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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 7 SEPTEMBER 2022

(Continued from 06/09/2022)

Transcribed by:
EPIQ

THE CORONER: Good morning, Dr Dwyer.

DR DWYER: Good morning, your Honour.

THE CORONER: Good morning, counsel.

MR FRECKELTON AO QC: Good morning, your Honour.

A PERSON UNKNOWN: Morning, your Honour.

THE CORONER: And is Ms Shannon here today?

DR DWYER: Yes, Ms Shannon's here in that second row, sitting next to (inaudible).

THE CORONER: Thank you. Thanks for coming back, Ms Shannon. If there's anything you need, you let me know, okay?

THE INTERPRETER: Yes.

THE CORONER: Yes, Dr Dwyer.

DR DWYER: Your Honour, the first witness this morning is Ms Samara Fernandez-Brown. And Ms Fernandez-Brown's statement can be found in the brief of evidence, 8-25A. And I call Ms Fernandez-Brown.

THE CORONER: Thank you.

Yes, Dr Dwyer.

SAMARA FERNANDEZ-BROWN, affirmed:

XN BY DR DWYER:

DR DWYER: Samara, could you tell the court your full name?---Samara Fernandez-Brown.

And you've prepared a statement to assist the court. It's dated 22 July 2022 and it's true and correct to the best of your knowledge, yes?---To the best of my knowledge.

One thing I wanted to clarify was in par 1 of that statement you explain that you're a Walpiri woman, you were born in 1997. Where were you born?---I was born in Adelaide.

So before I ask you anything about why we're here in court, can I ask you a little bit about your background?---Yeah.

You were born in Adelaide. What time – you're from Yuendumu or your family is from Yuendumu?---Yeah.

And can you tell us a little bit about your family?---Yeah, sure. So yeah, my family are Walpiri. My mum's side of my family are Walpiri, my father's side are Spanish. But my mum and most of my family have lived in Yuendumu or the Walpiri communities that are Willowra, Nyirripi, Yuendumu and Lajamanu for our whole lives. And so me and my siblings grew up in Adelaide doing our education and schooling, but we'd got back frequently to Yuendumu and visit family and sort of stay in touch with our culture and our country.

And what languages do you speak?---I speak English and Warlpiri.

You're a cousin of Kumanjayi, is that right?---Correct.

Can you tell the Coroner about growing up with him and what time you spent with him?---Yes, sure. So, most of us who – like, Warlpiri from Central Australia, there is a really big connection from, like, Alice Springs and Yuendumu and South Australia, and so it's quite – so, it's quite normal that people frequent both states and we grew up down there, and for a period, Kumanjayi and my Aunty Leanne would come down as well and live in South Australia, sort of not too far from where we lived and so we'd go and just hang out and spend some time together, just watch TV, just do sort of the normal things kids did.

And what can you tell us about what he was like when he was a kid?---He was just quite quiet as well; like, generally, his personality was the same and so he was quite quiet, but still nice to be around and still have a laugh and just enjoy each other's company.

One of the things you tell the court about in your statement is that you remember watching TV with him?---Mm mm.

And I'm not going to say his name out loud, but you were watching a TV program that was the same name as his, is that right?---Yes.

Now, I am so sorry to do this to Ms Fernandez-Brown, but the live stream is not working.

THE CORONER: Right.

DR DWYER: And she is such an important witness, your Honour. Might we just take a moment to see if we can get that working?

THE CORONER: Sure.

DR DWYER: I'm so sorry?---That's okay.

THE CORONER: Do you want me to go off the bench?

DR DWYER: I think that might be appropriate, if that's all right, your Honour.

THE CORONER: We'll just adjourn briefly.

WITNESS WITHDREW

ADJOURNED

RESUMED

DR DWYER: Thank you for that time. It appears the live stream is now resolved, so we might just start again.

THE CORONER: Okay. And the first witness this morning is?

DR DWYER: Ms Samara Fernandez-Brown.

THE CORONER: Thank you.

Ms Brown, if you wouldn't mind just coming into the witness box and take a seat.

SAMARA FERNANDEZ-BROWN, affirmed:

XN BY DR DWYER:

DR DWYER: Samara, could you please tell us your full name?---Samara Fernandez-Brown.

And where do you currently live?---I currently live in Yuendumu.

You have provided a statement to assist the Coroner. It's dated 22 July 2022, is that right?---Correct.

And, your Honour, that appears in your brief of evidence at 825A.

Samara, can I ask you a bit about your background?---Sure.

You're a Warlpiri woman, is that right?---Correct.

Where did you grow up?---I grew up between South Australia and Yuendumu. So, my siblings and I did all of our education in South Australia in Adelaide, with my grandmother and some aunties down south. But in the school holidays and break periods, we would often go up to Yuendumu to visit family.

And am I right that you are a cousin of Kumanjayi?---I am.

Can you tell the court about what contact you had with him when he was growing up?---Of course. Growing up, Kumanjayi spent some time down in South Australia as well, in Adelaide with my Aunty Leanne. And so, we'd spend some time just at each other's houses, just watching TV and going to the park and just doing regular things that kids did at that age.

What was Kumanjayi like as a little boy?---Similar to what people describe him as as an adult. He was quite quiet in his sort of composure, but was very enjoyable to be around; you know, funny and – yeah, just – he always had quite a calm presence.

Did you ever see a change in him then, from the time he was little through to being a teenager, for example?---Not really. Like, he was quite similar, but me growing up down south and him growing up between both states, it was harder to stay in contact. So, if there was a change, it wasn't one that I can identify clearly.

One of the things you say in your statement is that you remember when you and Kumanjayi were living down in Adelaide, you used to watch a TV program together and that was funny because that was his name?---Yes.

And when he was an adult, say 18/19, did you still have contact with him from time to time in the community?---When I saw him.

What does it mean to you, that relationship between cousins?---Well, in our culture, generally speaking, your cousins, depending on you know the aunties and uncles, they're more like your siblings, they're more like a brother or a sister. And so, you know, it means a lot in the sense that, you know, they feel like your siblings, which is quite a close connection.

Were you aware at any time when you were coming into contact with Kumanjayi after he became a teenager that he had any difficulties with drug use?---No, not that I'm aware of.

And what about with solvents like petrol or sniffing?---No.

That was nothing that you saw?---No.

Did you ever see, when you were in Yuendumu, Kumanjayi having any interaction with the local police?---No.

When you went back into Yuendumu, how often would you – I withdraw that. How long would you stay, usually?---It would depend on the period. Generally though, it would be from like a week to two to three weeks, but no longer, because we would have to come back for school.

Did you ever have – or did you ever say hello or have any interaction yourself with police?---No.

So, when you were in Yuendumu, do you recall them being any big presence in the community?---No, not from my memory. The only police officer that I had contact with growing up was my Uncle Sabastian when he worked for the police force in Yuendumu.

Right?---And so that's the only interaction I had. But there wasn't, from my memory of that time, a lot of presence.

In 2019, you were living in Adelaide doing some schooling still or education. Is that right?---I was working.

Okay?---And going to uni.

All right. And what were you doing in university at that time?---Well, I worked at the university, the University of Adelaide, as a student support officer and then I studied at the University of South Australia, studying psychology.

And you continue to come back to Yuendumu from time to time?---Yep.

See family there?---Yep.

In November of 2019, you were in Yuendumu for the funeral of your grandfather. Is that right?---Correct.

And I'm going to ask you some questions about that now, so I'm so sorry to bring up that sad time again. Do you remember when you arrived in Yuendumu around that period?---I can't remember specifically, but from memory, it would have been maybe like Wednesday or Thursday, because initially, the funeral was scheduled for the Friday, which then later got moved to the Saturday.

So, you had come back into the community at that time specifically for the funeral?---Specifically for the funeral.

I don't want to ask you any questions that are culturally insensitive, so will you just tell me if I make a mistake here?---Of course.

Can you just tell the court to understand the significance of a funeral like that in Warlpiri culture?---Yeah, absolutely. I mean, for all people, you would imagine that funerals are really important. It is the opportunity to say goodbye to your loved one and it is the opportunity to honour them as a person. And it's often the time that you get to get together with everybody who you might not see throughout the period of the year. And so, it is really important for us, culturally, to have that opportunity to say goodbye and to honour them in that space so people can say what they want about that individual and then to obviously bury together in the cemetery. But just to be present, it's a really healing process for us as well to be supported and surrounded by other various family members who are grieving the same loss.

Had you ever been to a funeral prior to the one of your grandfather through the years growing up?---Yes.

Have you ever – and is that including in Yuendumu?---Yeah, many.

And had you ever seen any police ever at a funeral of Warlpiri people?---Not from memory, no.

When you got back into the community, at any time prior to 9 November, had you seen Kumanjayi?---I had seen him on the Thursday during the day.

Okay. And can you tell us what he was like then?---Just very shy, the same thing.

We hadn't seen each other for a long period, so it was kind of just a wave and I'm also cousins with Rakeisha, his partner. So, I just spent some time speaking to her. But it's not uncommon for, even though they're like your sibling, it's not uncommon for there to be shyness between both genders, because when there's a period when someone goes through culture, like men's business or something there, there is a little bit of a difference in the relationship that you can have culturally.

And we are hoping to learn more through this inquest about aspects of Warlpiri culture, including avoidance relationships. Did you have any sort of avoidance relationship with Kumanjayi?---No, I didn't have an avoidance relationship, but again, I was just very conscious and aware of the fact that there is a gender difference and there is a different experience culturally in our lives. So, in that instance, allowing him to come forth.

So, the funeral we know was on 9 November and you went to the funeral, of course?---I did.

Did you see Kumanjayi at the funeral?---I didn't.

Okay. When - you explain in your statement what happened after the funeral and you say you were driving back from the cemetery and you could see all the ladies crying on the floor at the yellow house across from the swimming pool?---Yep.

And can I just read to you what you say in your statement about that and I will ask you about it. You say, "I thought to myself, 'What's happening here? They can't be still grieving there from the funeral'." You were taken aback. It was very intense, the emotions. Perhaps, I'll just ask you in your own words, what happened after that?---After seeing them?

Yes, you saw them and what happened?---Well, we were in the car driving and then we saw them and because it was – there was such an intensity of emotions, we pulled over in front of the house to then enquire about what was happening. And then, I wasn't clocking everything because there was just a lot happening, but then my mum, I noticed, realised and then she went into a state of very high emotions. And we sat there like for an instance, like just trying to figure out what was happening. And then other cars were coming in, because we had come in, the women and children had come in, in a convoy. And so, we had pulled over and were getting the story and then that just kept happening for a little bit there. And then we were trying to – well my sister-in-law was calling my brother, who was still on his way back. And then I think my sister called her partner to try to tell them what they thought was happening or what we were being told was happening, which was at that point they were – my family had assumed that Kumanjayi had died and so they were saying that and I was trying to remain as calm as possible and not jump to conclusions and try to calm people down.

And I'm going to take you to some very specific efforts you made to calm everything down. But you could hear, when you pulled over in the car, I think your brother's partner, Brooke Shanks(?), was there too and you could hear some of the ladies

yelling, "They've killed him" and "He's passed away"?---Yep.

And "The police have shot him". Was that yelling in Warlpiri at that time?---Yeah, yep.

And you say in your statement, you're a very rational, logical person?---Yep.

That must have just seemed bizarre to you, wasn't it?---It just seemed impossible, impossible. Like for me, I was like there's no way that that could have happened, not here.

Had you ever seen police in Yuendumu walking around with guns?---Not to my memory. I would assume, because it's a part of their uniform, that it would be on their waist. But it's not something that I noticed and it's not something also that I looked for.

No. And you were here when I was doing my opening. Is that right, Samara?---Yep.

Remember the photos that we put up there of the AR15 and the bean bag rifle?---Yes.

Had you ever seen any police in Yuendumu carrying those sorts of weapons before?---Not in my lifetime.

And would you have expected them ever to be in the community?---No, absolutely not.

You were saying to everybody who was so distressed at that time, "We need proof, we need to find out what's happened," words like that; is that right?---Mm mm, correct.

And so after that, you and some others went to the red house; is that right?---Yes.

Can – and that's the red house where everybody was saying it happened?---Correct.

What happened after that? What happened when you got to the red house?---So we all walked over. Well, by that point, men had started coming in from the community – from the cemetery into the community. And so we all then gathered and walked over together. At that point, I didn't go inside the house. A lot of the men did and the women, we sort of stayed outside when they did that. But I looked around and could see, sort of, those line marks in the ground which were drag marks. At that point, I had assumed that they were. And then from there, everybody got into vehicles or started to make their way over to the police station.

At that time when you went to the red house, did you see Derek Williams there?---From – there was a lot of people there, so he very well could have been there. But from my memory, I can't see- - -

Okay- -?---- - - - him in it.

And at that time, you explained that the house was not taped off?---No.

And therefore, there was no attempt to preserve that space at all?---No, no.

When you saw those marks in the sand, you explain in your statement it looked like someone had been dragged?---Yes.

What were you thinking at that stage?---Look, at that stage I was still being optimistic and hopeful and so I thought there's a potential for him to have been injured – him being Kumanjayi. But by that point, the idea of him being critically injured or passing away wasn't a factor that I was considering.

After that time, you made your way to the police station to try and find out what had happened; is that right?---Correct.

Did you drive there or walk there?---We drove in my Aunty's car. Originally, they had asked me to drive but it was a manual car and that's not my preference. And so I was quite panicked and one of my other – I can't remember, from memory, if it was my mum or Brooke that drove instead. But I was in a vehicle when we went to the police station.

And on the way, did you see some other people walking towards the station?---Yes, yes.

Can you tell the Coroner about that?---Yeah, so we saw many community members making their way. Some had already gotten to the police station, others were halfway there or almost there. And some were carrying weapons on their way but we pulled over – people in my car load pulled over, like, my mum and my sister and I and Brooke and just, sort of, had a conversation with some of, like, my uncles and stuff. And I remember being, like, no. You know? "Don't react like this, like, give me your weapons." And they were very forthcoming. I think, in my personal opinion, I think it was a reaction but there was no real desire to cause any – any harm. I think it was just a protection reaction because as soon as I asked for it and as soon as I said, "Look, you've got children or you could get yourself in trouble," they were very forthcoming with then giving me anything that they had.

And where did you put those things that they gave you?---There was a couple of cars that were parked. So there was some that I collected and put in my mum's car and whoever else was there may have put them in a different car.

And you say in your statement you were – it was quite astonishing because they were giving you those weapons without trying to argue with you or plead with you?---Absolutely. And like I said, there is that difference with gender and culture. And so for myself to ask for that, it was almost like pushing my boundaries, culturally, to ask for those type of things. And so it was quite amazing how forthcoming and, you know, how much they just listened.

You then, in your statement, explain that you were standing that you were standing at the front of the police station waiting for a response and trying to figure out what happened?---Yes.

Did you actually speak to anybody outside the police station who was an officer, at any time?---No. So they were inside the police station and people had rung – there's a kind of like a doorbell that has a speaker as well, from inside – or it goes to Darwin. And so we had rang that a number of times to try communicate and to try get some answers. But we got nothing.

So when you were first there and pressing on the buzzer and trying to get some answers, what was your feeling at the time?---The only thing I was really thinking about is answers. I didn't, again, jump to any conclusions or make any assumptions. It was just, "I need to get a full picture of what's happening before I can proceed with anything else."

It – at that stage, you say there were – hard to understand exactly how many people were there, but about a hundred or more people there?---Correct.

The crowd?---Yeah.

And you say you don't recall anyone having weapons at that point?---Not at that point, no.

And at that point, of course, you're still thinking, hoping that he is still alive?---Absolutely.

You recall speaking with Derek outside the police station?---Yeah.

Can you tell us about that?---Look, I can't remember the exact conversation we had, but it was along the lines of just asking if he'd been informed anything, and if he was in the know of what was happening. And he told me that he wasn't – that he – he didn't know what was happening inside.

At this point, Samara – or sometime around this point – you had your mobile phone on you; is that right?---Correct.

And you decided that you would film outside and you've kindly provided those to us?---Yes.

And I'll play them shortly. What was your rationale for filming?---It was such a hard decision to make because everybody was so emotional. And I am quite a private person and I've never gone on Live on Facebook before. But it was – there was a lot of call, like, people around me – family members – were saying, "We need to go on Live or we need to record this." And I remember having this sort of conversation with myself, "Like, do I, do I not?" Because it just felt like a, sort of, a bizarre concept to me. But my rationale around doing it was if we don't, nobody's going to believe this.

Nobody's going to believe that we were calm outside of the police station, asking for answers. I think the media or anybody listening would have been like, "Okay, but what were you doing? Were you loud or were you being dangerous outside?" And there would have been this concept that we - outside would have been doing the wrong thing. So I just needed to prove that that wasn't happening.

You've helped us with the times of these. I've got nine – well, I've got seven videos from there and some other videos to show you after that. We might just play them one by one with the assistance of Bec. The first one is at, I think, 8:04 pm. I'll just play each video and then I might ask you a couple of questions about them?---Of course. And just to clarify that the first – that's the time of the first video but not the moment we got there. We were there for a little period before the recording started to happen.

I see. Do you – I suppose your evidence you've given us is that when you saw the ladies who were so distressed and everybody started saying this terrible thing had happened to Kumanjayi, you then walked straight to the red house and then you walked straight to the police station?---Got in a car and went to - - -

Sorry?---Yeah.

Then you drove to the police station?---Yes.

Do you – can you recall, roughly, how long after that you started filming?---Probably wouldn't have been, like, once getting to the police station, probably no more than 15 minutes.

Okay. Thank you very much. So I'll just ask Bec if she'll play the first one. It's at – for the benefit of anybody following the brief, it's 4.18A and it goes for 30 seconds, this first one.

DR DWYER: Your Honour, just while our excellent court officer is sorting that out, I'll just explain that we are going to, at the end of each week, do a summary of the evidence that has taken place. I know that some members of the community are watching on the live stream, which is great, and Samara has been critically trying to establish that WYDAC and we're so grateful.

And then, we will also do a summary of the evidence and have that interpreted in WYDAC, thanks to the wonderful services – in Warlpiri, sorry – thanks to the wonderful services of Teresa(?) and Valda and other people at the Aboriginal Interpreter Service.

So, just to assure members of the Warlpiri community, we will then be regularly updating the community about the evidence that we've heard here, including the very important evidence that is being given by Samara. And we are very serious about making this inquest as accessible as we possibly can.

THE CORONER: And those recordings will be available on the website.

DR DWYER: Exactly, your Honour, exactly.

THE CORONER: Thank you.

DR DWYER: And anything we miss when the link goes down, if it does, we'll just be on top of that, so that we can make sure we catch up with that on a subsequent recording, so that the community don't miss anything.

We're trying not to look at Bec at any time.

THE CORONER: No, there is absolutely no pressure.

A PERSON UNKNOWN: Sorry, your Honour, we might adjourn to (inaudible).

THE CORONER: Sure, I'll go off the Bench.

We'll adjourn briefly.

WITNESS WITHDREW

ADJOURNED

RESUMED

SAMARA FERNANDEZ-BROWN:

DR DWYER: I'll just play the first two.

DVD PLAYED

DR DWYER: I just pause there.

Samara, I think that's 8:04 pm and I thought I could hear somebody who was yelling out, "They can't shoot people like that." Is that right?---Yes.

And is that about what the atmosphere was like around the time that you first arrived? Was it similar to when you started filming?---Yes.

