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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 8 SEPTEMBER 2022

(Continued from 07/09/2022)

Transcribed by:
EPIQ

DR DWYER: I apologise for the delay in starting, your Honour, I am grateful for that extra time.

THE CORONER: Yes.

DR FRECKELTON AO QC: Your Honour, I regret to say I have an issue to raise if I might?

THE CORONER: Yes certainly.

DR FRECKELTON: I wonder if I might hand up a document to you. I have given a copy to my learned friends. This is a follow-on from what was raised with you earlier this week and you will see that what I am providing to you is the editorial of the Northern Territory Independent dated 6 September 2022.

Your Honour, it is not our wish to be raising this distraction in the course of this inquest but when there is what we regard as contemptuous disregard for your Honour's latest non-publication order, we feel that we should draw it to your attention. Let me explain what I am referring to.

THE CORONER: Yes.

DR FRECKELTON: The editorial refers to what it has done before, it makes various accusations, as you can see on the first page, against the police commissioner and then moving on to the next page it advances a defence, so as to speak, and then in the paragraph before the dot points - does your Honour see that? "But just in case"?

THE CORONER: Yes, I do.

DR FRECKELTON: It then purports to reiterate its position, saying - providing what it calls a "brief summary of its reporting in recent days" and you will notice that this - it frames it as "based on a copy of an internal police report prepared for the Coroner" and then it characterises that.

So far as we best can understand what the writer is endeavouring to communicate in this piece, your Honour, it is referring to one or other of the versions of the Pollock drafts.

Now, your Honour will be aware of what I'm referring to when I speak of those. The – those assisting you worked for many months to provide you with a report to inform you about the background to this inquest and the issues which you might consider in due course, enabling you to frame the scope of the inquest. Mr Pollock generated a variety of drafts in the usual way that anyone does when moving toward formulation of a report.

In due course, Superintendent Pollock gave precedence to Commander Proctor, who completed a task for your Honour and, in due course, provided a report to you, which constitutes the background – and a very useful one, we say, to the task which

your Honour has. And in the course of that, the Pollock material was provided, as we understand it, as well by way of background. So to characterise the drafts – because they weren't a report, they were no more than that.

The report is the Proctor Report. As an internal police report, it's a mischaracterisation. To suggest that there's been any attempt to hide it is disingenuous. Passing of it as some dramatic document is just incorrect. The various drafts of Mr Pollock are on the inquest brief. But your Honour has made now two non-publication orders and I don't need to remind your Honour of why you've done those.

And your Honour referred to the reason for making non-publication orders when this issue was raised with you on Tuesday. And what you can see in the dot points under the paragraph to which I've been referring is that there are multiple references to the previous articles, to which I've previously drawn your attention. The summaries retain the same sensationalist, inaccurate and, at times, appalling language that has characterised the gutter reporting that has been provided by the Northern Territory Independent so far.

This is part of a campaign. And if the Northern Territory Independent takes it upon itself to run a campaign against the Commissioner; so be it. But it does matter if, part and parcel of that, is an attempt to vilify witnesses and to mischaracterise the nature of your inquest. I'm not going to dignify the prose of the Northern Territory Independent by reading it out to your Honour, but I do direct you to the second of the dot points.

And your Honour will know from having access to the Pollock drafts that this is scarcely a correct representation of what was in the draft. I ask your Honour to turn to the next page and what is the fourth of the dot points. It's the second on that third page. Again, it is nothing short of disgraceful. I draw your attention to the third of those and it falls into the same category. And this time, again, it relates to one of the witnesses in this case.

I ask your Honour to turn to the last page. The writer of this editorial, who doesn't identify himself overtly, refers to submissions made to you. And your Honour will see at line 5 that the characterisation of what was put to you just two days ago – namely, the day before this was written – is completely inaccurate. The Northern Territory Independent then laments that it didn't know anything about your non-publication order, in spite what is apparently a fixated interest in what takes place in this hearing.

Your Honour, we are apprehensive of what lies ahead if this is the attitude of the Northern Territory Independent. We do characterise it as both contumacious and contumelious disregard of your Honour's orders and complete indifference to the obligation to adhere to proper standards of truth and fair reporting of an important judicial exercise such as this inquest. This time, it is our submission that your non-publication orders have been breached.

This time, we do urge your Honour to take action about it. We don't ask your Honour to make any ruling or to make any announcement immediately. These are weighty matters. But we ask your Honour, at your leisure, to consider what is the most appropriate action to take to uphold the dignity of this inquest and to make sure that it is not undermined by disgraceful and inappropriate misreporting of what takes place within this courtroom.

THE CORONER: Yes, Dr Freckelton.

Dr Dwyer?

DR DWYER: Your Honour, I'll of course give that due consideration as well, rather than urge your Honour to do something particular. Can I just make this note though, on the last page where, as Dr Freckelton said, the editor has written that Dr Freckelton had accused them of breaching a non-publication ban "That we were never made aware of," can I make it clear to anybody that is listening that is the obligation of all news outlets or anybody wanting to publish material to find out what the non-publication orders are that have been made.

Non-publication orders over the interim brief were made well before the commencement of this inquest, back in at least, I think, April. But certainly, that was made clear months before. And the journalists currently here in court who – many of whom are very experienced journalists will well know that it is the obligation of news outlets to find out for themselves what the non-publication orders are. Can I say, for the assistance of everybody, they are now published on the website, that they have always been available from the Coroner's office to assist.

THE CORONER: And they've always been discussed in open court.

DR DWYER: They have, your Honour. They have.

THE CORONER: Yes. Well, I'll consider that further and if necessary, I'll hear further submissions.

DR DWYER: And your Honour, just one other submission with respect to it, there are individual witnesses named again and, like Dr Freckelton, I'm not going to name them again through my submissions now. But again, they are critical of individual witnesses, including witnesses who will be asked again to come to this court to try and feel comfortable to tell the truth, to try and feel comfortable to acknowledge things that they could do better next time.

And the atmosphere that we are trying to create in this court is one where we can all lean in and listen to each other, rather than demonise each other or criticise individuals. So I just make the comment- - -

THE CORONER: And certainly, at this stage, we don't have anywhere near the full story from those witnesses. We don't know what they're going to say and it may be

something enlightening. And we should allow them to have that opportunity to tell their story.

DR DWYER: Yes, your Honour. And we hope that they will come and not feel intimidated by anybody before they can tell their story.

THE CORONER: Yes. So we will return to the progress of receiving evidence.

DR DWYER: Thank your Honour. And then I recall Derek Japangardi Williams.

THE CORONER: Senior ACPO Williams, just before you commence your evidence again today, yesterday I neglected to swear you in. So just before you begin your evidence today, do you promise that the evidence you gave yesterday and any evidence you give today is the truth?

DEREK JAPANGARDI WILLIAMS, affirmed:

XN BY MS DR DWYER:

DR DWYER: Derek, yesterday, I was asking you some questions about what it was like for you on the night of 9 November 2019 and the role that you played on that night in assisting the community. One of the things that you said early in an interview, and I'll just read it out to you, it's at – this is at page 18 when you were interviewed on 20 November 2019. And you said, when you were asked what your role was in the Northern Territory Police Force, "It's a really hard one for myself because I'm walking in both worlds."?---Yep.

And you said, "I got police law and my culture, so it's very hard for me. But yeah, I just wanted everybody to be safe?---Yep.

In the circumstances on 9 November, outside the police station after Kumanjayi had been shot, do you think that you and Elders were able to keep the community safe?---Yeah. Yeah, that night, I was really acting in - but made calm in the community, yeah.

Derek, can I ask you then about the effect on the community long-term? In the interview that you did on 20 June the next year, you said this, this is at page 12, "It's brought everybody in the community down because this is unheard of in an Aboriginal community. This is the first time when people were all shocked. In your lifetime, was this the first time that you had ever heard of police coming into an Aboriginal community like this and shooting somebody?---Yes.

And can you try and describe for us what impact that still has today on the community?---Yeah, it still – like we and the community, we still feel betrayed and we're still mourning and we – everything's – like the community's gone down and you know, they want government to listen that nothing like this happens again in any remote communities, yep.

And you've got some ideas you've set out in your recent statement for how you can help the community moving forward and how other people can help. Is that right?---Yep.

In terms of policing, we talked about this yesterday a bit, but you say in your statement at par 52, "I think whenever there is an arrest planned for serious offence, there should be an ACPO on duty and involved and if one is not available, a senior Elder should be asked to liaise. This is important because it means that culturally appropriate communication can be the first tactical response."?---Yes.

If there is a plan to arrest someone and that plan changes, communicating it to the senior ACPO and the Elder should be a top priority?---Yes.

You also, in your statement, talk about the need for particular training for police officers?---Yep.

And you say, "Formal training for police officers doesn't equip them to work in a remote community."?---Yep.

And recruits do their six months of training in Darwin and only about a day of cultural training?---Yep.

But for police training in Darwin, that's not enough to equip people working in particular communities, like Yuendumu."?---Yeah.

What do you think should happen?---Their cultural awareness stuff they do up in the college, they only do that for the upper NT regions. There's a little bit of knowledge about central Australian regions, how we go about our culture and stuff like that, yeah.

And in terms of new recruits that are coming into Yuendumu, would it be helpful to get some specific understanding of Yuendumu as a community?---Yeah, there should be in not just Yuendumu, but every remote station should have like a day induction, so the constables can learn our culture for a day and meet Elders and how they're best to, you know, communicate with Elders and get their understanding of the community, yeah.

And would that involve also then sitting down with Elders and hearing from their perspective about how they could best help the community?---Yep.

Would that be something that you would be happy to help with in the future?---Yeah.

Do you think you could help to design what that should look like for new recruits?---Yep.

You also say in your statement that another issue is that if police are based in town and they come to Yuendumu, they usually only spend about 12 months to two years based in the community and then they go back to Alice Springs?---Yeah.

What do you think about that?---Yeah, it's like their feeding underground like a bird, you know. You feed on the seeds there and then yeah, and then you leave, but you leave behind that respect and everything from the community that you, you know, involved with the community and when someone new comes in, they have to do it again and again and again. And yeah, it's just – you know. But we need to get together and just learn more about each other, yeah.

You said in your statement that in your experience, there have been some police who want to stay in communities, but they have to go back to town after a while to fill some vacancies?---Yep. Sometimes they have families, you know. And officer who's got family there. They need adequate education for their kids as well, you know. And yeah, that's it, yeah.

Just listening to what you're saying there, Derek, does it mean that it would be easier for those police officers who – like Kartiya police officers to stay longer if Yuendumu had – I know it's got a good school now, but if you boost the schools and you make the services better for everybody, Yapa and Kartiya - - -?---Yep.

- - - then it's easier for people to stay longer?---Yeah, that should work out fine, yeah.

For someone like Annie Jolley who has been in the community before for some years and she's been there for a while now, are you able to build a good relationship with her?---Yeah. I worked with Annie at Papunya and Kintore and Yuendumu, so we worked with each other for a long time, yeah.

Some police officers leave remote communities because they – it's hard to get a promotion by staying in the one spot the whole time. Is that right?---Yep.

And so that means you lose that relationship with them?---Yeah.

So, would one idea be for the Northern Territory police management to look at ways people can be promoted for developing skills that they get by staying in the community?---Yep.

You have offered this suggestion in your statement, "That police management should establish a specialised remote policing unit based in Yuendumu that is responsible for other remote communities in the region."?---Yeah.

"And that would result in senior officers in Yuendumu having greater control over remote community decision-making as opposed to the senior sergeants back in Alice Springs?---Yeah.

You say in your statement, that's actually something that you've been asking for, for some years?---Yeah, we've got senior sergeants in Alice Springs that control remote communities, but we want them out there to understand the culture and the stuff like that and how we work in these remote communities and you know, it's just – get for feel for it and you know, yeah, we get visits from the senior sergeant and the

superintendents, but that's not enough. It's just one day, you know, but they should be there for a couple of weeks or so, you know.

Have you every known any Kartiya police officers who can speak Warlpiri?---Yeah, some are fluent and some just learning bit by bit, yeah.

If there was say a way where you would – it would be recognised as a skill that you could get a promotion, based on if you're a Kartiya police officer, if you develop that cultural knowledge?---Yeah. It – yeah they should – it's going to - you know, if they build a relationship, it's going to build their cultural awareness stuff too and if they get posted to another remote community, then they've got something in place that they can police with, you know, yeah.

You speak about eight languages?---Yep.

You could try and help teach Kartiya police officers one of those languages? ---(Inaudible).

You said in your statement that you think that you need more senior Indigenous police officers and senior ACPOs to help the sergeant there?---Yes.

And that would make the community feel better about policing, do you think?---Yes. Seeing ACPOs like me or, you know, sergeants - Aboriginal Indigenous sergeant or, you know, a senior constable, that will make them feel comfortable that, you know, "Yeah, we've got somebody here who is like us and they can interact, you know, really good, yeah.

Derek, in your statement you say that when you've had police come in from town in the past you have had some issues with racism?---Yes.

Can you tell her Honour about that?---It - you know, sometimes there's, you know, town-based policing is hands on all the time and there's been officers who's been coming from Darwin or Alice Springs or Katherine or Tennant Creek, the major centres and they take that hands on stuff to remote communities which, you know, lacks respect and responsibility within the police force and you know, they just want to go grab hands on, you know, and you know, for example if you going to arrest somebody in town for a warrant or something, sometimes police kick the doors down but in remote communities we don't do that, we just knock on the door and say who we are and people come out, you know. Yes, that's it.

If you have police who come in without that experience at remote community, who are a bit rougher and want to kick a door down or do something with a bit more hands on?---Yeah.

What impact does that have long term on the community?---Yeah, the trust will go away from there - from the community and you - when police come out you come out for a reason, build relationship and respect with the community that you're going to work in and we don't want all this nonsense about, you know, kicking the doors down

or grabbing somebody and bloody - you know, just put them - pin him down on the hot bitumen and, you know, yes, we don't want that, we just do everything sensibly out bush and we weigh up the options and - yeah.

You explain in your statement that it's really important for community safety and relationships with local police that you are able to screen police before they come into Yuendumu so you know you're getting people who understand?---Yeah. We will be able to screen our officers and the sergeant always ask me, you know, "We've got two - three officers applying for Yuendumu" and then we have a look and choose the best ones and yeah, just build - hopefully we can build the relationship with the constable coming or this new sergeant to work with the community, yeah.

And you also suggest that police should develop education packages and negotiate some protocols with Elders and community leaders in relation to arrest protocols to minimise the risk that there will be any violence involved?---Yeah. The sergeants need to talk with the Elders before if they're going to arrest somebody they should, you know, communicate with the Elders plus the ACPO and you know, if you do that then you get a better outcome, yeah.

Do you think that makes it safer for Yapa and Kartiya?---Yeah, makes it more safer and yeah, it just you know, well Kartiya police and Yapa, you know, so nobody gets injured, yeah.

In relation to Kumanjayi and what we can learn from this terribly sad thing that happened, you say there needs to be more focus on the appropriate response to an incident based on how serious the risk is?---Yes.

So for Kumanjayi there should have been no rush to arrest him?---Yeah, there shouldn't be because he only ran away from couple, he wasn't a murderer, you know, or something serious, he was - he ran off from couple and he wasn't any threat to nobody and he just wanted to attend the funeral and, you know, police should work that out properly, yes.

On a different topic, Derek, I was going to ask you about the clinic staff and their houses being broken into. One of the things I think that we're going to hear about from the nurses is that they were scared because their houses were being broken into. You didn't know that the clinic staff had left - I withdraw that - I will ask you this. Did anyone consult you before the clinic staff left?---No.

Do you think that there's a way where if nurses are - or anybody is getting their houses broken into and they're scared, that they can sit down with Elders and Elders can help work out a solution?---Yeah, like if kids breaking into anybody's houses, Kartiyas' houses, like teachers or clinic or anybody in the community, you know, they should consult with the Elders and get them young fellows so "Why did you do this?" And go from there, you know, yeah.

I think some of the evidence will be that ultimately one 12-year-old boy was charged but there were other kids probably involved that police didn't work out who they

were? Do you think that the community - senior leaders - Yapa leaders - could help police to try and communicate with those young people and explain the damage they're causing?---Yeah. like now I don't see the police come around and talking to the Elders, you know, because there's a lot of break-ins and, you know, but we need to find out why they're breaking in - what for, you know, and work with the kids, you know, not send them to a confined or - like juvi centre. It's just going to make them more angry and you know, we don't want that, we just want to work with the kids and - and you know, help them through education or whatever, you know, yeah.

And we've heard from Samara about some of the activities there, they've got the WYDAC for kids and you've talked to us about being able to play footy some musical instruments with kids. I don't want to put you on the spot, so there's lots of time to think about this but do you want to suggest to her Honour any other ways that some of those kids getting into trouble might be engaged - kept busy?---Like - kids like footy, basketball, soccer, music, and the way to engage with them is like sending them to these WYDAC activities and help to build a relationship with the WYDAC workers so that WYDAC also works as a leeway to get kids going to a better school and stuff like that, so we've got kids in Cairns and Melbourne and Sydney that are - and Darwin, going to school and WYDAC has been really good with that and just we need to work with the kids at all times, yeah.

And so WYDAC needs to have enough resources and workers to be able to help all the kids?---Yes.

How is the footy going at the moment in the community?---Our footy oval is getting upgraded so there will be no footy this year but we are trying to work with WYDAC so we can get some activity - or footy activities probably elsewhere, maybe Mountt Allan or Nyrripi are close communities so we can take our kids to first our kids at like Papunya or Nyrripi or wherever, yeah.

Is there an AFL competition that involves any of those kids?---Yeah, we've got - we had the Tanami Footy comp and like I was doing all that stuff, like running the footy stuff and - but I wanted more activities with the young girls - for the young girls, like basketball and softball and yeah, just don't leave anybody out, make everybody feel comfortable and they can do activities themselves, you know? Yeah.

Derek, when her Honour comes out into the community and sits down with Elders, do you think you'll be able to sit down with us and go through some of those things that would help the community?---Yeah.

And then the last topic I wanted to ask you about was the – again, connected to the – what might help the community. You explain in detail in your statement about the situation with local councils and you explain that, in the 1990s, Yuendumu had a local council which was made up of community members from the north, south, east and west. In 2017, after the intervention, there was – it was – there was a change to the structure to a regional council and it meant that there was a big regional council responsible for 12 communities. One of the initiatives for the local council was CDP?---Yep.

I'll ask you about that first. What – was CDP good? Run by the local council?--- Yeah, run by local council and we had probably 150 employees at that time with CDP, yeah.

And did that change after there was the change in structure to a big council?---Yeah, it's changed, yeah. It changed into RJCP(?) now, that's called. And, you know, there's been, like, 200 waiting on – waiting on the waiting list and wanting job. But there's, like, four who can apply for jobs and probably one of them will get the job but, you know, we want everybody to get active in our community. There's lot of stuffs need to be done in the community, yeah.

So before when you had that small council, the community council that was made up of north, south, east and west sides, you explain that with CDP, that provided work in plumbing, welding, gardening, traffic management?---Yep.

And that CDP employed about 250 Yuendumu residents?---Yep.

But these days, with that big regional structure, Yapa need to wait eight weeks sometimes to secure a job?---Yeah.

And there's only a handful of people who have that work with the CDP?---Yeah.

Do you think that work is important to keep people out of trouble?---Yeah. Yeah, no, the parents of the kids who break in come into town and just drink, drink, drink, drink and stay here for probably three or four months. And we don't want that. We want them working out in the community and get them involved in all these community events and stuff like that. That's why, probably, the kids are breaking in, because family are coming into town and go on drinking streak, yeah.

So you say in your statement, too, that young people are leaving Yuendumu to go to Alice Springs because there's not enough work for them in Yuendumu?---Yeah, there's not enough work and – yeah, activities out there. And they follow their mother and father because they probably live in town now, you know? Yeah.

So you would like to see more support for Yapa to be employed in the community, helping their own community?---Yeah, every organisation is Yapa working in all the organisations there. And get them involved in everything, you know. We – we don't see that. It's only probably few in clinic and the local shops and the police and they're teaching – a teacher at school. And that's it. There's, like, there's other jobs that need to be filled, you know.

And Derek, what you explained that after the – one other thing about that intervention, that it caused, is that Yapa lost some control over the community because there was no longer the ability for locals to make same decisions around employment and community. Previously, the Elders and the rest of the community worked together to resolve those issues and that doesn't happen so much nowadays?---Yeah, it takes away everything from the community, from the Elders.

Where they controlled the community before and when there was break in, we disciplined our kids. Now, we can't do that because of government told us not to. And how we resolve all these issues is if we discipline our kids and governments would give us the control back in the community, yeah.

