



EBERL: Immediate Response Team so, I like anything um where they need more of a tactical approach or you know? People do a search and rescue, that sort of stuff so.

POWELL: So I wish to talk to you today about an incident that you might have information about. It's important that you tell me the truth. If you can follow, ah if you can repeat the following after me please. I Adam EBERL.

EBERL: I Adam EBERL.

POWELL: Solemnly and sincerely declare the following to be true.

EBERL: Solemnly and sincerely declare the following to be true.

POWELL: So as we've ah had a brief discussion before, we are here to talk about an incident which has occurred today in, well yesterday being Saturday the 9<sup>th</sup> of November 2019, in Yuendumu Community. Um, I ask you to please tell me about that incident from the ah, start.

EBERL: Alright mate, um I'll do my best. Obviously it's 3 o'clock in the morning so I'm a little bit fatigued, it's been a long day but um, okay. Um, I was at home today um, about two o'clock this af - oh yesterday afternoon, and so it would have been the 9<sup>th</sup>, Saturday the 9<sup>th</sup>. Ah, I got a call um, if I wanted to attend um, for a IRT, an Immediate Response Team deployment, ah to Yuendumu. That's what I got told I might be out there for a couple of days, so just bring whatever for a couple of days and no worries, so got ready and then ah raced off to the station um, we were at the station there um, had a little bit of a briefing, um saw a little bit of footage about um, ah this incident that happened a few days ago where this um – this ████████ WALKER apparently he breached his parole. A couple of members from here had attended um, tried to arrest him where he picked up an axe and ran at the members ah before escaping so we knew that ah obviously he would um try and – try and get away by any means possible whether he's grab a weapon

or whatever, so, yep no worries. So we grabbed our stuff um, we deployed for Yuendumu Community. It would have been maybe just before 4 o'clock we left Alice Springs um, we got to Yuendumu at approximately half past six in the evening. Ah we had a bit of a briefing here, um, with the local members, just about what house he um the incident happened, where he usually resides, um anywhere else that we might find him as well. Um, so we left – we left here um, about 7 here, and headed out to um, I think it was House 577, um don't quote me on that but this is what I can recall. Um, so went there and um, I was in a vehicle with um, Tony HAWKINGS um, and we drove around to the back of the premises um, just to create a bit of a cordon around the premises. Um, I believe ah, Zac ROLFE and ah, James KIRSTENFELDT went to the front and um, Adam DONALDSON the Dog Handler, he came around to the side of the house. So um, when – when we arrived at the back of this place there was a – a fella out the back ah, he was sort of ah, raking the dirt, sort of cleaning up his yard a bit and um, one of the other colleagues approached him and um asked if um, if he knew where ████████ WALKER was, and if anyone was in the house. And if anyone was in the house, and he said, "Nah, he's not here, um there's no one else in the house," but then my colleague mentioned, cause' I was in the clear audible sort of distance so I could hear what he was saying, he said, "ah I can see someone ran across, there's someone in the house, don't lie to us mate." Anyway um, so James and – James KIRSTENFELDT and Zac, they went into the house to search and just found a young twelve year old kid there so, the house was clear and then the bloke at the back mentioned that he would be at this ah, potentially across ah, the other side of the oval, like to this other house. Um, so we um, me and Tony jumped in our vehicle and we just followed the others cause' they knew where this house was. Um, cause' they had a map in the car. So then we drove there and there was ah and there was either a blue house or um, a red house and that was just on the other side of the oval, not far from where