So, that second one, thanks.

DR DWYER: And am I right, Samara, that that's when you started to upload that onto Facebook, when you're speaking there into the - - -?---Mm mm.

That one was at 8:30 pm. There is a longer one I'm now going to play and it's at 8:31 pm?---Thank you.

Yes. So, the other was 4:19, and then this one is 4:20.

DVD PLAYED

DR DWYER: Just before we play the next one, I was just going to ask you a few questions about that. We can obviously hear your voice on that phone, is that right? ---Yes.

And one of the things that you say to one of the community members there is that they've got guns or you can hear that – could you see guns or could you just hear somebody discussing that?---Yeah, I couldn't see them. It was just from what I'd been told at that point.

Right. And was there any description of the guns being given?---The description that I was being given were that they were shotguns or larger guns.

And were you being told that people could see guns in the station or that they had seen them outside?---That they had seen them in the station. At that point, the lights inside the police station were being turned off and on throughout the period and, before I started recording, there was a period where you can see that everybody is a bit more dispersed in that video, rather than compacted, and there was a period where there was police inside the police station that were running and everybody ran – that were close – to the police station because they thought that they had guns and were running outside. So, they had seen guns inside, but I hadn't.

Okay. I think that her Honour will have some evidence that there are sensor lights in the police station?---Yes.

And so, they come on and off as you move into a room?---Yes.

Do you think it could have been that the sensor lights were coming on?---It very well could have been, yes.

One of the things one of the ladies says to you is, "It's scary", and you say, "It is scary." How were you feeling at that time?---At that point, I was anxious, like, my body's reaction was very anxious, in terms of all of my feelings were quite heightened and my heart was racing and, yeah, we were all scared, very, very scared.

At some point, I think I hear you say something about there was three bullet cases or shells?---Correct.

And blood. Were they things that you saw yourself or were told about?---They were things I'd been told about.

By other community members?---At that point, yes.

And then you also say – you appear to answer the phone or speak to Kerri-Annie? ---So, what happens is, because it was a Facebook live, when it's live, please can comment and interact with the video. And so, at that point, when you're on the screen, when people comment, it pops up. And so, she'd commented on the post, which meant she was watching it, and so, I was just answering the question at that point.

And is that Kerri-Annie Chilvers?---Correct.

Is she somebody you had met prior to that time?---Correct.

How had you met Kerri-Annie?---Because of her interaction with my family, I was introduced to her by my grandmother, Jean Brown(?).

Okay. The last thing I wanted to ask you about from that video is that at one point, we hear you say or we hear another community say, I think, "I feel sorry for Derek." How were you feeling about the role that Derek was playing?---Yeah, I felt sorry for him in the sense that he was in a very awkward position and I wasn't sure if he was being told information as well, and it must have just been a really difficult to be in, being both a community member who cares about your community and your family, but also a police officer.

And am I right that I heard someone say, "No one blames Derek. He was there with us at the funeral."?---Absolutely.

You knew that it wasn't his fault?---Yeah, everybody at that point knew that he was not to blame for anything and again, he was a part – he was at the funeral. He was at the cemetery, and so, he had nothing to do with – no involvement with what was happening inside the police station.

And at that stage, her Honour will, of course, make her own observations about what people were doing outside, but there appears to be relative calm, in spite of people being anxious. Am I right about that?---Yes, absolutely, and a lot of the conversations that you can hear that are quite loud are instructions. So, it was a lot of, "Everybody record or get your phones out", and because the crowd had dispersed, it was people yelling to then communicate to other people that were further away.

We'll play that next one now, then. Thank you, Samara. This is 421 in the brief and it goes for five minutes and 51 seconds.

DVD PLAYED

DR DWYER: Just a few things if I may, Samara, about that?---Of course.

There's a little girl in there, that we see her face, who obviously understand – she's just a child – the gravity of what's happened?---Yes.

I'm right that she's – that she's a little girl; is that right? She's a child. Can I take your Honour for non-publication order over it? I'm sure the journalists would be responsible anyway, but obviously, we're not going to allow for the publication of any information or photographs when these documents – when these videos are tendered that would identify any children.

HER HONOUR: Yes, I make that order. Thanks Ms – thanks Dr Dwyer.

DR DWYER: One of the things that you see there at the beginning – can I just make it clear, this is 9:21, this video – and you say, "Apparently, there's an ambulance coming." How did you hear about that? That the – I withdraw that, I misled you. I think you – what you say is, "Apparently, the ambulance is here"?---Mm mm.

How did you find that out?---I can't recall specifically. I would imagine though that it was from somebody who was present. Because if you recall, I'm – between the videos I had left the police station- - -

Yes- - -?---and gone and gotten some water for everybody that was at the station. So then I was told, back upon arrival to the police station, that an ambulance had come.

And you were – the video that I showed you that was number 3 is at 8:31 pm. And this video is at 9:21 pm, so you reason from that that the ambulance had come sometime during that period?---Correct.

And in fact, can I reassure you that's exactly what the ambulance says, that they came during that period. So you had obviously found out from somebody that the ambulance had arrived. And another thing we see in that video is that there appears to be a hole in the wall?---Mm mm.

Or it looks like corrugated or shed material?---Yeah.

Is that right?---It's like a shed, yeah.

And you referred to Jackson being there, talking to the police. Is that Jackson Neeny(?), who used to work- -?---Jackson Fitzpatrick.

Jackson Neeny was in NAAJA – and Jackson Fitzpatrick used to work at WYDAC; is that right?---Correct.

And he was someone who you knew prior to that night?---Yes.

And you saw Jackson speaking to a police officer, correct?---Correct.

And am I right that he said something like, “Everyone would be a lot more calm if –” do you remember what he was saying there?---Not everything but I would imagine that he was reasoning with the police officer that there should be communication given to the family and community about what was happening.

Is that how you felt at the time?---Absolutely.

And we hear somebody else in the community who is saying, “They're not saying anything.” Did you – do you feel that the general thoughts of the community were they just needed someone to come out and tell them what was going on?---Yes.

At that point when Jackson was speaking with a police officer through that hole that we see, did you see the police officer he was speaking to?---I can't recall, sorry.

Do you know now who that police officer was?---No.

Okay. We can ask Jackson about that. In terms of who that police officer was, did it appear to you that it was a police – well, I withdraw that. You couldn't see at all who that was?---I couldn't, but I would make the assumption that it was someone from the IRT Unit, not a community police officer.

Why do you make that assumption?---Because everybody in the crowd didn't recognise who that was.

Got you, okay. Thank you. We'll play the next video and, if I can just let you know, this one starts at 10:16 pm. It goes for one minute and 17 seconds. It's at 422 in the brief.

DVD PLAYED

DR DYWER: Just two questions from this, I think, Samara?---Mm mm.

You say, "Yeah, you mob, listen to Mum." That's your mum who was there, speaking to- - -?---Correct.

What was mum saying?---In Walpiri, mum was saying to all of the young fellas and people that were there not to touch the police station or not to do anything violent. And then that's reiterated from other Walpiri elders that are saying, "Yes, nobody touch this police station."

And that was my next question. I think we can hear one particular male voice- - -?---Mm mm.

- - -which is sort of low and sounds like an older male; is that right?---Yeah, correct.

One of the elders? And were the elders then respected by the younger fellas who were there?---Absolutely.

That's – that was 10:16. The next video is 10:37 pm. It goes for 4.23. I think you're at the airport for some of this time?---Okay.

I beg your pardon. It's – so it's a short one. I misled you, it's 4/23 in the brief, so 4 slash 23. It goes for 34 seconds.

DVD PLAYED

DR DWYER: So, Samara, that was at the airport. Am I right about that?---Correction. I accidentally said "airport", but that's still at the police station at Yuendumu.

I see, okay. So, that was at 10:37 pm. I think you mentioned that you see a plane fly over. Is that right?---Yes.

And you still don't know at that stage whether or what's happened to Kumanjayi. Is that right?---Correct.

And had you had any - - -?---I think I said – I can't recall if I said if I saw a plane, sorry. I think we were informed that a plane would be coming.

I see. That was at 10:37 pm. The next video is at 10:44 pm. It's at 4/24. It goes for one minute and 16 seconds, so we'll clarify what's happening around this time, 10:44.

DVD PLAYED

DR DWYER: That one sort of speaks for itself, Tamara. You're still at the police

station at that time?---Correct.

You can see other Yapa members of the community there. and in terms of the Kartiya members, we know that Jackson was there who you told us about. Was Brooke there at any time?---She wasn't.

Okay?---Brooke was on the phone, but she wasn't physically present because they had my niece, Nevay(?) so they went home.

Okay. And by "they", you mean your brother and Brooke. Is that right?---Correct.

And were there any other Kartiya community?---Yes. There were other WYDAC employees that were there.

Okay?---I would also just like to mention that, in that video, there's an Elder who has since passed away.

I see?---So, just to be respectful of that.

So, could I ask then, your Honour, for a non-publication order over the video which appears at 4/24 of the brief of evidence?

THE CORONER: Yes. And is that the Elder who said, "Quiet"?---Correct.

DR DWYER: Is he in any of the other ones as well?---I can't remember.

If you recognise him, just let us know and we'll make sure that one doesn't get published as well. In terms of the other people from WYDAC who were there, can you remember the names of anybody other than Jackson?---There was Ashley Jenson, I believe is his last name. I believe Sanina(?) was there, Jackson and then I'm not sure of any others because I didn't know them at that point. I believed there were others, but not that I knew.

Thank you very much. The next video is at 10:49 pm, so just a few minutes later and it's at 4/25. It goes for two minutes and 27 seconds.

DVD PLAYED

DR DWYER: Samara, I'm so sorry to play these videos to you again when they're distressing. Tell me if you need a break or for me to stop asking you questions. You explain in that video that you can see two cars. Two police cars?---Mm mm.

And the ambulance?---Correct.

Was the ambulance in the middle of the two cars?---I can't remember, sorry.

And we can hear some of the commentary that you make, how are you feeling at that time?---Quite distressed.

And you say at one point, there's the biggest mob of cars going. Were you travelling in a car at that time yourself?---Yep.

Were you driving?---I wasn't.

And were there other people that you could see who were driving towards – to follow the police vehicles and the ambulance?---Yes.

At one point, I think it's you or someone else says, there's not even Leanne or his mum or nobody's gone with him?---Yes.

Was that a sense for you, that Kumanjayi should have a family member with him?---Of course. We – sort of if anybody is injured or needs to be flown out, there is an expectation that there is somebody that accompanies them for their own comfort as well as family's comfort.

And I think we can hear your voice saying it was "sly" or something like that?---Yes.

And another member of the community says something about it being "sneaky"?---Mm mm.

Can you tell the Coroner what your thoughts were around that?---Yeah, of course. So, it was because when the vehicles had left, they didn't have their lights on when they were travelling and they were going at such a fast speed out of the back of the police station. And again, there was no communication with any family or community members. And because of that, it felt very sly and sneaky that there wasn't any transparency with us.

And there is one more video to play, and that's at 11:03 pm. It can be found at 4/26 in the brief.

DVD PLAYED

DR DWYER: Samara, where were you when you were recording that video?
---I was across from the police station in my mum's car.

And who were you speaking to in that video?---My sister and my mum.

Is there anything else you want to say about what you were feeling at that time?
---There is obviously the level of distress and anxiety, but I think there was just this innate feeling of being disregarded and disrespected as well throughout that whole process.

This might seem - - -?---And just scared and fearful because we had nothing.

Who did you feel disregarded and disrespected by?---The police at that point.

We know that the local sergeant at the time was Julie Frost. Had you ever met her before?---I had not.

And you ever met any of the local people who were working in the police station?
---No.

You explain in your statement that while you were still at the police station, Brooke, you sister-in-law, kept updating you, letting you know that planes were coming in?
---Mm mm.

And she said that the Royal Flying Doctor Service had a scheduled service to Yuendumu. We can hear from Brooke herself about how she found that out, but she was messaging you through that, is that right?---Yes. So, while we were at the police station still, she was saying that there was a Royal Flying Doctor Service and then she called back later to let us know that that had been cancelled and that a new flight was scheduled and she and my brother were pretty much pleading with us to come home because they were scared that the riot – police would come.

One of the things that you explain in your statement is – you say this. I'll just read it to you?---Mm mm.

You say, “We know, as Aboriginal people, that the way that the media and these forces respond to us can be quite a racial thing. So, we need to, even under these circumstances, be on our best behaviour. We were all sitting on the floor, just waiting for an update. This was being led by the elders of the community and everybody followed their instructions.”?---Mm mm.

When you say that Brooke and your brother were pleading with you to come home, do you mean by that that they were worried that there would be a heavy reaction from the riot squad?---Absolutely. Yes, absolutely.

Is there anything else you want to say in your own words about that?---I just again – like, it's just such a hard thing to process, being in that situation, because, from our perspective, everybody there, we had done everything to comply and to be respectful and to be conscious of everybody's safety, and then to not have anything, any regard given to us, it's devastating.

I expect that, through this inquest, we will hear from the perspective of the police who were inside and that includes Sergeant Frost and Chris Hand and Felix Alefiao and the others who were there, including the IRT. I expect that Julie Frost will say that she was very anxious, very nervous, and she was really worried that once the community found out that Kumanjaya had passed, there might be fighting or arguments or someone getting hurt outside, even a riot. What do you think would have happened if, after Kumanjaya passed, Derek or another officer had come out and said, “I'm so sorry. Kumanjaya has passed. We've done everything we can. Can you help keep the community calm and we'll get you some answers.”?---Look, in my personal opinion, I don't believe there would have been that level of escalation because, again, as Aboriginal and Torres Strait Islander people, we know that there

is a general response, and again, we know that we have to be on our best behaviour, and by that point, we were already angry and distressed and fearful and there could have been a reaction there, but it was subdued by elders and community members because they knew that, in that, we believe that if there was a reaction, then it could have prompted another shooting or that kind of reaction and we were still – even though we were angry and frustrated, our fear of that reaction outweighed everything. So, because that just happened, I personally don't believe that there would have been that reaction because we were genuinely quite scared for our own safety and there were elders that were outside the police station that were keeping everybody calm and that was an option to utilise those elders to minimise a reaction.

We know that there was the elder who has now sadly passed on and there – Derek was there too, is that right?---Yes.

And Warren was there?---Yes.

And did you, at any time, see those elders being disrespected by anybody in the community?---Absolutely not. I believe that everybody was listening and we all just needed somebody to give us some sort of instruction because we were, you know, so heightened and feeling so many emotions, and to have that leadership, it was, you know, like, invaluable. So, everybody was just listening and compliant.

We know that Leanne was outside the area as well, is that right?---Correct.

And Rakeisha was there?---Correct.

And can you tell the court what would have been the right thing to do in terms of allowing for someone to be with Kumanjayi while he was still alive and hurt?---The right thing would have been to have them inside the police station with Kumanjayi for his own comfort and for theirs and even for the rest of us, even if we couldn't be in there, to know that he had somebody giving him that level of comfort. And as we know now, they were his last moments. It would have been, you know, that could – that would have been the right thing to do.

The next day – well, you went home that – after that last filming and the next morning you explain you woke up at about 7 am to the sound of your mum and your grandma distressed and crying. And that's when you then found out that Kumanjayi had passed?---Correct.

And there was sorry business in the community after that; is that right?---Correct.

I won't play any of the videos of sorry business, but did you take any filming of sorry business?---I did. I, from memory, took two different videos.

And you've provided them to the Coroner so that they can be viewed; is that right?---Correct. And the reasoning again, behind those videos, was to show the impact that something, that kind of death or those situations have on the community. Because again, in the media, it's so easy to victim blame or say, "What happened?"

So I needed to humanise the situation because I knew what could have been the potential.

So Samara, would it be appropriate for me to play those videos?---Absolutely.

Then in that case, could we see the one that's at 4.27 first, please?

DVD PLAYED

DR DWYER: And there's another one at 4.28.

DVD PLAYED

DR DWYER: Samara, what day were those videos taken?---They were the morning after.

Okay. I've got a few more questions for you, probably about 10 or 15 minutes. Am I right to keep going, your Honour, or would you like – would you like a break, Samara? Or would you- - -

HER HONOUR: What would you prefer, Samara?---I'm impartial. We could probably keep going.

DR DWYER: Is that okay with your Honour?

How long were you – did you stay in Yuendumu after that time?---I can't recall off of the top of my head. It could have been days, it could have been a week.

And what was it like for you in the community and other members?---My experience to theirs would have been slightly different. We were all very fearful, all very emotional, all very distressed. And I would imagine all of those feelings were shared. But for me, there was this sense of, "I just need to get to the bottom of this," and I – so I tried to enquire to get as much information as possible. Because it just, again, made no logical sense. It just – I don't know how that could have happened. And so I needed to make sense of it.

How did you do that? What enquiries did you make?---Just went around to various family members to get their side of the story, to see what they might have seen or heard. And then I went down to the police station and spoke to some officers there, as well.

You explain in your statement at par 45 that you spoke to an officer. He had an Asian background?---Mm mm.

And he couldn't really give you a lot of information, but he did confirm that Kumanjayi was not flown into Alice Springs?---Mm mm.

Rather, he had been taken in the car to Alice Springs?---Mm mm.

I'll just go back a step. At the time you saw the plane go out on 9th, it was your belief that there – that Kumanjayi was still alive and had been flown to Alice Springs for treatment; is that right?---It was my genuine belief that he may have been in critical condition but he was still alive.

And then on the 10th when you found out that he had passed away, at that stage where did you think that Kumanjayi's body was?---In Alice Springs.

And when did you first find out then, that he was still in the community?---I found out in the second clip when we were at that sorry business, at that camp. I found out there when I spoke to Eddy and Lottie that he passed away. But I still – it still didn't make sense to me that that was the case. So I suppose I didn't genuinely believe the information until I had spoken to the officer at the police station.

And when you found out that Kumanjayi had not been flown but actually, that his body was still in the police station for a period and then he had been driven in the car- - -?---Mm mm.

How did you feel about that?---I was, naturally, very devastated. It just felt, again, very, very disrespectful to me and to the family and to Kumanjayi.

And you remember speaking with another officer there who looked to you like he was in riot control gear. Do you know now the name of that officer?---I don't know the name of him, but I have seen him throughout.

Throughout the time in Yuendumu or since?---Since. So just during different court proceedings.

What does he look like?---He's quite tall. He's white. That's probably all I can give. He has hair, he's not bald.

He's not bald?---No.

He was in camo gear that day; is that right?---Correct.

And he was very blasé about the whole thing?---So much so.

Okay. And defensive?---Absolutely.

Can you – I've read to what – it's in your statement. What else do you want to say about that fellow who you saw then?---Again, he was just very insensitive and very disrespectful and didn't take into consideration that we had just lost a family member and it was our right to enquire about what's just happened. He made it feel like we were in the wrong for even asking.

And you said he was defensive?---Mm mm.

Do you remember any actual conversation you had with him?---I do, I do.

What can you tell us about that?---Well, he specifically mentioned that they had different weaponry in, like, the capsicum spray and things like that in Yuendumu. And that, in the past, he'd been in Yuendumu during a riot and for me, it felt like he was trying to validate his stance and his positioning in the community. And trying to push the narrative that they were doing the right thing by almost blaming the community for their presence in Yuendumu.

When you spoke with him, were you actually inside the police station?---I was.

