remains open and police would welcome any further information that may be relevant to this death.

115. I return an open finding and make no recommendations.

116. Pursuant to *section 34 of the Coroner's Act*, I find as follows:

- a. The identity of the deceased was Shane Tapp, born 7 June 1977.
- b. His death likely occurred between 7:30pm on 3 April 2021 and 8 April 2021.
- c. The place of death is Katherine in the Northern Territory.
- d. The cause of death is not able to be determined.

Dated this 2nd day of February 2024.

ELISABETH ARMITAGE
TERRITORY CORONER