I think they had the the funeral gathering which was near the store. So alright, so um, James and ah, Zac went to the blue house initially and um, I went to the red house and um, Tony walked around to the back just in case someone was gonna run out the back of the place. Um, so I was speaking to a couple out the front, "Do you know um, is there anyone else in the house? Um, "Do you know who ah, do you know if [REDACTED] Walker's here?" And they're like, "Well I dunno if anyone's in the house cause' we're not- we're not the owners, they're over there at that funeral thing," "Ah. Okay." So I waited for um, one of my other colleagues, Zac, to come over, and I said, "I had a look in the house and I seen someone go to the back and shut the door," so I said, I knew someone was in the house, um I didn't know who it was, so um I said ah, "There's someone else in the house mate. Do you wanna come in with me and we'll search it?" So he said yep, "No worries," so me and Zac went into the house. As I walked in um, this fella was sort of, there's sort of like a room and there's another doorway that goes into another room out the back, and he was in sort of that doorway there. Um young fella had a hat on and that sort of stuff and he started walking over towards the ah door, the front door there, and I said, "Hey mate what's your name?" And he just sort of, just tried to keep walking as if he was just gonna try and run out the door. And I just sort of stopped him and said, "Hey mate nah, hey what's your name?" You know? And he sorta didn't really respond and and then Zac sort of said, "Come over here mate against the wall, I just want to have a look at a photo, just- just to check, ah you're not in any trouble or anything at this point mate, I just want to see who you are." So um, so Zac went, the door was sort of over there um, the fella was leaning against the wall um, and Zac was here and I was sort of here and um, Zac held the phone up next to him and said, "Oh yeah no worries mate," and um, I can't remember what he said his name was but it wasn't [REDACTED] WALKER. And ah, so Zac goes, "No worries," and put his phone in his pocket and he goes, "Put your hands behind

your back, and that's when the guy started to struggle so we grabbed him and then he started to ah really kick off, so I've um distraction strike, um to the side of his um face. So it would have been his left side. I think I hit him here, just so he didn't, he would um relinquish, stop fighting so I could get his arm, then he sort of come out from the wall at this stage and Zac looked like he had lost his um his arm, and so the guy sort of started slipping out, sort of back this way, so then I've sort of come around and then tried to grab him from behind, that way he can't fight from behind cause' you're not designed to fight backwards, and at this -at this stage um, I've heard um, a couple of loud bangs like, "Boom, boom," like that's what, and I was like, "Bloody hell", like has my gun gone off or what? Cause' it sounded a bit close and um, and at this time I could see in um, cause' as I had him I could see over his right shoulder and I could see um he had like a little, um I didn't know what it was at the time, but I thought it was maybe just a sharp stick hanging out of his right hand, and then um, then I've sort of pulled him to the ground and um, and then sort of like rolled him over and then I've realised I could see, so there was blood there and he's like, "Drop the scissors, let the scissors go," and cause' he was still hanging onto the scissors so I've tried, I've basically pried the scissors out of his hands and then we've handcuffed him to the rear and I realised he'd been shot, cause' prior to that I didn't know what was going on, whether-whether someone had shot from outside or was it was a bean bag shot gun going off. I have, I wasn't sure cause' I didn't, I couldn't see. And um, then ah, we're like um, now I can hear yelling and stuff going on outside and I said, "Look," and then they go, "Nah let's get out of here, we've gotta leave, we've gotta leave!" Cause' there was like people driving to our location. So straight away he was handcuffed and ah, we picked him up, started walking out the-out the yard, then a dog came and attacked me, so then I've kicked that off and kept going to the back of the um, back of the um, our um cage and put him in the cage and then we've got into the back of the cage with