Did you speak to any local police at that time?---No, I wasn't even aware if they were in the community.

And there was that officer who was in his camouflage gear, his camos?---Mm mm.

Was the Asian officer – the officer with the Asian background in normal police uniform or camouflage?---I can't recall if he was in normal blues or if he was in a different uniform, sorry. But he definitely wasn't in the camo.

I see. So three different outfits. The normal blue of the local police and then there's some sort of green or khaki?---The khaki I recall seeing.

But this officer was something different again, in a camouflage outfit?---Yes, yeah, yep.

And did you see any other officers dressed like that, in their camouflage gear in the community?---Not that I recall right now.

You explain in your statement that you remember you went to the shops after sorry business. You saw police officers in khaki with big shotguns?---Yes.

Was that on the very day after Kumanjayi had passed?---Yes.

They had long, big guns?---Correct.

And you could see them standing near the back of the red house?---Correct.

When you say they had long, big guns, were they the same as the pictures that I put up during my opening?---I'm not sure, sorry. They were at a distance. I could only see the length.

And what did that seem like to you at the time?---Again, just felt very insensitive because, to my understanding and to my experience, we were very much the victims of this situation and to then have that reinforcement come in, just again felt so disrespectful and very insensitive because you're now parading around in weaponry that we know has just, you know, taken the life of one our community members. So, it felt like a show of power and I didn't think it was at all necessary or justified.

How did you see other members of the community, Yapa members, on 10 November behaving towards police?---From the conversations and from what I had seen, they were very fearful and very avoidant and didn't want to be in any proximity.

One thing you say in your statement is that, after Kumanjayi passed, there was a lot of movement by police around the community and it is uncommon to see police patrolling the community, and that was not a regular thing. They were visual in a way that they're not normally, is that right?---Correct.

You said you can't remember how many days you were in Yuendumu after the shooting, but for the days that you stayed, the police were still there, is that right?---Correct.

"They were everywhere. They were at the red house. They were patrolling the streets. They were all in varied uniforms. The ones at the red house had large guns, very visible, that made me sick to my stomach"?---Mm mm.

"I was so scared."?---Absolutely. It was gut-wrenching.

And you said, "Up until that point, I have never, as an individual, felt fearful of the police." But this time, you felt genuinely scared. What were you scared for? What did you think might happen?---Well, there was different fears. So, there was – for me, again, it was that fear and sadness of the disregard and the way that they were interacting with me, but I was genuinely scared of their reaction to other community members; namely, men and younger men and older men in the community, because they were so upset and because that had just happened, I was genuinely fearful for the lives of my family members.

And in the last – or one of the last topics you have got in your statement is about the ongoing impact?---Mm mm.

You now live in Yuendumu?---Yes.

Have you - since those first couple of days after Kumanjayi passed, have you ever again seen police with camouflage gear walking around the community?---I haven't since, no.

And have you had an opportunity to get to know the local police who are there currently?---Not on a personal level. If I have had an interaction it's because it was warranted by a specific incident in community.

Sure?---But I haven't because – like, I just – my feelings don't allow it.

Yes. And that was one of the questions I've got for you. Before, I think, you weren't fearful of police. How do you feel now when you see a police member in the community?---There is still just this innate anxiety because it just – it provokes all of those emotions again and it feels like there is a very clear power imbalance in the

way that they operate in community and, yeah, I don't know. Like, I'd like to say that I'm not fearful, but there is just – because of the impact of what's happened, there is a genuine sadness and fear.

At the moment, well, Derek was working as the ACPO in November 2019. Are there other ACPOs in the community who you are aware of now?---There are two that I am aware of now.

And who are they?---I can't recall their English names, sorry.

Do you know those two people who are working as ACPOs?---I'm related to them, but I don't have as much interaction - say, for instance, with Derek, I know him closer.

When you see an ACPO in the community walking round, do you have the same sense of fear at all?---Not necessarily fear. I have a worry or a concern that they might not be used to the same regard as – or entrusted the same way as they should, or utilised in the same way that they should, only because of how I saw Derek was treated. I think, on the night of the 9th and prior, he should have been utilised in the way that could have been very preventative to the whole incident and there should have been a different level of cultural safety and, as much as I'd like to believe that these two are, I just don't know.

So, I want to ask you some questions about that. So, if you need a break, just stop me at any time?---Mm mm.

THE CORONER: How about we take a short break, because it's a bit longer - - -

DR DWYER: Unfortunately, Samara is so interesting, I can't stop asking her questions.

THE CORONER: I am definitely benefiting from hearing from her, and so, I'm happy for you to ask whatever questions are appropriate, Dr Dwyer.

DR DWYER: Thank you.

THE CORONER: We will take the 15-minute adjournment.

ADJOURNED

RESUMED

THE CORONER: Yes, Dr Dwyer.

SAMARA FERNANDEZ-BROWN:

DR DWYER: Samara, I'm going to return to the issue of policing in a moment. There were just a few things I thought over the break of asking you again about that period of time when you were outside the station and when you went to the airstrip. Around outside the station, her Honour is interested to know whether or not any of the Yapa nurses from the clinic were there still in the community? And we can find that out from other people if you don't know, but as at November 2019, did you know who the Yapa nurses were at the clinic?---I didn't, sorry.

Had you ever used the services of the clinic yourself for any reason?---Yes.

Okay. But not – had you around November 2019 needed to - - -?---Not around then, no.

So, am I right that if there were Yapa nurses there, you wouldn't necessarily know if they were at the station or not?---I wouldn't be able to say with clarity, but I would make an assumption that if they're a community member, that they would have been.

Okay. And why do you make that assumption?---Because most people, a very high number of people that lived in Yuendumu that attended the funeral were at the police station at some point.

Okay. In the brief of evidence, we've got a running sheet like a chronology, that was prepared by Chris Hand, who was one of the officers there. Do you know Chris Hand at all?---No.

Her Honour will have this in evidence and it's at 7/52. In his chronology, he's got, for example, at 10:30, "Information from Julie Frost that the Pol Air was in a holding pattern waiting for Papunya to arrive to go straight to the airstrip." He then says that, "At 10:45 pm, a handful of members left the station to travel to the airstrip." And that fits with your video that was taken at 10:49 pm. He then says, "At 10:56 pm, the cruise that had gone to the airstrip and the ambulance returned back to the station." At that point in time, where were you?---I would imagine that I was either already at the position across the police station or making my way back.

Okay. And at any time after you left the airstrip, did you go back to the police area?---Yes.

Okay. Officer Hand has written that at 11 pm, the mobile cruise arrived back at the station and a clinic nurse was injured because of a rock that had been thrown. And we've got other information that when that clinic ambulance was being driven back, a rock was thrown through a window, I think a nurse was hit on the hand and the head

and Constable Alefaio talks about that. Did you see anything like that?---I didn't.

Have you talked to any members in the community since about why that might have happened?---I haven't spoken to them about that, but again, I can make an assumption that it would have just been the frustration, the anger from there being no level of communication throughout the night.

And there is one more question I wanted to ask you about that, so at – just reading down the chronology, he says at 11:05 that, “Eddy contacted the mainline in an agitated state, asking if Kumanjayi was alive or had passed away.” And we know from this chronology that Chris Hand answered, “And he advised Eddy that he didn't have any information he could give him at that time and he would get Sergeant Frost to call him back and the mobile phone number was taken”?---Mm mm.

So, that was at 11:05 pm and Eddy had been agitated. And then at 11:05, Sergeant Frost is advised of the call. And we know in this that Derek communicated to Sergeant Frost that she should be – members of the family should be communicated with from the bosses. At 11:25 pm, Ashley from WYDAC contacted police to advise that Yuendumu Clinic was on fire. I suspect that the evidence will be that that was put out quickly, but did you ever know about that on that night?---I did not.

And have you spoken to anybody in the community about why that happened?---I have not. I haven't been aware of that until just now.

And are you able to offer your reflections as to why that might have happened?---Well, I can't, no.

You've given evidence about the police response on the night of 9 November and in the days that followed. How have you and the community of Yuendumu, if you can speak on behalf of people that you know of in the community, how have you interpreted that response?---A lot of conversations that I've had during and after lead to there being systematic (sic) racism in the police force in the reaction that happened. It is a common theme in the conversations that I had that if this was a Kartiya, or a white person, the treatment would be vastly different. And so, a lot of family members and community members believe that the treatment had a lot to do with systematic (sic) racism.

Just before the break, you were talking about what you think Derek's experiences might have been like in the police force. Before this night, in terms of how he was treated, can you tell us what your thoughts are about that?---From what I've heard in the criminal murder trial, there were clear involvement of him with the arrest plan and conversations that he was involved with where he was able to communicate from the police to the family and vice versa, and so I would like to believe that there was a level involvement in that. But then after, it's quite evident that that wasn't respected and he wasn't utilised in the way that he should and could have been.

Can you tell the court about your position now, working at WYDAC and what that involves?---Sure. At the moment, I work in WYDAC as the acting youth development

coordinator and I oversee youth development workers in the communities of Willowra, Nyirripi and Lajamanu.

And what work is currently being done by the youth workers with young people in WYDAC?---There are different sectors. So, there is the Mount Theo sector and that's separate from my work area, but what we do is hold – we have the recreation halls, the youth halls, rec halls where we open from 3:00 to 5:00 and then again from 6:00 to 9:00 to have activities. So, open for sports, for colouring in, sometimes movie nights or dinners. So, it's just a space that is safe for youth to come and participate in. It's not just for youth as well, it is open to community; so parents and all family can come down. And it's just a space where they can hang out and relax and you know, just offload, I suppose, what they've experienced throughout their day.

How many youth workers do you have now working at WYDAC working in Yuendumu?---At the moment, we're in the midst of hiring a bunch of temporary staff, so we had two youth workers that are based in Yuendumu, but they are both supporting other various communities as well.

And in terms of working with the police moving forward, do you feel like there's a way in which WYDAC could be involved in educating police about how best to do that?---I'm sure there is an opportunity for WYDAC to be involved, granted that we have a large board, a bunch of board members who are Warlpiri elders that have called for collaboration who are just community members as well, so I think the opportunity is there for WYDAC to be involved, but I think it is the consensus with a lot of community members that there should be a collaboration and they should be working together.

And going to hear early in these proceedings from Sergeant Annie Jolley who is based in Yuendumu. Do you know Annie Jolley?---I know Annie, but I haven't worked with her. But I do know her and have seen her in community.

And do you think it's a good idea moving forward that there's more opportunity for all the service providers to sit down together and work out how they can move forward?---Absolutely. I think it's vital, because all services providers are serving the same people, the same clients and so it's absolutely vital that there is an open communication between everybody and with the community to see how best all of the resources can be utilised and how best to support and service the communities.

There is going to be plenty of time for us to all sit down and talk about this going forward, but in terms of the services for Yuendumu, do you have an idea you would like to share with the Coroner now about what that should look like for young people who are in Kumanjayi's situation when they're teenagers?---Well, I suppose that there seems to be a level of disengagement at a certain age with high school or senior education. And so there needs to be a clear alternative for people in that age bracket to be able to go into as a means of prevention, but just supporting life satisfaction and having a means of purpose that doesn't currently exist. But all of that again must always be done in collaboration with the community. You can't have

service providers and people come into communities with an understanding of, this is what I think is best for you. It must always be, what can we provide you.

Samara, I wanted to ask you about counselling services in the community. At present, are you aware of any counselling that's available to members of the community who are suffering as a result of Kumanjayi passing?---Not at current that I'm aware of. There have been other instances, like during the trial period, where there was an external service that came in and other services like Congress that were willing and able. But with those kinds of services, they need to be present and on the ground in community to be able to have the best impact and need to be offered in an alternative sort of approach. You can't have a normal clinical setting and think that's going to work for Aboriginal and Torres Strait Islander people. There needs to be an alternative like counselling on country, but again working in collaboration with community members.

Are there regular meetings at the moment that you're aware of between WYDAC and other service providers like Health?---There aren't regular meetings that I'm aware of that are specific to that. But I've certainly had meetings with members of NT Health and people from Yuendumu community to be able to – what is it, like, service Yuendumu with health-related topics and – that are empowering for community members. Yeah, there have been – and I believe just recently there was a health week that was provided to the community to support health check-ups and to speak about different themes like nutrition, diabetes and things like that. So when I've met with members, there is a clear and collective approach to educating and supporting community members around those topics.

And then finally, Samara, remember when on the first day when you spoke with the court and – and Robin Granites spoke as well and Ned Hargraves, and you recall Robin Granites inviting her Honour to come and speak to the elders in community?---Yes.

And find out from community how they're feeling and some ideas for supporting the community in the future?---Mm mm.

Would that be something that you would welcome, too?---Absolutely. I think it's something that's vital throughout this process again, to make assumptions on behalf of community are never going to be useful. And to get to a clear understanding of how to move forward, there needs to be those communications had with community members, elders. But I think, in my personal opinion, that there is a need to speak to young people as well because they currently are suffering through this as well.

Thank you very much, Samara?---No worries.

THE CORONER: Yes, Mr Mullins.

XXN BY MR MULLINS:

MR MULLINS: Thank you, your Honour.

Samara? I'm going to ask you some questions just about, firstly, your relationship with Kumanjayi?---Mm mm.

And I'm going to make some reference to the television program you were talking about earlier. We might call it, rather than "Hey" and the relevant name, we might call it, "Hey K"?---Mm mm.

You follow me there?---I do.

All right. Now, you mentioned earlier on in your evidence that both your family and Kumanjayi's family lived in Adelaide for a period of time?---Correct.

And was Kumanjayi living with Leanne?---He was.

And how far away was their place from your place?---It was less than 10 minutes' drive.

And so did you visit them on a regular basis?---I did.

Now, over these years, you were still in your primary school years?---Correct.

And you were born in 1997?---Correct.

And Kumanjayi was born in 2000?---Mm mm.

So he was three years younger than you; is that right?---Correct.

And to some extent, he was a bit like a little brother?---Absolutely.

And you had a close relationship with him?---Yes.

And you saw him a lot?---Yes.

And one of the things you remember is watching Hey K with him?---Mm mm.

And he had a particular interest in that program because the name was the same as his?---Absolutely.

And do you have a recollection of Hey K?---Vivid. Vivid recollection.

And so it's an animated – I haven't seen it in a little while – but it was an animated program?---It was.

And the main protagonist whose K Shortman, he's a quirky 9-year old boy, that's right?---Yes.

And he had a football-shaped head?---He did.

And he had blonde hair that poked upwards?---Yep.

And a blue cap?---Mm mm.

That he wore almost all the time?---Yes.

And he was a fourth-grader?---Mm mm.

He was a dreamer?---Mm mm.

And an idealist?---Mm mm.

And he used to try and help people out?---Yes.

And in doing so, got himself into a lot of trouble?---Yes.

And that was what the story – the storyline of him was.

Now, it's the case isn't, that Kumanjayi connected with that?---Yes.

And he felt he was a little bit like Hey K?---Yes.

And he enjoyed watching that program with you?---Yes.

Now, did you watch it at your house or did you watch it over at Leanne's house?---We watch at our Aunty Leanne's house.

And would you watch it with other family, other brothers and sisters and cousins?---Yeah, yeah. My – my sister would sometimes be there or my father or other various cousins that were in Adelaide at the time and in the area.

And would you sit on the couch and watch it on the TV, or a mattress?---Yeah, sometimes a couch, sometimes mattress on the floor, whatever was available.

Now, Kumanjayi was a few years younger than you and you remember that you were in primary school?---Mm mm.

So he would be an eight or nine-year old boy?---Yes.

And you mentioned that he was calm, generally?---Yes.

But was he calm and sitting, watching the show or was he bouncing around the room?---Still bouncing. Like, you know, typical to the age range. He just had a calm demeanour innately. But of course, he would react to the TV show and it was fun, because it was the same name so he had that – that feeling that he was similar. But we'd also tease about the fact that they had the same name and that was him. And it was quite funny, because again, the character had a football-shaped head.

And Kumanjayi himself was a little bit quirky, wasn't he?---Yeah.

And – but the fun teasing that you had was in the safety of family, wasn't it?---Yes.

And so he didn't feel threatened?---No.

And he always felt at home with family?---Yes.

And you did lots of other things with him. You went swimming?---Yes, yep.

Went to the park?---Yes.

Any other things you can think of that you did with him?---There would be just trips into town as well sometimes, like, on – catch the train into the city. Just various – various excursions and activities.

And so what, in those years in primary school when you knew him, what was the impression that was left with you about him as a person?---The same as what everybody talks about, is the fact that there is this clear understanding and feeling that he loves his family and was very loved.

Now, your teenage years – in your teenage years?---Mm mm.

Kumanjayi moved to – back to Yuendumu and other places?---Correct.

And to some extent, you lost contact with him?---Yes.

And did you hear through other family that he had been starting to get into a bit of trouble with police?---I suppose in passing, but it wasn't something that was, like, a really big point when talking about him.

Did you have any concerns for him when you heard that information?---Naturally. Naturally, of course, you would be concerned and I definitely was.

And did you ever talk to him about that?---No, because then neither of us had mobile phones or a means to have that communication.

And so between the end of primary school- - -?---Mm mm.

- - -and the time when these events happened – was a period of about 10 years – how often would you see him, then?---I can't recall. It would just be if I was in Yuendumu and he happened to be there as well. And that happened – yeah. Like, I couldn't give a number of times that I would have seen him, but it would have just been sporadically throughout those years.

Now, can I just move on to another topic?---Mm mm.

Can I just ask you some questions about your time at the police station?---Yep.

And we've seen the video footage. We don't need to go back to that. But you were making multiple attempts to obtain information, weren't you?---Yes.

About what was actually happening?---Mm mm.

And you detailed that at pars 24 to 33 of your statement. Obviously, the first point of call was Derek, who was onsite?---Yes.

And you were asking Derek for information?---Yes.

And he was doing the best he could in the circumstances---?---He was, yes.

- - -in what you could perceive? In addition to that, you were in touch with people in Alice Springs, is that right?---I believe it may have been Darwin. So I called – I can't remember the exact phone call – phone number. I called the Yuendumu number that I had and there wasn't an answer. And then that was diverted to another line that I believe was in Darwin. And so we had – I made multiple attempts to get some information, but from what I was being told by those that were on the phone in Darwin, they weren't aware of what was happening in Yuendumu.

And were you also using Facebook to try and obtain information about what was happening?---I was more so using Facebook as a means of documenting what was happening. But I wasn't getting any information back to me through Facebook.

Now, you mentioned Brooke, who is your brother's partner?---Yes.

That's Brooke Shanks?---That is.

And where was she?---She was at my mother's house in Yuendumu.

Right. So, you weren't in touch with anybody in Alice Springs at all?---Not that I'm aware of. Like – there was a point where, when we believed, have believed, that Kumanjaji was flown into Alice Springs, I had seen some footage of people that were outside the Alice Springs Hospital, but it wasn't clear if Kumanjaji was there. They were just at the hospital, recording, and they had believed he had come. And so I, again, assumed that he had made it to Alice Springs. But that was – yeah, it was a bit more like indirectly given that information.

Can you remember who it was who you got that information from?---I can't be completely certain. I can't say with complete certainty, but I believe it might have been Kira Voller who was a friend of mine.

Okay. Can you just spell that name for us?---K-I-R-A V-O-L-L-E-R, I believe.

Thank you. So, you found it very frustrating that you couldn't get any information, as you've already explained?---Extremely.