You explain that before, if the young people were misbehaving, the local council would have a meeting with all the different people involved and try to resolve it together?---Yeah, if somebody – kids broke into the school or shops or anywhere, they – we used to have a big meeting and – in front of everybody, discipline our kids. And what I mean by discipline is just whack over the bum in front of everybody that made them – and that shame and they wouldn't have done it again, yeah.

So we need to empower the local people to work out how you're to solve their own problems – issues; is that right?---Yeah.

And that means getting everybody to sit down together and listen to each other and work together?---Yeah.

And have the power to actually do something?---Yeah, and there's nothing going on at the moment. There's no, you know, all the stakeholders need to come together and work out how we resolve all these issues with the kids along with the Elders that, you know – yeah. That are community as well, yeah.

So two other topics just under that. You said in your statement you had a permit system in the past that meant if people wanted to come into community, they'd have to have a screening process to make sure they were suitable and work out what they wanted to be there for?---Yeah. When the intervention came in, they took out the permit system and we, you know, everybody – anybody can just go there without screening, you know? They don't need a permit and we don't know where he's been and what he's been doing, you know? Will not be able to screen him and find out where – where he's come from and what his – what his background, yeah.

Derek, when you were at primary school in Yuendumu, you learnt Yapa way and Kartiya way? And you had lessons in traditional culture at Warlpiri and there were many Yapa teachers. And you tell her Honour that there were fewer Yapa teachers now. Why is that?---Like, probably because of the intervention, everything just cut down. We've got bilingual – Yuendumu is a two-way learning school and we want that to, you know, we want that to be boosted up so we can get more Indigenous TAs or teachers in – in our schools, yeah.

Last question, and you might think it's an obvious one, but what's the importance of that two-way learning to Warlpiri people in Yuendumu?---It's something like this, you know, that's – if you were in a jobs that, yeah, like policing or (inaudible) you, you know, Yapa will be walking in two worlds as well, you know? If then police or – anywhere, a school or something like that you, you know, we want everybody to work together, Yapa and Kartiya, to resolve these issues and go on from there.

And maybe Kartiya should be walking in this two worlds, too?---Yeah, Kartiya should be walking in two worlds too and they should understand that. You know, there's two worlds, not one world. We've got our cultural values as well and, you know, they've got – they – they, you know, governments – they need to uphold as well. But, you know, we've got Yapa really in the middle of everything at the moment, yeah.

Thank you, Derek.

Those are my questions, your Honour.

THE CORONER: Yes, Mr Boe.

XXN BY MR BOE:

MR BOE: Thank you, your Honour. Can I apologise from the outset? I gave a woefully poor estimate. And I think I've spoken with Dr Dwyer about that, so I will take some time, just to give you some notice.

THE CORONER: All right. This time, Mr Boe.

MR BOE: Thank you.

Are you happy to – for me to call you Derek?---Yep.

You can call me what you like. The statement that Dr Dwyer has been referring to. That's taken many months for you to get right, hasn't it?---Yep.

And that came from – that's even after you had been interviewed by the police back around 2019 and 20?---Yep.

And that involved having like four or five different lawyers come and talk to you various times?---Yep.

Like Maxine, Christian, Greer, Julia and you've had to sit down over and over and again, haven't you?---Yep.

And you were telling me outside that that's made it very difficult sometimes for you to remember the detail of some things?---Yep.

Okay. Why I'm raising that with you is that even though you've been carefully taken through it, there are some things I'm going to go through about what you've said in court - - -?---Yep.

- - - which may not be the same as some other things that you've said before. Do you understand?---Yep.

And in doing that, I'm not being critical of you in any way, okay? It may be my fault

or our fault in not being able to perfectly understand what you've been saying about some things?---Yep.

So, the important thing for you to appreciate is, don't think just because you've said something to me before, you've got to repeat it. Do you understand?---Yep.

We want to know actually what it is that you're saying?---Yep.

Now, just dealing with that also, Dr Dwyer was talking to you and also we've heard from Valda about the way Warlpiri English, pigeon English, is sometimes quite complicated to interpret?---Yep.

You've spoken to me about it, but you have said that sometimes, the way Yapa people speak back to you doesn't always communicate that they've understood, but it's close enough?---Yep.

Now, one of the things that I've learnt at least, in the short time I've known you, is that in your community, the notion of time is quite different, isn't it, to the time that we've got to be in court, for example?---Yep.

When you're off-duty you don't wear a watch, do you?---No.

And within the community, almost no one wears a watch?---Yep.

No clocks?---Nup.

Is that right?---Yeah, there's no clocks in the house, yeah.

Yes. And then when you go into your work, you put on a watch, don't you?---Yep, yep.

But because within the police arrangements and your shifts, time is important?---Yep.

And in fact, the exact time is important?---Yep.

And just to use an example of a fairly important communication in what happened to Kumanjayi, when in the community you say to somebody that's Yapa, "Listen, I'll see you later", that could mean in five minutes time or it could mean in a week's time in your mind. Are you agreeing with me?---Yep.

Okay. So, when you're talking in either Warlpiri pigeon, you would use other words like "short time" or "long time". Is that right?---Yep.

You wouldn't be saying to them, I'll see you at 3 o'clock, would you?---No.

Because nobody has a watch?---Yep.

So, sometimes when the same word is used, as Yalda has said, a different meaning is taken from the conversation?---Yep.

So, when we get to the idea and the conversation of something being “after the funeral”, right? You’ve been spoken to about this before?---Yep.

In fact, yesterday when you’re speaking to Dr Dwyer, you said that you understood that to be, that it could be on the Sunday?---Yep.

But in fact when you spoke to police about it, precisely, your answer was, “It might have been – it could have been Sunday or even Monday.”?---Yeah.

Is that the more accurate description of the range?---Yeah, it doesn’t mean if it’s straight after the funeral or the next day or a couple of days later, yeah.

Yes. In fact, in your interview with Kartiya, you said, “To bring him in, so yeah to bring him in so he could get – ah – um – Lottie and Eddy so I leave him for funeral and me and Julie – well, we leave him for after the funeral, but not straight after the funeral, but Sunday or Monday.”?---Yep.

So, the notion of “after the funeral” for you, as you understood it, right, as a member of the community as well as a Warlpiri speaker as well as a police officer that it was going to be not that night of the funeral, correct?---Nup.

It could be the Sunday?---Yep.

It could be the Monday?---Yep.

In your mind, as you’ve said before, there was no urgency, even at that stage, to go and arrest him. Is that right?---Yeah.

That is even after the axe incident, there was in your mind no urgency to go get him?---No.

And in your mind, and you knowing him and you having never experienced him being violent towards you and him having always complied with your request to take him into custody, that there was absolutely no urgency?---No.

And when that happened, that is, when the attempt was going to be made, you felt that you could sit down with him, like you said in evidence yesterday, to 20 to 40 minutes to get him to understand what you were doing?---Yep.

And you believed that the best way to achieve that was for you to be there with Felix and to approach him and if for whatever reason he didn’t comply and he took off, you could have additional police resources to catch him?---Yep.

Correct?---Yep.

And also a dog that could chase him, if he ran off into men's camp?---Yep.

Men's business camp. Is that right?---Yep.

So, in your mind, either after the accident, your expert understanding of all the cultural factors that we've been hearing about, funeral, all the subjective things about Kumanjayi, that is, he's hard of hearing and he's a bit slow, that you needed to take time to make him feel comfortable to come into arrest?---Yep.

And you believed, I suggest, that you were the best person to achieve that?---Yes.

Is that correct?---Yep.

Now, that takes me to something that is – in courtroom terms, it's complex about taking you to something that you've said differently?---Yep.

I just want to take you to it and give you the opportunity to explain to us why there might be a difference?---Yep.

I'm not saying to you that you're wrong in any version. Do you understand?---Yep.

Yesterday in evidence, you mentioned that – you gave much more details of a conversation you had with Julie after she texted you. Do you remember the text about the IRT?---Yep.

And at transcript 186 yesterday, Dr Dwyer asked you:

“Can you remember what you said on the phone to Julie?” Your answer was, “Yeah, she wanted me and Constable Alefaio, Felix, to arrest Kumanjayi, do a morning raid there.”

“And did she seek - say how that would work?---Yeah, me and Felix were to take the lead and IRT present, but not leading the arrest, yep.”

“Did she tell you a particular time that it was going to happen?---Yeah, around 5 o'clock in the morning, yep.”

“And did she tell you where you should be at 5 o'clock in the morning or before?---Yeah, at the station before 5:00, so yeah.”

“And did you say anything back to her about that plan?---To some extent, but yeah, it would have been good that Felix and I arrested Kumanjayi that day or the next day. That's what I told her, yeah.”

Now, do you recall giving that evidence yesterday?---Yes.

“Others may correct me, but do you accept that you never actually detailed that to anyone before?”?---No.

You're agreeing with me, are you? That is, you haven't said it before?---Yep.

THE CORONER: I'm not sure about that, Mr Boe.

Do you think you've told anyone about that conversation before, or was that the first time you recalled it when you were asked those questions yesterday?---Yeah, that's the first time I recall it.

That's the first time, okay.

MR BOE: Your Honour, to be clear, I'm suggesting it's our fault for not getting it.

THE CORONER: No, no, that's okay. I'm just – the negatives were a bit confusing.

MR BOE: Yes, I understand, yes.

THE CORONER: Yes.

MR BOE: I'm not as experienced at doing that as the people in this jurisdiction because we don't do a lot of cross-examination of (inaudible) witnesses, your Honour.

The point I want to get to, Derek, is this. What you told us yesterday is clearly in your memory, isn't it?---Yep.

That is the truthful understanding and recollection of what you believe you spoke to Julie about?---Yep.

And is one of the reasons why that detail hasn't come out before, is that you've been a bit anxious about giving a version that might not make Julie look good. Is that one of the concerns you had?---No.

THE CORONER: I don't know that that flows from his evidence, Mr Boe, because his- - -

MR BOE: No, it's a question and I'll get to explain it.

THE CORONER: Okay.

MR BOE: I sat down with this witness at some length about this issue, your Honour, if you can- - -

THE CORONER: All right.

MR BOE: Yes.

THE WITNESS: Sorry, can you repeat that question?

MR BOE: I won't put the words in your mouth, all right?

THE CORONER: (inaudible).

DR DWYER: (inaudible).

MR BOE: Can you just tell me why it is that you haven't given that detailed account before?---At that time, I was – because it felt that we, the family and – we'd been pressured to give statement after statement after statement. And I couldn't recall at that time, when I gave this statement to the lawyers. But- - -

Apparently Dr Freckelton wishes to raise something.

DR FRECKELTON: Your Honour, would you excuse me? There's a matter I need to raise with Mr Boe.

THE CORONER: Sorry?

DR FRECKELTON: There's a matter I need to raise with Mr Boe.

THE CORONER: Sure.

DR FRECKELTON: It can be done in court. It will be very brief, thank you.

DR DWYER: Your Honour, can I just remind everybody – just take the opportunity – when we had the two-ways learning session at the beginning, there was the information provided through Jodie and Val, very kindly that it's helpful to get a story rather than – we're also trained as Katiya lawyers to put things. But it might be better to have Derek's words about something. Just a suggestion about remembering that, because we're all learning so much on the job from Yapa.

THE CORONER: Yes.

Yes, Mr Boe. I'm sure you'll take that on board.

MR BOE: I'll try, your Honour.

THE CORONER: Because it certainly was, you know, why I stepped in at that point.

MR BOE: No, absolutely. I'm not taking umbrage at all- - -

THE CORONER: Okay.

MR BOE: - - -of the advice being given to me and I will take it all on board, as I do when I'm corrected by my children, with all due respect.

Derek, I may have been wrong in saying that you've never said it before. Dr Freckelton tells me – and he permitted me to explain this – you may have told people working with Dr Freckelton about this detail before; is that right? When you've been talking about this?---Yeah.

So nothing of what I'm saying- - -

THE CORONER: I'm going to just interrupt again and I really will stop.

MR BOE: Yes.

THE CORONER: It has been a number of years and you've told us there have been many conversations. I don't expect you to remember what you said to whom and when you said it over many years, when there have been so many conversations, okay?---Yeah.

If you have an actual memory, then let us know. But if it something that you really can't remember or you're not sure about, that is perfectly understandable?---Yep.

MR BOE: Thank your Honour. I wasn't making light of what I was saying earlier, appreciating how difficult all this is.

Derek, let me get to the nub of it. What you told us in court yesterday was, in fact, a real and actual memory of the conversation you had with Julie, wasn't it? A telephone conversation with Julie at the time of those text messages; is that fair?---Yeah.

Lost my pen. And you can take from the fact that Dr Freckelton came and spoke to me that he acts for the police and they all want to hear your truth. You don't need to be worried about anything you're saying here, do you understand?---Yep.

And see Dr Freckelton's nodding. I know it's been difficult the last few days. Please tell us everything you know, okay?---Yep.

Yesterday, Dr Dwyer asked you about any really good memories that you've got about Kartiya police and you named two people in particular, and others later, working in Yuendumu in November 29. Lanyon Smith and Felix Alefaio as being – who were really good officers and there were lots of others, too?---Yep.

You remember? And you put in there the current Sergeant, officer in charge, Annie Jolley?---Yeah.

Now, in that answer, you then later on spoke about, "They always ask questions about when we drove around, what can we do," et cetera. Correct?---Yeah.

And what you were saying is they were interested in learning from you how to do the policing; is that right?---Yeah.

But then you also said, "And some though, wasn't good." Right? They're your words precisely. What did you mean by, "Some though, wasn't good"?---Can you rephrase that question?

Yes. Do you want me to take you to exactly what you said yesterday or do you want me to try and explain what I thought?---Yeah.

Let me explain what I thought. Dr Peggy – Dr Dwyer was giving you the opportunity to speak about good police that you work with, okay? Good fellas that you can work with really well and they respect your culture, want to ask questions, okay? And you're nodding? Yes?---Yep.

Yes. And you named those three people and some others?---Yeah.

But then you threw in this thing, "And some though, wasn't good"?---Yeah.

Which I read, in my poor grasp of your words, that whilst there were these good people, there were some other people that weren't good. Is that what you meant to say?---Yeah, not – not at the – not at Yuendumu Station, but elsewhere.

Yes. And I'm not going to ask you to name anybody or anything like that, okay?---Yeah.

But when you mean, "Not good," did you mean that they weren't very good in trying to understand Yapa culture and how to police properly or they weren't good people and they weren't very good to you. Or what else were you meaning?---Yeah, they didn't want to learn Yapa culture.

Yes?---Yeah.

Now, so that was the part that they weren't – that is, they weren't interested in becoming better police officers in the community. Is that what you mean?---Yeah, because some of them were only just there for relieving stuff.

I'm sorry, I just didn't hear you?---Relieving.

Relieving?---Like, for maybe two or three weeks.

So they were only there for a short time?---Yeah.

And so you felt they weren't really interested in finding out more about the community?---Yeah.

And then when they left, they were replaced with more people there for a short time? Is that what you mean?---No, the officers who went on holidays from the station came back from holidays, yeah.

Okay, I understand. Now, just jumping ahead to one of the last things that you spoke to Dr Dwyer about yesterday and just excuse me for taking you back to something that's still hurtful, you said that when you found out that you'd not been told the truth about Kumanjayi when you were at the police station and trying to help, you used the words, "I felt betrayed by my own colleagues." Do you remember saying that?---Yep.

And that you later explained that that hurt and the pain still lingers?---Yep.

Now, so what I want to get into and talk to you about is this thing that's the difference between having police colleagues and people having – police being part of your real community, do you understand?---Yep.

And what I want to get to is that point you made in your statement that Dr Dwyer read out earlier about your hope or your belief that, having more police officers who are Yapa, rather than just being ACPOs. Do you understand?---Yeah.

We've spoken about this this morning?---Yep.

You understand, okay. The – you have lived in Yuendumu for a long time, but you have travelled around Australia, haven't you?---Yep.

You've been to capital cities like Sydney, Melbourne, Adelaide?---Yep.

On holidays?---Yep.

With your family?---Yep.

And you've been on various courses sometimes to Darwin and Alice?---Yeah.

You walk these worlds and you can see a big difference, can you not, in the way Yapa people are living in Yuendumu and how people are living in the big cities?---Yeah.

And there's a big difference in the living conditions in Yuendumu for Yapa people, isn't there?---Yep.

And with the police who come and live there, they live in the compound?---Yeah.

Is that around the police station?---Yeah.

With high fences?---Yep.

Is there barbed wire on the top of the fences?---Nah.

And they live in the police houses in that compound and you've never been into a police officer's house, have you, at Yuendumu?---I've been to some functions but not - not in Alice Springs, yeah.

But in Yuendumu you've been to functions I think, as I understand it, that have been held in the police station?---Yes.

And they were for police officers having a barbecue or some social interaction amongst police officers and yourself?---Yes.

But you've ever been inside a police officer's house to have a meal with them or anything like that, have you?

DR DWYER: Can I ask my learned friend to ask this as an open question? I am just concerned about the witness and I am really mindful of that two ways learning that we had at the beginning.

MR BOE: I will rephrase it. Have you ever been into any of your police officer's houses to have a meal?---Yes, in Yuendumu I did.

Yes, whose house did you go to?---The sergeant's and Lanyon.

Lanyon?---Yes.

DR DWYER: And the sergeant?---Yes.

BOE: Lanyon Smith and Sergeant's?---Yes, Annie Jolley, yeah.

Just one moment. And what about into your house? Have you had meals inside your house with any police officers?---No.

But in terms of social interaction in Yuendumu, you would have other people that are not family come and have meals with you at your house?---Yeah, only families.

Families?---Yeah.

After the night of 9 November, have you had any contact from Felix? Have you had any conversations with Felix?---No.

Have you had any conversations with Lanyon?---Yeah, only yesterday.

Okay but until yesterday, no conversation?---Yes.

They have been quite respectful and texted you and given you encouragement and condolences, haven't they?---Yes.

You see them as good people to you?---Yes.

And when they sent you these text messages with condolences did you reply to them?---Yes, some.

And did you have difficulty replying to others?---Yeah, we was - like regarding - I was hassled by all the lawyers to get a statement, to meet up and that's why I didn't want to reply to any messages 'cause as you know, when somebody is on holidays you can't reply to anybody.

Now, and you've had the Commissioner and senior command come and talk to you personally to give you their condolences?---Yes.

And how did you feel about that?---Me and my family felt really good that the Commissioner - - -

Sorry, it's my fault, I just couldn't hear you?---Me and my family felt really good what they - when they came down and said their condolences, yes.

You felt respected?---Yes.

By senior people in the police?---Yes.

And supported?---Yes.

Now, can I just go to the position you held as at 9 November 2019? You were, by then, a first class or senior AFPO?---Senior I think, yes.

Do you ever use the term "first class"?---No - yeah, when I was wearing my first slips, yeah.

So is first class lower than senior?---Yep.

And under the Police Act you vested the same powers, privileges, duties and responsibilities as other members of the police force?---Yes.

Do you understand that?---Yes, yes, just the constables, yeah.

And that included the power to arrest?---Yep.

And you have had that since 2010 or 13 or - - -?---13, Yeah.

And do you understand that all police officers in your station that you worked were aware that you had that power of arrest?---Yeah.

Now, I just want to look at how you rate within a police station in terms of duties and following duties. Are you regarded as being the same as a police constable in terms of rank or are you not within that rank?---I'm similar to constables, yes.

Sorry, it's my fault again?

DR DWYER: Similar.

THE WITNESS: Similar to constables.

MR BOE: Thank you. So, but you would regard yourself as being able to do all the duties that they could do, is that correct?---Yep, except sergeants, yes.

Except?---Yes, except sergeant's role, yes.

Were you directed to do things in the same way as other constables or were there some things only you were asked to do and some things you couldn't do? How was it? Did you feel that you had the same position in the station as other police officers? ---Yes.

The added thing then that you had this special knowledge of the community, is that right?---Yes.

And if there was to be a conversation of what was culturally appropriate they would - or you would believe they should come to you?---Yes.

And they did?---Yep.

Now, once you are a senior ACPO is there any further rank elevation available to you as in ACPO?---No.

And when you gave an answer yesterday to Dr Dwyer about how you felt about becoming an ACPO, Dr Dwyer took you to how you would be respected as a law man in a community, do you remember that?---Yep.

And then you gave an answer that said, "It's a bit like in both worlds, you - it's like becoming a sergeant, you become more respected"?---Yep.

So the idea of having greater rank for you is something that you would like, I take it? In time?---Yes.

And you now know, as I understand it, that there are programs to transition you from being an ACPO to a member of the police force?---Yep.

Is that something you are interested in taking up?---Maybe.

Has there been, in your mind, some reasons why you felt you can't do that at the moment?---There are family reasons, yeah.