him, so we could um, try and get do the first aid um, then we got locked in the cage and we started driving off to the um, police station. At that time um, we've taken the cuffs off um, and then taken his shirt off in the back so we could see his wounds and um, so we could assess what sort of first aid we need to-we need to apply. Um, I could see um, on his-on his um, his back there was a couple of-couple of wound holes um, and on the front of his um, front of his chest, I can't remember which sort of side, there was um, I think where the entry wound was, it sort of coming out the back. Right, so we knew we had um, obviously some chest um, injuries but didn't really know the extent. So then, we've ah driven at speed um, and got back to the station compound um, at this stage we're both in the back of the cage um, and then we've-we've pulled him out and we've just taken his um, pants off out there as well, so we could get a full um, he still had underpants on um, and then we've, just so we could get a full scale look of what's going on um, then we could see that um, a couple of the fellas, they all came over and they got ah, a bit of, the first aid kit, just on the ground out there in the carpark and then they've um, got a bit of plastic and put it on the front and the back and then ah, tried use of bandages to try and keep the plastic on, cause' um, Jimmy, and that, I think he's been in the Army and I think he obviously knows a bit more first aid from his Army days, so obviously um, lung-he was saying it was a lung puncture, so potentially both lungs had been punctured so um, we were just basically trying to stop the, let the lungs breathe so it would get the blood out, you know what I mean? So, alright so that's um, so we decided from there that were um, I think someone went inside, I don't know who it was, but someone came out and said, "Alright we can put him in the cell inside, rather than leave him out here on the on the ground," so we've like got some ah blanket-a blanket and um, put him on the blanket and then we've carried him to the cell, ah inside and then um, then we've monitored um, his vital signs and tried to make him comfortable um, obviously someone's had mentioned

they've contacted and tried to get first aid and get ah, the ambulance here um, so that I think someone was coming from Yuelamu Community, but they were gonna be a little while. So yeah we just-we've got the de-fib there on stand-by and stuff like that um, and then ah, just monitoring him. Um, monitoring his vital signs, his ah pulse, he was on the ground there. He would-he wouldn't listen to us, he was trying to get comfortable, he was trying to lie this way, lie that way, he was mentioning ah, you know, "Save me, save me!" You know? He was trying to get us to hold his hand, you know? trying to, so we were comforting him, we were doing our best to do that so um, we monitored that and we've had to, the bandage came off from his moving around and so we've tried to replace it a few times um, but um cause' he wasn't lying still, it wasn't gonna hold, and there was a lot of blood everywhere on the floor so um, and then from that point um, yeah we monitored we kept monitoring him um, and then someone's called triple 0 and then ah James mentioned he had like a Haemothorax but it was ah a-an internal one where he said that um obviously the blood was starting to, you could see on his stomach was starting to ah bloat a little bit, so obviously it was the pressure on the outside of the lungs was pushing the lungs, so it was obviously um, he was getting less and less oxygen so then um, he was sort of going down-you could sort of see he was sort of ah, becoming less and less responsive um, trying to take more gasps of air um, to get some-some more air. So obviously it was ah less sort of oxygen space for him to, gasping but it was a shallow breaths. Um, kept talking to him, trying to keep him alert, try and get him stay, trying to get him to stay on one sort of side sort of thing initially. And then after a bit we sort of tried to sit him up on a-a mattress to get him comfortable um, sort of try and let the-the blood drain out, stuff like that, but he kept saying nah, "I don't wanna lie down on the floor!" He was saying he wanted to lay up on one of the beds up there, but we said, "Nah, you need to stay on the floor." So it was all happening. A lot was happening

in that time um, and then um, as he sort of deteriorated we whacked the de-fib on but there was that much blood, it didn't stick really well, and then um, we were doing compressions with um, I think someone was on the phone to ah, yeah must have been St Johns, triple 0, and they were sort of helping give advice and stuff like that and um, they were doing compressions and I was just ah, trying to help out, trying to-trying to stick on the pads that weren't sticking on cause' it said oh, the de-fib kept saying, oh um, "Check the pads," and that sort of stuff so we we were trying to like stick it on but, and then we searched for the other vehicles to try and see if there was any other de-fibs, just to get some new pads, but there was no other defibrillators so, that was the only pads that was in there so um, so we just kept doing compressions and stuff like that but um, and then I was sort of running around outside um, and then coming in. I can't remember what I was doing, I think I-I tried to get a cloth, a cold cloth at one stage um, a wet cloth when he was still ah alert, that's going back a little bit because' I said yeah, but I'm just trying to-it's it's just coming to me as I'm sort of speaking -

POWELL:

As you remember it just um.