But some people who weren't as technologically savvy as you were or are, in the group of people outside, do you think they were showing even greater frustration than you?---Of course, of course.

Now, the next morning, you discovered that Kumanjayi has passed and you say in your statement that, more than anything, you were shocked from knowing that Kumanjayi was never in the plane?---Yes.

And that we had been lied to?---Yes.

Now, we've read you – sorry, we've seen that the last Facebook video, apart from the sorry business?---Mm mm.

The one that was shown that night, when you were sort of wrapping up?---Yes.

And it's the case, at that point in time, you believed that he had been flown in that plane, that you had taken (inaudible)?---Yes, it was my genuine belief that he was being flown to Alice Springs and it was my deepest hope that he was and that he was being treated and there was an opportunity for him to be put in a stable condition and that he would survive. I think that's what all of us held onto that night and needed to hold onto; otherwise, it would have just completely broke us that night.

Well, the next morning, when you discovered he wasn't on that plane, how did you feel?---I was devastated. It honestly – like, it felt like there was just a pit in my stomach. I felt very sickened by the information that he was never on that plane because it was something that I held onto so deeply.

Did anybody in your presence ask the following day, including you, who was on the plane?---No, not from memory.

Did you subsequently discover who was on the plane?---From what I've gathered, it was people that were brought into Yuendumu, and then Rolfe, I believe was being taken out.

And how did that make you feel?---Again, it was very sickening because it felt he was being prioritised over Kumanjayi, who was in such dire need of that service.

Now, you also say that you thought it was very disrespectful that Kumanjayi was taken to Alice Springs in a car?---Mm mm.

And why did you feel that was disrespectful?---It just felt very disrespectful because there wasn't, in my opinion, care and concern for his body; and again, there wasn't anybody present with him that loved him that was on that journey with him. And so, it just didn't feel like he was given that respect as a human or as an individual to have that comfort, even after.

Can I ask you some questions about police in community and you mentioned you Uncle Sebastian?---Yes.

Was he an ACPO?---I'm not sure if he was an ACPO or just a regular police officer. It was when I was quite young.

And was he in Adelaide or in Yuendumu?---In Yuendumu.

And did you see him in Yuendumu in his police uniform?---Yes.

And do you remember if he ever wore a gun?---I can't, off the top of my memory, sorry.

And can you just tell us his relationship with you and whose brother or sister was he? Was he your mother's brother or further removed?---Aboriginal families are quite large, so I'll do my best, but my grandmother, who is my mum's mum, her father had three wives; and so, his – my grandmother's brother was his father, but they shared separate mothers, but the same father.

Right?---So, kind of like my mum's brother, but he would have been like a cousin at the same time.

Tell me about the police in the community after the event, and you've speak – been asked some questions by counsel assisting about that. And you say in your statement that you remember when you went to the shops, after sorry business, you saw police officers in khakis with big shot guns?---Mm mm.

Now, as I understand it, there are two shops in Yuendumu. There is the big shop? ---Yep.

And I've forgotten the name of the other one?---Outback.

Outback shop?---Yep.

And do you remember where you saw those police officers – was it one or the other or both?---Well, I definitely saw them in the khaki, standing out the back of the red house on the way, and then, I can't remember, off the top of my memory, which shop it was.

Is the big shop opposite the primary school?---Yes. Well, they both are, just in different, like, streets, because of the primary school is on the corner of the street, so they both it, but in different directions.

So, a police officer standing with a gun at the big shop could easily been seen by a child entering the primary school?---Yeah, and I'd been informed after that there had been police around the primary school, potentially even in the premises, because a lot of children were very fearful of their presence in that space because the school

likes to preserve that space as very safe for all community members; in particular, the youth.

That was my next question. For the primary school children in your family, what was their reaction to – that you observed to the policemen with guns in and around the community?---They were terrified. They were so, so scared.

Now, at par 49 of your statement, you say that you were seeing a lot of movement by the police around the community?---Yes.

What did you mean by movement? Was that in vehicles or on foot or both?---Yeah. More in vehicles, a lot more like patrolling in police cars.

And were they 4-wheel drive vehicles or ordinary police vehicles?---The paddy wagons are usually what service community.

Now, you've spoken a little bit about the ongoing impact of these events and you've said that you personally have some anxiety and ongoing anxiety?---Mm mm.

In respect of your own situation and in respect of the males in your family?---Yes.

Do you have some concern about young people, young men in particular, in town, in Alice Springs?---Yes, absolutely, absolutely.

And do you want to just express to the Coroner what that concern is and how that affects you when you come to town?---It's just – like I feel very anxious about their general safety and well-being. Because of what has happened, it then strengthens their understanding that the police are not a safe entity for them to interact with and there can be a lot of stereotyping of the youth, particularly Indigenous youth in town, even in Darwin. And so, there is – because there isn't this trusted relationship, they are very fearful and probably less likely to want to comply or work with the police, in a way. And so, I'm very fearful of the reaction that they might receive from the police if they're not completely compliant.

Now, the last time you saw Kumanjayi, you say in your statement that just before you went to the cemetery for the funeral- - -?---Mm mm.

You were in the car with your mother?---Yes.

And where were you sitting in the car, do you remember?---I can't remember. I think I was in the backseat and my mum was driving at the time.

And you saw Kumanjayi at the red house?---I did, I did. So we were all about to make a convoy to go to the cemetery and I remember sitting in the car and looking over to the red house – which is what we go straight past – and seeing him walk over and asking my mum and saying – because had room in our car for more people to come to the cemetery – so talking to my mum and saying, “Should we, like you know, ask Kumanjayi if he wants to come in as well or some of those other young

fellas if they want to jump in the car with us to go to the cemetery?” And she was like, “I don’t know, I think they’re going with, like, other mob. I think they’re going with other family.” And so I was like, “Okay. Well, then should we ask this other family?” Just to try and make sure that people that wanted to go to the cemetery could make it.

But when you picked him out and saw him there, did you catch his eye?---He was a bit too far for him to see us, but I – I had a really weird, strong urge to want him to come.

And you were aware at the time that he had – he was – had left CAAAPU?---I wasn’t aware.

All right. And did you know that he – that police might be looking for him? Did you have any knowledge of that?---I wasn’t, no.

Did you know he had been in trouble with the police in the recent past?---Not at that period, no.

All right. So the Kumanjaya you were asking to get into the car was the boy you knew- - -?---Exactly.

Now, the last time you were near him was when you were at the police station?---Yes.

And when you think about him lying in the police station without family, do you think about the Kumanjaya who was in trouble or the young boy you knew?---Well, I think about him in encompassing all of those, because even if you’re a young person in trouble, it doesn’t – you don’t still deserve to feel scared or alone. So I think I think about him as a whole person, regardless of his faults or his history. Because to me, regardless of what he had done, it wasn’t acceptable for him to be in that state and nobody deserved what he had in his last moments.

Thank you, Samara. Thank you.

THE CORONER: Mr Boe?

MR BOE: Samara, I have about 15 or 20 minutes. Would you prefer to do that after lunch?---Yeah, that might be more appropriate.

Does that suit your Honour?

THE CORONER: It would suit me, Mr Boe. We’ll adjourn.

WITNESS WITHDREW

LUNCHEON ADJOURNMENT

RESUMED

THE CORONER: Yes, Mr Boe.

MR BOE: Thank you, your Honour.

SAMARA FERNANDEZ-BROWN:

MR BOE: Samara, thank you for your time so far this morning and yesterday. You know that I and (inaudible) appear for the Walker, Lane and Robertson families?---I do.

I just want to ask you a little bit about Derek Williams?---Mm mm.

You know him to be a member of the Walker family?---I do.

But Derek also has a senior position in the entire community because of his appointment as an ACPO?---Yes.

And in that sense, you've had dealings with him and understand that all families respect him for the job that he does?---Yes.

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

Now, just in – you were speaking earlier to Dr Dwyer and, I think, Mr Mullins, about the sense that you were not told at the right time about what was happening to Kumanjayi inside the police station. Can you tell me what you thought would have been the best person to be speaking to the family as to what was going on, on the police side of things?---Well, I defence think Derek would have been the perfect person to be able to filter that information from the police to family and then it would be up to him whether or not he'd then want to involve other elders in that conversation, that would then go to the rest of the community. But certainly, he was the most appropriate person to involve in that.

And that would have served two purposes, may I suggest, which is, one is to get information coming from somebody they trusted or you trusted, correct?---Absolutely.

And, secondly, a person who would be able to understand how the family – how the community would be responding, so that he could help quell any anxiety and things like that?---Absolutely, and I think further, it just would have been the most appropriate because it would have been a culturally safe and a culturally sound approach, which was vital and was missing from that process.

Thank you. Now, you spoke, powerfully if I may say, about the importance of funerals and those sorts of times in the community?---Mm mm.

May I just ask you some questions about that?---Of course.

Firstly, the whole notion of funeral is not just the burial, is it?---No.

It's the time beforehand?---Yes.

Time collecting your thoughts, and then time after?---Correct.

And, in terms of the general language used, it is sorry business?---Yes.

Which would cover that whole process?---Yes.

And depending on who the person is and how many connections in the community, that process could take some weeks?---Correct.

Certainly a number of days?---It can take longer. It can take months in some instances.

Yes, and the most intense time would be at the time when the funeral was to take place?---Yeah, there is sort of two intense periods. It is directly after the incident or the passing, and then during that funeral and just after that too.

And it's a dynamic process where there may be some events happening at some place with some people, and other places where other people would go, depending on the network of connections?---Yes, absolutely. It would be most ideal to have everybody in the same location, but as we know, families in community stretch for big distances. And so, like you said, it can happen in different places, but the most appropriate and sort of valued would be all in the same location.

And because people are travelling sometimes from a long way away, the arrangements for a particular part of the ceremony might be held back or postponed a few days?---Yes.

Just to make sure everybody who wants to come can come, is that right?---Exactly.

Now, you said in your evidence, when asked by Dr Dwyer, that you did not see Kumanjaya at the funeral. Now, you weren't suggesting at all that he wasn't there, were you?---Absolutely. It's not to say that he wasn't there. There was a large number of people in that area during the period of the funeral. So, he very well could have been there; and, again, bear in mind that I wasn't looking for him. I was there to mourn. So, I can't recall, but again, it doesn't mean that he wasn't present.

Now, by 7 o'clock on the Saturday, the sorry business was far from over, was it?---Correct.

And, in a sense, within the community, the funeral was far from over?---Correct.

Thank you. Just another topic that you spoke about concerning what you did with your mother when you saw some of the men with what you said were weapons?---Mm mm.

You weren't talking about guns, were you?---Absolutely not.

And, in seeing that, you explained to us, firstly, that because of gender issues, you don't purport to speak about men's cultural behaviour?---Mm mm.

For you have been in a position to see it in the past?---Yes.

Now, I just want to read to you a bit of the evidence of police officer, Lanyon Smith, that he gave in the criminal trial?---Yes.

You may have been there when he - - -?---I was.

And he was asked a question, in and around the issue of why he didn't feel – and these are my words – any great threat necessarily because Kumanjayi was wielding a weapon?---Mm mm.

And he was asked – it's at page 112, for reference, question:

“You say that you knew Kumanjayi as a Warlpiri man. What significance did that have, in your mind, at that time?---From previous dealings with Warlpiri people, a lot of it is for show.”

“I beg your pardon?---A lot of it is for show.”

“When you say a lot of it, what do you mean?---Force. They brandish nulla nulla sticks, trampoline poles, whatever, and in the presence of their family, to show ‘I would want to hurt this person, but because police are here, I can't.’ But in their mind, they are trying to impress upon their family that they're a strong person. So, given the fact that his partner, his mother and father-in-law were in the house, or mother-in-law was in the house, that's what I was thinking also.”

Now, does that reflect part of what you were trying to explain earlier?---Yeah, absolutely. And, historically, Warlpiri people have been known for being quite fiery, very strong people, that stand strong at the forefront of things. And so, like you said, it doesn't mean that the intention, when holding a weapon, is to use it. It can be just for show, to show and demonstrate that you are powerful.

And to show his family, and perhaps children, “I will protect you if something else happens.”?---Mm mm.

Is that fair?---Absolutely.

It's not the mere wielding of weapons in that context. It's not to express an intent – I'm going to go do something?---Absolutely.

Is that fair?---Absolutely. And it was quite clear that that intent wasn't there because, in that instance, it wasn't followed through.

And in a sense, you, if I may say appropriately, counselled him to put it away and they immediately responded?---Immediately.

Yes. Now, just two more areas, in exhibit 422, which was the video that was played, there was conversation concerning the issue of the absence of medical assistance. Do you remember that video?---I do.

Now, is it the case that one of your primary concerns, reflecting what you're hearing and seeing, was that you were hoping that if he had been injured – which you had greatly suspected – that you were concerned that there wasn't any medical staff there?---Absolutely.

To give him the assistance that he may need, not knowing how dire his situation was. And in that conversation, there was a reference to, "They knew that there wasn't any medical staff here"?---Mm mm.

Now, you were in that conversation. Did you understand that by meaning that, "How could the police come to our place, bringing those assault weapons, thinking that if they had been used, where was the help going to come from"?---Yeah, absolutely. It's like with anything, even in schools. If you're going to execute an excursion or anything, there needs to always be a contingency plan. Always a safety plan. And in the instance that the police were coming and had weaponry, even in the instance if Kumanjaji was bitten by the dog – which was the initial plan – there should always be a back-up safety plan. And so for them to proceed with the arrest when they had known that there was no medical staff, I think was quite neglectful.

Now, you mentioned that you're now working WYDAC?---Correct.

And you got to understand the powerful relevance of that institution in the community?---Correct.

It's a collection of not only elders, but very well-trained people- - ?---Mm mm.

- - -who are able to be quite bi-culturally competent in engaging between the community and outside service providers?---Correct.

Do you think – sorry. You did not know Kumanjaji's legal status as at the time of the funeral until much after the event?---Correct.

You did – you do now know that he had breached a condition of his suspended sentence, which had required him to complete a course at CAAAPU?---Mm mm.

CAAAPU being a place for rehabilitation?---Yes.

Is that right?---Correct.

Now, I take it you don't know what the legal consequences of him having taken off his bracelet and CAAAPU meant?---No.

Okay. If you knew that as a result of that breach, one means by which to address his situation was for him to talk into a courtroom and ask the judge to review the orders in place?---Mm mm.

And that may not necessarily mean he would be placed in detention. Do you think that's something that somebody from WYDAC could have helped to explain to him so he didn't feel as if he was necessarily going to be placed in – going back into gaol?---Sorry, can you repeat that?

That he knew that it was not necessarily the case that he would have to go to gaol by having left CAAAPU?---Yeah, I'm not sure but I would imagine that he probably didn't think that it was – that he could have that conversation. I can't imagine that he would have been aware of what he could have done in those circumstances.

I mean, we heard in the opening – and you may have been here when Dr Dwyer explained that there is evidence likely to come out that he, on 1 November, attempted to return himself to CAAAPU and that he was not permitted to do so, or he would not have been permitted to do so had all the communication been in place. Does that raise for you, given your eloquence and understanding the interaction between- - -

THE CORONER: Mr Boe, I don't think that's exactly the evidence. The request was made to find out whether or not he could return to CAAAPU and they were waiting for a phone call back.

MR BOE: No, that's correct. That is exactly right but, as I understand it, subsequent enquiries of the manager by the Coronial Investigation Team, showed that if he had been requested to come back in, he would not have been able to go in until the course had finished and that would take eight weeks. But that will be the evidence, as I understand it.

MS DWYER: I think we're yet to clarify, but I understand what – so there's an outline of the expected evidence for your Honour that has been prepared very carefully by a previous officer in charge. I haven't heard that directly from the manager of CAAAPU and we'll certainly get that evidence so that we can clarify before the end of the - - -

MR BOE: Yes, thank your Honour. I – to be precise about it, I'll rephrase the question, if your Honour wishes me to do?

THE CORONER: Yes, Mr Boe.

MR BOE: The issue really, is – Samara, is this: would it be helpful for young people in Kumanjayi's situation to have people at Yuendumu help them understand

their legal position so that they're not in the situation where they don't know what will happen to them because they have done something wrong?---Yeah, absolutely. I think it's a necessity for young people and all people in general, but particularly people in remote communities to have that legal education so they do know what they have the right to do. And then to have the ability to enquire if there is a particular situation that they would like to unfold.

Yes. And do you think in that situation it's also necessary that the police, who may be looking for him, also know his situation?---Of course, of course. I think there needs to be that transparency and that clear line of communication.

And the, I guess, the kind of available, appropriate person to do that would be an APCO?---Yeah, I think it is most appropriate to have the APCO that acts in between the community and the police to be able to find the most appropriate and direct line to get the suitable outlook, I suppose, the suitable outcome of what both parties want.

Yes, the most peaceful way to return (inaudible)- - -?---Of course, yeah.

Okay. Now just finally, these events are really the most significant event that has happened to Yuendumu amongst people of your generation?---Absolutely.

And secondly, you understand that the event that has been impressed in their mind of your elders is really the events of Coniston scenario?---Correct.

Did you want to say something about that?---Well, sure. With the Coniston, I think the events of Kumanjayi's case and the events of Coniston are in very different eras, and so the way that it affected elders still lives with them in their hearts and in their spirits and there is still a lot of trauma that exists there. But it was a different era in Australia in knowing that there was a different level of racism and there were quite, you know, different rights then. Whereas now, again, for someone of my era, it – it is very shocking and it is very distressing because for me, I just didn't think that this would exist. Because you'd have hoped that we, as a nation, have progressed in a way where this couldn't exist, particularly when you've had different inquests into black deaths in custody.

Thank you, Samara.

Thank your Honour.

THE CORONER: Thank you.

Yes, Mr Boulten.

XXN BY MR BOULTEN:

MR BOULTEN: Thank you, your Honour.

I'm a lawyer for NAAJA. So I was just interested in your evidence about how you interpreted the police response and your answer centred on institutional racism. I want to ask you about other perceptions that you had that night. So your decision to record people- -?---Mm mm.

- - -outside the police station, you made clear was because you thought no one would believe that everyone was calm?---Correct.

Do you think – did you think that people would not believe that you were calm because you were all Aboriginal people?---Absolutely.

Why did you think that?---Because of the history and the way that it has unfolded in Australia. There seems to be a really big onus on Aboriginal and Torres Strait Islander people when events affect them, particularly if the police are also involved in that incident. There seems to be an onus always placed on Aboriginal and Torres Strait Islander people in the sense of, "If this happened, you must have done something to warrant the police doing that."

There's also the issue about credibility and belief in your answer. Have you experienced yourself, or been aware of people you work with or live with, who have not been believed when they're in conflict with police and authority, generally?---Yes.

Give us some examples, if you can think of them on the spot?---Yeah, absolutely. There have been examples of young people that will talk about their experience in police custody and they might say it, and then if it then is escalated – or even if they say it to somebody, there is always a question of, "Okay, then what led you into that? Were you doing this? Were you complying?" There is always this questioning that happens to that young person. But it also happens on a very minor level, I have witnessed, just in terms of – an example I can think of off the top of my head right now, is just people – particularly Aboriginal people, being allowed in night clubs. If they're not – if I have been told that there are sometimes particular rules in a night club, you can't let this many Aboriginal people in, or Torres Strait Islander people in. And I have been in a line with two sober Indigenous men and they've said to me, "Can you stand in the line with me, because they're not going to let us in." And so then I stood with them to attempt to get them into this night club. Both sober. Both dressed appropriately. Still refused entry. And in that instance, they asked, "Why weren't we allowed to come in?" And it was just a matter of, "Well, you are not wearing the right wear", or, "you don't have the right haircut", and those kinds of excuses. And then if that's taken to a platform, social media, for instance, which it was in this case, there are a lot of comment sections that will then reply, "Well, were you behaving in a rowdy way? Were you doing this?" And, again, the onus is placed on the Indigenous people in that situation.