Is that because of time away from family to do the course or something else? ---Yeah, if you do a course it could take about three or six months and yeah, I don't want to be around somewhere that, you know, there's no family around, yeah.

So in order to transition would involve you maybe having to give up daily contact time with family. Is that what you're saying?---Yes.

Say up to three to six months I think you jus said?---Yes.

In going forward would it be helpful for you to be able to transition if the service was able to take into special account the fact that it's hard for you to be away from family?

---Yeah.

And provide some support perhaps that they could go with you to do the course or something like that?---Yep.

Or maybe the course could be brought to you and you wouldn't have to eave family to go up the ranks?---Yeah.

Would that be something that you would welcome?---Yeah, maybe.

What do you mean by "maybe"?---Yeah, maybe, maybe not, yeah.

You wouldn't find it helpful or you're saying that you're not sure you'll want to do it anyway?---Not sure, yeah.

Not sure that it would be helpful?---Depends, yeah, not sure

I'll just leave it at that. Do you know of other Indigenous police officers in the Territory that are not ACPOs?---Yeah, there's - - -

Abut how many do you know of?---I know of four.

Four?---That rank from superintendent to senior sergeant, sergeant and constable.

And the senior sergeant we're talking about is the one that runs the unit in Indigenous - - -?---Unit in Darwin, yeah.

- - -unit in Darwin?---Yeah.

And I am not saying this is - your answer is definitive, but there's only a few of them, is that right? A few Indigenous officers that you know of?---Yeah, that are in mainstream, yeah.

Do you think it would be a good thing if there was an Indigenous officer in charge in Yuendumu?---Rephrase the question again?

Okay. I know Annie Jolley is a really good sergeant. I'm not saying she's not, okay. And I know you've had other sergeants that have been really good, but do you think in terms of the whole cultural framework that we've been talking about, that it would be a good thing, not a better thing, a good thing that there was an opportunity for the officer in charge at Yuendumu to be Indigenous?---Yeah.

Would you be willing to tell me why you think that?---Just around the cultural

awareness stuff, you know. If they see a sergeant who's Indigenous, then they'll work with him, work with Elders to get a better outcome.

Just going now back to more specifically your time before you went on leave in 2019, when there was information given to the Yuendumu station that a local person was wanted for arrest, was there any protocol in place at Yuendumu as to what might be the safest way to perform a peaceful arrest?---I don't know if there's any protocols put in place, but the Sergeant Annie always talks to the Elders and work out how to arrest people.

This is Sergeant Annie Jolley?---Yeah, Anne Jolley, the sergeant now, yep.

Yes. She wasn't – so your experience with her was that if there was that sort of situation, she would come and talk to you?---Yep.

And ask you how to go about it?---Yeah.

Yes. Now, did she do that on every occasion or was it - - -

DR DWYER: I'll just help my friend because it might be a hearing thing, but Derek also said that she would talk to Elders and it work out this way.

MR BOE: I did miss that, thank you?---Yep.

Thank you. So, what she would do was properly go about trying to find out what the safest way to perform a peaceful arrest, not just with you, but other senior Yapa in the community. Is that right?---Yep.

After she left and Sergeant Frost was there, was the situation the same or different?--A bit of a mix. Like she would ask us to – she would have gone around talking to Elders as well and work out a plan, but sometimes, you know, she wouldn't. But it's up to her how she wants to work – how to proceed with the arrest or something like that.

Yes. Look, because of her rank, it's obviously up to her. I guess what I'm asking is, as I understood it, when Annie Jolley was there, that would be her usual thing; that is, to find out as much as possible of how to do something properly. Are you saying that that was not always the case with Sergeant Frost?---No. Yeah, she came from Darwin, you know, and that was her first stint out bush and she was getting a grip where how to, you know, manage or plan out arrests with everybody. But she went around talking to Elders as well, yeah.

Okay. I think your evidence yesterday was the first that you were aware that there had been an arrest attempt of Kumanjayi around those days was after the axe incident. Is that correct?---Yep.

So, before that, were you aware that Kumanjayi was the subject of an arrest alert?---Yeah.

And did you find that out through the police system, the PROMIS system?---Yeah, we've got bulletins coming out every week saying - - -

I'm sorry, I just didn't hear you?---Bulletins, police bulletins that comes out and if there's people with warrants or wanted for questioning and stuff like.

Is that accessed by you off a police computer?---Yep.

And when you found that out, did you still not know whether or not he was in Yuendumu? All you knew was that he'd left CAAAPU. Is that right?---No, I didn't know he left CAAAPU.

Yes. Did you only know that there was an arrest alert for him?---Yeah.

With no more details?---No.

And knowing that and knowing who he is to you, did you talk to anybody in police of how you might help in the arrest?---Yeah, my understanding was to – him to be arrested the next day with the family, yep. Even family bringing him to the station and - - -

And that's the talking you did with Julie after the axe incident when you went to the Robertson's house. Is that right?---Yep.

Before then, had you spoken to any police officer at all about Kumanjayi being arrested?---No, there's was biggest – there was a funeral on – meant to be held on Friday, and there was only – I only knew that he was at Yuendumu Wednesday when - after that axe incident and we worked out from there that we gonna consult with the family and have them family's bring him in, but Julia had other plans for the next day, yeah.

Derek, you now know that Lanyon Smith and Christopher Hand went to arrest Kumanjayi at the Robertsons in the afternoon or early evening of 6 November. You now know that, don't you?---Yep.

You were not on duty that day?---No.

Do you remember that you were on duty with Senior Constable Hand the day before?---Yeah.

And you worked out at Nyirripi. Is that right?---Yep.

And you finished your shift about midnight?---Yep.

So, you had worked with them all day?---Yeah.

Did he mention to you at all - - -?---Nup.

- - - that he was either planning to or thinking to arrest Kumanjayi?---No.

Okay. And did Lanyon Smith have any conversation with you about how to go about arresting Kumanjayi on that occasion?---On Tuesday?

Yes?---No.

You saw him in the station, I take it, or did you come across him or - - -?---No, well we work shift, so we probably crossed paths, but we do evening and early shifts, so we don't.

So, am I right that neither Smith or Hand spoke to you about arresting Kumanjayi at all before they tried to do so when the axe incident occurred?---No.

You're agreeing with me, are you? I put that question so badly. Did they or did they not - - -?---No.

- - - speak to you?---No.

They did not speak?---No.

Yes, okay.

DR DWYER: Your Honour, we do need to take a break at some time.

MR BOE: I'm happy to do it now, if that's suits, your Honour.

DR DWYER: I just didn't want to interrupt my friend.

MR BOE: No, I'm happy to do it now, is that's suits, your Honour.

THE CORONER: All right, 15 minutes.

ADJOURNED

RESUMED

DEREK JAPANGARDI WILLIAMS:

THE CORONER: Mr Boe, I had to find you.

MR BOE: Sorry, I've just been asked by a number of the superintendents that Derek would like me to move closer?

THE CORONER: No, that's a good idea. It's a long distance to communicate, so.

MR BOE: I'm currently (inaudible). I think Dr Dwyer wanted to announce something?

DR DWYER: I just can't see who (inaudible), I'll do that later, thank you, your Honour.

MR BOE: I understand that some Elders have travelled from Kintore to come here and I think Dr Dwyer wanted to identify with them and acknowledge them.

DR DWYER: Yes, I'll do that so that your Honour can acknowledge them when they come in, your Honour.

THE CORONER: Thank you, Mr Boe.

MR BOE: Derek, is that better for you?---Yeah.

It's certainly better for me?---Yeah.

So you know, I've only got about another 10 minutes or so, okay?---Yep.

And I – to make it easier, I might just go back a little chronologically. That is, first in time of some things that I want to talk to you about, okay? Do you remember being on duty with Senior Constable Lailani Wethers(?) on 15 October – that's about a week or so – or more than that, two or three weeks before Kumanjayi came to Yuendumu – where you ran into Rakeisha?---Yep.

You remember the time I'm talking about?---Yep.

Can you tell me where you ran into Rakeisha?---We got called out for unlawful entry at the store and she was – as I was getting back into the police car, I could see kids around North Camp. So we drove up there and saw Rakeisha.

And were you there when Lailani Wethers spoke to Rakeisha?---Yep.

And could you hear what they were talking about?---Yeah, she was talking about the DVO stuff.

Yes. Do you remember any of the detail of the conversation?---Nah.

And were there some other things that you were- - -?---Yeah, I was focused on some other kids that I was talking about, the unlawful entry and – yeah.

And was there a car running?---Yeah.

Was that making some noise?---Yeah.

So you were on the other side of the car?---Yeah.

And so you knew she was talking about a DV matter, but you didn't hear all the words?---Yeah.

Is that right? This may or may not be true, but do you find sometimes when you're talking to a female Yapa woman – maybe there's no other sort, but a Yapa woman – that sometimes it's better for there to be a woman talking to them about what they want to talk about, rather than a man?---Yep.

And is a conversation about domestic violence one of those sorts of things?---Yeah.

They may have a bit of shame or – about- - -?---Yeah, shame talking to a male police officer, yeah.

Is that one of the reasons why you left Lailani to do that?---I was mostly concentrating on the other kids, because I was just asking about the unlawful entry and I was focusing – focusing on them. And Lailani was talking to Rakeisha.

Okay. After that, did you have any conversation with Lailani as to what to do from what she had learnt from that conversation?---Nah, because we just got called out because – after unlawful entry and I didn't have much dealing with the DVO stuff.

At the time there might have been something else you were thinking about, but even after, were you asked about what you think might be appropriate from that information that Rakeisha had given Lailani?---No. Lailani wanted to do it – do the DVO when Kumanjayi came out. And like, we do, like, filings for DVO stuff ourselves. And it doesn't take to – too hard to file, it's just one officer doing it there.

Yes. Do you know about a meeting of people called the Family Safe Framework meetings?---Yeah, that happened every Wednesdays, I believe, yeah.

And can you tell me just a little bit – not a lot – about what you understand they try to work out?---Like, they just – the sergeant of the station usually does all that. We don't have any – she only talks to the stakeholders and – yeah. She works out everything.

And that meeting on Wednesday is usually done by the Sergeant?---Yep.

And the people in the meeting are sometimes either calling in or on a Zoom computer – AVL from Darwin and from Alice; is that right?---Yeah, the Superintendent usually phones – do a phones conference, yeah.

That's Jodie Nobbs?---Yeah.

But in any event, that's something that the Sergeant does?---Yeah.

And you're not involved in that?---Nah.

Okay. And did you know that Lailani was filling in for the Sergeant on that meeting – on a meeting after the conversation with Rakeisha? Did you know that at all?---No.

Did you ever find out that, following that conversation, an application for a DVO was, in fact, applied for?---I didn't know about that, yeah.

You didn't know about that?---Yeah, because officers do it themselves.

Yes?---They, like, do up a file but file together and they do it themselves.

Did you find out on any police alert that an application had been made?---No.

When you read on an alert that a DVO application has been made or an order has been made and it goes up about a person, what do you as a police officer think you should do with that information?---Yeah, it's like, we're not allowed to see what the officer does. We don't have access to those officer's jobs. Only they have the access because they are created on PROMIS and stuff like that. But if there's – we usually get DVOs from the courts, stamped and send out back to Yuendumu. But it's by email or by post. And that's how we found out – find out that we going to serve these summons or DVOs to the – to offenders.

So I stop asking questions about this, is it your memory that at no stage were you aware of an application for a DVO or an alert ping out on the PROMIS system about Kumanjayi?

MR FRECKELTON: I object to the question, your Honour. It has (inaudible) it's convoluted, and it really does make it very difficult for an answer to be given.

THE CORONER: I think he's already given the evidence, hasn't he, Mr Freckelton?

MR FRECKELTON: Well, there's that as well.

THE CORONER: I don't think I need it to be clarified if it's already given, Mr Boe.

MR BOE: If it's – your Honour accepts that. What I wanted to do, if I'm permitted, is to tell him what the alert – what the application stated about Kumanjayi and whether or not he agrees with that characterisation (inaudible).

THE CORONER: In a general sense?

MR BOE: Yes.

THE CORONER: Through his experience?

MR BOE: No. No, this specific – this specific – there's an alert that characterised Kumanjayi in a particular way that became part of the information that went out to police. I just want to ask him whether he was aware of that and what he says about the content of that.

THE CORONER: Well, at the moment he said he is not aware about an alert relating to a domestic violence order application.

MR BOE: Yes.

THE CORONER: Are you asking about the same alert or a different alert?

MR BOE: The same alert. I was going to ask him whether he agrees with the characterisation, in that he was - - -

THE CORONER: So you want his opinion?

MR BOE: Yes.

THE CORONER: I don't know how far it will take me but I will allow you to ask (inaudible) - - -

MR BOE: Yes, 30 days as your Honour said.

THE CORONER: I know, and that's why you're being given lots of opportunity here, Mr Boe.

MR BOE: Thank you.

I am going to read to you what was part of the application for a domestic violence order in respect of Kumanjayi, do you understand?---Yep.

These are not your words, this is just what was on the application?---Yeah.

It says, "Child" - sorry, "His name is Kumanjayi, he is currently incarcerated in Alice Springs Correctional Centre. Walker is due for release from prison on 21 October 2019." This is the important part - "Walker is a high-risk offender of domestic violence and is the subject of the Yuendumu family safety (inaudible) as a repeat offender for their high-risk DV involvement with Rakeisha Robertson". Okay. Did you hear that? Did you hear me just say that to you?---Yeah.

Did you have any input in characterising that information about Kumanjayi?---No.

Do you want to say anything about that?---No.

Do you agree with it - you don't want to say anything about that?---No.

Just going back to when I spoke about how you talked with Felix and Lanyon Smith about Kumanjayi, you said earlier that they knew he was your nephew?---Yep.

Did you tell him that Kumanjayi had problems with hearing?---Yep.

They knew that, from this conversation?---Yes. Yep.

And did you tell them of what you thought about him being a bit slow?---Yeah.

Was that part and parcel - that is together with why you took time to carefully talk to Kumanjayi to explain things to him that you were going to arrest him?---Yes.

And on some occasions that would take up to 40 minutes?---Yes.

Is that what you thought you might be doing when you went out with Felix at 5 o'clock on the Sunday? That is to do that talking with him?---Yeah.

And what you had hoped was that more resources would be around - - -

DR FRECKELTON: Your Honour, I object to this. It's - this style of questioning is unlikely to lead to anything of any utility for you. The straightforward question can easily be, "What was your hope? What was your anticipation?" Then you will get an answer. It might be exactly what my learned friend wants to put to the witness and get him to adopt or it might not be but in our respectful submission these questions need to be framed in an open-ended way and learning the lessons that we've had from earlier in the inquest.

THE CORONER: Yes.

MR BOE: Your Honour, may I just say this, I may not be doing things how others want. This information is information that is in the statement taken by my instructors and not all of it has been led. I am not being critical. Subsequent to examination, there have been attempts to clarify these things with the witness. He has told me these matters. I am happy to - - -

THE CORONER: Sure, it doesn't matter whether he's told them to you previously or not, there is an appropriate style that we know about in relation to leading evidence from witnesses generally and in particular witnesses who are Aboriginal and it would be preferable if we could adopt that approach - unless you are taking them to a specific statement which they have already made and you alert them that and ask them about that specific statement.

MR BOE: Yes, okay.

DR FRECKELTON: Your Honour, all of yesterday was Dr Dwyer leading - - -

THE CORONER: From a document.

DR FRECKELTON: But putting what the document said, not taking him to what he said in the document.

THE CORONER: Sure. If you want to go to a document which contains his words as the basis of the question rather than just a reflection on things that may have been said to you outside the statement that has been taken or in one of the many conferences that have occurred. Again, if you are going to a specific conference you can remind him when that was and precisely what was said. If you would like to ask him that way.

DR DWYER: And I will just say make it clear, perhaps this is something I could have done earlier, your Honour. I will be tendering Derek's statement so we will have all his words in that and I should have done that at the beginning and I will certainly do that.

DR BOE: If that is done - but I didn't know that would be done, I don't need to get out information that is in the statement.

THE CORONER: Great.

DR BOE: That is not a criticism. I am just saying that's why I was doing it.

THE CORONER: All right, no, we will make sure that the documents and the statements are tendered as we progress.

DR BOE: Thank you.

What did you hope would happen on the part of other police that may have gone with you to talk to Kumanjaya?---Can you rephrase that other questions please.

What did you hope that the other police at the – sorry your Honour – just (inaudible) as I understand it, you had planned, after talking to Julie, to go and speak to Kumanjaya with Felix, is that right, at 5 o'clock the next day?---Yes.

To go and arrest him?---Yep.

And what did you understand or hope that other people would do to support you to do that?---Me and Felix would've just gone and speak to him, yep, and go from there.

Yes, and what about other police? Were you just going to go by yourselves or were other police going to come with you?---No, the IRT was there too, so - to support the arrest.

I think you said yesterday in evidence, "To support, not lead"?---Yeah.

That was your words?---Yeh.

And by that you meant you were going to go and do what we just talked about - - -

THE CORONER: You've just fallen back into the old habit, Mr Boe.

MR BOE: I will try again. The IRT that we are talking about were letters that you weren't aware of before the text from Julie, is that right?---Yes.

Did you now that after the accident, Julie Lanyon and Chris had a problem about being involved in any further arrest attempt with Kumanjaya - did they say anything to you about why they may not be involved?---No.

In going and planning to go to see Kumanjaya at that time, with Felix, did you have any expectation of what sort of guns the IRT would be bringing with them?---No.

Did you see - did you see the IRT at all in the community before you went out to - before - sorry, take it all back. Did you ever see the IRT members who ultimately were involved, in the community, before the funeral?---No.

What did you understand police could do to Kumanjaya after they took him into custody. What would they do with him next?---Well, took him to the watchhouse and process him accordingly.

And for your part what would you do? Just put him into the station and put him (inaudible)?---Be with him and take him into the custody, yeah.

Would you do anything else - you personally = anything after that?---I would've been talking to him, yeah.

And what would you be talking to him about?---About how the process would've gone and - - -

To do that, would you need to know what, in fact, the process would be?---Yes.

There is a difference in your mind, is there, between arresting a murderer as opposed to arresting - or alleged murderer - as opposed to arresting somebody they had left (inaudible), in your mind - there's a difference?---No, there's no different, it just an arrest plan that - how we work it out and then go from there as well.

If part of your job is to talk to him and tell him what would happen, you would need to know what would happen to him if you had got him at 5 o'clock in the morning, wouldn't you? You would need to know?---Yeah.

Did you in fact know what would happen to him legally after you took him into custody?---He would have went back in the - he would have went back into the

prison or back to CAAAPU.

Okay?---Yep.

Do you think it's important for you to note exactly what legal process would occur after you took him in?---Yeah.

Did you have any – sorry, you've seen the axe incident video, have you?---Yep.

Other than seeing what happened on looking at the video, did Lanyon Smith have any conversation with you about what happened when he went to arrest Kumanjayi?---No.

And did Christopher Hand have any conversation with you about what he experienced and what he felt about that incident?---No.

Even after all that happening, you understood that Sergeant Frost – sorry, I'll take that back. I'll stop. When you went to the meeting with the Robertsons with Sergeant Frost at their house after the axe incident, do you remember that event?---Yes.

Can you tell me what you understood Sergeant Frost to have said to them about what police were planning to do to get Kumanjayi?---The family wanted to bring him to the station and but Julia had other plans of herself to arrest him after the funeral.

I won't go over that again, because there's a narrative in your statement. Two final things, you spoke about whenever you've arrested Kumanjayi in the past, you had no trouble?---No trouble, yeah.

When you took him under arrest, did you handcuff him?---Nope.

Have you ever handcuffed him?---No.

Is that in accordance with your understanding of what you are allowed to do and not do?---Like I said before, make him feel comfortable because he was – he was slow to react to everything, but just to make him feel comfortable, I didn't handcuff him, didn't put him in the back of the cage. I put him in the front seat always and speak to him, yeah.

Derek, you spoke beautifully about that earlier, I'm not criticising whether or not – do you understand whether or not you are required to handcuff him or not? Is that a choice for you to have as an arresting officer?---You just have to make the decisions based on what you believe.

Yes?---Yeah.

And having chosen to take that approach, you've never had any problems with him?--No.

Is that correct?---Nope.

Derek, thanks for your time.

I have no further questions, your Honour.

THE CORONER: Mr Mullins?

MR BOE: He needs to hold a stand. (inaudible).

THE CORONER: Sure.

MR BOE: He just wants the stand.

Do you want the stand?

THE CORONER: The stand, okay.

MR MULLINS: Derek, can you hear me, okay?---Yep, right in here.

DR DWYER: I can swap with you, Gerry, if you like?

MR MULLINS: No, I'm okay.

MR MULLINS: Would you prefer that I was closer to you?---Yeah.