EBERL:

Yeah. Um and then ah, at one stage I remember I popped out and then I came in and then they've stopped, so they must have been- must have been told to stop from someone on St Johns or someone like that so um, yeah so that's basically what happened to that point. Um, then um, I think some, I don't know the timeframe between when um, that happened, Oh hang on, yeah so afterwards I went and assessed um ROLFEY, cause he said he got grazed in the shoulder, ah in his, you know his left shoulder um, he said that yeah, cause' he mentioned-he mentioned that the bloke was trying to stab us when we were handcuffing him in the house originally. Cause' I-I didn't see it initially because he was obviously his right hand and I was on his left. This is obviously going back cause I'm just remembering, that's why I assessed his



his shoulder cause' he thought he got a graze. So I um, I took his, I could see a little rip on his work shirt um, on his shoulder, so then I've pulled his shirt off and then he had another undershirt and that had a hole in it, it looked like there was a little bit um, discolouring in his shirt, like there was a little bit of blood, so then I've pulled that away further and there was a-a puncture wound ah there from the scissors that he was holding so um, so I got, I think Tony came in and he obviously got his body worn footage of the injury um, yep. And then um, I think by this stage the-the two nurses from Yuelamu Community arrived and they um, um did ah ah an assessment on the-on the um, deceased, ████████ WALKER and then they then they looked at ROLFEY and patched him up um, and then some members were coming from Alice Springs to assist so we um, we jumped in, we organised what we were doing, we jumped in, they told the community that we were taking the body or something like that to the-the, we were getting more medical staff or something, so they were, they understood that um, that's what we were doing, so they so they were being calm cause' they were told something like that um, this is all hearsay cause' I wasn't there when it was told but –

POWELL: Okay yeah.

EBERL: I I was mentioned that um they told the community that, to stay calm, cause' if you angry the plane won't land, so they all were sort of mingling out the front but they weren't doing anything as such so ah, we decided we'd take two police cars and ah, that the medical wagon, the ambulance and the two ladies jumped in that and then drove to um the airstrip to get the other members, chucked them in the car um, maybe um, seven or eight members from Alice Springs came and then um, and then we headed back um, through the community. Ah when we left-when we left the police station to go to the airport, there was probably about a hundred people out the front of the police station. So alright, when we ah came back all those people had moved um, into the middle

of the Community, but where we had to drive through and um, you could see like the community members picking up rocks and then they started pelting the car and um, one went through the front um, passenger window, just missing the colleague's ah, face. And, it hit-hit um, Felix ALEFAIO who was driving, it hit- hit him in the arm um, I think um, King King SUN was in there, was in the front passenger seat. And then when we got back to the station I mentioned on the radio, "Hey we've been pelted by rocks, windows just been smashed," Jumped into there and then um, could see that the other vehicles had been smashed as well and one of the nurses was um, walking back to the inside the station, she was bleeding from the head where she'd been struck by a rock to the head. Um, so then we sort of came inside and then um, then she was getting attended to. Um, and then we sort of um, had a bit of a plan about trying to secure the um, station. I think that's when Terry sort of took charge, took charge of Forward Commander there. Um, and then he mentioned, "Oh we'll just do um a couple of patrols out there, just to keep the – make sure no one is jumping the fences," and then TRG and that were on their way. Um, yeah.

POWELL: Alright so just a couple of things I want to make sure we um, cover on about your statement. At the time of this, were you issued a police body worn video camera?

EBERL: Yes.

POWELL: And was that activated?

EBERL: Yes.

POWELL: Okay.

EBERL: Before we went to, got out of the car we activated it.

POWELL: Yeah. And when was the um, recording finalised?