You talked also about stereotyping of young people in Alice Springs. What did you mean by that?---Well, as people may be aware, there can be break-ins and some criminal behaviour of young people in Alice Springs or in other locations, and the stereotyping, for me, then comes from assuming that all young people that are Aboriginal or Torres Strait Islander people, are doing criminal behaviour, and there

are multiple accounts and stories of young people that will just be walking, and that will be stopped and questioned about what they're doing, when in fact they're just walking from A to B.

In the days before the incident which is the subject of this inquest, did you become aware that there had been break-ins on the health staff premises?---No, I wasn't aware.

Was – did you hear chatter amongst your relatives and friends in the lead-up to the funeral about problems of youth crime in the community?---I wasn't aware. I was informed on the day of the funeral that the health clinic staff were leaving, but I wasn't informed on all of the details that led to that.

Well, could you see any particular unrest in the community on the afternoon and the evening of the funeral?---Not from my perspective in terms, because there was a big emphasis on the funeral, and, obviously, the person – so my grandfather, he had a very big impact in community. And so from the conversations that I was having, and what I had been told, it was – there was more focus just on him and being able to get his body to the – from the morgue to the actual funeral.

In the period after you became aware of gunfire, apart from the incident that you – the incidents that you have described where you were taking weapons from people, did you see anything else that was in any way a threat made to, voiced at, or aimed towards the police?---No, not in terms of direct threats, because if you would have seen, in the videos, there was very clear concise direction from elders in the community not to act in a threatening way, not even to the building itself.

HER HONOUR: Can I just ask, when you say that, is that in Warlpiri?---It's in both Warlpiri and in English.

MR BOULTEN: That was a message that was heeded, you thought, people thought that was a good idea?---Yeah, well, then nobody was reacting. Everybody was complying with that.

You talked about the significance of your relative, Derek, and you've also talked about the importance of Warlpiri leaders?---Yes.

In Yuendumu?---Mm mm.

Do you see a role for Warlpiri leaders to communicate with police on a regular basis?---Absolutely. I think in terms of, like, policing, if it needs to exist, it needs to exist in that two lane approach of – similar to what Andrew was saying about having that information across, you know, the legal aspect. But, you know, like, what is required of you, and if there is a breach of those, and if there is an arrest that needs to be made, I think it is always most appropriate to have a Warlpiri person explain that in detail to another Warlpiri person, because then they're more likely to comply.

Are you aware of the Southern Kurdiji?---I am.

Could you explain very briefly what that is, please?---I will do my best.

Yes?---They exist in Yuendumu as one of the stakeholders, and there are different components to it from my understanding, mediation falls under them and so does the night patrol, and the mediation are – usually there's mediators throughout both areas. There are Warlpiri people that are employed to help mediate, and to help with the night patrol, who patrol Yuendumu at night to make sure that there aren't any, sort of, goings on happening.

Are you aware of the Northern Territory's Aboriginal Justice Agreement?---I'm not.

Would you regard the Kurdiji group or elders groups like that as being worthy of public funding?---Absolutely.

Why?---Well, again, just in the way that things need to work, in Aboriginal and Torres Strait Islander communities, you need to empower and invest in the community members there. There are many reasons, obviously, just for the general safety of everybody, because then there is a concise and clear level of communication. Also, in my personal opinion, it's very important for modelling and showing those role models and different avenues that young people can take, particularly with employment.

You spoke about the inappropriate – the wrong way to deal with somebody during a funeral. How important is it for police to be aware of cultural sensitivities?---It's extremely important.

How can that be best delivered to the police, do you think?---In my personal opinion, it's always on an individual basis, because all communities are separate. They have their own cultural ways of dealing with things. There's different languages, customs and traditions, and so the best way to operate as police in a community is always to go and speak with elders. In this case, it would have been Warlpiri elders and people to figure out a way to exist, co-exist in this community, to the safest and most effective ability.

What is your view about the need for more Aboriginal police officers?---Well, again, typically speaking, if there is an Aboriginal person in a space, it warrants more safety, because they have an innate responsibility for understanding of other Indigenous people. But it also creates a stronger trust and bond, and in order for things to function, particularly in Aboriginal communities, trust is a really strong component.

How can police build trust in a place like Yuendumu, do you think?---Well, as you would have heard by elders Robin and Ned, it comes down to being on country and communicating with people in that community, and understanding. And from the communications and conversations I have had with my family, it's about being a part of the community, not a separate entity within the community. So, if there is

community policing, from what they've told me about the history and their past, a lot of police officers were heavily involved in the community.

Doing what sort of things?---They'd go hunting with elders. They would play in the football teams. They'd be a part of community events, you know, be at funerals, not as a police officer, but as a community member.

Have you seen that sort of interaction in Yuendumu?---I haven't, but I've certainly heard about it and I think that they're – sorry, correction – up until 2019, I hadn't seen it. I believe there has now been a conscious effort since. So, I have seen different police officers, Annie being one of them, being present in the community a lot more and attending community events. For instance, there was a movie night at the school; and so, they were there in casual gear.

Are there institutional things that the police can do to establish trust, as opposed to police officers personally doing things in their otherwise capacity?---Of course. I think, institutionally, there needs to be something incorporated, where there is a clear guideline around culturally existing, safely and appropriately within communities; again, like I've said, communicating with those elders of that particular community, to establish a way to exist, so that, I believe, needs to happen. But also - just again, conversations I've had with family and things that seem to work - is if there is an outstanding arrest or warrant, speaking with community members of that young person, that this is outstanding and what is the best way that we can approach this together and having clear guidelines and steps that everybody is aware of.

With young people in particular in mind, what type of programs do you think would assist to engage young people, teenagers, with more positive law roles?---that's a big question and I think I'll answer on my perspective. But, in that, I would highly recommend that you involve those young people in those conversations, because their voices are going to be the most important because they are directly impacted and their reservations need to be heard. Again, I haven't had those dealings, so I can only speak on what I think could be the best way, but I think, basically, just speaking to them, seeing what their experiences could have been, working to build their trust with the institution, and then just giving them a different outlet in community, whether it be working – I know, the Southern Kurdiji, they've got the junior night patrol program that is existing. But just creating other opportunities for young people in community.

Finally, do you think there are enough Yapa people in employment in Yuendumu?---There are a lot that are employed, but I think there needs to be more in more leadership roles and in higher-ranking roles, and in those sort of full-time positions that are able to model, and I think Yapa across the board of ages, you know, from elders down to the 16-year old's that are capable and able to work.

Court pleases. Thank you very much.

THE CORONER: Thank you, Mr Boe.

Are there any other questions?

Dr Dwyer, did you have anything else arising from that.

DR DWYER: No, only to add my thanks to Samara for this afternoon and this morning.

THE CORONER: Ms Fernandez-Brown, we have all been listening to you very closely. I haven't seen a group of people listening as closely as I have observed in this court room, and no doubt wider than this court room, to your words today. Your evidence has been very eloquent and I have heard, through your evidence, your intelligence, your reflection, your conviction and your courage and I want to thank you for coming and being so very, very open and generous with us all?---Thank you.

WITNESS WITHDREW

THE CORONER: Yes, Dr Dwyer?

DR DWYER: Thank you, your Honour. Your Honour, the next witness is Mr Derek Williams and I call Mr Williams.

THE CORONER: Come and take a seat, Officer Williams, and have you got a glass there for some water, if you need it. We'll make sure that you do.

DR DWYER: Your Honour, just while Derek is settling in, can I just acknowledge the presence of senior elder, Mr Joseph Lane, who joins us today in person in the court.

THE CORONER: Thank you.

DR DWYER: I acknowledge the significance of having such a senior man here with us in court this afternoon.

THE CORONER: Thank you for being here, sir.

DEREK JAPANGARDI WILLIAMS, (not sworn):

XN BY DR DWYER:

DR DWYER: Mr Williams, could you please tell the court your full name?

MR WILLIAMS: Derek Japangardi Williams.

DR DWYER: And you're a Warlpiri man?

MR WILLIAMS: Yes.

DR DWYER: Where do you live now?

MR WILLIAMS: Yuendumu.

DR DWYER: You have prepared a number of statements in court. Just before I ask you some questions, Mr Williams, I will just list them onto the court, so that everybody knows where to find them.

Your Honour, there is an initial interview from 20 November 2019 - that is at 7139; an interview from 20 June 2020, 7140. Mr Williams gave evidence at trial on 15 February 2022. That's obviously the trial of Constable Rolfe. That's at 7140A. And Mr Williams has kindly provided a statutory declaration of 9 August 2022, and that is at 7140AA.

DR DWYER: Mr Williams, how should I refer to you today?

MR WILLIAMS: Derek.

DR DWYER: Sir, can I ask you then, firstly, some of your background, so we can understand more. Is your family from Yuendumu, back from a long time?

MR WILLIAMS: Yep.

DR DWYER: And do you also have family in other places around Central Australia?

MR WILLIAMS: Yeah.

DR DWYER: Can you tell us a bit about where your other family members come from?

MR WILLIAMS: Nyrippi, Willowra, Lajamanu and Yuendumu, and obviously, I've got my kids who live at (inaudible), yep.

DR DWYER: And you're bringing up some children in Yuendumu, is that right?

MR WILLIAMS: Yes.

DR DWYER: Okay. How many kids have you got in Yuendumu?

MR WILLIAMS: I've got one at the moment.

DR DWYER: One little girl, is that right?

MR WILLIAMS: Yep.

DR DWYER: And, Derek, when you grew up in Yuendumu, you learnt the Warlpiri language, is that right?

MR WILLIAMS: Yep.

DR DWYER: And was that your first language?

MR WILLIAMS: Yeah, that was my first language, yes.

DR DWYER: Do you speak other languages as well?

MR WILLIAMS: Yes.

DR DWYER: What other languages do you speak?

MR WILLIAMS: Luritja, Pintupi, Binjara.

DR DWYER: I think that's at least seven that I counted. Derek, you are a senior Aboriginal Community police officer currently, is that right?

MR WILLIAMS: Yes.

DR DWYER: And you come from a very strong family in Yuendumu, is that right?

MR WILLIAMS: Yes.

DR DWYER: Your mum is Alice Nelson, is that right?

MR WILLIAMS: Yes.

DR DWYER: And your father, Warren Williams?

MR WILLIAMS: Yep.

DR DWYER: And Warren is here in court with us?

MR WILLIAMS: Yep.

DR DWYER: Your mother's sister was Kumanjayi's grandmother, is that right?

MR WILLIAMS: Yeah.

DR DWYER: Did you call him your nephew?

MR WILLIAMS: Yes.

DR DWYER: And did you see Kumanjayi grow up at different times in his life?

MR WILLIAMS: Yeah, just probably met when he was probably 10 and I saw him when he was a little baby, (inaudible).

DR DWYER: Okay. Can you tell us a bit about Kumanjayi as a young fellow, when he was about 10?

MR WILLIAMS: Yeah. He was more into playing games, video games and he liked his footy and he just roamed around the community a little bit, yeah.

DR DWYER: I'm going to come back to Kumanjayi and ask you some questions about it. Before I do, can I ask you a bit more about growing up yourself?

MR WILLIAMS: Yep.

DR DWYER: Did you grow up most of the time in – in Yuendumu?

MR WILLIAMS: Yeah.

DR DWYER: And you – did you visit other communities when you caught up with family?

MR WILLIAMS: Yeah.

DR DWYER: What was it like for you growing up in Yuendumu?

MR WILLIAMS: It was different. We, like, we came to the ages of, you know, when - been living out bush at the station where my father belongs to, and just recently moved to Yuendumu in the 90s and, yeah.

DR DWYER: Did you go to school in Yuendumu?

MR WILLIAMS: Yep.

DR DWYER: Primary school there?

MR WILLIAMS: Yeah, primary school there.

DR DWYER: And I think you explain in your statement that you did that in 1995, when you were 11 years old?

MR WILLIAMS: Yep.

DR DWYER: You left Yuendumu and moved to Darwin, and went to Kormilda College as a boarder?

MR WILLIAMS: Yep.

DR DWYER: You lived on campus there?

MR WILLIAMS: Yep.

DR DWYER: And you came back to Yuendumu on holidays?

MR WILLIAMS: Yep.

DR DWYER: What was that like, when you went away to college?

MR WILLIAMS: It was different experience, like, going to the school where we – where your family is not there, and you have to do everything by yourself, and – yeah, learn and get better and then come back and work at the community.

DR DWYER: For you, when you were growing up with your family and all the rich culture that you had, what was the importance of – for you to be close to family?

MR WILLIAMS: What's that, sorry?

DR DWYER: Yes, let me ask it again.

MR WILLIAMS: Yep.

DR DWYER: That was clumsy. For us to – for Kartiya in this courtroom and those who are listening who haven't had an experience of growing up in country.

MR WILLIAMS: Yep.

DR DWYER: What's the importance of culture for you?

MR WILLIAMS: It's like kinships and everything like that, but everybody is connected to one another, your families, and coming back from school, you come back to the community and learn a bit about your culture and just hunting stuff and, yeah.

DR DWYER: Does it make it – did it make it hard for you to go away to school when you've got all that culture back home?

MR WILLIAMS: Yeah, like, it's like a school learning as well, you know, coming back from school, you got to learn a bit more your culture, and then go back do some education in – in the big city, yeah.

DR DWYER: You had enough after five years I think, you left halfway through year 11?

MR WILLIAMS: Yep.

DR DWYER: And then you got a number of jobs?

MR WILLIAMS: Yep.

DR DWYER: And you tell her Honour about it in your statement. You worked on the mines at one point?

MR WILLIAMS: Yes.

DR DWYER: And truck driving?

MR WILLIAMS: Yeah.

DR DWYER: And when you were 17 or 18, you spent some time in Papunya working as a teacher's aide?

MR WILLIAMS: Yep.

DR DWYER: What did you think of those jobs?

MR WILLIAMS: It was different. Working at the mine was away from family as well, but it was – yeah, good feeling to work on your country as well, and different – seeing different sites and stuff, and when I moved to Papunya, yeah, I was made – I went up there and I just wanted to better myself and try different works, you know, opportunities, yeah.

DR DWYER: You met your wife, met up with your wife in Papunya. Is that right?

MR WILLIAMS: Yep, Lexia.

DR DWYER: And your – okay, and then you went back to Yuendumu after that?

MR WILLIAMS: Yep.

DR DWYER: You tell her Honour that you worked for the CDEP projects for a time?

MR WILLIAMS: Yep.

DR DWYER: Where was that, which community?

MR WILLIAMS: Yuendumu.

DR DWYER: And what sort of things did you do with CDEP?

MR WILLIAMS: We was doing landscaping stuff, like, cleaning up yards and cleaning up the streets and, yes, doing welding and stuff.

DR DWYER: You tell her Honour that your Uncle Roy Curtis Walker was a police fellow in the Northern Territory?

MR WILLIAMS: Yep.

DR DWYER: And you saw him working when you – he was growing up?

MR WILLIAMS: Yeah.

DR DWYER: When you were growing up?

MR WILLIAMS: Yep.

DR DWYER: And what did that mean to you, to see him working as a police officer?

MR WILLIAMS: Yeah, it made me feel proud and one day, I could be a police officer like him, yeah.

DR DWYER: Did he – when he talked to you or when you saw him, did he seem to enjoy that job?

MR WILLIAMS: Yeah, he did, yeah.

DR DWYER: How important do you think it is to have Yapa as police officers?

MR WILLIAMS: It's a really – eye opening, and especially working between two worlds, you know, the community and your culture with the family, and working with the police, sort of stuff, which – yeah, it's challenging at times, yeah.

DR DWYER: I'm going to ask you about some of those challenges. In terms of – just so everybody listening can understand the importance of that role, in terms of the role of an Aboriginal community police officer, what sort of things do you do day to day?

MR WILLIAMS: We do community engagements at schools sometimes, or just around the community, just talk to elders and stakeholders and other – yeah, people around the community, and just day to day, it brings other jobs as well, yes, just normal stuff, yeah.

DR DWYER: When – in terms of you becoming an Aboriginal community police officer, you tell her Honour that when you were 18 or 19 years old, your uncle suggested that you should join the police force?

MR WILLIAMS: Yeah.

DR DWYER: And you were interested?

MR WILLIAMS: Yeah, I was interested, but I had too much on, just wanted to – a kid, mature enough to understand the culture – cultural side of stuff and also the policing side of stuff, yeah.

DR DWYER: And you said in your statement, you wanted more experience with your culture too, so that the elders would respect you as a lawman?

MR WILLIAMS: Yeah, yeah, and, like, the cultural – yeah, you've got two roles to play. It's like climbing up the ranks to be a sergeant, you – it's similar to our culture as well, yeah.

DR DWYER: You've got to earn that respect?

MR WILLIAMS: Yeah.

DR DWYER: When you were 21 or 22 years old, you were ready for something new?

MR WILLIAMS: Yeah.

DR DWYER: So you decided to give it a go?

MR WILLIAMS: Yeah.

DR DWYER: And can you tell us how old you are now, Derek?

MR WILLIAMS: I'm 38 now.

DR DWYER: And you've been working for the police ever since you were about 21, 22, right up until now?

MR WILLIAMS: Yep.

DR DWYER: In – you explain in your statement that in 2006, you spent three months training to become an Aboriginal community police officer?

MR WILLIAMS: Yep.

DR DWYER: And you did that in Alice Springs?

MR WILLIAMS: Yep.

DR DWYER: And you did that with some other ACPOs who were recruiting then at that time?

MR WILLIAMS: Yep.

DR DWYER: The training was done by Senior Sergeant Steve Wong and Chris Miller?

MR WILLIAMS: Yep.

DR DWYER: Are they Yapa or Kartiya?

MR WILLIAMS: Kartiya.

DR DWYER: And what was that like, that training?

MR WILLIAMS: It was pretty much intense, and – but I knew Steve Wong from Yuendumu, he worked out there, and – yeah, it was very intense, with – just filing and policy and stuff like that, yeah.

DR DWYER: Did you feel that that was a good space to learn in?

MR WILLIAMS: Yeah.

DR DWYER: When you finished, you started working in other communities, and you list them in your statement. They – you worked in Alice Springs, Darwin, Papunya, Kintore, Haasts Bluff, Lajamanu, Hermannsburg and Willowra?

MR WILLIAMS: Yep.

DR DWYER: But most of the time, it has bene in Yuendumu. Is that right?

MR WILLIAMS: Yes.

DR DWYER: Because you've got so much experience working as an ACPO in those different communities, can you tell the coroner what are the communities you particularly enjoyed working in?

MR WILLIAMS: I can't pick and choose what - - -

DR DWYER: Okay.

MR WILLIAMS: They're all good, yeah.

DR DWYER: They're all good? And is – what's a good – what makes it good for an ACPO? What are the situations that make it helpful, in terms of working with other police?