DR DWYER: He's been talking for a long time, hasn't he?---Yeah.

A long way to project. And your Honour while we – while I'm on my feet and Jerry's moving across, can I note, your Honour, that we have other very important family and distinguished Elders. And we've got Victor Dixon-Robertson from Kintore, he is the brother of Annie Lane and the brother-in-law of Joseph Lane.

And I think he's just arrived with other family, Victor's family and his daughter and his niece, so I note how much your Honour welcomes the family to this court, particularly having those senior Elders. It's an honour to have them in court.

THE CORONER: It is. Thank you for coming to our court and participating in the proceedings. You are very, very welcome to come and go whenever you please and to be here as often as you would like. We very much appreciate that you are showing us the respect by your presence and I return my respect to you. Thank you.

Yes, Mr Mullins.

MR MULLINS: Thank you, your Honour.

XXN MY MR MULLINS:

MR MULLINS: So, you can hear me clearly, Derek?---Yep.

Now, yesterday during the course of your evidence with counsel assisting, you described that you liked to go through the arrest process slowly and respectfully?---Yes.

And at one stage during the course of the questions that you were asked, you mentioned that sometimes effecting an arrest might take 40 minutes?---Yep.

And that's, for the record, at transcript 176.

Can I just walk with you through how you might spend that 40 minutes in arresting a particular individual? Can we start with, did you have your own police vehicle?---Yes.

And so, if you were told, we want you to go out and arrest a person in the Yuendumu township - - -?---Yep.

- - - community, you would get in your car and drive out to arrest them?---Yep.

Would you ever just walk out to arrest them or would you always go in the car?---Go in the car. It's a long way to go from east to west, so - - -

And was there – would you always take a second person?---Sometimes, yeah.

So, you would arrive at the house where you were going to arrest them, what would you do?---Just walk in, talk to their families first and then talk to the offender and calmly tell him to come in and hand himself or I can take him, be with him along the side and yeah, help him out.

Would you tell them before you arrived that you were coming?---No.

Right. So, you'd arrive at the house. Is there any cultural or Yapa rules about whether you can enter the house or not?---Yeah, like I said before, yesterday, that you know there's also cultural – it's significant that we respect the houses and people inside, you know. We've got poison cousins that we're not allowed to talk to and but sometimes, occasionally, it just talk to normal person as you would, you know.

So, we've arrived at the house. You then walk into the house and you talk to the family first. Is that right?---Yep.

And do you explain to the family what it is you're doing?---Yeah. I just talk to the family and say, can you bring so and so over. He's got a warrant, or can you let him know that he's got a warrant and he can come down the station or I can take him or yeah, along that line, yeah.

And do the family often have questions?---Yeah, sometimes they do, yeah.

And are the families sometimes difficult or upset?---Yeah.

And how do you manage that situation?---I just talk to them, what they're going for, going in for. If it's a serious assault, then yeah, we got to let them know what they're going to go in for, yeah.

And do you explain to them what might happen when the person is taken down to the station?---Yeah, nine times out of 10, they release they're gonna go to the Big House or yeah.

By "the Big House", do you mean the police station or to - - -?---The big gaol – gaol.

Gaol?---Prison, yeah.

And in the context of your personal interaction with them, how physically close do you get to them? Is it important to keep space?---I stand really close to them. I talk to them. But – because I know them and they know me. But sometimes you have to also, you know, take in account their own special – personal space, yeah.

And you said that you then go and speak to the young person who you might need to arrest. And then do you go and speak to the young person after you've got permission from the family?---Yes.

And do you have to get that permission before you do that?---Yeah.

So you can't just march in and go straight and speak to the young person?---No.

Okay?---We've got to respect them. Respect people.

And it's not just respecting the young person, it's respecting the family at the house?---Yeah. You don't want police coming into your house and just going and grabbing somebody. You've got to talk to the families and tell them why you're there and respect what they're going to say, yeah.

So assuming you have the family's permission, so then you go and speak to the young person who might be in a room in the house. Now, if they don't want to come with you to the station, what do you do?---I get their brother or one of the family members to talk them into coming to the station and, you know, I always tell them, "You know, you need to clear the warrant up. So next time you in town, if they arrest you, you're going straight in a big house," you know?

When you're talking to the young person and telling them that they need to come with you, do you start the conversation by talking about the fact that you're there to arrest them or do you start talking about something different?---Yeah. There to arrest them and just explain why they're going to get arrested for.

And you were saying that sometimes, if they don't want to go, you might bring a brother or somebody with you to be present while you're talking to them?---Yeah.

And are you using the brother as a backup for you to help encourage the person?---Yeah. If – if they don't know me very well, then I utilise their families to bring them in.

So would you ever touch the person who you're about to arrest without their permission?---No.

Would you ever touch the person at all?---No.

When you're moving from the house out to the vehicle – assuming they've agreed to go – would you ever grab them by the arm or otherwise physically handle them?---No.

And why is that?---Just because, you know, they know me in the community and, you know, they don't see me as a threat and you just have to talk to people. You've got to respect their space as well, yeah.

And when you say respecting space, is there a distance that you keep when you're respecting that space?---Yeah, sometimes, yeah.

So would you ever walk into a room with the young person you're about to address and put your hand on their chest?---No, I would let them walk out into the front door.

Now, if – let's say, for example, you're walking with this young person out the front door towards the police vehicle and they run off. Has that ever happened?---No.

Well, I've tried the hypothetical. If they did run, what would you do?---First of all, they were running far enough, well, we just get them next day, yeah. I know where they live.

Now, the next day, would you go through exactly the same process?---Yep.

So you'd come back to the house and talk to the family first?---Yeah, it's all about respecting people, you know. It doesn't matter if they run away. You've still got to respect how – how the family is going to react to what you're going to do with their kids.

And then you would go through the same process?---Yeah, this time probably grab them by the shoulder or by their biceps or something.

Right. Now, when you put them in the police vehicle, is it your preference that they sit in the front?---Sometimes if the young fellas are really good, you know, I put them in the front seat. But sometimes if they arc up or something like that, we'll put them in the back.

When you say arc up, what do you mean by that?---If we go hands on, like, physically go hands on and they don't like it, then we put them in the back – back of the cage, yeah.

So you do need to do that from time to time?---Yeah, time to time, yeah. But I never had any issues with young fellas out at Yuendumu.

Now, this process that you call arresting or engaging with someone slowly and respectfully, have you recorded that somewhere?---What do you mean by recorded?

Written it down?---Yeah, sometimes on my notebook, yeah.

Did somebody teach you how to do this slowly and respectfully?---No, it's not taught. It's been – you live in the community and you respect and – how to control people.

In your statement, you made reference to an uncle who was a police officer?---Yes.

And was he an ACPO?---Yes.

How old were you when he was working as an ACPO?---When I was in college and when I came back, I had the privilege to work with him for the last three years of his service, yeah.

And did he, in a similar way, undertake his arrests and his work slowly and respectfully?---Yeah.

Did you appreciate, when you worked for him for those three years, that he was walking in both worlds?---Yep.

You also mentioned in your statement a Yapa law man?---Yes.

Is there a Yapa law man in your culture?---Yeah. We all law men and we - - -

The police officers?---Police officers?

Yes?---Yeah, my uncle was a law man and my uncle over there, Victor, he was a law man and worked out of Kintore with my grandfather, Andrew Spencer. We are all law men.

You also talk about the – in your statement, about the importance of having the respect of the Elders as a law man?---Yep.

And why is that important?---It's really important. Like, you – the Elders are your Commissioner, in a way, and you have to work up the ranks to either Sergeant or Superintendent in our law, yeah.

You also mentioned yesterday that the children look up to you as a law person or law man?---Yeah.

And you mentioned that the kids at school asked you to put the siren on or asked to hop in the back of the paddywagon; is that right?---Yep.

And you go to the school from time to time?---Yes, I do.

And do you like engaging with the children at school?---Yes.

Does it make you feel proud?---Yep.

Now, if we can move to 9 November 2019 and sometime around 8 pm, you were outside the police station?---Yeah.

And you were going – you had made the decision you were going to stay with the community?---Yep.

And there has been a – quite a bit of evidence given about that. I don't want to go over that again, but I want to ask you this: were you using your techniques of proceeding slowly and respectfully in your management of the people outside of the police station?---Yes.

And there were some Elders assisting you?---Yep.

And were those same techniques of talking to people, talking to family, maintaining distance and so on, useful in that exercise?---Yeah.

How important were the Elders in that process?---They were really important at that time, yeah.

Can you explain why?---Well, everybody look up to the Elders in each communities that, you know, if you going to look up to Elders you need to listen to them as you're growing up, you know, and everybody understand they held a really high responsibility in the community, so, yeah.

Now, have you returned to being an ACPO yourself?---No.

THE CORONER: I think he is still an ACPO but he might not be on active duty at the moment?---Yep.

MR MULLINS: I apologise, your Honour.

So you haven't returned to active duty yet?---No.

Was yesterday the first day you'd work a police uniform since these events?---Ys.

And it has been hard for you getting back?---Yes, it has been hard.

Are you hopeful one day to get back so that the children look up to you again?---Yep.

Thank you.

THE CORONER: I am sure they look up to you whether or not you are in your uniform?---Yeah. They do.

Are there any other questions?

MR BOULTEN SC: I have a few, not many.

THE CORONER: Thank you.

XXN BY MR BOULTEN:

MR BOULTEN: Mr Williams, I am Phillip Boulten. I am NAAJA's lawyer here today?---Yep.

So, a couple of things. Sometimes when you have a poison cousin relationship would it be good to have an ACPO with different skin name?---Yes.

Why?---Yeah, like you poison cousin you need to - we don't have same poison cousins, we have different poison cousins in every community.

Good idea to have more than one ACPO, right?---Yes.

How come?---I would like to get more ACPOs and lady ACPOs as well.

And?---Lady ACPOs - woman.

I was going to ask about that. Why are lady ACPOs necessary?---Like with that cultural aspect as well, you need lady to talk to a lady and bloke to talk to a bloke and we've got sorry business stuff and men's business, women's business as well.

That's obvious. Man ACPO can't go to women's sorry business?---Man ACPO can't go to a woman's business area - at all, yes. So vice versa, with woman as well.

What is the difference between an ACPO and a liaison officer?---ACPOs are sworn in and liaison are not sworn in but they do similar stuff what long-serving(?) ACPO.

Do you need both?---Yes.

How come?---You need - as well we need more ACPOS, liaison officers in each community to help out with - like I said before, you know, when I'm on leave there's somebody there to help police and the community to work together.

I want to ask just a couple of things about arresting people?---Yep.

Is there a difference between arresting someone in the night time and arresting somebody in the morning time? Is it more tricky in the night or in the morning?
---It all depends on what you're doing at the time, you know. Yeah, it's difficult. I mean every arrest is difficult but you need to work through with the Elders and the family to get a better outcome on how to go about arresting people.

If you arrest someone in the night time where do you have to take them to?
---We've got a watchhouse there. Watchhouse.

So then they have to spend the night in the watchhouse?---Yes.

And then they have to go where? To?---Into Alice Springs, yeah.

So what is better? To do that in the night time or take them there straight away in the morning to Alice Springs?---It depends on what crimes they done.

Yes?---If it's for DV at that time of night then yeah, we can go and arrest them, diffuse the situation.

What about if it's to pick someone up for a breach of bail or breach of a suspended sentence condition, like being in the wrong place or drinking alcohol or something like that?---Yeah, it all depends on that night, how we go about processing people. If we arrest somebody who has been drinking then - and he's got a warrant, then we keep him there until the morning, until they speak to him, register him - go from there.

Mr Williams, I want to ask you about the days after the death. There was a community meeting on Tuesday in the basketball courts?---Yes.

Did you go to that meeting?---Yes.

How many people were there?---I can't recall how many - say what number - but there were a big mob, yeah.

The nurses and the health clinic people came to the meeting?---I think for the second day of the meeting there they did.

What was the mood like at the meeting? Can you tell us what was happening when they were there?---People were angry - at them because, like you know, Alice Springs is a big town and you've got all the facilities here and doctors here 24/7. If they - if they went away from Yuendumu or any other communities they leave people vulnerable because people are sick. We've got dialysis people and people who need medication to keep them alive, yeah.

That's why people were angry?---Yeah.

What were they doing when they were angry that day?---They would have been yelling.

Yelling?---Yelling.

Yes, what else?---Swearing.

Yes?---Yes.

Did you see anybody threaten people from the clinic?---No.

Did you see anyone go up and stand too close?---No.

Did you think that the people from the clinic were in danger at that meeting?---No.

Why not?---People were angry because we just lost a family member and a community member and they should've been there to help out on these - because they were essential service officers, they need to be present at all times and they were angry because they wouldn't - he didn't get the medical attention at that night.

You said in court here that you felt frightened after the shooting. Was it just what you were frightened of for you or everybody?---I was frightened of my safety and my people. Because what had happened that night and I felt really sad and angry because I lost my nephew.

As well as - so in the future, when things get back to normal, you have talked about what ways to do this, police talking to people, being - becoming friends with people, all these things, right?---Yep.

In your community, in Yuendumu, sport is very big, right?---Yep.

Art is very big, right?---Yep.

Do you see a role for art to help engage people in your community?---Yeah.

How?---You know, Jukurrpa - what we call is dreaming, they need to learn, young fellows or young girls need to learn about their dreaming and where they come from and how they would approach everything when somebody, you know, when there's feeling between families about their Jukurrpa or dreaming, they know where they stand, and keep the respect for the Elders as well.

One last thing, CAAAPU, not in Yuendumu. Is there a place – do you think it's a good place to have alcohol rehab on country in your country?---Yes, we've got the Mount Theo program who's run by WYDAC and that's working really good. But you know, young people, they go out there and learn about culture and dreaming and everything like that and how to prepare food and stuff like that, bush food.

How important is Aboriginal management and control of that facility?---WYDAC is helping them and so is Mount Theo Program, we call it. And we've got a – like a rehab stuff happening over there, yeah.

That's all I wish to – sorry.

THE CORONER: What's the name of that program that you just talked about?---It's a Mount Theo Program.

Mount Theo program?--- Mount Theo, yeah.

THE CORONER: Thanks.

MR BOULTEN: So, before the clinic staff left the community, what do you think should have happened?---They should have told the community.

But then what, talk?---Talk and talk to the Elders, yeah and tell them, yeah we've got – our house has been broken into. We need help from the Elders to engage with these young fellas to, you know, resolve this issue.

You're aware of the Southern Kurdiji group, Southern Tanami Kurdiji group?---Yes.

How important are they in this process of talking to people?---Yeah, Southern Kurdiji is really good to mediate between families and also, Kartiya with the little offenders or something like that. But the Kartiya needs to use that – utilise these Southern Kurdiji staff, but they don't.

It should happen more?---It should happen more, yeah.

Yes, that's all. Thank you.

THE CORONER: Mr McMahon, just because of the topic that's being raised, I might let Mr Hutton go first and come back to you.

MR HUTTON: They're (inaudible) about the time, your Honour.

DR DWYER: Would your Honour just take an estimate, I'm so sorry to interrupt Mr Hutton's - - -

THE CORONER: Yes, the timeframe. How long do you think you'll be?

MR HUTTON: Only a few minutes, your Honour.

THE CORONER: All right, well we might – and I'll find out from you in a moment as well. How long do you think you might need?

MR HUTTON: Ten or less, your Honour.

THE CORONER: All right, I think we'll finish if we can?

DR DWYER: Yes, your Honour.

MR FRECKELTON: I've got 10 as well, your Honour.

THE CORONER: You've got 10 as well. Okay, then in fact I think we might take the lunch break.

Sorry, is it – yes, the lunch break?---Yep.

So, sorry about that.

WITNESS WITHDREW

LUNCHEON ADJOURNMENT

RESUMED

DEREK JAPANGARDI WILLIAMS:

THE CORONER: Yes, Mr Hutton.

XXN BY MR HUTTON:

MR HUTTON: My name is Tom Hutton and I appear on behalf of NT Health?---Yep.
I've got just a few questions to ask you?---Yep.

You were asked by counsel assisting about the withdrawal of the health service in November 2019 from Yuendumu?---Yep.

And the break ins that have occurred prior to the withdrawal of the health service?---Yep.

Do you recall now how many properties were broken into that belonged to health centre staff at that time?---I can't recall, but I believe there was a couple.

A couple?---Yeah.

Dr Dwyer has noted that we will be hearing evidence later in this inquest from some of those health centre staff?---Yep.

Can I ask you to accept from me that there were five break ins or attempted break ins in the period immediately prior to the withdrawal of the staff?---Yep.

And there were also three health centre staff cars that were broken into. And my question for you, Derek, is in your experience in living and working in Yuendumu, is that an unusually high level of antisocial behaviour directed at the health centre staff?---Just at NT Health staff or - - -

Yes?--- - - - just in general?

So, if you accept that it was, I think, five houses in sort of a 48 to 72 hour period and three cars as well, is that unusual?---Yeah, it is.

Thank you. And would that suggest to you, in your experience, that there were certain people that were targeting the health centre staff?---No, I can't recall what, but yeah. It's just – I don't know who they were, but yeah.

Don't know who they were, but it was unusual?---Yeah.

Okay, thank you, Derek. Derek, Dr Dwyer also asked you whether it would be helpful to have meetings with the Elders and police and health centre staff to discuss break ins and to try and stop them from happening. And I understand your evidence

was that it would be helpful?---Yep.

Have you been involved in meetings like that before?---No, not with the health staff but with other organisations.

I beg your pardon?---Not with health staff.

Not with health staff?---Yeah, other organisations.

Are you aware that the health staff have had meetings of that kind before with Elders and with police?---No, not that I'm aware.

Not that you're aware of?---Yep.

And you gave evidence that you weren't spoken to about the decision to withdraw the health centre staff in the community. Is that correct?---What was that?

Sorry, you gave evidence that you weren't spoken to about the decision to withdraw?---Yep.

It was a Saturday that health centre staff were withdrawn from the community?---Yep.

And you weren't working that day, as I understand?---No.

Are you aware of whether or not your NT Police colleagues were spoken to about the decision?---No, not that I know about.

You're not aware of that?---No.

Are you aware that community members were spoken to before the withdrawal of the health service staff?---Nope.

You were unaware?---Yeah.

Thank you. I have no more questions, Derek?---Yep.

THE CORONER: Yes, Mr McMahan.

XXN BY MR MCMAHON:

MR MCMAHON: I'm just moving close so you can hear me, Derek. So, I act for the Parumpurru Committee?---Yep.

And I want to ask you some questions about the community being able to screen police?---Yep.

And I want to ask you some questions about what you said about local council and

about when kids get into trouble and what used to happen at local council, okay?---Yep.

So, can we just start with screening police. You've said earlier today that it would be a good idea with the community could screen police. And can I just make some comments and you tell me whether that's the sort of thing you're thinking about? If the community was able to screen police, would they be looking at a police person, a policeman or a policewoman who had an interest in Yapa culture and Yapa – respect for Yapa culture?---Yeah, yep.

And what other things would they look for, do you think?---They're big questions. The community has raised that if they come from military background, they shouldn't be employed in the police force out in the community.

Okay. So, the community, if they were screening police, they would say, we don't want police who have come from an earlier military background. Is that right?---Yes.

And why is that, Derek?---Well, what happened that night - - -

Yes, since that night?---Yeah.

Is there – there's a fear there - - -?---Yeah.

- - - in the community?---Yeah, there is a lot of fear in the community, yeah.

And the community doesn't want policemen or policewomen who have a military attitude or a warlike attitude?---Yeah.

Yes, all right. And if the community was involved in screening the police who came to work at Yuendumu, do you think that would be good for the relationships between community and police?---Yes.

Do you think it would make the new police who arrived, it would make them feel welcome - - -?---Yep.

- - - if they knew they'd been screened and the community had welcomed them and inviting them to come?---Yep.

And that would be good for the way the community and the police worked together?--Yeah. Yeah, just to build their relationship back with the community and the police, yeah.

So, then the question is, well who would do that screening? And you also spoke about - when Dr Peggy Dwyer asked you some questions, you spoke about local council?---Yeah, yeah, the Warlpiri Elders and the community are going to set up an advisory committee or program to screen each and everyone who comes into the community, whether it's been in the police force or in health service as well, or anywhere.

In your statement and your evidence, you mentioned that the local council got abolished around the time of the intervention, it was about a year after the intervention, around that time?---Yep.

And you've said that it would be good if the local council came back to Yuendumu. Do you agree with that, that it would be good if the local council came back?---Yeah.

You're still quite a young man by my standards, do you remember when the local council used to operate before – around the time of the intervention? Do you remember how it used to work? Are you old enough to remember the meetings?---Yeah.