EBERL: Um, not for ages. Um, when-when I had a tussle on the ground, initially wrestling, my body worn ended up on the ground. Um, I've picked it up on the way out um, and tried to attach it to me somewhere so it might have been down here or something. Um, I kept it activated. We've brought him back here um, we started doing um, the helping in the-in the cell. I stuck my body worn on the door so it could sit there and record everything, what we were doing. Um, and kept it going until um, at some stage there I pulled it off and attached it to me, and then I was walking around and then after he sort of had ah died then ah, and we ended up being they said um, obviously got told to stop doing their re-sus or whatever, cause' I wasn't there I was doing something, running in, I can't remember what I was doing. Um, that's when I've sort of turned it off after the incident and sort of-sort of compounded it yeah.

POWELL: Yep. Um, so just wanted to clarify with the scissors, can you describe them to me?

EBERL: Yep. Um, they were like your scissors approximately say maybe 10 centimetres. There, um, they're probably the same sort of scissors you might find in a first aid kit, you know with the, they're not like fully sharp pointy ones but they're a little bit-a little bit blunter, use them for um they look like the same sort of iron, like a stainless steel sort of thing.

POWELL: And what about the handle?

EBERL: Um, they're just like they're they're like those um, round um, stainless steel ones.

POWELL: Um, and was that recovered at all?

EBERL: No. Once I pried it out of his hands, handcuffed him, then we've just basically get out of there because it was unsafe.

POWELL: Um, in regards to getting into the rear of the police vehicle, and then locked the cage –

EBERL: With-with him. Yep

EBERL: Yep.

POWELL: So that was you um, Mr WALKER, who else was in the cage?

EBERL: And ROLFE.

POWELL: And who was driving the vehicle?

EBERL: Um, probably, I don't I can't recall but I think I threw the keys to um, Tony HAWKINGS.

POWELL: Um, after all of this occurred, did you-were any items seized by you or did you establish any of the crime scenes?

EBERL: No they weren't seized by me. I think Tony um, took ROLFEY'S shirt um, and-and exhibited that in a-or put it in ah an exhibit bag. Um and I think his weapon was taken off him.

POWELL: But you haven't you weren't responsible for anything? And crime scenes? You responsible for any of them?

EBERL: No I didn't do that, that was um one of the other ah um, Yuendumu, not the Sergeant but the other I think ah said HAND I think. I um, I re-entered the crime scene once it was established at-at the body. Um, it was me and Felix ALEFAIO. Ah, we put him into a body bag. But it's ah, on a crime scene log that ah, was was established.

POWELL: And ah besides this statement that you've given me now, have you had any conversations with any person about what has occurred um, in regards to providing a complete version of events to them?

EBERL: Ah, I had a bit of a chat to one of the other members but it was more for my own sanity, a bit of a debrief about my own thoughts

and you know? What-what what I was doing and that sort of stuff cause' I only had a one person view um yeah.

POWELL: Yep. So you say, and I don't want to put words in your mouth, was that more of a um –

EBERL: Oh he mentioned what he seen and I was saying, "Oh well I didn't even seen that," cause' he was there too.

POWELL: Oh and which member was that?

EBERL: Tony.

POWELL: Do you remember what time that was approximately?

EBERL: It was after ah, it was after we retrieved the other members from Alice Springs from the plane. We were doing a cordon and walk around.

POWELL: Yep. Alright I will just ask to, Is all of what you've told me today the truth?

EBERL: Yep best of my knowledge yep.

POWELL: And you understand that it is an offence to make a statutory declaration that is false in any material?

EBERL: Yep of course.

POWELL: And can you please tell me where we are making this recording today?

EBERL: Ah at Yuendumu Police Station in one of the interview rooms, I'm not sure what number.

POWELL: And do you know today's date?

EBERL: Yep. It should be the 10<sup>th</sup>, I'm looking at my watch, of November 2019.

POWELL:

Thank you. My name is Benjamin POWELL. My business address is 2 of 44 Railway Terrace, Alice Springs. My contact phone number is [REDACTED]. I've been present for the entirety of this recording today. The time is now 3:34am on Sunday the 10<sup>th</sup> of November 2019. This concludes this recording.