MR WILLIAMS: Just the language barrier between Kartiya and, yeah, just language barrier, if you – you know, the places you got to speak their language, and reiterate to the officer or the sergeant and, yeah, we go from there.

DR DWYER: When you're Yapa police and working with other police officers in the station, it's Kartiya and Yapa side by side, in the police station. Is that right?

MR WILLIAMS: Yeah.

DR DWYER: Have you, like all of us in a workforce, you sometimes get along better with some than others.

MR WILLIAMS: Yep.

DR DWYER: Have you had a good experience or mixed experience? Tell us about that.

MR WILLIAMS: Yeah, I always had good experience with the colleagues that I worked with. And some though wasn't good, but everybody – we worked along – along together and yeah.

DR DWYER: Have you been involved – I'll come to the situation with Kumanjaya – but have you been involved prior to being asked to help out with Kumanjaya with assisting police to arrest people?

MR WILLIAMS: Yeah, yep.

DR DWYER: Is that an important part of the things that ACPOs do?

MR WILLIAMS: Yeah, it is really good if ACPO attends these arresting – planning and arrest someone who is, you know, doesn't understand the law much and – yeah. It's really good.

DR DWYER: After you became an ACPO initially, you then did some further training so that you could become a Senior Aboriginal Community Police Officer; is that right?

MR WILLIAMS: Yep.

DR DWYER: And that gives you even more responsibilities; is that right?

MR WILLIAMS: Yeah.

DR DWYER: In your time as an ACPO or a Senior ACPO, you explained in your statement, you have never been confronted by any community member with a firearm or an edged weapon; is that right?

MR WILLIAMS: Yeah, nah.

DR DWYER: When you're working as an ACPO, you don't carry a gun – you yourself – do you?

MR WILLIAMS: Nah.

DR DWYER: And you've never done that in any time?

MR WILLIAMS: Nah.

DR DWYER: Do you carry a taser?

MR WILLIAMS: Yeah.

DR DWYER: Okay. And have you got a baton, something like that?

MR WILLIAMS: Yep, baton and OC.

DR DWYER: And OC. Have you ever had to use any of those things?

MR WILLIAMS: No. I think my OC has filled up with cobwebs because I haven't used it yet.

DR DWYER: Have you ever been confronted with a community member, in all the different places you've worked, who's angry about something?

MR WILLIAMS: Yeah. There's been a lot of incident that I went to where there's angry persons or riots or something like that. But you have to bring them back down to your level and explain, "Hey would, you know, like maybe arrest him?" And then it works out from there.

DR DWYER: Can you tell us how you do that, Derek?

MR WILLIAMS: Just, I don't know. I just talk to them, you know? Treat them with respect and how you want to be treated. And the respect comes both ways and, you know, if you treat somebody with respect they'll treat you really good, yeah.

DR DWYER: You explain in your statement that a big part of your job as an ACPO is to get the young people in community to stay in community and stay out of trouble?

MR WILLIAMS: Yep.

DR DWYER: And you've got some ideas that you use for that. You do things like footy competition?

MR WILLIAMS: Yep.

DR DWYER: And getting the kids into music?

MR WILLIAMS: Yep.

DR DWYER: You're a musician; is that right?

MR WILLIAMS: Yes, I'm a musician, yeah.

DR DWYER: What instruments do you play?

MR WILLIAMS: Anything.

DR DWYER: Did you just say anything for us? And so do they – when you offer to do that with the kids, do they respond well to that?

MR WILLIAMS: Yeah, they really – like, when the kids – when they go to school, sometimes, they want to become a musician or a police officer or a firearm or doctor, you know. They've got big aspirations that they want to venture out of the community and better themselves, yeah.

DR DWYER: If you have that good relationship with someone, say through music or footy, and then later they get into trouble, are you still able to talk to them?

MR WILLIAMS: Yeah.

DR DWYER: And arrest them, sometimes?

MR WILLIAMS: Yeah, yeah.

DR DWYER: Do you think it makes it easier for you or harder if you've got that good relationship?

MR WILLIAMS: No, it makes it – makes it much easier to deal with somebody who is understandable and that you've been interacting for a long time, yeah.

DR DWYER: You explain in your statement that you have acted as a liaison between elders in the community and police. And so if you've got to arrest someone in the community, you can speak to the elders first and explain to them that they need to help with the – or that the family needs to understand there's an arrest that's happening; is that right?

MR WILLIAMS: Yes, yeah.

DR DWYER: Can you tell her Honour, do you generally get a good response from family in those circumstances?

MR WILLIAMS: Sometimes, yeah. Sometimes not, because there's – like I said, there's cultural sensitivity around other community members that I'm not allowed to go around and just go and talk to them. And that's why I utilise elders and other officers to – yeah – to help out with the arrest, yeah.

DR DWYER: And we're going to, hopefully, learn some more about Warlpiri culture. We understand that there are avoidance relationships sometimes in the community?

MR WILLIAMS: Yeah.

DR DWYER: Is there anything that you can tell us about that at the moment? How that works?

MR WILLIAMS: Yeah. Sort of like white fella law when you get married, you can talk to your father-in-law or mother-in-law and sister-in-law and all the in-laws, basically. But in Aboriginal culture, you can't interact with your in-laws because they poison cousin as we call and they sometimes you can't deal with your nephew or niece because they comes as a barrier between you and – yeah.

DR DWYER: You say in your statement that you can – am I right, you can get around that because you can talk to the elders?

MR WILLIAMS: Yeah.

DR DWYER: And they work with you- - -

MR WILLIAMS: Yeah.

DR DWYER: - - -in those circumstances?

MR WILLIAMS: Yeah.

DR DWYER: And you tell her Honour that you also do a lot of work to help to resolve arguments between community members?

MR WILLIAMS: Yep.

DR DWYER: Sometimes you can do those yourself and sometimes the police help out?

MR WILLIAMS: Yeah, sometimes I do it myself, yeah. And you ask police if it gets out of hand, but sometimes I'll deal with it myself, yeah.

DR DWYER: Can I ask you now about Kumanjaji. This time in November 2019, we understand that he had been getting into trouble for a few years with the police. Prior to 2019, had you arrested Kumanjaji?

MR WILLIAMS: Yep.

DR DWYER: How many times do you think you did that?

MR WILLIAMS: Probably four, five times. Yeah.

DR DWYER: And how did you do that on those occasions?

MR WILLIAMS: DI always attend at his house and I just tell him to jump in the front and not in the back of the cage and just to make him feel comfortable, you know? Because he's – he was really slow to react to words and stuff like that. So, you know, if they're in a confined area, they – they can't – they get really anxious and – yeah. Just that, you know, they need to be treated with respect and people with that disorder, they need to be, you know, talking – talked to properly, not improperly.

DR DWYER: So I'll just ask you a bit more about what we can learn from that, Derek. When Kumanjayi was growing up, was he a quiet fella for you?

MR WILLIAMS: Yeah. Yeah, he was a really quiet fella, yeah.

DR DWYER: When you were giving evidence in the trial and Mr Strickland was asking you questions, you were telling him he was – that Kumanjayi was really shy when he was growing up?

MR WILLIAMS: Yeah, really shy and he didn't speak much. We were probably with him 20 minutes. You just got a – just one word or two word because he was really slow to react to conversations and stuff like that, yeah.

DR DWYER: In the trial, you were asked some questions about Kumanjayi's mum. When he was a little baby, even before he was born, she might have used some petrol; is that right?

MR WILLIAMS: Yeah.

DR DWYER: And did you think that Kumanjayi could be – was a bit slow with his learning?

MR WILLIAMS: Yeah.

DR DWYER: When – so you've said he was quiet and he was shy and didn't say too many words, did that change at all from when he was 10 to 19?

MR WILLIAMS: No, it was still similar. He still had the similar patterns and stuff.

DR DWYER: So when you went to arrest him on those other occasions, would you just take your time with him when you were talking?

MR WILLIAMS: Yeah. I just took time just to rephrase what he was – what he was getting arrested for and – yeah. I, yeah, I spent probably 40 minutes just to get him in the car with me and we go to police station, yeah.

DR DWYER: Did he ever get angry with you? Did he- - -

MR WILLIAMS: No, never did.

DR DWYER: When you put him in the front seat of the car, did he ever get agitated or aggressive at all?

MR WILLIAMS: No, no.

DR DWYER: Okay. And did you ever have any difficulties getting him in that car?

MR WILLIAMS: Nah.

DR DWYER: You talked to us about your role in helping police to arrest people sometimes, including Kumanjayi. Are there times where, culturally, it's really the wrong thing to do, to try to arrest someone?

MR WILLIAMS: Yeah. Sometimes – not sometimes, but all the time, when there is sorry business or men's business or a funeral happening. Then, you know, it's no-go. You can't just go into people's yard when they're mourning a loss or attending funerals and stuff like that. You don't want, you know – you've got to think – you know, they can't just go in and arrest somebody, they should have respect and if somebody want to do that to their family, it's no-go, you know. They've got to be respectful. We all human beings. We need to be treated as human being, not a – you know, yeah, it's just that we're all human being and just need to respect each other.

DR DWYER: And if the police were to do that one time, say they arrested somebody in their ceremony or a funeral, what would be the impact of that long-term?

MR WILLIAMS: The trust and respect would be thrown out – you know, they won't talk to the police anymore and, you know, we don't want that. We just want community and the police to work together and respect each other, yeah.

DR DWYER: Have you ever had a time before 2019 when the police have said to you – this is Kartiya police have said, "Listen, we've got to arrest this fellow or this lady", and you've explained to them, "No, you can't do it now. It's a no-go zone."?

MR WILLIAMS: Yep.

DR DWYER: And have those police listened to you?

MR WILLIAMS: Yeah.

DR DWYER: In November 2019, were you the only Aboriginal Community police officer in that station at Yuendumu?

MR WILLIAMS: Yes.

DR DWYER: Did that make it hard for you sometimes, being the only one?

MR WILLIAMS: Yeah, it was really hard – if I was on holidays, then there was no ACPO there to assist police with the inquiries or arresting people, or arresting – plan to arrest somebody, yeah.

DR DWYER: And just in Yuendumu now, how many ACPOs do you think that police station should have?

MR WILLIAMS: Yuendumu has always been a two-ACPO station. But – yeah, we've got some officers there now, so – we've got four there and they should be working real good, yeah.

DR DWYER: That's Yapa liaison officers working with the police?

MR WILLIAMS: Yeah.

DR DWYER: Did you ever have Yapa liaison officers working with you at Yuendumu?

MR WILLIAMS: No, it was really hard, but the liaison thing just came up probably within three years.

DR DWYER: So, with the liaison officers, can you remember how soon after Kumanjayi passed that they started to work at Yuendumu?

MR WILLIAMS: Probably about a year.

DR DWYER: When you were working in Yuendumu as an ACPO or a senior ACPO, were you there when they brought in extra police from Alice Springs at any time before what happened with Kumanjayi?

MR WILLIAMS: Yeah. Not much from Alice Springs. We had stations, neighbouring stations, like Papunya and Ti-Tree and Kintore and Hermannsburg. We used to utilise their officers and arrest somebody if it – yeah.

DR DWYER: One thing you say about outside officers is that, "It's difficult to predict whether police from outside our community will be hands-on or heavy-handed, or will treat us with respect." Have you had an experience of some Kartiya police being a bit too hands-on or heavy before 2019?

MR WILLIAMS: Nuh, nuh.

DR DWYER: Okay. If you know the police, the Kartiya police you're working with, does that make a big difference to how well you can do your job?---Yeah, it was really good to work with the persons or off-siders that you know and when, it comes to arresting somebody, you've got a plan and they know how to engage with Yapa in the community and especially with remote policing, the officers who are based at remote communities, they respect Aboriginal culture, yeah.

DR DWYER: Can you tell her Honour some of the really good memories you've got about Kartiya police? Who are the ones that you remember working with that have made a – you've had a really good relationship with?

MR WILLIAMS: Felix, Lanyon Smith, Annie Jolley, me and Playwright(?) and I could go on, but yeah, there were really good officers there, yeah.

DR DWYER: So, Annie Jolley is the current sergeant there?

MR WILLIAMS: Yes.

DR DWYER: And you mentioned Felix Alefaio, is that right?

MR WILLIAMS: Yep.

DR DWYER: And Lanyon Smith?

MR WILLIAMS: Yep.

DR DWYER: Who was there in November 2019?

MR WILLIAMS: Yep.

DR DWYER: And there are lots of others too, is that right?

MR WILLIAMS: Yeah, there was lots of other ones.

DR DWYER: Have the Kartiya police that you've working with in community mostly been interested in understanding something about the culture?

MR WILLIAMS: Yeah, they always ask the questions when we drove round – "What can we do? How can we do this? And how do we approach the, you know, offender if it's inappropriate? You know, they want to learn more about Aboriginal culture, yeah.

DR DWYER: You say in your statement at par 20 that the fact that you've never been assaulted on duty in the community shows how much – well, that things are going pretty well. So, never, ever in the time you've been an ACPO, you've never been assaulted?

MR WILLIAMS: No, not even once.

DR DWYER: And the kids at the school, how do they regard you as the ACPO?

MR WILLIAMS: They always ask me, "Can I put the siren on?" Or "Can we see the cops?" Or "Can we jump in the back of the paddy wagon?" They're curious to, you know, they want to learn a bit more and, yeah, they just look up to me, and yeah, everybody. All the kids want to be an ACPO.

DR DWYER: I mentioned – I was asking you some questions about arresting Kumanjaya and you said you had to do that about four or five times. In the lead-up to November 2019, you knew that he'd been in custody for a while?

MR WILLIAMS: Yeah.

DR DWYER: And you found out that he was spending some time in CAAAPU, the rehabilitation place?

MR WILLIAMS: Yep.

DR DWYER: Sometime in late October, or early November, you found out from other police that he had run away from CAAAPU?

MR WILLIAMS: Yep.

DR DWYER: Did you ever talk to family about why he'd done that any time prior to – in passing?

MR WILLIAMS: Not so much, but the lead-up to the funeral I did, yeah.

DR DWYER: And do you know why Kumanjayi ran away from CAAAPU?

MR WILLIAMS: He wanted to attend a funeral for his grandfather. So, yeah, that was his intention there.

DR DWYER: So, his grandfather, who had passed away in the community, he was a very important person, is that right?

MR WILLIAMS: Yep.

DR DWYER: And what role would – please tell me, Derek, if I ask anything that is culturally inappropriate, you'd tell me?

MR WILLIAMS: Yep.

DR DWYER: But what's the importance of Kumanjayi, for him in his position and his relationship with his grandfather, in coming to the funeral?

MR WILLIAMS: Like, the Brown family grew up – my nephew and he was part of the Brown family and his grandfather we laid to rest was a Brown, so he had probably been there for him when he was young, just growing up, because the Brown family adopted him and took him in their family, yeah.

DR DWYER: Would he have a role to play in that funeral?

MR WILLIAMS: Yeah.

DR DWYER: And is it important for culture that he go to that funeral?

MR WILLIAMS: Yep.

DR DWYER: On 6 November 2019, you didn't know that Kumanjaya was back in Yuendumu yet; is that right?

MR WILLIAMS: Yeah, I don't know he was there, yeah.

DR DWYER: How did you find out about that?

MR WILLIAMS: I only found out after the axe incident. That's the first of I known him – he was at Yuendumu, yeah.

DR DWYER: You tell her Honour in your statement you were actually on a rostered day off when that axe incident happened?

MR WILLIAMS: Yep.

DR DWYER: And you came into work on 7 November, the Thursday; is that right?

MR WILLIAMS: Yeah.

DR DWYER: And when you were on duty, Lanyon Smith showed you his body-worn video?

MR WILLIAMS: Yeah.

DR DWYER: And her Honour has a copy of that body-worn video. She's seen it. When you first saw it, what did you think?

MR WILLIAMS: It was unlike him to do that, you know. And – but, like, somewhere I said before, it was a show of him being a man. Wanted to protect his family and make a room for himself to get away because he wanted to attend the funeral and – yeah. He just wanted to be looked as a, you know, man to – that he's going to be protecting his family, yeah.

DR DWYER: You tell her Honour in your statement that in all the time you had known Kumanjaya, you had never seen or heard him do anything like that; is that right?

MR WILLIAMS: Yeah, nah.

DR DWYER: You tell her Honour that when Lanyon showed you the video, you can't remember what he said about it but you say:

“I know he'd been working in Yuendumu for a number of years, two or three by the time of the incident. And during that time, he had dealt with Kumanjaya a number of times without any issues.”

MR WILLIAMS: Yeah.

DR DWYER: "So I don't think he would have been expecting any trouble when he and Chris Hand went to get Kumanjayi."

MR WILLIAMS: Yes.

DR DWYER: And you said: "I can't say why he acted the way he did, but I do know he had come to Yuendumu for his grandfather's funeral and that was really important for him."

MR WILLIAMS: Yep. Yeah.

DR DWYER: Did Lanyon Smith ask you for any help on that day, on 7 November, with Kumanjayi?

MR WILLIAMS: No.

DR DWYER: Do you remember now speaking to Sergeant Julie Frost about what happened?

MR WILLIAMS: Yeah.

DR DWYER: How did you get on with Julie, generally?

MR WILLIAMS: Julie's a really good sergeant and I respect her as an officer in charge of Yuendumu and, you know, coming from big city – from Darwin into a remote station that, you know, she had a lot to learn. And I was trying to teach her all, you know, the cultural aspects of just being in the community and how to approach and, you know, go about the business, yeah.

DR DWYER: And did she seem to be interested in learning about those cultural things from you?

MR WILLIAMS: Yeah.

DR DWYER: On 7 November, you remember that she was really upset about what happened with that axe incident?

MR WILLIAMS: Yeah.

DR DWYER: And could you understand that, from her perspective?

MR WILLIAMS: Yeah. It was really, probably, daunting for her because her partner was there too, as well, yeah.

DR DWYER: And you told her then about the funeral for Kumanjayi's grandfather?

MR WILLIAMS: Yeah.

DR DWYER: And then you and Sergeant Frost went to see Eddy and Lottie Robertson; is that right?

MR WILLIAMS: Yeah.

DR DWYER: And when you went to see Eddy and Lottie, do you remember whether Rakeisha – was Rakeisha there?

MR WILLIAMS: Yeah.

DR DWYER: And you wanted to talk to them about Kumanjayi handing himself in?

MR WILLIAMS: Yeah.

DR DWYER: When you got there, you got a call from your wife while Julie was speaking to the family; is that right?

MR WILLIAMS: Yep.

DR DWYER: Do you remember anything about what Julie said to the – or I withdraw that, I'll just ask that a different way, Derek. Did you actually hear her say anything to the family at that time?

MR WILLIAMS: Just the first bit. You know, "Can you bring Kumanjayi to the station and we can work it out from there." And after that, I just – yeah. Turned my ears the other way. I was talking on the phone, yeah.

DR DWYER: And you tell her Honour that this was an important funeral for Kumanjayi. Did – at the end of that conversation with Lottie and Eddy, did Julie seem to understand that?

MR WILLIAMS: Yeah, she did. Yeah.

DR DWYER: And Julie said that Kumanjayi could have that time to go to the funeral?

MR WILLIAMS: Yeah.

DR DWYER: But then he would have to hand himself in after that?

MR WILLIAMS: Yeah.

DR DWYER: Did you drive back with Julie in the car, away from Lottie and Eddy, to the station?

MR WILLIAMS: Yeah.