And could you just tell her Honour and the court a little bit about, if you went to a meeting, what would you see? Would there be a lot of people there?---Yeah, a lot of police present and military present, community Elders, everybody, stakeholders, yeah.

And the meetings would be outside, would they, out the front of the council building?---Yep.

And would there be a lot of talk and discussion going on?---Yeah.

And if there were problems that the police wanted to discuss with the people of Yuendumu, would that be a good place to do it, at a council meeting?---Yep.

And did that used to happen?---Yeah.

Do you remember that happening?---Yep.

And then if the community wanted to speak to the police, the local council could go to the police and talk about problems?---Yep.

All right. And that kind of local council could set up a committee, if I understood your correctly, for screening police?---Yeah.

Yes. And do you think that's something that the local community would be able to do?---Yep.

And that it would bring about a better relationship - - -?---Yeah.

- - - in the community?---Yeah, that's what the Elders in the community wants, you know, to move forward and yeah, build that relationship back with the police and other staff there.

Earlier today, you said that you don't see the police coming around talking to the Elders so much anymore. And is that different from what used to happen when there was a local council?---No, it's pretty similar. But yeah, last time the police, when

there was local council, they used to go to the council and talk to the committee or council members and then afterwards, talk to the Elders. And today, they still go around talking to people around the community and Elders as well, yeah.

Okay. One thing that you said earlier today was that in Yuendumu, you can't discipline the kids because, "The government told us not to", and not everyone in the courtroom might know what you're talking about there, so can you just explain that a bit more?---Yeah, discipline. When they used to break into the store, when I was a young boy, we used to see our families flogging their kids. Not flogging flogging, it's just slap on the bum and that made them feel shamed and they wouldn't do it again, yeah.

And so the smacking of the kids would teach the kids a lesson?---Yes.

And did – was there ever a situation where there would be a council meeting or a community meeting with the council and kids would get into trouble and smacked there?---Yeah.

Can you just explain that a bit more, what that meant, how that worked?---The councillors used to set up a meeting with the family and the community and the police. You know, so and so broke into the store or wherever and they would, like the victims of that crime were spoken about how they broke in and how they felt about people breaking into their houses or something like that. And then family brought them up and then back then, they led him across the 44-gallon drum and just smacked him up the bum, yeah.

Yes. In front of the community?---Yeah.

And so was that about teaching kids consequences?---Yep.

If they did something wrong that there were consequences?---Yeah.

And did it bring about a bit of shame for the kids for the wrong things they'd done?---Yeah, so that they couldn't – or they wouldn't do it again, yeah.

And was it a successful way of dealing with problems in the community?---Yep.

When kids were doing the wrong thing?---Yeah.

That used to work?---Yep. It did.

But you mentioned that, "The government told us you can't do that," and at the time of the intervention, there was a big change about this – whether you could smack a kid. Is that – can you just talk about that for a moment?---I read a little bit about the children or child is sacred book. It revolves around kids and how we treat kids and, you know, yeah. Just the upbringing and, you know, right now the kids know where to go if they get assaulted, then they go and call the – talk to the WYDAC workers or

somewhere and then they go to the police. But in the past, family dealt with it then and there and everything was finished, yeah.

Is there a fear with families now that if they were to smack a kid and the government got involved that the government would take the kids away because the kid had been smacked?---Yeah, take the kid away and also they be sent to prison.

Yes?---For disciplining their kids which is, you know, wrong. If – if parents are going to discipline their kids, they should be allowed. And this is how we treat – teach kids not to break in again. And this is – this is what's happening. If they break in, they don't get any consequences from the family.

So that's a big change in the last 15 years or so?---Yep.

So just finally, in terms of bringing back a local council to Yuendumu, do you think that that's something that's very important to do for the community?---Yes.

And do you think that that would really help the community work with the police to solve problems?---Yep.

Yes, all right. Thanks, Derek?---All right.

THE CORONER: Dr – no?

MR OFFICER: Your Honour, I just have one very quick- - -

THE CORONER: Sure, do you want to come over to the lectern?

MR OFFICER: Sure.

XXN BY MR OFFICER:

MR OFFICER: Mr Williams, my name is Luke Officer. I'm one of the lawyers that act for Constable Rolfe?---Yep.

You were asked some questions by Mr Boulten earlier about whether it would be good to arrest in the morning or the night; do you remember that?---By who?

By police?---Well- - -

MR BOULTEN: I asked the question before?---Yeah.

MR OFFICER: Mr Boulten, here on my right?---Yep.

He asked you a question about the preference to arrest either in the night or in the morning. Do you remember that topic?---Yeah.

And I think your answer was to the effect that it depends on the

circumstances?---Yep.

And those circumstances would also include what information is available to police at the time; would you agree with that?---Yep.

In other words, you can't arrest someone when you don't know where they are, for example?---Yeah.

That's all my questions, your Honour.

THE CORONER: Yes, Dr Freckelton.

XXN BY DR FRECKELTON:

DR FRECKELTON: Thank you.

Sir, you were – you mentioned in your evidence earlier to Dr Dwyer the assistance you have provided to new Kartiya police officers who have come to Yuendumu?---Yep.

To help them to learn about culture?---Yep.

Which Kartiya police officers have you been a mentor for in that way?---Sergeant Annie.

Yes?---I took her under my wing when she came out of – came to Papunya and she was fresh out of college. And I just taught them how to operate respectfully in the community.

Yes?---And Lanyon Smith and Felix Alefaio. Yeah.

Did each of those officers listen respectfully to you and learn?---Yes.

Can you give some examples of what they learned from you?---Just that, you know, how to approach people and if they're going to arrest people, they should talk to family members and – and if I'm not around, they could use – use the family members, Elders, to arrest people and bring them in, yeah.

And was one of the things that all three of those people have learned to speak to you as well, because you might be able to provide insight and assistance?---Yes.

And can you think of examples of where that has been done, not so much with Kumanjayi, but with somebody else where you have been able to be involved and taking the person into custody has worked smoothly because of the assistance you have provided?---Yeah, there's one – can't remember name, but yeah. We arrested him during the day. I think he was wanted for questioning for agg assault and yeah, we arrested him and then we took him in and I spoke to him in Warlpiri and got him to come in and, you know, "This is what's going to happen to you and we're going to

do this," you know? Respectfully, "And we're going to help you through it," you know? Yeah.

And what was his attitude when spoken to that way?---He was respectful and I – we had no – there was no incident, like, I couldn't – I didn't grab him by the shoulder or anything like that. He just jumped on the police car willingly, yeah.

You just mentioned speaking to him in Warlpiri. Does that make a difference, in persons such as yourself or other police, interacting with a person who needs to be arrested?---Yeah.

Tell her Honour about the advantage of being able to communicate in the first language of a person at Yuendumu?---Yeah, coming from an Aboriginal person and a law man and also a Warlpiri man that, you know, some – some offenders just, you know, come willingly. If we, you know, talking to language barriers there's, you know, if a white fella asks – police officer asks, "Can you come down to the station," and they don't know what they're going to come down for, you know, and if you speaking Warlpiri then they understand and they'll come willingly. And nine times out of 10, you can – they can just jump on the back of the police vehicle and we can drive off with them without any incident.

Presumably, difficulties can occur if a person to be arrested is frightened or confused. Is that your experience?---Yeah, sometimes they – if they, like, if there's men's business on or sorry business or funerals and stuff like that and, you know, if they want to stay back for that, they want to stay back and don't want to get arrested. So you work out times to bring them in and arrest them, or they can come in the station accordingly and willingly attend the police station and – yeah. We just give them respect and – yeah.

If there is a person who can speak Warlpiri to a young man for instance, are they more likely to communicate and ask questions and express what they are worried about to that person who is a police officer who can speak in their language?---Yes.

By contrast, if it is a kartija policeman who doesn't speak Warlpiri, are young Yuendumu men likely to say very much?---What's that again?

If it is a kartija policeman who is arresting - - -

MR BOE: I thought we weren't leading the witness with propositions.

MR FRECKELTON: I will ask it more eloquently.

THE CORONER: Okay.

MR FRECKELTON: If a kartija policeman arrests a young man and a kartija policeman does not speak Warlpiri, what kind of verbal discussion tends to take place between the policeman and the young man to be arrested?---Sorry, if you - are you saying if I'm not there?

If you're not there?---Well, they can use - utilise the Elders or the families beside them, yeah.

You've been asked questions about different kinds of arrests, including arrests early in the morning, say around 5:30?---Yes.

Have you participated in such arrests?---Yes, on several occasions, yeah.

Could you tell her Honour please, how such arrests are done when you are present. Police go to the door of the house. What happens after that?---We just find out where they - if they're in the room or sometimes - nine out of ten they sleep in the front - front verandah or kitchen or lounge area. We just walked - walk up to them and I speak to them in Warlpiri and I get them to come along.

Just before you get to there, when you get to the front door do you just walk - walk in?---No, we knock on the door.

Knock on the door, even at 5.30 in the morning?---Yeah

All right, and then somebody will come to the door?---Yep.

And what happens then? Do you ask permission to enter or do you just go in?---No, I just ask for permission and where the offenders are.

I see?---Yeah.

And so what happens after that? You're allowed in and then what?---We arrest the offender.

And is there an advantage or a disadvantage in arresting people at such an early hour of the morning?---Yes, sometimes, but like I said, you need to talk to them properly and they'll come accordingly and willingly and you know, if you have that language, yeah.

Why arrest at that time of day?---Sometimes if they run away then we get them in the morning. Run away - like if they're not - sometimes bush telegraph goes around the community that we're looking for somebody and we won't see them during the day and our lunch time and we go back in the morning or - but they tend to move place to place, like family's houses and stuff like that and yeah, but we do the arrest in the morning if they run away, yeah.

I'd like to ask you about a matter Dr Dwyer raised with you about the communication from Sergeant Frost to you by text message on the Saturday morning. Do you recall the text that you received from her?---Yes.

And I will quote to you what Dr Dwyer said to you about that. 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"?---Yep.

Is that broadly the text you got?---Yep.

Do you remember roughly what time of day on the Saturday that was?---I believe midday.

Okay?---Yeah, before the funeral.

Before the funeral?---Yep.

Did you telephone her before the funeral started?---Yep.

And what did Sergeant Frost talk to you about? Could you run through as much of the conversation as you can remember?---She - she asked me if I could come along in the morning and arrest Kumanjaya the next morning, after the funeral and at 5 o'clock and she said, "If you're ready, just come by then, yeah.

Did she ask you any information about where you thought he might be?---No. The only place I can recall that he was at, Lot 577 West Camp, yeah.

Did - so did she specifically ask you where you thought Kumanjaya was likely to be at 5:30 on Sunday morning?---No.

I am going to ask if the witness could be shown exhibit 6 please, your Honour. That's the text or that's a plan that was sent at 4.59 that day. And while that is being found I will just ask you to be shown a document. There was an email that was sent by Sergeant Frost to a number of people?---Yep.

Late in that afternoon.

THE CORONER: In a moment it will be on that TV in front of you.

MR FRECKELTON: Thank you, your Honour.

Now, did you receive this email? It's just about to come on. That's the one, thank you. All right, just stopping there for a moment. So you can see that it's an email sent by Sergeant Frost to a variety of people and you can see it's about the arrest of Kumanjaya can you see that?---Yes.

Now, I don't think you are on the list of people to receive it, are you?---No.

But you can see that it sets out some information, you can see the situation. Just scroll down if you would please. Thank you. All right, so a little bit of background about him and where he had been and there's some reference you can see there to

the incident that had happened on the Wednesday. Scroll down a bit further please. It says that he is facing some offences, do you see that?---Yes.

Have you seen this kind of document before?---No.

To do with arresting people? Have you seen these sorts of documents for when somebody is going to be taken into custody?---Yes.

Just go down a bit further please. Go quickly down. That's right, thank you. Now, just scroll up a little bit further, without going to any of the images. No, stop there, all right. Go down a bit further. Stop there. You've been asked questions about what was to be done with Kumanjaya if he was taken into custody. Is this the usual way in which such matters are communicated?---Yes.

Go down a bit further then please? This is in relation to arresting him the next day. Now that's it. Stop there please. Now, can you see there there is a section headed "implementation of plan" and the next heading, "Locations of arrest". Do you see that?---Yes.

MR BOE: Interest.

DR FRECKELTON: "Of interest" - I beg your pardon. And there's House 577. Is that the house that you mentioned to Sergeant Frost?---Yes.

And why did you mention that house in particular?---My nephew was married up to Lottie's granddaughter and I believed they were staying there, yes.

THE CORONER: I don't think he said that he mentioned it to - - -

MR FRECKELTON: Perhaps I misunderstood, I will clarify it.

THE CORONER: - - - Sergeant Frost in that conversation.

MR FRECKELTON: I will clarify it. Let me just ask you. Did you mention any house to Sergeant Frost as to where he might be on the Sunday morning?---Not on Saturday that day.

Not on Saturday?---But on Thursday I did. Showed them all these lot numbers where families were staying.

Okay, I just want to understand a little more what you're staying there. On the Thursday- - -?---On Thursday, yeah.

You mentioned some Lot numbers of houses where he might be?---Yeah, families' houses, yeah.

I see. All right. And when you say – you mentioned this, who did you speak to about those Lot numbers?---Sergeant Frost.

Got it, thank you. And are these the Lot numbers that you mentioned in the conversation on Thursday?---Yeah.

Just have a look at them, just check for me.

THE CORONER: Do you need some glasses?---No, you're right.

Okay?---I'm just a bit tired there.

Yes, fair enough.

DR FRECKELTON: Yes, almost finished?---Yeah.

All right, thank you very much. I'd just like to go forward now to the time when you provided- - -

THE CORONER: Shall we take this document down?

DR FRECKELTON: Yes, that can go down, thank your Honour.

And now to Saturday night if I could, please. When you went to the police station after what had happened at 511, yes? You remember when you went to the station?---Yep.

And you were there with your father?---Yep.

And was it also your grandfather?---Yeah.

Who has now passed away?—Yep.

Yes. And did you go inside the station yourself?---Yeah, me and my father went inside the station there.

How long were you inside? Was it a few minutes or- - -?---Yeah, few minutes, yeah.

And then were you asked to do anything outside or did you go outside because you thought it was a good thing to do?---Yeah, I didn't want to sit around there because they're doing CPR on my nephew- - -

Yes- - -?---and I'm not culturally- - -

Yes- - -?---allowed to remain there and – yeah. I just went outside and dealt with the people outside. Yeah.

And when you went outside then, after just being at the police station for a short time, what was – roughly, how many people were there when you first went out, do you think? No need to be exact, but was it a few or- - -?---A lot, probably.

A lot?---Yeah, maybe, say 20 or 30.

Okay?---Yeah.

And did that number grow over the next two or three hours?---Yeah.

Can you give any estimate? I don't want to put any numbers in your head at all as to what it grew to in the end?---Probably 60, 70. Yeah.

And we've seen from the pictures that was shown on the screen from the telephone footage where some of the people were?---Yep.

Where were most of the people during that time, say, after two or three hours?---In the cars. Some sitting on the bitumen, which is across the road from the station. And – but there was – it was – there was no lighting there, yep. Yeah.

What – when you first went out, what was the mood of the people who were outside the station?---Angry. They were all upset, angry, crying. Yeah.

Yes. And did you walk over to them or did you stay near to the doors of the police station?---Yeah, near the – near the door, yeah. Just stood there, yeah.

So did you go out to speak to people or did people come to speak to you?---Yeah, people came talked to – talked to me there. And also, I went around talking to people.

Yes?---Yeah.

And did people ask you what you knew?---Yeah, some asked me what I knew – what was going on and I think I just said there were ambulance coming from Mt Allen, to some people, yeah. And there was also a plane coming from Alice Springs.

Were you given more information from inside the police station during that night, which you were able to convey to people?---Not after that but I was getting, like, messages from Sergeant Frost saying, "What can we do, what," you know, "We're going to leave soon and we're going," you know, evacuate or something like that.

Yes?---Yep. And I didn't get any feedback on what was going on with my nephew. It's just, "What can we do? Is there going to be trouble or," yeah.

Did you ask explicitly, "How is he, what has happened to him?" Or did you wait to be told?---Yeah, it was wait to be told.

Yes. Was there a cultural reason or another reason why you didn't ask yourself?---Yeah, there was cultural reason and also I didn't get that information back.

Okay. And how long do you think you were out at the front of the police station with your father?---Maybe four, three to four hours, yeah.

Was your grandfather still with you during that time?---Yeah.

Did he stand – did your father and your grandfather stand close by you?---Yeah.

As you said at the start, some people were angry?---Yep, yep.

Did you hear rocks being thrown on to the police station roof?---Yep.

Did you see anyone with weapons, pickets or anything like that?---Nah.

Did the mood during that evening change, of the people who were outside? Because you've described them as being angry early on?---Yeah.

Did they become less angry, more angry?---Yeah, less. Less angry and they wanted answers. We all wanted answers from police and so I can say, this is what happened and – yeah.

When after- - -

THE CORONER: Can I just interrupt. When were the rocks thrown and how many did you notice?---When they first got there, yeah. When I walked out the police station, yeah. Probably, I would say maybe five, yeah.

And after you walked out, what happened about the rocks?---We told everybody not to throw any rocks or, you know, because they're working on a person inside – on my nephew. And we don't want them to be disturbed because they're doing something like CPR to help him or revive him, but – yeah.

And after that, were any more thrown at the station?---Nah.

DR FRECKELTON: You have described Sergeant Frost texting you about whether the station should be evacuated?---Yep.

How long into the time when you were outside was that? Was it a little while or a few hours or what?---Yeah, probably a couple of hours, yeah.

Can you tell from what was going on, or anything that she communicated or anyone else communicated, why she was asking you that question at that time?---I think there were – she wanted to get away for their safety, but I didn't know my nephew passed away that night, no. Yeah.

Okay. From the messages that you received and any communications that you got from inside the police station, could you tell how the people were feeling inside the station?---No, I was too – I worried about my people and also them, but I just wanted to calm everybody outside. Yeah.

In terms of calming people outside, was that something that you were trying to do for several hours?---Yeah. They were all angry. Yeah.

Did you speak to a lot of people in that time?---I only probably spoke to probably four or five people just letting them know what happened really and what's going to happen is the ambulance and ADF(?) coming, yeah.

Okay. Did people ask you to do anything?---Nope.

And for most of that time, was your father with you?---Yes.

Do you think that what you said to people and you're being there made a difference?---Yes.

Thank you. So, I've been asked in court to pass a message to you from the Commissioner of gratitude from him on behalf of the force for the brave efforts that you made that night to maintain calm in your community---Thank you.

So, thank you?---Yep, thank you.

THE CORONER: Dr Dwyer, I think you've got a couple of questions.

DR DWYER: I do.

THE CORONER: Can I ask one?

DR DWYER: Please, your Honour.

THE CORONER: Senior ACPO, I'm just wondering about how and why there are only a small number maybe of ACPOs in the Northern Territory Police Force. You've been an ACPO for 14 years?---Yep.

You've told us that, you know, people need meaningful employment in Yuendumu?---Yep.

But it doesn't sound like there's a lot of people putting their hand up to do your difficult job?---Yeah. We've got four ALOs there.

Now?---We've got a lady and three blokes there working and – which is good, you know. And it's the next best things – best thing I think after ACPO. The ALOs are willing to put themselves in the situation and help within the police force and with the community.

Do you have any ideas about how more people might be encouraged to come forward from your community to join something like the police force?---Yeah, the two of the ALOs want to become an ACPO now. And they had a feel for it and they want to – there's one inside who wants to progress under ACPO, yeah. But we need

more to fill them – to fill their spots too, like probably need a couple more ALOs if that's the case. (inaudible). Police like as a ACPO, the spots need to be filled, yeah.

Maybe, as there are more ACPOs and ALOs, people will see that as an opportunity and can be encouraged to join as well?---Yeah.

Yes.

MR FRECKELTON: Your Honour, just arising I have a few questions, might I?

THE CORONER: Sure.

REXN BY MR FRECKELTON:

MR FRECKELTON: How many senior ACPOs are there in the Northern Territory? Do you have any idea, sir?---I don't have any clue, but I think there's three in Alice Springs and probably more up in Darwin top end area, yeah.

Okay. Have you been a spokesperson for ACPOs yourself?---Yes, so I've been president and vice president of the ACPO region and NT Police Association, yeah.

And have you resigned from the post?---Yes.

What was your reason for that, sir?---I'm leaving. After that incident, I wanted to step down, yeah.

Thank you very much.

THE CORONER: Yes, Dr Dwyer.

REXN BY DR DWYER:

DR DWYER: Thank you. I've promised Derek not to be very long and I also said it was his fault for being so interesting.

Because one of the things that you were talking about that is so interesting to us trying to learn, Derek, is about lawmen in Aboriginal culture and that two-ways learning. And I've got your evidence here from this morning that Maria has given me and you said that you had the privilege to work with your uncle, who was a police officer, this was when Jerry was asking you questions, and you knew he was walking in both worlds and he was a Yapa lawman. And Jerry said, "Is there a Yapa lawman in your culture?" And you said, "We are all lawmen."?---Yeah.

What do you mean by that?---Climbing up the rank as well. And being a Warlpiri man was necessary. That's how we class ourselves as a lawman and people understand that we are lawmen, yeah.

So, you know how Dr Freckelton just passed on some words to you from the

Commissioner - - -?---Yep.

- - - in - the Kartiya Commissioner, you said earlier, “The Elders are like your commissioner”?---Yep.

“And you work your way up the ranks, like you would do in the Kartiya police force.”?---Yeah.

So, you’ve got a sergeant, senior sergeant, superintendent, same thing?---Yep.

How do you work your way up the ranks in Aboriginal law to be an Elder?---Getting more involved in cultural stuff like men’s business, sorry business and there’s also a men’s business coming from interstate like WA or South Australia and we attend these men’s business to better ourselves in our culture and we can be recognised in also, not just in NT, but in WA and South Australia as well, yeah.

And if you’re working as a police officer, whether you’re Kartiya or Yapa, is it really important to have the respect of the Elders?---Yeah.

And to show the Elders respect?---Yep.

And then, my next topic, Derek was about – remember you told us about how frustrating it is when police officers don’t stay very long in the community and you call the process when they come and go quickly “bird feeding”?---Yep.

Can you tell us a bit more about what you meant by that?---Yeah, Kartiya police come – any Kartiya to comes into our community, whether that’s in police or any other organisations, you know, they come for a stint out bush for like two years or one year, 12 months or, you know, they just feed on the information and then they take it back and you know, we put our trust in those people who come out and do that. When they leave, we have to do that process again and you know, and sometimes the community members or the Elders ask us why is he gone and you know, he’s been a good police officer or a good health worker, everything like that. When we have to build that relationship back with the new fella and you know, just go from there, yeah.

Does that get tiring?---It does, yeah, especially working 14 odd years yeah.

Another – well my last topic was to ask you about night patrol, Derek, which I forgot to ask you before, is there night patrol in Yuendumu?---Yeah, night patrol is run by Southern Kurdiji and a mediation team there and night patrols are doing a really good job out there.

So, what sort of work does night patrol do?---They usually do night stuff like helping kids. They went and drop them off at certain areas, like south camp or west camp and you know, from doing activities at WYDAC centre and they get tired and night patrol work with the little kids and also, they work with Elders. When there’s a fight, they help mediate between families as well, yeah.

And does night patrol get employed? Do they get paid for their work?---Yep.

So, is it important to have enough people paid for night patrol to be supporting the community?---Yeah.

Thank you, your Honour. That might be an opportunity where we could talk to some of the people involved in night patrol too in the community, when your Honour goes to the community, and find out ways to work with them and what else can be done differently.

Thank you so much, Derek?---All right, thank you.

THE CORONER: Senor ACPO Williams I want to thank you for being here and sharing all that knowledge with us today. My thanks are entirely inadequate to express how I feel about you being here and sharing so openly, walking in both worlds and opening our minds to how - what a blessing that is that you were able to do it but also what a challenge it is for you every day to have to walk in both worlds.

No doubt many times during your career but certainly on 9 November 2019 your ability to do that was critically important. It was critically important for the wellbeing of the community as best as that could be protected and it was also critically important for your police members who were inside and I can only express my considerable admiration for what you did that evening and how you demonstrated such calm leadership and restraint as an Elder and as a police officer and I want to thank you as well?---Yes, thank you your Honour. And thanks for listening to me.

It is all to our benefit?---Yes.

Thank you?---Thank you.

DR DWYER: Thank you Derek.

WITNESS WITHDREW

DR DWYER: Your Honour, while Derek is making his way out of there, can I tender his material?

THE CORONER: Yes.

DR DWYER: And they are the documents which can be found at 7139, the initial interview that Derek did on 20 November 2019 and there is an attachment, a diagram that goes with that. 7140 is the interview on 20 June 2022. 1926, which is Senior ACPO Williams transcript from the trial of Constable Zachary Rolfe and the statutory declaration that has recently been done.

THE CORONER: Yes, thank you.

DR DWYER: Your Honour, I call Warren Japangardi Williams.

THE CORONER: I will just take a few minutes and Warren will come on. Mr Williams Snr, if you wouldn't mind just coming over here? And please take a seat.

WARREN JAPINJADI WILLIAMS, affirmed:

XN BY DR DWYER:

DR DWYER: Warren, would you please tell the court your full name?---My name is Warren Japangardi Williams.

And where do you live?---I live a Yuendumu.

What would you feel most comfortable referring to you by - "Mr Williams" or "Warren"?---Yes, I'd prefer "Mr Williams".

Can you please tell the court a little bit about your background, Mr Williams. I am going to ask you to dig into some of your really interesting family history. You are living in Yuendumu now. Have you done that all your life?---I've lived all my life at Yuendumu.

Were you born in Yuendumu?---I was born and raised at Yuendumu, yes.

Have you got a of family at Yuendumu?---Very much, yes.

You are the father of Derek Williams who has just given evidence?---Yes, and six other - six other children.

And you have got family in Yuendumu and also in other communities around Yuendumu?---Yes, I do, yes.

Where else are your family?---Ti Tree, Wilora, Ali Curung, Tennant Creek. My other daughter is living up in Darwin, Lajamanu - back this way a bit.

And, Mr Williams, are you related to Kumanjayi who passed away?---In a sense I am, yeah.

I think you explain in - you did a statement for the coroner to assist her, which is dated 9 August this year and you explain in that statement, in western terms you are his great uncle by marriage?---Yes.

And culturally you were his grandfather?---Yes.

When Kumanjayi was growing up in Yuendumu with Leanne, he would come to visit often?---He would come and sit down with Derek and Jefferson and Warwick, the other uncles.

Your family and the Brown family are traditional owners of that area around Mt Theo, is that right?---Yeah, we are culturally - owners of the community.

So culturally your brothers and sisters?---Yes.

In terms of your family, if I ask you something inappropriate will you tell me, Mr Williams?---All right.

Can you tell us your skin name?---My skin name is Japangardi.

And your mother and father, were they from that area around Yuendumu too?---My old man comes from around here but our mum comes from Wadeye and just (inaudible).

Were there some of your family that grew up in that area in Yuendumu?---Yeah, that was my parents.

And you were born in Yuendumu you tell her Honour in your statement, in February 1954?---Yes.

And I think that makes you about 68, something like that?---68, yes.

When you grew up in Yuendumu there was that school there?---Yep.

And can you remember roughly what age you started school?---Probably around about early fifties - (inaudible) the old building that's going to be demolished very soon.

What was that old building?---That's an old school, yes.

And did the missionaries run that school?---No, we had our own teacher that used to live at Yuendumu. Missionaries are sort of a - held back at the mission -mission house.

And who were the missionaries out at Yuendumu?---They old - old Fleming and his wife of Pat.

What was it like for you growing up in Yuendumu?---It was a very good experience actually, growing up in the environment you know? And where everything is ourselves, law is self, we have people looking after us in every direction. We had Elders at - from each corner that told us where to go through and where not to, in the sense of manners, you know.

What was your first language, Mr Williams, growing up?---My first language was Warlpiri.

Do you speak other languages as well, other than English?---No, but I do understand you, yeah.

When you were growing up and there were Missionaries there, did they speak any Warlpiri?---No.

And that school you were telling us about, primary school and kindergarten, was that in English or in Warlpiri when it was taught?---They taught us in English.

You went to primary school in Yuendumu, I think, until Year 5?---Yep.

So that would have been in the 1960's?---Yeah, 60's.

What was your primary school like in Yuendumu?---I think it was really a school that we really wanted to go, you know, just compulsory to go to school at the time.

And did you have – or how many teachers were there, there in the 1960's?---I think there was 12 to 13 teachers.

Yapa teachers or Kartiya teachers or both?---No, they Kartiya. I think maybe we had maybe one or two assistant teachers.

One or two assistant teachers?---One of – yeah, one of them was the late Mr Nelson.

Okay. And were the assistant teachers Yapa teachers?---Yapa, yeah.

At that time when you were growing up, were there police officers in Yuendumu, when you were a little boy?---No, there were not.

Nothing?---Nothing.

And were there many problems in Yuendumu?---I don't think there were any problems at the time.

When you were growing up as a little boy, say, at primary school, were you taught to respect your Elders?---Yeah, we were. We were taught in similar ways that we teach our young peoples today. We were taught at an early age to respect our old people.

And were there break-ins of any houses or anything like that?---I can't remember one at that time I put myself into it. My old man put up a portable drum and gave me a hiding.

So were you a naughty kid, Mr Williams, is that - - ?---Yeah, that – that actually put everything out of me. Never did anything after that.

You were born, you told us, in 1954?---Mm mm.

We've been reading – and I mentioned in my opening – this terrible thing that happened in about 1928, the Coniston Massacre. That was only 26 years or so before you were born?---Yeah, but I think they – the old people used to tell us regularly about what happened on – we couldn't take it as we were too young to take it in, you know? But what happened on – what happened that day at Yuendumu, it sort of reflects back to what happened then.

Do you – I will make sure I didn't misinterpret that, you said what happened in Yuendumu reflects back to what happened then?---Yeah, Coniston.

Do you mean by that what happened recently in Yuendumu in 2019?---That's what I mean, yeah.

When you say it reflects back to Coniston, is there anything – do you want to say anything more about that – what you mean by that?---Not that I've much about Coniston but, you know, a lot of our people that were suffering in Coniston, sort of, had it in every direction, too.

Yes?---And my old uncle was part of it and he put himself into a hollow and he got burnt out of it and – like a rabbit – and took off to Mount Theo. That's where everyone's heading to.

When they were escaping the police officers at that time?---Yeah, yeah.

Did your old uncle survive that?---He survived and probably lost him in 1990.

So before you lost him, did he ever talk about that? About what happened?---He was bit depressed at time, you know, didn't talk much about it.

Do you think that there was a lot of trauma in that community after what happened in Coniston?---Yeah, I think there was, yeah.

When you were a little boy at school, did any of the teachers ever talk about it?---No, not that I recall.

You told her Honour – before I move off that topic – sorry, Mr Williams – do you think it's important for us all to know what happened there, to learn from that history?---I think everybody should take it in, you know? Learn about the history and, you know, you can find things that really mattered most.

After year 5, you went to Darwin to go to Kormilda High School?---Yes.

And you went there for three years, I think?---Yeah.

And you did year 10 and year 11 at Darwin High School?---Yes.

Before you went back to Yuendumu?---Yeah, because I was – High School in Mindil Beach.

The Mindil Beach High School?---Yeah, that one.

Does that still exist anymore? Is that finished?---I think it does, yeah.

What was it like to go to high school in Darwin?---A big experience actually. Sort of – it sort of paved – paved the way for a lot of people that are coming through.

So that was – you were, like, showing them the way to go away to high school and then come back?---Yeah. Because I – I was the first one to pave the way once (inaudible)

Did you do high school in English?---Yeah, in English.

Was there any two-way learning when you were at high school?---Bit of French too, I think. Yeah. But I didn't take it all in.

That's how we all feel about French at high school. So there was no Warlpiri at- - -?-
--No Warlpiri.

And where did you stay when you were living in Darwin?---I stayed at Kormilda.

At Kormilda? So they had accommodation there for kids?---It was a boarding school, yeah.

So you came back as a young fella to Yuendumu in the 1960s, say? Is that right?---Yeah, yeah.

In your statement, you tell her Honour that you worked at all, like, different, interesting jobs?---Different levels, yeah.

As a young fella in the 1970s, you had a job as a truck driver?---A truck driver.

And that was with the old Commonwealth Department of Aboriginal Affairs?---Yes.

And you did lots of different things for them?---Mm mm.

What sort of things?---I used to do them weekly trips to town to pick up loadings for the community and sometimes I drove – work out in the bush, cutting timber for the community, for the old people. Staying out maybe a week or so.

What was the timber going to be used for?---Fencing.

So was that a good – were they good jobs?---They were very good, because I – I was also learning from the old people same time.

So when you'd go out bush to cut that timber, you could learn from the old people out bush?---Yeah, probably learn at night by the campfire, you know? All the dreams and all that.

What was that – your boss like there at the Department of Aboriginal Affairs?---He was a good – good boss, I think. Yeah.

And you dealt with three communities outside of Yuendumu, you were saying, when you were working for – there was Jilliwell(?) and Nyirripi?---That's when we starting to have station movement in the 70's, I think. And we were taking food out to people on Jilliwell, Hassell's Creek and now there's only one community standing up now, Nyirripi.

Okay. So was part of your job to take food out to people there?---Yeah.

And check how they were going?---Yep.

And did you like that job?---I did.

What was good about that job?---It was just once a week trip every day.

And you've also then after that time, I think, worked as a teacher and you tell her Honour that in the 1980's – early 1980's, you started working as a teacher at Yuendumu?---Mm mm, yep.

You started off as a teacher's assistant?---Yes, yep.

And then over the next few years you obtained your Bachelor of Teaching from Batchelor College?---Yeah, got it – got it from there.

Did you have to go into Darwin to do that one at Batchelor?---I did it at Batchelor sometimes, yeah.

Sorry. At Batchelor, the place, Batchelor. Yes?---Yep.

And then you became a full-time teacher with the Department of Education?---Yep.

And you stayed working in the school for the next 30 years?---Yes, 30 years.

You taught students during that time?---Yep.

And what you tell her Honour is that every class had an Aboriginal teacher in it?---Every class had an Aboriginal teacher.

What was that like?---Good experience, because everybody learnt through their Yapa teachers.

So does – would every class have a Kartiya teacher and a Yapa teacher?---Yeah.

That two-ways learning?---Mm mm, yep.

Were you there then at that school when five Elders painted the Yuendumu doors?---Yeah, I saw- - -

Can you- - -?---I saw some of those doors in Adelaide Museum a couple of months back.

And what were they – what was that like, when those doors were painted for the kids?---It's actually bringing the culture out to show the children what – what culture they belong to. And these old people tell them the story of what's painted on the door.

And where were the doors, before they ended up in Adelaide, where were those doors?---They were on the school buildings.

And what did that mean to the kids, do you think?---I think it's a – it's looking at the doors every day, you see a plain door just standing there. But when that like culture sort of brought the - they brought them to the school by the old people, it sort of live in the area.

Are there any doors there now, Mr Williams?---No doors there left. All in Adelaide.

Do you think there would be a way to bring that sort of learning back into the school with some art in the school, more art?---We teach a lot of our children the art when we tell them about some controversies for a week and then what we teach them out in the bush is brought back to the school the week after. And then we finish off with the cultural dance of both men and women.

And that's still happening now?---It's not happening lately.

Do you know why it hasn't been - - -

THE CORONER: Can I ask a really – probably a really naïve question, but was it deliberate to pain doors and not something else to represent the movement between the two learnings?---I don't know. It's just an idea from the old men, I think. They wanted to paint the doors. It would have come from the principal too.

DR DWYER: Mr Williams, in terms of the art, you've got a special art centre out at Yuendumu?---Yeah, it's called Warlukurlangu Art Centre.

And do the kids, in the way that they can learn about painting out bush and bring it back, does that mean that some of those kids go onto become artists?---They do, yes.

Do art that's - - -?---Because a lot of our art has been done by different members of the community. One of them is the late Mr Nelson. So, (inaudible).

THE CORONER: And the late Mr Nelson was one of those Elders who painted that door?---Yes, he's actually (inaudible) door.

Mr Boe's(?) telling us that his important work is outside the front of Parliament House in Canberra?---That's the one, yeah.

When you finished up at the school in 2000, you were the assistant principal?---Yeah, I was the assistant principal of the school.

So, looking back over those 30 years at the school, what can you tell her Honour about your time there?---I think I had a good experience during that time, working as a teacher, got a teacher (inaudible) teacher's a good experience going overseas as well to Vietnam for conference, teacher's conference at the time and it's all very good experience.

When you went overseas to Vietnam for that conference, was that as a teacher from the school?---As a teacher from the school, yeah.

To share your learning from the school?---Yes.

I was reading, Mr Williams, recently about how copies of those doors actually were toured in China this year to teach people in China about the significance of the Yuendumu doors?---All right.

Do you think that they've got significance outside of Yuendumu for all Australians too?---I think they have, because a lot of artists have just gone everywhere and so of our people do go overseas as well.

After you left school as the assistant principal, you tell her Honour in your statement that you were employed as a corrections officer to look after people who were based in the community at Yuendumu; when they were on patrol or home detention?---Yep, yes I was.

What was that like?---Another experience because I was appearing on my clients and their family and we sort of had a bond, good relationships.

So, what sort of work would you do as a community corrections officer?---Always checking them on their daily routine at work and if they were on home detention, I probably go there probably sometime in the night and check them out.

And did you have any problems with any of the people who were on those orders?---I have only got one client.

One of the clients?---One client, yep.

Out of how many, do you think?---About five.

And when you had problems with that one client, what sort of problems were they?---It's a home detention one. You know that place - the home detention only have to be in your house all the time, not outside of it, even at night.

And was that a male person?---Male.

And did he sometimes come out of his house when he was supposed to be there?---Well, during this period, I sort of went round his place one night and he wasn't there, so I looked around the back and he was just in the building next door.

What did you do about that at the time?---I wrote something in the email sending it back to my boss here in town. And I breached him for that.

And did that fella respect that?---He did.

Do you think that you got the respect from your community when you were working there as a corrections officer?---Yes, I do.

And were you able to help those fellas in the community to - -?---I did, yeah, in many ways. What happened after that, I think he got his time extended after that.

And did he finish that order in the end?---Yes, he did.

When he breached that order, when you wrote that email, did he get arrested?---No, just put a summons into court.

And so, he got another – he got a bit more time to spend and another chance to finish?---Yep.

Is there now community corrections officers based in Yuendumu?---I don't think they have anybody on the ground.

Do you know why not?---No, the next step is the Northern Territory Police, meaning Corrections, they want to be demanding. Corrections officers in our communities.

Is it a hard job to be a corrections officer in the community?---I don't think it is.

Do you think it would be a good idea to bring back community corrections officers based in Yuendumu?---I think they should bring it back.

Is it hard to supervise someone as a corrections officer if you're based in Alice Springs and they're in Yuendumu?---It's hard in Alice and in Yuendumu.

So, it's better to be in the community with them?---Yes, better to be in the community, because you're with them all the time. They're your clients.

And with those fellas who you were supervising, did you know all their families?---I did, yeah.

And did that help in your job?---Yeah, it did. A lot of them stayed on their jobs after that they finished the job and they had their jobs.

So, you could help them get a job to do things?---Mm mm.

And then they stayed on doing that job?---They stayed on, yeah.

Even when they finished their order?---Yeah.

In your statement, you explain that when you supervise them doing some work, it was hard work arranged by the community council?---Mm mm.

And they could be doing all sorts of things like clearing out rubbish, watering trees, working in the community garage?---Garage, yep.

Did some of those fellas then get good skills from working?---Yes, they did, yeah.

After that job, you worked with the Central Land Council?---Yeah, I was a field officer at the Land Council.

And did you enjoy being a field officer for the Land - - -?---I was, yeah.

What sort of things did you do with them?---I did a lot of culture work, mainly with land, rural (inaudible) areas.

Like land management things?---And mapping, yeah.

And mapping, you said?---Yeah, mapping the areas.

What were the communities that you serviced in that job?---Yuendumu, and (inaudible).

Are there currently officers that you're aware of at the Central Land Council who do that same work?---Yes, there is, yeah.

You are currently, Mr Williams, the deputy chair of the Central Land Council?---Yes, I am, yeah.

And you're a councillor on the Central Desert Regional Council?---Vice chair.

Vice chair?---Mm mm.

And a member of the Southern Kurdiji mediation group?---Yeah.

What is your role as a mediator? What sort of things do you do?---Well, sort of a working between two parties. I'm in the middle. Whatever I do it - maybe it's (inaudible) work with the western part of the group, I just tell them what - what has to

be done and how you going to solve your problems and all that. It's the same with them, people in the east and I've got good connection with every one of them, yeah.

So, does it help to have someone like you to resolve any arguments in the community?---Yes. Yeah, we need - I think we need them a bit more, not just one. Because if you're going to resolve (inaudible) in the community you need more than - more than five.

So you need more than five did you say?---Yeah. It's a big - big task.

I'm going to ask you a little bit, Mr Williams, about what happened on 9 November from your perspective and then I'll just come back to some other ideas you've got about empowering the community?---Yeah.