DR DWYER: How did Julie seem to you after that?

MR WILLIAMS: She was just – just talking about how we’re going to arrest him and – but she said, “We just leave it at” – I just told that, you know, he needs to attend the funeral and we’ll just leave it at that and – yeah.

DR DWYER: Did you after you had had that talk to Julie that she would respect that funeral and leave it until after that?

MR WILLIAMS: Yep.

DR DWYER: You said in your statement you didn’t think there was any urgency to arrest Kumanjaya at that time because he was not an immediate danger to anyone in the community; is that right?

MR WILLIAMS: Yeah.

DR DWYER: Did you talk to Julie about that?

MR WILLIAMS: Yeah, I told her that, you know, this is a low-risk offender who just ran away from – from a rehabilitation centre. He wasn’t a, you know, big threat to anybody. Yeah.

DR DWYER: And did you – do you think that Julie was respecting you when you had that talk to her?

MR WILLIAMS: Yeah.

DR DWYER: And you thought that Kumanjaya would be much more able to cooperate after the funeral of his grandfather?

MR WILLIAMS: Yeah.

DR DWYER: Your Honour, I note that it’s 3 o’clock. Would your Honour like me to stop for 15 minutes?

THE CORONER: Yes, we will. We’ll take a 15 minute adjournment.

ADJOURNED

RESUMED

DEREK JAPANGARDI WILLIAMS:

THE CORONER: Yes, Dr Dwyer?

DR DWYER: Derek, I was asking you before the break, about Thursday 7 November when you went to the house of Eddy and Lottie with Julie. The next day you were also on duty and that was Friday, 8 November?

MR WILLIAMS: Yes.

DR DWYER: And at some point during the day you were saying to her Honour in your statement, you went to the basketball court and you met up with Margaret and Jean Brown?

MR WILLIAMS: Yes.

DR DWYER: Can you tell us about the conversation you had with them on that day?

MR WILLIAMS: Yes, we approached them and just had a chat about Kumanjaya handing himself in, yeah, that was the conversation we had but after the funeral they wanted him to be present at the funeral, yeah.

DR DWYER: And did Margaret and Jean seem to understand that that was the right thing to do?

MR WILLIAMS: Yep.

DR DWYER: And did you think that that was what was going to happen with Kumanjaya that he would hand himself in after the funeral?

MR WILLIAMS: Yes.

DR DWYER: With help from those family?

MR WILLIAMS: Yes.

DR DWYER: On Saturday, 9 November you had a day off work because you needed to go to that funeral too?

MR WILLIAMS: Yes.

DR DWYER: And you say in your statement that you can't recall exactly when, but some time before the funeral you got a text message from Sergeant Frost - from Julie?

MR WILLIAMS: Yes.

DR DWYER: And it said something like, "Hey Derek, getting IRT out here tonight. Can you give me a quick buzz at some stage before or after the funeral so I can get a plan in action"?

MR WILLIAMS: Yes.

DR DWYER: At that time, in November 2019, did you know what the IRT was?

MR WILLIAMS: No.

DR DWYER: Had you ever heard of them before?

MR WILLIAMS: No.

DR DWYER: And did Julie actually text those letters "IRT"?

MR WILLIAMS: Yes.

DR DWYER: After you got that text message you spoke to Julie on the phone?

MR WILLIAMS: Yeah.

DR DWYER: Can you remember what you said on the phone to Julie?

MR WILLIAMS: Yeah, she wanted me and Constable Alefaio - Felix - to arrest Kumanjaya the next day, do a morning raid there.

DR DWYER: And did she say how that would work?

MR WILLIAMS: Yeah, me and Felix were to taking the lead and IRT present but not leading the - the arrest. Yep.

DR DWYER: Did she tell you a particular time that was going to happen?

MR WILLIAMS: Yeah, around about 5 o'clock in the morning, yeah.

DR DWYER: And did she tell you where you should be at 5 o'clock in the morning or before?

MR WILLIAMS: Yeah, at the station before five, so, yeah.

DR DWYER: And did you say anything back to her about that plan?

MR WILLIAMS: (Inaudible) to some extent but yeah, it would've been good that Felix and I arrested Kumanjaya that day or the next day, that's what I told her, yeah.

DR DWYER: And what did Julie say about that?

MR WILLIAMS: Yeah, she wanted us to - local members to lead - to arrest, yeah.

DR DWYER: In your statement you say: "I didn't know that Julie was bringing in these people who were going to be kitted out with heavy stuff". Do you mean with - the IRT being kitted out with heavy stuff?

MR WILLIAMS: Yeah.

THE CORONER: Can I just - sorry, can I just interrupt?

DR DWYER: Sure.

THE CORONER: When you had that conversation with the family that he would hand himself in after the funeral, what sort of time frame were you thinking about when you used the word "after the funeral"?

MR WILLIAMS: From my understanding it was not straight after the funeral, it was for the next day, yep.

DR DWYER: So the funeral was going on on 9 November, the Saturday?

MR WILLIAMS: Yep.

DR DWYER: And did you think it would be finished on that day?

MR WILLIAMS: Yeah.

DR DWYER: So Kumanjayi would hand himself in on Sunday the 10th?

MR WILLIAMS: Yep. And family also that day wanted him present there and they would bring him in to the station the next day.

DR DWYER: So when Julie was saying to you, "I want you to come at 5 o'clock and Felix will be there" did you think that was a bit strange, because he was going to hand himself in that day?

MR WILLIAMS: Yeah, it was a bit strange that we - the family wanted to take him to the station and then hand himself in and Julie wanted to do it differently, doing - to do a morning raid, yeah.

DR DWYER: At that time when you were talking to her on the phone, did you feel like you could say to her, "No, that's the wrong thing, Julie" or "You should wait a bit longer"?

MR WILLIAMS: I didn't really much barge into her because she's the OIC of the station and whatever she calls, she calls, but yeah.

DR DWYER: At that time did you have any information about the break-ins on the clinic to the houses of the clinic staff?

MR WILLIAMS: Yeah.

DR DWYER: And did you have any conversation with Julie about it, do you remember, when you were talking on the phone on that day - Saturday the 9th?

MR WILLIAMS: No.

DR DWYER: Did you know yourself who was involved in any of those break ins prior to 9 November?

MR WILLIAMS: Nah.

DR DWYER: Was there a discussion between you and any of the Kartiya Police about who might have been involved in that?

MR WILLIAMS: I think that small fingerprints and stuff like that, they're probably done by a 12-year old or 11-year old, yeah.

DR DWYER: So did you think it was kids who were breaking into those houses?

MR WILLIAMS: Yeah, yep.

DR DWYER: Were you ever asked by any of the Kartiya Police if you could talk to the kids or get the elders to help out with those break ins?

MR WILLIAMS: Nah, not really because, like, every day we had different – we partnered up – partnered up with different officers and all – we don't – we only – we only, but police Nyirripi, Mount Theo(?) and Willowra as well. That's included in the Yuendumu jurisdiction, so sometimes we spend a day either Nyirripi or Willowra, Laramba or Mount Theo, yeah.

DR DWYER: I'll come back to that when we're talking at the end about future plans and learning from this, I'll come back to that idea about how police and clinic can work together. I'll just finish this story about what happened with Kumanjaji.

MR WILLIAMS: Yep.

DR DWYER: When you were having that conversation with Julie after her text message on Saturday and she said, "There was a plan to arrest him at 5 o'clock the next morning but other police would also be coming in from Alice Springs," do you remember you talked – did she say anything about who the IRT were at that time?

MR WILLIAMS: No. She only just said, "We bringing in dog squad or," and I thought the IRT were general duty officers from Alice Springs here.

DR DWYER: You say in your statement:

“It seemed to me that there were two plans in place to arrest Kumanjayi. One that Sergeant Frost communicated to Eddie and Lottie, where he would hand himself in after the funeral, and another where he would be arrested by early morning raid if he didn’t hand himself in.”

MR WILLIAMS: Yep.

DR DWYER: Do you think there was a conflict between those two?

MR WILLIAMS: Yeah. I think there was three conflicts there, because the Brown family wanted to bring him in as well. And the Robertsons wanted to bring him in as well, but Julie planned out the arrest for the morning raid, so. Yeah.

DR DWYER: What you say in your statement was: “If I had known who the IRT were, including that they were carrying heavy weapons –“ you would have Julie that she should not involve them with the arrest of Kumanjayi- -

MR WILLIAMS: Yeah.

DR DWYER: Is that right?

MR WILLIAMS: Yes.

DR DWYER: Did you think IRT were general duties?

MR WILLIAMS: Yeah, from Alice Springs, yeah.

DR DWYER: Do you – at that time in November 2019, would you have understood who – what she meant if she said, “The TRG are coming to help arrest him?”

MR WILLIAMS: Yeah, I know TRG, yeah.

DR DWYER: What would you have said if Julie had said something like, “You can help us arrest him at 5 o’clock the next morning and the TRG are going to come out with you and help arrest him?”

MR WILLIAMS: Yeah. I would also said that, you know, there’s no need for IRT or TRG to come in. That, you know, we would have done it ourselves. The local police, yeah.

DR DWYER: At some point at that time, you heard someone say that the medical staff had left the community during the day. Did you find out about that from police or medical staff or someone else?

MR WILLIAMS: No, from – the family or the community or a bush telegraph just went around the community that the clinic staff were – left Yuendumu, yeah.

DR DWYER: And had that ever happened before, that you know of, while you were working in Yuendumu? That the clinic staff had left?

MR WILLIAMS: Nah.

DR DWYER: You say in your statement that:

“People in the community were very angry and worried about that because there’s a lot of families who rely on that medical care.”

MR WILLIAMS: Yeah.

DR DWYER: And clinic staff had left without notifying anyone, as far as you know; is that right?

MR WILLIAMS: Yeah.

DR DWYER: How did you feel about that, when you heard that they’d gone?

MR WILLIAMS: Well, you know. We’ve got vulnerable people that – elders and, like you know, old ladies, old men that rely on medication for high blood pressure or whatever. You know, diabetes and stuff like that. Then if they miss out then, you know, we would have people lining up at the emergency centre there with, you know, probably people having heart attacks or something like that, yeah.

DR DWYER: So when you heard from community that the medical staff had gone, did you feel worried?

MR WILLIAMS: Yeah, I did.

DR DWYER: We’re going to have some information from Health about this, but at the time in November 2019, were there some Yapa people working in the clinic as well as Kartiya?

MR WILLIAMS: Yep.

DR DWYER: Can you remember how many Yapa there were?

MR WILLIAMS: My brother, he works as a male nurse or receptionist there sometimes. And there’s two other Aboriginal ladies that work with – with the clinic, being a receptionist and also – what do you call? Midwife – stuff. Yeah.

DR DWYER: Were the Yapa staff members – did they stay behind in the community after the Kartiya members left?

MR WILLIAMS: Yeah.

DR DWYER: But the clinic was closed; is that right?

MR WILLIAMS: Yeah.

DR DWYER: How important is it, Derek, to have Yapa people working in the clinic, do you think?

MR WILLIAMS: It is really important because, you know, you got old ladies – old people that don't speak much English because Warlpiri's their first language and it comes with the cultural awareness as well and – yeah. Just need to have them working there too, yeah.

DR DWYER: You say in your statement that when it was starting to get dark, most people had left cemetery and there are just a few of the men left?

MR WILLIAMS: Yeah.

DR DWYER: Did you see Kumanjayi at all down at the funeral any time on 9 November?

MR WILLIAMS: What do you mean by funeral? At the basketball courts or the gravesite?

DR DWYER: Yes, I'm so sorry. I asked that differently. I'll start with the basketball courts. Did you see Kumanjayi there?

MR WILLIAMS: Yeah, I saw him there that day.

DR DWYER: Did you have a chat to him at all?

MR WILLIAMS: Nah. It was all mourning at the time, yeah.

DR DWYER: And after you were at the basketball court and that mourning period was finished, there was actually then a burial; is that right?

MR WILLIAMS: Yes.

DR DWYER: And you went to that burial?

MR WILLIAMS: Yeah.

DR DWYER: Did you see Kumanjayi there?

MR WILLIAMS: No, I didn't see him there.

DR DWYER: When you were at the cemetery with that burial, there were just a few men left and a young fella called Anthony Haines came racing over to you in his car; is that right?

MR WILLIAMS: Yep.

DR DWYER: And he yelled out that Kumanjayi had been shot?

MR WILLIAMS: Yep.

DR DWYER: And you thought he must have meant he'd been tasered?

MR WILLIAMS: Yeah.

DR DWYER: Have you ever heard, when you've been working in Central Australia, have you ever been worried that the police might actually shoot someone before this time?

MR WILLIAMS: Nah.

DR DWYER: How did you feel when you heard that, that he had been shot?

MR WILLIAMS: I was, like – it's – it was hard to explain, that now, you know, it's something – like, this could happen in the community and – yeah.

DR DWYER: You and your dad, Warren, were there?

MR WILLIAMS: Yeah.

DR DWYER: And you jumped in your car and drove over to Margaret Brown's house, which is near the footy oval?

MR WILLIAMS: Yeah.

DR DWYER: You could see there are a lot of people standing around and everybody was very upset; is that right?

MR WILLIAMS: Yes.

DR DWYER: And you explain in your statement that there was Eddie and Lottie, Stephen Marshall and Paul Marshall(?) and there was some other people there as well?

MR WILLIAMS: Yeah.

DR DWYER: And as you walked towards the house, there were marks in the dirt that looked like someone had been dragged along the ground?

MR WILLIAMS: Yeah.

DR DWYER: What was that like for you?

MR WILLIAMS: I felt really angry and upset and I was lost for words. You know, how could this happen? Yeah. And I was like, you know, doesn't mean – doesn't matter I'm a police officer, but it still made me feel afraid, or fear.

DR DWYER: When you had that conversation with Julie, that police were going to be – extra police from Alice Springs were going to be there in the morning for that raid that she planned, did you think that the police were going to be arriving that night before and be in the community.

MR WILLIAMS: Yeah.

DR DWYER: But you thought that was the general duties police.

MS WILD: Yes.

DR DWYER: So, when you got to that house where there were those drag marks, you say to her Honour in your statement, you could see the front of the house was lit up on the veranda?

MR WILLIAMS: Yep.

DR DWYER: And the door was open. You didn't go into the door?

MR WILLIAMS: No, I didn't walk inside the house. I just had a peek through the door and saw blood stains on the mattress and three bullet casings on the mattress.

DR DWYER: And what happened after that?

MR WILLIAMS: I just told everybody not to go in. I locked the door and just leave it at that, so it could be investigated.

DR DWYER: Am I right that you pulled that door closed and locked it because that was your police training? You had to preserve that scene.

MR WILLIAMS: Yes.

DR DWYER: So you could find out later what had actually happened?

MR WILLIAMS: Yep.

DR DWYER: And then, after that, you and your father, Warren, drove to the police station?

MR WILLIAMS: Yes.

DR DWYER: When you got to the police station, were there already people outside?

MR WILLIAMS: No, we was the first one there.

DR DWYER: Okay.

MR WILLIAMS: Yeah, we just – we walked into the police station. I walked in and I wanted to talk to Sergeant Julie Frost, but everybody was running back and forth from – in the station and she was – she said she couldn't talk to me, so when I walked back out, I could see officers doing CPR on my nephew and that made me feel really upset. Yeah, I just walked out the door.

DR DWYER: Derek, could you recognise any of the officers who were doing CPR on your nephew?

MR WILLIAMS: No.

DR DWYER: You say in your statement that Sergeant Frost seemed upset and anxious.

MR WILLIAMS: Yep.

DR DWYER: Had you ever seen her like that before?

MR WILLIAMS: No.

DR DWYER: She asked you if you wanted to come back on duty, and you said no, you wanted to go and help the community members at that time.

MR WILLIAMS: Yeah, yep.

DR DWYER: And if you had gone on duty, you would have had to go home and get changed.

MR WILLIAMS: Yeah.

DR DWYER: There, you wanted to stay on the ground and make sure could help settle everything?

MR WILLIAMS: Yep.

DR DWYER: When you went back outside after you'd been in and you'd seen your nephew, were there people starting to gather at the police station?

MR WILLIAMS: Yeah, people were pulling up, yeah.

DR DWYER: You stayed outside, didn't you, the whole time for the rest of the night, is that right?

MR WILLIAMS: Yes.

DR DWYER: How many community members do you think came to outside the police station?

MR WILLIAMS: Probably 50 or more, but it was too dark to see. There was people on the bitumen because there was only street lights there lit up.

DR DWYER: In terms of the elders who were out there, we know there was one elder who has passed away, so I won't ask you for his name. There was your dad, Warren.

MR WILLIAMS: Yep.

DR DWYER: Was Robin Granites there as well?

MR WILLIAMS: No, I couldn't – I didn't see him there early on there.

DR DWYER: Was Ned there at some point?

MR WILLIAMS: No. No, I didn't see him.

DR DWYER: Okay.

MR WILLIAMS: Yeah.

DR DWYER: So, in terms of keeping the crowd or the community members calm, who was able to do that?

MR WILLIAMS: Me and my father, and my grandfather, yep.

DR DWYER: Julie told you that the ambulance was on its way at some point, is that right, from Mount Allan?

MR WILLIAMS: Yes.

DR DWYER: And that's about 45 minutes' drive away?

MR WILLIAMS: Yeah.

DR DWYER: When you came out of the police station, you went out the front and you spoke to everybody. What sort of things were you telling them?

MR WILLIAMS: I didn't come outside; I was already outside.

DR DWYER: I'm sorry, after you got outside?

MR WILLIAMS: Yeah. I just told everybody to calm down and don't disturb because they were doing CPR because there was no medical staff there and I could hear people screaming, yelling, crying and wanting answers and I just wanted to keep everybody safe from everybody basically, yeah.

DR DWYER: How did you feel at that time, Derek?

MR WILLIAMS: I was - like I said, I was angry and upset, but most of all, I just wanted to keep the community safe and everybody, yeah.

DR DWYER: You told the community they needed to let police deal with it.

MR WILLIAMS: Yes.

DR DWYER: And not to cause any trouble.

MR WILLIAMS: Yes.

DR DWYER: Do you think that the community members listened to you at that time?

MR WILLIAMS: Yep.

DR DWYER: Were there some young fellows outside who were getting a bit stressed and agitated?

MR WILLIAMS: Yes, they had rocks in their hands and wanted to throw rocks at the station, but, luckily, we told them not to do that and, yeah, they listened to us, yeah.

DR DWYER: While you were outside, Felix Alefaio was inside, is that right?

MR WILLIAMS: Yep.

DR DWYER: And he was able to give you some updates through the door in the station.

MR WILLIAMS: Yeah, only once he came out and said, "You know, police are doing CPR." And, after that, he shut the door and went back inside, yeah.

DR DWYER: You have your mobile phone on you at that time, is that right?

MR WILLIAMS: Yes.

DR DWYER: In the brief of evidence, her Honour can see the text messages that were sent between you and Julie. I'm not going to read them all out to you. Have you read them yourself recently?

MR WILLIAMS: No.

DR DWYER: You – just by an example, you tell Julie that you're alright with your family. At some point, you got a text message saying to you that Nobbsy, who I think is Superintendent Nobbs - - -

MR WILLIAMS: Yep.

DR DWYER: - - - gave them a direction to – gave you a direction, “to leave the community and police are about five minutes from leaving and can you come?”