On 9 November there was a funeral in the community?---Mm mm.

Was that for someone in your family?---Yes, one of our late brothers, yes.

And in the evening you found out that Kumanjaya had been shot?---Yes.

How did you find out?---One of the younger members of the community, I think he's called Haines(?), that drove up somebody that told us that Kumanjaya has been shot.

And when Mr Haines said that did you know who he was talking about?---Yeah.

And when he said he'd been shot what did you think he meant by that?---I couldn't take it in because we all rushed - or we had to leave maybe about 10 people to cover the ground.

You were at that time at the burial ground - burial site?---At the burial site, yeah.

And was Derek there too?---Yes, my son was there with me.

And you got in a car with Derek after that?---Yeah, we drove to the scene where it happened and we took off to the police station.

When you were at the scene where it happened, what did you do?---We just - saw where everybody was heading to because the police station is - we sort of drove around to the police station.

You were interviewed by police about this in - on 8 January 2020 and you mentioned that when you got to that house you saw that there were drag marks in the sand? ---Yes.

Did you see anything else in that area?---Nothing else.

When you went to the police station did Derek drive you there too?---Yes, he drove me there.

When you got there what did you do?---I think I was let inside with my son in the police station.

And when you went in the police station with your son did you recognise any of the police?---No.

Before Kumanjaya passed away did you know Julie Frost, the sergeant out there?
---I knew her very well.

What sort of - how did you come to know Julie very well?---I think I - Julie you know, she - she was sort of a - went around the community around, you know, was friendly to everybody else in the community.

So did you get on well with Julie?---I did, yeah.

Did you do any work with Julie in your role with Southern Kurdiji?---I don't recall.

So did you come to know Julie through work or just from being in the community?
---Just from being around the community and through my son.

Had Julie ever asked you to help her with anything in the community before then?
---Not that I know of.

Was Julie respectful to you?---Yes, she was.

When you went in there on the 9 November did you see Julie?---I can't recall.

How long were you in the police station at that time when you first went in?
---Maybe a couple of minutes.

Did you see Kumanjaya there in the police station?---No.

When you were in that police station for a couple of minutes what were you doing?
---We were just let in by whoever who - whoever was in charge there and then - and then we walked out again.

Were you just trying to see who was in charge of the station at that time?---Yeah.

Was it clear who was in charge, to you?---I can't recall.

When you went out again into the community how many people were there do you think?---There were just - just the whole community I think. I was actually standing there with my son and the late Mr Nelson.

And what were you doing when you were with Derek and - - ?--- We were just giving orders to our younger people that nothing has to be thrown onto the roof or anything silly.

Did you see anything thrown not the roof?---No.

Were some of the young people getting a bit angry?---They were, yeah.

Were they shouting a bit?---They were shouting.

Did you see anybody carrying any weapons?---Not that I remember.

And when you told everybody to stay calm did that have a good effect?---Yes, it did, yeah.

After you and the Elder who passed away and Derek told everybody to stay calm, was there any anger after that?---Not - not really, but there was some - a bit of crying there.

And were people frustrated?---Yes, they were frustrated.

Did you see anybody hurt anybody?---No.

Can you remember how long you were outside?---That's when I was with the boy, I was.

When you were outside did you get any information from the police about what had happened with Kumanjayi?---No.

At some point do you remember seeing the ambulance coming in?---Yes, I did.

And do you remember seeing the ambulance going back out towards the airstrip? ---Yes, I did, yes, I saw that.

Did you follow that ambulance to the airstrip?---I followed it because of what could have happened on the way with these young people throwing things. I sort of - at the back of it.

When the ambulance was coming in to the police station that first time, after 9 o'clock or going out to the airstrip, did you see anybody throwing rocks at the ambulance?---No.

Did you drive to the airstrip with Derek?---Yeah.

When you got to the airstrip what did you see there?---We just stopped halfway and let police and ambulance go towards the plane, everybody stopped back.

What was the atmosphere like there at the airstrip?---I think it was really tense.

Did you see anybody yell or hear anybody yelling or what was the - - -?---There was some yelling but, you know, there was nothing being thrown.

Nothing being thrown?---Nothing.

What did you do after you were - went to the airstrip?---We just normally went back home, but didn't - didn't get a good night's sleep at the time sort of up and (inaudible) couple of months.

Mr Williams, how were you feeling at that time after you went home and couldn't sleep?---I was - I was actually traumatised and you know, something like that happening in our community it was the first time. I don't think everybody had a good night's sleep for the next three months.

At that time, when you went back home after the airstrip, did you know whether Kumanjayi was alive or whether he had passed on?---I couldn't tell whether he was on the plane or back at - or back at the station. But I did find out next day when they got Eddy to identify the body, that's when I found out.

So how did you - who told you about it?---The rumour goes around very quickly in our community but Eddy told everybody that the body was at the station.

How did you - so Eddy told everybody that the body was at the station?---Yes, that's - that's when we all met up at the (inaudible) to have our sorry that night.

How did you feel when you learned that the body was at the station?---In our system when you got a dead body in front of you, you never leave it - never. You stay with that body till something is done, you know, till somebody you know, takes it away. That's - that's what a Warlpiri culture is. We respect the body. We don't leave it. I don't care how bad it is. We stay with the body all the time, right through the night.

So how did it feel to you, as a Warlpiri Elder, that nobody had been with the body?---Well, in my case it, you know, those police officers are taking the body with them. Not leave it at the police station.

And Mr Williams- - -?---It goes to show that I don't think that they actually - they cared.

And we know that Kumanjayi, when he was in the police station, he was still alive for a time. Do you think that family should have been able to be with him?---We couldn't tell whether he was still alive or not because, had there been some sort of a relay message going through to tell us that he was - he was still coping.

I think that we will have some evidence from the police officers who were in there, including Julie, that - well, I'll just speak from Julie's perspective. In her statement, I think she's going to say that she was really worried that if the community found out after 9 o'clock that Kumanjayi had passed away, that everybody might be so angry that people would get hurt. Do you think that the Elders would have been able to keep everybody calm, even if they had that information?---I think they would have, yeah. If they could have told us exactly what was happening at the time.

Mr Williams, you said that you don't think anybody could sleep properly for three months or so afterwards?---I think everyone trauma up to today, some of them.

And that trauma, how does it affect the community?---It affects the community in many ways. Because, you know, sometimes you don't cope with your life. You know, you can tell the people got grief, but you can tell them, tell them to (inaudible).

So I want to ask you then, if I may, about what you think might help the community in the future. And you've got some ideas in your statement. One I things I want to ask you first though is about policing because there are a number of men in your community who have been Elders but also work for the Northern Territory Police Force?---Mm mm.

What do you think is a good way for Northern Territory Police Force to respect the Yapa people working for them?---Can you rephrase that question, please?

Sure. What's a good way for – have you got some ideas about how the Northern Territory Police Force can best pay respect to Warlpiri law? Aboriginal law?---If there was a cultural awareness which they abide to. You know, every organisation should have a cultural awareness, even if you're get – if you get onto the communities. That way, you know what you set up for in the community. Because if you're just coming out without having that cultural awareness, you don't know where you – where you are. Because we've got policeman that come into our community before without cultural awareness, but they were still friendly in many ways. We've got some very good policemen in our communities, without wearing a gun, that is. They – some of them coped with what (inaudible).

So what makes a good Kartiya police officer, do you think?---A good Kartiya policeman is something that you mix yourself with. You mix with the community. Day to day conversation, you know? Not just keeping to yourself in the office where you sit behind the desk. That's not the option. You go out into the community and present yourself. Get yourself known to the community or sometimes the school. That's – that's where a lot of the children learn from you, too. Yeah.

And Derek was telling us that he plays music with the kids and plays footy with the kids. Are those sorts of things important for the police to do?---I think – I think it's a good thing if you're sort of a – put yourself as a role model, doing things like that. Because we had a policeman that was our coach – basketball coach until he sold his (inaudible) business off, he shut – that's one of the policemen that I knew, very good policemen.

And that made it hard for him to play basketball, is it?---No, he was just coach of our team.

Okay?---Like, he was a – he was a very good policeman.

And what community was that in?---Yuendumu.

In Yuendumu?---Yeah.

When was that, Mr Williams?---That was in probably 80s.

Right?---Early 90's.

So do you have memories over the time you were there of some good police officers that you got to know?---Yeah, there was some remarkable policeman there. Bob O'Keefe was one of them. Sergeant Williams. Everybody used to rush for his help because he had an op shop out the back, yeah.

Which one had the op shop, sir?---Sergeant Williams.

Williams?---Yeah. I think he owned a pub at Elliott, last couple of years back.

And Sergeant O'Keefe you mentioned?---Yeah, Bob O'Keefe, yeah.

Why was he good?---He would pull you up, he'd tell you what to do. If you got your grog, you stay on this side of the boundary. You cross that boundary, that's (inaudible).

Was he fair?---He was fair.

And was he respected by the community?---He was respected by the community, yes.

And have – do you know Annie Jolley, who has been working in the community?---Yeah, I have – I have good – close contact with them all the time.

And the court is going to hear from Sergeant Jolley soon, but have you seen her have some good interaction with the community?---Yes, she's – she's very respected to all the community.

When Derek was giving evidence, he was saying that if somebody needs to be arrested in the community, then police should consult with the ACPO and if the ACPO wasn't available, then you can ask the Elders for help with an arrest?---Yeah, but Jolley knows. I mean, Annie knows what she's doing, you know? She knows all those regulations, yeah.

One of the things that Derek had to – was suggesting is that for new police coming into the community, they need to get a good induction into Yuendumu and they need to meet the Elders and they need to understand how the community works?---Yeah, I think that's how it should be, because a lot of our policemen that used to come into – into our community, my son used to take them to where the Elders were and he introduce him to us but kept annoying from there on. I think that's a good introduction.

Mr Williams, you say in your statement that there's some other important things for Yuendumu. We need to – or the Elders need to be empowered so that Yuendumu can deliver some basic services?---Yep.

And you tell her Honour that a big issue is that all the services and skilled tradespeople are now brought in from outside Yuendumu?---I think (inaudible).

Mostly from Alice Springs?---Yes.

But when you worked for the local council – when you worked for the council, it was actually run by people in Yuendumu, the local skills- - -?---Yeah. Yep. We even had our own housing association.

And your own rubbish service to pick up rubbish?---Yep.

And you had firewood collectors?---Firewood collectors, yeah.

And the council ran the housing company called Yuendumu Housing?---Yeah.

And did that employ a lot of people?---That employed about, what, 20 people?

And what sort of things would they do then?---They'd fix up whatever is wrong with the toilet blocks or windows. Showers. But we had one particular person that was a full-time qualified plumber, that's why he got nickname "Plumber".

You say in your statement that "Because the council could do those things in Yuendumu there were local Yapa people who were trained and had good skills"? ---Yeah, with that with skills trained as well.

And that meant Yapa people were working in Yuendumu and could fix things in Yuendumu for themselves?---Yes, it would.

What does that mean to the community - to Yapa in the community, to be able to do that for themselves?---I think, you know, people stand up, they got a - if they've got a family to look after they need to work, but as you can see now, we don't have that sort of - (inaudible) anymore because you got the Centrelink and all that. That brings in all the problems. People don't want to work anymore. They know what they get every fortnight. It's sort of taken them off course.

So it's important to try and make sure there's enough jobs for Yapa people in the community?---We need jobs in the community.

In around 2008 the council was replaced by something called a "super shire" - a bit regional council?---Mm mm.

And did that take away from the power of those little councils - or it meant those - there were no power in those little councils?---No there's none left.

So now if something breaks, like the rubbish truck, what happens?---People will just take their rubbish and they want to dump it, let alone the end of the airstrip where the plane lands in, there was a dump there before. That's just the reason why we sort of locate it in the northern area because Aviation made a complaint, there were birds flying, rubbish, plastic - everything.

And now, like if there's houses broken and windows, does it take a long time to get it fixed?---It take about three to four months now.

We talked earlier about local community corrections and you think there should be people in Yuendumu now, working for Community Corrections?---There should be one based there.

Do one - the point you make in your statement is that the young fellows have WYDAC to help them but for the older people, the adults, there's no service like community corrections to help them get back on track?---No, no. We should have one. It should have been one.

You tell her Honour that we need to have institutions in the community like treatment and rehab so people can stay there in the community but still get help with their problem?---I think we should have those institutions in the community.

And last topic, because I want to let you get back home today, Mr Williams and my friends at the bar table might have some questions for you, but you've got some good ideas to share with her Honour about activities for kids and you say here, "We need to keep these kids occupied to stop them getting bored"?---Especially at night I think we should have - we should have some sort of activities on there all the time, yes, once they get out of hand they can do all sorts of things.

So you've got some ideas here in the early hours, in the dark or when they act up, instead you could have things like a cinema, BMX track, more music?---BMX tracks and - I was thinking about skating too, yeah. We - in our time, when we were young - young teenagers, we used to do a lot of bowling, all your - that's what we used to do, we had a big hall there, with a mat.

Yes, like ten pin bowling?---Yes.

And do you have good memories for that time?---I do, yes.

Where was that hall, where is that today?---It's part of the WYDAC now, after - after that building was taken off. But that probably had one of the best stages in Central Australia.

The best stages?---The best stage, were we had concerts, country an western singers like Slim Dusty there, yeah.

So would it be good to be able to have something like good musical stage so that acts could come back out to community?---A stage where - the whole community

used it, yeah, there was a black play group as well - Indigenous - Indigenous people had play groups in that time and we could have something like that. It's something that you never know what talent is out there. Can bring back.

And is there a lot of musical talent in the community, Mr Williams?---There is a lot, yeah, that's why we're urging and Scotty and all that the group that are in the community, bring that musical thing back because we tried to fit them into the school as well, teach music.

Have you got a music teacher now in the school?---We don't have one.

Would you like to see one in the school?---We'd love to see one there, even though if we can get some Indigenous person working with it.

And in terms of that stage, have there been other bands through in the time that you remember visiting Yuendumu and having (inaudible)?---Yeah, there were many.

Do you remember the Warumpi band going out there?---That would be - Peter Garrett. He's good.

I would have loved to have been at that concert, Mr Williams?---I loved, I loved it.

And so in terms of what you could get for the community, you'd - just to finish up on that, you also talk about a BMX track and have you had a BMX track there before? ---Yes, it's right next to the police station, yeah. I think it's too far out. If you can bring it to the central part of the community it would still be better.

And no doubt you've got lots of other ideas too, Mr Williams?---Mm mm.

When her Honour comes out into the community to sit down with Elders and young people, would you mind helping us to get some ideas to put - - -?---Yeah, I'd be more than, you know, welcome to help out.

Thank you, Mr Williams?---Thank you.

THE CORONER: Yes, Mr Mullins?

MR MULLINS: Yes, thank you, your Honour.

THE CORONER: I note that we haven't had our afternoon break. Would people like - yes an afternoon break?---No, no.

Are there some other questions after Mr Mullins?

MR BOE: I have a few.

THE CORONER: I think we will take the 15 minute break then and then we will come back.

WITNESS WITHDREW

ADJOURNED

RESUMED

WARREN JAPANGARDI WILLIAMS,

THE CORONER: Yes, Mr Mullins.

MR MULLINS: Thank you, your Honour.

XXN BY MR MULLINS:

MR MULLINS: Mr Williams, can you hear me?---Yes.

Now, on 9 November 2019, as you've discussed with counsel assisting, entered the police station with your son, Derek, at about 8 pm. That's right?---Yes, correct.

And you walked beyond the counter into the main body of the police station?---Mm mm.

Had you ever been behind there before?---No.

And what did you see?---Just military-type or sort of a camouflage things about, just in front of me.

Did you see any people?---No.

And you've told counsel assisting already, you did not see Kumanjayi?---No. I think the officer was probably busy out the back. I sort of saw through the window a glimpse of it and I think they were in a panic.

Now, when you and Derek left the station soon after, to your knowledge, had Derek made a decision that he was going to stay with the community?---I think he did.

When you were leaving the police station, you knew that someone had been shot. That's right?---Yeah.

You were unsure whether he was alive or had passed?---We couldn't tell whether he was still talking or at a stage where he wasn't not dying or something, but we never knew what his conditions were.

And did you know – or what did you think was going to happen when you walked outside the police station and the door shut behind you?---I don't think there was any response after that.

Did you think other people were going to come to the police station?---No.

Let me reframe that, did you think other people from the community were going to come to the police station to be outside?---Yeah, there were people still coming into the police station, yeah.

Yes. Now, you mentioned the late Mr Nelson, was he there?---He was right beside me.

And that was as soon as you walked outside the police station?---Yeah.

Now, can I just – I don't want to cause you any distress, but can I just take you back there and ask you to explain this; what did you think, at that time, was going to unfold?---My impact on the situation was whether we were going to get the good news out of the prison or not, but depending – it happened, I think everyone got a panic, panic.

Right. And did you, as an Elder in the community, think that you and Mr Nelson, the late Mr Nelson, for example, needed to take responsibility to get the situation under control?---I think it was completely under our control already, because what we said to the people in every direction that we were giving orders that nothing has to be done, either to the police station or whatever happens. So, I think we sort of got everybody in place that, you know, we've got to keep calm.

Now, who was your contact person for the police? Was it Derek?---I don't think there was a nominated person at the time.

Were the rest of the people around outside the police station expecting Derek to be the person who was going to have contact with the police?---I think they were actually relying on him, but you know, due to cultural protocols, I don't think he wanted to take that position because he was related to the boy.

Sorry, say that again, please?---Derek was actually related to the boy.

Right?---So, due to cultural protocol, I wouldn't have thought that he'd take that step.

Now, when you and – were there any other Elders there beyond you and the late Mr Nelson?---There were three of us, but there could have been more.

And when you said you had control of the situation, how was it that you were effecting that control in the sense that – can I just give you an example? Did you see the video that Samara played?---Yeah.

Yes?---I did.

Those several videos. No one stands up and makes a speech at any point in time, but it seems there are people milling around, communicating with other people. So, how is it that you exert your influence in that sort of situation as Elders? Do you understand that question?---You see, we were right at the front. It's probably around the middle or the back, that's where the video was taken, not right at the front where the doorway is and we were outside it. So, it's more or less to the back.

Yes, so were you sort of walking around and contacting, speaking to different family

group members of different families?---No, I was at the front with Derek and the late Mr Nelson, but we were issuing orders that, Tom, do this or that, but just keep calm.

Yes. So, if there's another family where there's a couple of young blokes that are part of that family and you can see that maybe they're going to play up, would you go and speak to other members of that family and say, we need to calm these people down?---I think that would have been my first option, yeah.

Yes?---Because, you know, some people can, you know, do something silly. But I don't know whether there were any Elders around that area, they should have found that out.

Yes. So, is it the case that you rely upon your personal relationships with the various families in order to bring about the control and the calm that you're trying to achieve?---I think if we're all related, that we need to come to an understanding, where the situation lies. And in that way, you would need to either calm yourself down or you know, go out from the area.

Yes. Were you here for Derek's evidence?---Yeah, a bit of it, yeah.

Yes. And did you hear Derek say that when he goes out to arrest somebody, the first thing he will do – well, he tries to do it slowly and respectfully. And the first thing he will do is speak to the family and explain to the family why it is that the person who's a member of the family is being arrested. When you're trying to keep calm in a situation like that that was confronting you on 9 November 2019, do you use similar techniques; that is, speaking to the family and trying to get them to exercise their control over other individuals in their family?---I think you must show your respect as if – it's sometimes your family too and it's sometimes your poison cousin (inaudible) but you've got to have more respect with, you know, your – sometimes don't want to talk with them. You get some – some other people to contact them or talk with them, you know? You put yourself out of it.

So am I correct to say that family relationships were critical on that night?---It was, because it does extend to it.

And the relationships between the Elders and the families was critical on that night?---It was, yeah.

Now, is it more difficult for Elders to deal with interfamily conflict? That is, forget the 9 November, if there's another conflict where the conflict is between two families, is that more difficult for families to deal with?---In a sense, yes.

And why would that be?---But if you have a relationship with both party, that's where you step in. You say, "No, we're standing in the middle."

Right?---Like, what's happening with the – in the community right now with me in between the two party there. I'm in the middle all the time because they know I've

got family on that side and the other side. And they've got to, sort of, come to terms how to settle things.

Now, those relationships that we're talking about in Yuendumu, for you, have been developed over 58 years?---Very long time.

Yes?---Yep.

And so for a person, a Kartiya police officer who's coming in for two years, they obviously haven't got the same relationship and can't exert the same influence; is that right?---No. But you know, it would – if you put yourself out there more, got to get to know you and respect you.

But is that part of the reason why you say the Elders need to be empowered more?---I think they would be, yeah.

Just a couple of brief matters. Do you recollect there being police in the community in the days and weeks that followed 9 November 2019?---Repeat that question, please?