MR WILLIAMS: Mm mm.

DR DWYER: And you said, “No, I'm all right with my family.”

MR WILLIAMS: Yep.

DR DWYER: So, you made a decision to stay there in the community, even if other police were going to leave.

MR WILLIAMS: Yep.

DR DWYER: Why was that, Derek?

MR WILLIAMS: Well, that's my community. I can't leave my community. I live there and I grew up there and I can't leave my people stranded and, you know, just that – no, I can't leave my community, yeah.

DR DWYER: We saw from Samara's videos the situation for the crowd through the night and some frustration that the community was not getting answers about what had happened to Kumanjayi.

MR WILLIAMS: Yes.

DR DWYER: At some point, were you ever told, at any time during the night, that Kumanjayi had passed away?

MR WILLIAMS: No.

DR DWYER: So, did you think, while you were outside with the community, that the police were inside still giving him first aid through the night?

MR WILLIAMS: Yep.

DR DWYER: The community – Samara told us that community were getting very frustrated that they didn't know what was happening.

MR WILLIAMS: Yep.

DR DWYER: Before the ambulance got there, or while the ambulance nurses were inside the station, did you feel frustrated?

MR WILLIAMS: Yeah. Like, I felt frustrated because I'm an uncle too, you know, and it was someone so young, you know, struggling inside with unknown people surrounding him and, yeah, I just felt really angry.

DR DWYER: When Julie was communicating with you, she texted, "How will gathering elders go for a conversation to quell the crowd if they find out about this? Is there going to be trouble once they find out?" Did you know what she meant by "once they find out about this?"

MR WILLIAMS: Yeah. I thought she was talking about, like, the shooting, not my nephew passing away, yeah.

DR DWYER: She says – you said back to her, "Yeah, there will be trouble, but people just want to find out."

MR WILLIAMS: Yep.

DR DWYER: "Elders will help with the sorting out families."

MR WILLIAMS: Yep.

DR DWYER: And Julie said, "Will the elders be able to help if they find out – are we in danger at all?" And you said, "Yeah, all be in danger and the elders will sort it from there."

MR WILLIAMS: Yeah.

DR DWYER: What did you mean by that?

MR WILLIAMS: Like, the family wanted answers and, like, you know – like everybody. As human being, you feel angry. There will be consequences maybe, you know, there would have been violence or something like that. But touch wood, everybody been listening to elders and me at the front, yeah.

DR DWYER: And Derek, there's some text messages where Julie says to you:

"So should we evacuate?"

And then she writes:

"Should we evacuate?"

And there's some question marks and she says:

“Need an answer ASAP due to plane coming in. Derek, where are you?
Derek, call me?”

MR WILLIAMS: Mm mm.

DR DWYER: Was it hard for you to respond to her by text message?

MR WILLIAMS: Nah. Probably I was busy at the time controlling the people at the front, yeah. I couldn't go back to these texts. I – yeah.

DR DWYER: One thing you say in your statement is that night was really difficult for you as an ACPO, because it required you to walk in both worlds. You've got police law that you've got to uphold- - -

MR WILLIAMS: Yeah.

DR DWYER: - - -and you've got your culture and your family and your relationships- - -

MR WILLIAMS: Yeah.

DR DWYER: - - -that are so important.

MR WILLIAMS: Yeah.

DR DWYER: It was really hard for you?

MR WILLIAMS: Yeah, it was really hard that night, yeah.

DR DWYER: But you wanted everybody to be safe. When you said everybody, did you mean the police as well as- - -

MR WILLIAMS: Yeah, police and the community, yeah.

DR DWYER: You tell us in your statement that there's a light sensor in that police station?

MR WILLIAMS: Yeah.

DR DWYER: So if you go into a room, the light comes on?

MR WILLIAMS: Yeah.

DR DWYER: And if you've been out for a while, it goes off?

MR WILLIAMS: Yeah.

DR DWYER: When you were outside looking into the police station, could you see any of what the police were doing inside?

MR WILLIAMS: Could see movements and lights on, but there's three rooms at the front there. The Sergeant's room, office and interview rooms. When somebody triggers the light, the light comes on and when they leave, the light turns back off by itself, so yeah.

DR DWYER: Did you see any of the officers inside the station carrying any guns?

MR WILLIAMS: No.

DR DWYER: Could you see any guns on any table or anything like that?

MR WILLIAMS: Yeah, I could see some firearms there. We call them as AR15s. On the – in the muster room, there was firearms there, yeah.

DR DWYER: Had you ever seen any police in the community carrying those sorts of weapons before November 2019?

MR WILLIAMS: Nah.

DR DWYER: What was the feeling like for you when you saw those weapons there?

MR WILLIAMS: Well, like – well, I thought, you know, Yuendumu was going to be a warzone. And it's only a little community and when it fighting, you know, terrors – we – we – and you know, it's really, really hard for people to – when they see that's really makes them feel uncomfortable and – yeah.

DR DWYER: And Derek, when you were outside in the community with the Kartiya Police inside, at any time did any of those Kartiya Police come out into the community?

MR WILLIAMS: Nah.

DR DWYER: Did you see the ambulance coming in from Mt Allen?

MR WILLIAMS: Yeah, yep.

DR DWYER: When the ambulance came in with those nurses in, were the – how did the community seem to respond to those nurses when they first came?

MR WILLIAMS: You know, I just told them that because they were working on my nephew, doing CPR. And well, I just wanted the ambulance to go in and to more emergency stuff with my nephew, yeah.

DR DWYER: So did the community seem angry with the ambulance first or happy that they were there, relieved?

MR WILLIAMS: It was a bit of mixed, like, angry at the same time, but happy to see an ambulance there, yeah.

DR DWYER: And then we know that sometime around 10:30, 11 o'clock, there were two police cars who left the station with an ambulance in between the two police cars- - -

MR WILLIAMS: Yeah.

DR DWYER: - - -that raced off towards the airstrip. Did you see that happen?

MR WILLIAMS: Yeah, I saw that happening, yeah. I was at the front door. I was just sitting with families, yeah.

DR DWYER: Did you know at that stage where they were going?

MR WILLIAMS: No. People were pointing up in the sky. There was a plane circling around quietly with no lights. And I thought – yeah. Yeah. I thought they were heading to the airstrip.

DR DWYER: And what did you do after you saw them head to the airstrip?

MR WILLIAMS: I followed behind, parked up round the gate there, yeah.

DR DWYER: Were you driving at the time you were following behind?

MR WILLIAMS: Yeah.

DR DWYER: And who was in the – was anyone else in the car with you?

MR WILLIAMS: My wife and my daughter.

DR DWYER: And when you got the airstrip, what could you see there?

MR WILLIAMS: I could see in the distance the ambulance next to the – the plane and police – police near the gates there, holding the gates, yeah.

DR DWYER: Did you think at that time that Kumanjayi was still alive?

MR WILLIAMS: Yeah.

DR DWYER: Did you think that he was going to be flown to Alice Springs?

MR WILLIAMS: Yeah, I thought he was – he was getting flown into town, yeah.

DR DWYER: And did you think he was in that ambulance and going to be taken in the plane to Alice Springs?

MR WILLIAMS: Yeah.

DR DWYER: At some point after that trip to the airstrip, did you leave and go back to the station?

MR WILLIAMS: No, I went back home because my daughter was feeling tired. So I had to go back home.

DR DWYER: Did you see when the ambulance and the police cars left that airstrip?

MR WILLIAMS: Nah.

DR DWYER: Were you in court before when Samara was giving her evidence?

MR WILLIAMS: Yeah.

DR DWYER: Remember I read to her from that outline that Chris Hand had done?

MR WILLIAMS: Yeah.

DR DWYER: Like a log that he kept?

MR WILLIAMS: Yeah.

DR DWYER: He – in his log, he notes that when the ambulance was driven back to the police station, there was a rock thrown at the ambulance and one of the nurses got a gash on her head.

MR WILLIAMS: Yeah.

DR DWYER: Did you hear that night that that had happened?

MR WILLIAMS: Nah.

DR DWYER: And he also made a note that there was a call from WYDAC because there was a fire at the clinic. Did you find out that night that happened?

MR WILLIAMS: Nah.

DR DWYER: So I take it from those answers, Derek, none of the Kartiya police rang you and asked for help with any of that?

MR WILLIAMS: Nah.

DR DWYER: When did you first find out that Kumanjayi had passed away?

MR WILLIAMS: I found out at – TRG knocked on my door and said that – that was about 4 o'clock. And they said, "Kumanjayi's passed away." Yeah.

DR DWYER: So the TRG that knocked, was it just one person or more than one?

MR WILLIAMS: There were two there, yeah.

DR DWYER: And were they men, those TRG?

MR WILLIAMS: Yep.

DR DWYER: And what were they wearing?

MR WILLIAMS: Camouflage stuff too, yeah.

DR DWYER: Did they have guns on them when they knocked on the door?

MR WILLIAMS: Nah.

DR DWYER: Okay. Had you ever seen TRG yourself, out in community?

MR WILLIAMS: Yeah. I saw them – I – when we had riots at Yuendumu I saw them – saw them then, yeah.

DR DWYER: Was – was that background – can you remember the year that was?

MR WILLIAMS: 2010/11, yeah. Around that area.

DR DWYER: When the TRG knocked on the door and told you that Kumanjayi had passed away, you tell her Honour in your statement they wanted you to come down to the station and identify the body.

MR WILLIAMS: Yeah.

DR DWYER: What did you tell them about that?

MR WILLIAMS: I told them that I can't attend to identify the body, because like I said, cultural significance that my uncles or the fathers are not allowed to see their own sons or nephew's body. It got to be cousins or brothers or sisters to see it there.

DR DWYER: So that would have been – that would have been the really wrong way for you to go down and identify that body?

MR WILLIAMS: Yeah.

DR DWYER: At that time, how were you feeling to learn that your nephew had passed away like that?

MR WILLIAMS: Like, I was lost for words and yeah, I was crying and I was a bit upset.

DR DWYER: In your text messages with Julie, you explain that everyone in the community had thought that he had gone out on that plane. There's a text message at 4:24 am, after you found out and you say to Julie that:

"Kumanjaya's body should have went into town. Everybody thinks he'd already gone into town."

MR WILLIAMS: Yeah.

DR DWYER: Can you tell her Honour what was it like for you, what feeling did you have that you thought his body was in town, but it wasn't. Did you feel like you – someone hadn't told you the truth about that?

MR WILLIAMS: Yeah. I felt betrayed from my own colleagues that something like this should be – should have been told to me or I would have passed it on to the families and yeah, vice versa, you know? Yeah.

DR DWYER: Does that have any impact ongoing, Derek? Does that still cause you pain?

MR WILLIAMS: Yeah, it does, yeah.

DR DWYER: So did you stay in the community in the days after Kumanjaya passed away?

MR WILLIAMS: Yeah.

DR DWYER: Did you have – were you asked by police to do any jobs in the community as a police officer?

MR WILLIAMS: No.

DR DWYER: What was it like for you in the community in those days afterwards?

MR WILLIAMS: Me and my brothers were attending services, like, all the fathers of the deceased, our uncles, got to be at the services. So that's where I was and – yeah.

DR DWYER: So we saw some short videos from Samara, where there was some ladies at sorry business the next day- -

MR WILLIAMS: Yeah.

DR DWYER: - - -separate to that, were there some men at sorry business?

MR WILLIAMS: Yep.

DR DWYER: And you were down there?

MR WILLIAMS: Yeah.

DR DWYER: Your dad?

MR WILLIAMS: Yeah.

DR DWYER: And your brothers?

MR WILLIAMS: Yeah.

DR DWYER: And in Samara's videos, we can see just how hurt and sorry everybody is.

MR WILLIAMS: Yeah.

DR DWYER: Was it like that for lots of people in the community?

MR WILLIAMS: Yeah. From that – from that night, the community just turned upside-down. They couldn't believe what happened that night and everybody was just feeling down, angry, upset. Yeah.

DR DWYER: When you were in the community for those days that followed Kumanjaya passing, did you see that there were TRG in the community?

MR WILLIAMS: Yeah, yep.

DR DWYER: Did you see any police in the community after that who were carrying their guns around?

MR WILLIAMS: No, I was – I was mostly at the sorry camp, because when somebody passes away – like, a nephew or a son, you're not allowed to move around the community.

DR DWYER: Okay.

MR WILLIAMS: You have to be stationed at the sorry camp, yeah.

DR DWYER: Did you notice – I know you just told us you were stationed at the sorry camp – did you see any members of the community who were causing any damage or getting really angry after Kumanjaya died, in those first few days?

MR WILLIAMS: Nah, we was all mourning for our loss, yeah.

DR DWYER: After Kumanjaya passed away, did you go and live in another community for a little while?

MR WILLIAMS: Yeah, I did, yeah, I went (inaudible)

DR DWYER: And where are you living now, Derek?

MR WILLIAMS: Back at Yuendumu, yep.

DR DWYER: How long have you been back at Yuendumu, do you think?

MR WILLIAMS: For the last, probably, three or four months now. Yeah.

DR DWYER: And what's it like being back in the community now?

MR WILLIAMS: It's – I feel a bit upset about what happened there, but we had sorrows. Like, family members passing away, just took – and the feeling in the community is just a bit down at the moment, yeah.

DR DWYER: What impact has this had, the way Kumanjaya passed and what happened afterwards? What impact has it had on you working as an ACPO?

MR WILLIAMS: Like I said, I was – I felt betrayed from my colleagues and the Police Force. And at that time, I wanted to quit, you know. But I stood strong for my community and for my people there.

DR DWYER: And Derek, have you had a chance to talk about what happened with Julie or any of the other officers who were there?

MR WILLIAMS: Nah.

DR DWYER: I know sometimes you need some time, but do you think it would be good to talk to people in the police about what happened, at some point?

MR WILLIAMS: Yeah. I reached out to other members in the Police Force and – yeah. Just told them how I felt and how I won't be coming back to work soon and this - this feeling I had.

DR DWYER: So you're still in APCO?

MR WILLIAMS: Yes.

DR DWYER: And you know how much your community needs you, is that fair?

MR WILLIAMS: Yeah.

DR DWYER: And I'm, going to ask you some questions about what we can do and learn from Kumanjayi's tragic passing away. Would you like to keep working as an APCO for a while do you think?

MR WILLIAMS: Yeah.

DR DWYER: I am going to ask you some ways in which you might be supported at Yuendumu?

MR WILLIAMS: Yes.

DR DWYER: You suggest some in your statement. You say, "I think whenever there's an arrest planned for a serious offence there should be an ACPO on duty an involved"?

MR WILLIAMS: Yes.

DR DWYER: And if one is not available then a senior elder should be asked to be there?

MR WILLIAMS: Yes.

DR DWYER: Why is that important?

MR WILLIAMS: After what happened that night it's the respect for the police isn't there any more.

DR DWYER: Yes.

MR WILLIAMS: That's why you need elders and other community members to bring the relationship back with the police to move forward, you know, and getting an elder is more - not inappropriate - but appropriate to move forward so the elders can explain how we operate in the community, yes, and something like this doesn't happen again, yes.

DR DWYER: In your - when you're training as an ACPO or a Senior ACPO, do you learn about use of force and how you do it?

MR WILLIAMS: Yeah, we do "requal" as we call it - requalification every 12 months. It's called "Defensive Tactics" and that's how we arrest people on the ground or near the wall or - and utilising all our equipments, yeah.

DR DWYER: One thing you say in your statement is, "It's important to involve an ACPO or a senior elder because that means that there can be culturally appropriate communication and that means that's the first tactical response?"

MR WILLIAMS: Yes.

DR DWYER: And it's less likely that someone will get hurt then.

MR WILLIAMS: Yes.

DR DWYER: Does that make it safer for yapa and safer for kartija too?

MR WILLIAMS: Yes. All the way it will be safer for everybody if an elder or an ACPO works with the police to arrest a person - arrest a person in a good way, you know, like go hands-on using force that is not necessary at that time when they arrest people, yeah.

DR DWYER: Your Honour, I note the time. I've probably got another 15 minutes with Derek. I am wondering if we could come back tomorrow? I can gather my thoughts. I imagine that my learned friends will also have some questions for Derek.

THE CORONER: Yes, certainly.

Are you happy to come back tomorrow to finish some - answer some more questions and to tell us a little bit more about our experiences?

MR WILLIAMS: Yes, your Honour.

THE CORONER: Thank you for being here today. I really appreciate it.

MR WILLIAMS: Yeah.

THE CORONER: We can adjourn.

DR DWYER: I am so sorry, your Honour, I don't want to suggest that I am about to launch into more questions of Derek but I've got some tenders to do.

THE CORONER: Sure.

DR DWYER: So, if we could just let Derek take a seat with the family.

THE CORONER: All right. We've got just a little bit more work to do, but you can leave now and have a break until tomorrow morning, if you like, Officer.

MR WILLIAMS: Yes.

DR DWYER: Okay. I'm just going to tender all the paper that's come in so far.

Can I start, your Honour, by tendering the birth certificate of Kumanjayi? Perhaps I'll just list these onto the record, rather than do them one at a time.

THE CORONER: Thank you. So, are we numbering them separately?

DR DWYER: I think that would be easiest, your Honour, if I may.

THE CORONER: All right.

DR DWYER: And then we'll do an index of these and hand them up, so they'll be easy to access.

THE CORONER: Thank you. Then I'll just get them – if you read them onto the record, what's being tendered and they'll be 1, 2 – wherever we get to, but we will do that index.

DR DWYER: Thank you, your Honour.

1. The birth certificate of Kumanjayi.
2. The Roxanne Lane(?) video, Pt 1, and that's at 841D of the brief.
3. The history of Kumanjayi, pages 19 and 20, that I referred to in my opening, and that's at 2/01, with the pages mentioned.
4. The PROMIS entry created by Sergeant Frost on 6 November 2019, that I put up on the screen during my opening, and that's at 19/58.
5. The email from Sergeant McCormack on 9 November 2019, and that appears at 7-101.
6. The email from Sergeant Frost, with the arrest plan, dated 9 November 2019, and that is 7-101.
7. The body-worn video of Constable Rolfe, 1 of 4, depicting house number 577; that is, the arrival at that house and the open carry of weapons and the entry into that house. That is at 4-1.
8. Body-worn video of Constable Adam Eberl, depicting the conversation with Ms Elizabeth Snape. That is at 4-1.
9. An email from Sergeant Frost to Superintendent Nobbs and other watchhouse commanders and senior management. That is at 19-56. It was an email sent on 9 November 2019, shown in my opening. That is sent at 5:46 am on 9 November.
10. The photograph of the Northern Territory Police Force issue AR15.
11. Photograph of Northern Territory Police Force issue bean bag shotgun.

And I also tender, your Honour, the videos that were shown today. I note that, in relation to two of those videos, there is a non-publication order. Without going into the tedious technicalities, we might have published them in some respects by showing them on the live stream previously.

But what is intended, of course, is that they not be shown by the media in any way that reveals either a child or someone who has passed on and they are videos at 4-19A and – so, the videos appear at 4-19A through to 4-28, and the two that are subject to a non-publication order – so, specifically, a request to media not to re-publish in any way or publish in any way that reveals the child or the person who has passed on, are videos 21 and 24.

THE CORONER: Thank you.

DR DWYER: Thank you, your Honour. If we could adjourn now for tomorrow.

THE CORONER: Yes, 9:30 tomorrow.

ADJOURNED