The day after 9 November, when the young man passed away, there were – were there many police in the community?---I can't recall because, you know, I sort of kept to myself.

Okay?---And didn't worry about it much.

Nothing further. Thank your Honour.

THE CORONER: Are there any other questions?

Yes, Mr Hutton?

XXN BY MR HUTTON:

MR HUTTON: Mr Williams, my name is Tom Hutton and I'm appearing on behalf of NT Health. I just have a couple of brief questions for you. You were asked by Dr Dwyer about an interview that you did with Northern Territory Police on 8 January 2020?---Mm mm.

I just wanted to read you a brief section of that transcript, Mr Williams.

And, your Honour, this appears at folder 8 tab 72 of the coronial brief and it's page 16 of the interview that I propose to read.

Mr Williams, in response to some questions from Detective Keane, you told him that there were no staff in the Yuendumu clinic on the morning of 9 November 2019?---Mm mm.

Detective Keane asked you:

“Okay, did you know that?” And you responded, “I knew it.”

Detective Keane said, “Did everybody know that?” You responded, “Yeah.”

Detective Keane: “Okay?” You responded, “Because other health staff evacuated maybe that morning.”

Detective Keane asked you, “Do you know why the staff were evacuated?” And you responded, “They had a reason to go.”

Detective Keane said, “Yeah?” Mr Williams, you responded: “Because people were trying to get into the houses the night before.”

Detective Keane said, “The night before?” You responded, “Yeah, that’s why they were getting them out of the community.”

Detective Keane said, “Yep?” Mr Williams, you responded: “Saturday morning.”

Detective Keane: “So Saturday morning? So this is the Saturday we are talking about?” And Mr Williams, you responded, “Yeah. The health staff, they evacuated the Saturday morning from the community.”

My question for you, Mr Williams, is do you recall now how you came to know that the staff from the health centre had been withdrawn from the community that morning?---You can’t hide anything in the community. Someone is bound to tell somebody else and then it goes like fire.

Okay?---Yeah. But I think they evacuated for a good reason.

Okay?---Yeah.

Because of the- - -?---Yeah, the break-ins and I don’t blame them for that.

Okay?---But I’ve always had a good relationship with health staff.

Yes?---Due to the fact that one of sons does work there, too. Yeah.

Yes, that’s right. That was something I wanted to ask you. So you have another son living in community (inaudible)?---Yes, he’s been – he’s been working with the Health Department for a long time.

Yes, he has?---Yeah.

Okay. And you mentioned in your evidence that there have been some tremendous police officers in Yuendumu- - -?---Yeah.

- - -over the period that you've lived there?---Yeah.

And you've also had a good relationship with the health service?---Yes.

Thank you, Mr Williams?---Yep.

THE CORONER: Mr Boulten?

XXN BY MR BOULTEN:

MR BOULTEN: Mr Williams, I'm one of NAAJA's lawyers here. Did anyone sit down with you and ask you how to fix the problem with the clinic before they left?---No, not really, because it's something that we should be working with.

So you reckon if people sat with the Elders and said, "We've got this problem with the clinics, with the houses being broken into," do you reckon the Elders might have been able to talk to people?---I've spoken to Northern Territory Health- - -

Hey- - -?---but Northern Territory Health Department should come down and, sort of, work out ways to work this out with the community.

You don't blame them for leaving, but they might have been another way to do it?---I think we should deal with it with the Department of Health.

Mr Williams, can I ask you about Kurdiji?---Yeah.

On the Kurdiji group, are there people from different skin groups?---Yeah, from different skin groups, yeah.

Is it necessary to have people from different skin groups?---I think you should have from the skin groups, you should have all eight of them.

So every skin group, right?---Yep, yep.

Is your Kurdiji group about – I withdraw that. So who should choose who should be on the Kurdiji groups?---I think the community choose who they want because like what I said before, that you can't get anyone else to choose them because it's who they want. If there's someone that are black, they can put them on.

There are cultural sensitives about who should say something when there's a problem, right?---Yep, there is.

So if you've got all skin groups represented, you can choose the most appropriate person, right?---Yes, it does – that's a- - -

Do you think the Kurdiji membership should be appointed by the government or not?---No, it shouldn't be. It should be elected by the community itself. And that way, we know who is on the board.

Mr Williams, I want to ask about drug and alcohol rehabilitation. Is there an in-community drug and alcohol communication – rehabilitation facility for adults in Yuendumu?---Not that I know of.

Do you think there should be?---There should be one.

Why is it important to have a rehab facility inside country?---Well, you got rehabilitations are here in Alice Springs, but not at – not at any of the communities. I think you should have one out – out on community.

How important is it for people to have their family close by when they are going through rehab?---It's a must, they should have their families with them all the time.

What about an on country bail house or bail accommodation? How important is that do you think?---It's all - it reflects on how the judge sees it. If you want to put someone on bail out in the community. But if the elders were at the court they can probably ask for something like that, providing that he behaves in a manner that's suited by the community.

How hard is it if someone is shifted to prison in Darwin and their family is in Yuendumu?---It's something that I can't answer really because a lot of people that are being transferred from this prison to the other is - it's probably - it's probably what the prison want - the person want.

The prison wants, yeah. All right. That's all I wanted to ask, thank you.

THE CORONER: Mr McMahon?

MR MCMAHON: Mr Williams, I act for the Parumparru Committee and I am just going to ask you a few quick questions about school and education because you have so much experience there and then I am going to ask you about the local council. So just starting with the school, you were there for decades, correct? ---Yes.

And so just my quick questions are, can you just tell her Honour and the court about whether culture was strong at the school when you were there and how that worked? ---I think the culture was very strong at the time because we had old people coming into the school at times doing dances or telling stories or telling relationships to children and some of those students from that era I think are - were well educated and culture bound.

And teaching about culture, what about going bush?---We've had many bush trips.

You used to go bush a lot?---A lot

Yes?---That's when we had no telephones, whatever.

Less things to distract everybody?---Yes.

And what about language in school? When you were there, for instance, when you were a boy you were taught in English and there was no Warlpiri in your education?
---No Warlpiri.

But when you were at the school as a teacher can you tell her Honour about how important Warlpiri language was then?---I think Warlpiri was taught in the school every day I think it's just for an hour, every day it stops.

And gradually over the years did they begin to teach more Warlpiri to have more balance with English and Warlpiri?---There was a balance of lessons at home but something happened later on that took everything away.

Is that the intervention in 2007?---Yes, it is.

And the rules about language changed then, is that right?---It changed a lot.

And one of the rules was the first four hours of every day had to be taught in English?---Yes.

Okay, so we'll talk to other witnesses about it because you had left the school about by then?---Mm mm.

So we'll talk to other people about that but when you were there the culture was strong?---Very strong.

And the language teaching was strong?---Yes, it was.

And the elders used to come a lot?---Yes.

And did the children benefit from that? Did they enjoy?---They enjoyed it, yes.

And it made them feel better about their - they had better understanding of their culture?---Yes, they did.

And what about Yapa teachers? Were there many Yapa teachers?---There were about maybe ten to 15 teachers.

Ten to 15 Yapa teachers?---Yes.

And teaching in both languages?---Teaching in both languages.

So I want to take you now to local council because you have very long experience in these areas. When you finished the school you were on the local council at Yuendumu, is that right?---Yeah I was.

And in fact you were the vice chairman I think for quite a few years?---Yes.

So I want to just ask you to explain to her Honour and the court how local council work. For instance, were there elections?---Yeah, we had elections - to elect an actual council body.

And did everybody in the community get involved in the elections?---Yes, everybody involved yeah.

And when here were - so the people who were elected to the council were respected people from the community?---Yeah, they were.

Not always elders?---No, no.

But they were respected people?---We had some young faces as well.

And at the end of all of these questions I'm going to ask you about whether Yuendumu should have local council back in Yuendumu, all right? But first I want you, if you can, to explain to her Honour on a busy day for a local council what a meeting looked like. Where was it, did people come, was it inside, was it outside? So if you can just explain that. Like when you had a local council meeting would the community come and talk with the local council?---We'd have it at side. There was a room that's probably small to - you know, to have a meeting with the whole community so we'd probably have it outside.

Outside the council buildings?---Outside the council, yes.

And was everyone able to contribute if they wanted to?---Yes, they had their opinions, yes.

And was it a strong - was it something that made the community strong because there was so much contribution?---Yes, it made the community very strong, yes. We'd hear from people what they wanted, what - what has to be done, something like that.

And of course, just linking that to dealing with the police, if there was an issue that the police wanted to talk about with the local community, was that a good place to do it?---They'd do it right there.

That's where it worked?---Yes, that's bring the message across.

And that's how the police could talk to everybody at once?---Yes.

And if the local council wanted to talk to the police would they go as a group of representatives and talk to the police?---There'd be maybe three or four.

Yes, and that used to happen, didn't it?---Yeah.

And when there were big problems in the community that needed the police's help or involvement, that's what used to happen, is that right?---Yes, (inaudible) - - -

The local council would meet and talk?---Yeah.

And then decide and go and talk to the police?---Yep, that'd happen a lot.

And that was the way of solving problems?---Yeah.

And when you had a big problem, and one example that I've been told about by other people is petrol sniffing from a long time ago?---Yes.

And another example is when kids weren't going to school enough. When you had a big problem would the local council call a meeting of everybody?---They would, yes.

And would the school shut down and the shops shut down?---School and the shops would close down, even the clinic.

Even the clinic?---Yes.

And everyone would come?---Yes.

And talk about the problem?---Yes.

And then was everyone able to give their opinion?---Yes, everyone - everyone would give their opinions, yes.

Did the council try to get a consensus in the community for solving the problem?---They would, yeah.

And that was the way things worked, that was the right way, the proper way to do things?---That went well, yes.

And it did work well?---It did work.

And did you solve problems in the community that way?---Yeah, we did.

And that also is a good way to work with the police?---Yeah.

Just a few minutes ago when you were giving evidence you gave some examples. I'll just - it's important that people understand how these problems are in the community now about getting things fixed because it's just part of the way of life at

the moment in Yuendumu. You said that it might take three or four months to get a window fixed, is that the kind of reality that people are living with at the moment?
---Yes.

And that's the same if you had a blocked toilet in the house?---Yes.

You might have to wait three or four months to get something fixed?---Yes. You got to wait that long.

And air conditioning - if the air conditioning broke?---Yeah, all you got to do is report it to Housing and it doesn't take that quick.

So everything that you - all these problems that you have to solve, you're dealing with outside agencies with bodies that aren't sitting in Yuendumu?---No, they all in town.

And that's the difference from when you used to have a local council, is that right?
---It's a big difference now.

Because with the local council used to employ people and they - you had your plumber, as you said?---Mm mm.

And you had other people who could fix problems in the housing straightaway?
---Straight away, yes.

And all you had to do was go to the local council and say, "Hey, I've got a problem with my house" and then the local council would organise someone to go and fix the problem?---You'd go to the local council and you just write down what's - what's wrong with your house, broken window - whatever, they'd look at your rent and they'll go and fix your house.

So, that would happen quite quickly?---Yeah, very quickly.

But now at the moment, with these long delays, does that - that leads to overcrowding in houses sometimes. Is that right?---I does, yeah.

And how does overcrowding in houses, does that lead to kids getting into trouble? Can you talk about that for a moment?---Well, you know, you've got so much people in the house and you don't know who you're handling with. But people go on the street at night and sometimes about 3:00 or 4 o'clock in the morning.

Because of the problem of overcrowding?---Yeah.

Yes. So, in your opinion, would it be very good for Yuendumu if the local council was returned to Yuendumu?---Yeah, it would be a good option, yeah.

A good option. Just one final question, one of the other barristers asked you about the medical clinic and the staff leaving, and trying to think of different ways to solve

that problem. If there was a local council and Northern Territory Health came to Yuendumu to talk about a problem with the medical clinic and the staff wanting to leave and so on, the local council would be a good way to talk to the Northern Territory Health to solve those problems?---I think they would, yeah.

Yes?---Because I think we had health support too. We had one.

Can you say that again?---We had a health support too.

Yes, you had a health support too?---Yeah.

But is that gone?---I think it's – yeah.

Thanks very much, Mr Williams.

THE CORONER: No other - - -

MR BOE(?): No questions, thank you, your Honour.

DR DWYER: Your Honour, just one matter I've been asked to clarify.

REXN BY DR DWYER:

DR DWYER: Mr Williams, remember when you were giving the evidence about how good it was when you were working at Community Corrections on country and you knew the families of the fellas you were helping?---Mm mm.

And you could go to that person's house and there was a fella who was on home detention, you could check for yourself whether he was home?---Yeah.

And you could help him get a job. And when those fellas were working, could you go and actually see them working if they were on country?---At times, yeah, just to make sure they were at work because at the end of the day, they have to sign a piece of – they have to sign up with me.

Because you're there with them, you've got that direct contact with them?---Yeah.

And if they're - - -?---I also had a client from outside the community at Mount Allan, but he'd moved himself to Yuendumu, yeah, just to be - because he was home detention. He put himself in Yuendumu, works (inaudible) every 12 months.

And how did that work out?---Very well. But if there was any (inaudible) or anything like that in Mount Allan or wherever, I'd get permission to take him.

And is that because it was important of him to respect culture and go to the funeral?---Yeah.

And that meant that if you were supervising someone and there was sorry business

for a while, you could respect that?---Yeah, a lot of blokes still respect me today, yeah.

Yes, I bet they do. If there was an important ceremony or business, could those fellas then go to that too?---Only if they get a request from the Parole Board.

Would you sometimes help them to negotiate that?---I would, yeah.

So, Mr Boulten next to me said to you, would it be a good idea if there was like a drug and alcohol rehab on country and there were people working in that living on country. And then those ladies or fellas accessing that, they could go to a funeral if it came up?---Yeah, yep.

Or go to business. And they could be close to family?---Yeah.

Would that be a good idea?---That would be a good idea, yeah.

And then the other one Mr Boulten asked you about was about a bail house. So, you know how now those big gaols are in Alice Springs or Darwin, so people have got to go away from country, away from family when they go into gaol, if you had like a little bail house, like a little place that somebody went to, instead of going to gaol away - - -?---Yeah.

- - - they had to be in that place, but it was on country close to family and working with people on country, would that be a good idea?---That would be a good option, yeah.

And for the young fellas who start to get into trouble, instead of going off to youth detention in Darwin or Alice Springs, if they could be at a bail house on country, they could go to a funeral or go to ceremony, as long as they got permission from - - -?---Yeah, they would, yeah. I think that's a good idea, if there was one in the community.

Thank you, your Honour?---That's what I think, this is always going to be demanding the time. It's something out in the bush.

Last question about that. In terms of getting young fellas back on the straight and narrow, back not doing any crime, does it help to keep them close to family and culture?---It does. It does, yeah. And we've asked for something else too, a couple of years back, involved the (inaudible). We wanted something similar to what the Barkly Camp is like. We wanted something in our area that could have covered Yuendumu, Kintore, Papunya and all those like western area. But to no avail that we weren't given the opportunity.

And does that Barkly Camp still exist now?---It does, yes.

So, we could maybe have a look at how that works and see whether there was something that could be like that for communities?---I've been to Barkly Camp a

couple of times and look at the set up. It works really well.

What's the set up like there?---People, you know, have freedom, opportunity to talk to people there. They work in the community itself, play football. Have its own football team too.

And so they can keep that culture and connection?---Yeah.

Thank you, Mr Williams?---Thank you.

THE CORONER: Mr Williams, I just want to return to that really terrible night?---Yep.

And you were standing out the front of the police station, side by side with the late Mr Nelson and your son, and you explained to us how difficult it was for your son that night. He had a lot of roles to play; police officer, leader of the community and a relationship with what was happening inside. How do you think he handled that night?---I think he took it all in but due to his frustrations that he had, we lost sight of him. I think he said, don't worry about it, go to work for himself and I admire him for what he's done.

Are you proud of him?---Yep.

We thanked him very much for the job that he did that night and he deserves those thanks?---Thank you.

And I hope he knows that you're proud of him?---Yep, thank you.

Thank you for coming - - -?---Thank you.

- - - and sharing with us.

DR DWYER: Your Honour, I'll formally tender all of Mr Williams' statements. And I can say, I'm going to follow up on some of the ideas that he's given us today and keep talking about them.

THE CORONER: Yes, thank you.

DR DWYER: They're very valuable.

THE CORONER: Thank you, sir.

DR DWYER: So, your Honour, I need to formally tender Samara's statement and Warren's.

THE CORONER: Sir, if you're happy sitting there, that's absolutely fine, but otherwise you can join your family in the court.

WITNESS WITHDREW

DR DWYER: So, I tender Mr Williams' statements now, your Honour. And I should make clear, then I tendered Derek's statements, I also intended to tender the video statements as well as the written statements. So, I tender Mr Williams Senior's interview from 8 January 2020 and his statutory declaration from 9 August 2022 and Mr Williams Senior also has a video statement.

So, just making it clear, I tender both the video and the transcript. And if you'll excuse my back for one moment? And can I tender Samara's affidavit, which is dated 22 July 2022. It's found at 8/25A of the brief.

THE CORONER: And where are we heading to from now, Dr Dwyer?

DR DWYER: Your Honour, tomorrow has been reserved for legal argument. All the interested parties who wanted to have an opportunity to respond to the written submissions of Constable Rolfe's legal team have now done so and we thank them for those efforts. They were due in by Wednesday and the parties have provided them. We've had an opportunity to consider them.

And in order to provide some assistance to Constable Rolfe's legal team and other parties, we're doing some work to, perhaps, reshape some of those issues – not to take away, broadly, the issues – but to reshape them so parties understand why they are relevant to your Honour's enquiries. We propose to distribute a document tonight which would be annexed to the issues list to help clarify some of the issues. And then parties can reflect on that overnight.

We'll still take tomorrow for legal argument. We can certainly deal tomorrow with the privilege issue that has been raised by Constable Rolfe, with respect to Pollock Report and – I beg your pardon, the Proctor Report. And we can deal with the objections to some evidence that Constable Rolfe has raised through his legal team. And it may well be that some of the objections to the legal issues fall away once there is a clearer understanding.

We've been at pains to say, your Honour, from the outset that a – an issues list is not a set of pleadings. So I don't want to distribute something that looks like a set of pleadings to give the expectation that that's what's going to happen in inquest because it's inappropriate. Your Honour has broad powers of enquiry. But if it assists, then we will do so. We will do so because we think it might assist. So I don't know whether that will shorten the argument tomorrow, your Honour.

It may be that parties need more time to consider it, in which case, we'll have to move some of the legal argument to Monday. But we hope that we can resolve those issues tomorrow because we really want to get on with the evidence in this inquest, which is so important. And I will have more to say about it tomorrow but can I say again, your Honour, it is extremely regrettable that we have to do this now and have to interrupt these proceedings.

And I am really sorry to Kumanjayi's family and to other interested parties that we have to do this in the middle of the inquest, because it's why we had the directions hearing in May and other opportunities to raise these issues beforehand, so that we could all start and hear the evidence and not complicate it in a way that doesn't make sense to people following it, or may not. Be that as it may, we have to allow for procedural fairness and we have to deal with the objections when they're raised, even though they're raised at this late stage.

THE CORONER: Yes. And Dr Freckleton's matters?

DR DWYER: Yes. The issues Dr Freckleton raised this morning, your Honour, we'll have to give careful consideration to. I understand that there's another article that has been published since that time. I don't think Dr Freckleton wanted to say anything further about it this afternoon, but we will give careful reflection to it, your Honour.

DR FRECKELTON: Perhaps I might just hand up a copy of that, your Honour, so that you have it for your consideration. It appears to us that the Northern Territory Independent is continuing to listen to the livestream and is obturate in its attitude toward this inquest and toward your authority. And we urge your Honour to do that which is necessary to ensure that these proceedings retain their dignity and are not undermined by scurrilous portrayals of what has taken place before you.

THE CORONER: We will consider those matters, as Dr Dwyer said, and we can come back to those again tomorrow with some other legal issues.

Yes?

DR FRECKELTON: Thank you.

A PERSON UNKNOWN: Your Honour, can I just raise it's certainly our intention to try and deal with these arguments tomorrow, if pressed, subject to what is circulated tonight. And that's a larger issue because my counsel is not available Monday to attend court so we certainly intend to finish it tomorrow.

THE CORONER: So why is counsel not available on Monday? I ask that as a genuine question: why is this court not given the respect that it deserves of having these matters able to be dealt with when this court has timetabled them?

A PERSON UNKNOWN: Well, it was set aside for tomorrow. Our counsel are available tomorrow. We will be argue it tomorrow.

THE CORONER: Thank you. Well, I will – we will adjourn and we will resume at 9:30.

ADJOURNED