

IN THE CORONERS' COURT OF THE NORTHERN TERRITORY

Rel No: D0310/2024

Police No: 3410378349

CORONERS FINDINGS
DHAKIYARR WIRRAPANDA
LONG TERM MISSING PERSON
Section 34 of the Coroners Act 1993

Warning

These findings refer to historical accounts which contain words, language and opinions that are derogatory of Aboriginal persons and may cause offence.

I, Elisabeth Armitage, Coroner, having investigated the death of **DHAKIYARR WIRRAPANDA [MISSING PERSON]** and without holding an inquest, find that the identity of the deceased was **Dhakiyarr Wirrapanda**, born on or about **1 January 1900** and that his **death occurred on or about 10 November 1934**, near **Kahlin Compound, Myilly Point, in the Northern Territory**.

Cause of death

1(a) Disease or condition leading directly to death: **Unable to be determined**

No remains have been located.

Dhakiyarr (also previously known as Tuckier and by other, apparently phonetic, spellings) was last sighted alive on 10 November 1934. If he were alive today, he would be over 124-years-old. In this the 125th year since his birth, I find that he is deceased.

Police investigation

Dhakiyarr Wirrapanda is currently listed as a Northern Territory Long Term Missing Person (LTMP). The definition of a LTMP adopted by the Northern Territory Police Force comes from the Australian New Zealand Policing Advisory Agency (ANZPAA) Policy for Missing Persons Investigations:

“A long term missing person is a person who has been missing for more than three months.”

There is no evidence of any previous investigation being carried out by the Northern Territory Police Force into the disappearance of Dhakiyarr and his suspected death has never previously been reported to the Northern Territory Coroner. The Cold Case Taskforce commenced an investigation in 2024 and provided a brief to the Territory Coroner on 10 January 2025.

There are documents stored at the National Archives of Australia which contain details of events leading to Dhakiyarr's arrest, subsequent Court proceedings and disappearance. It is not the intention of this report to cover in great depth the events leading up to his disappearance, beyond a basic summary and timeline of what occurred.

Investigations to date have not been able to determine the exact circumstances of his death or the whereabouts of his remains. Given the passage of time, there are no living witnesses available who may have firsthand knowledge of events.

Living persons named in these findings have consented to their names being included. His family have confirmed the current spelling of Wirrapanda and consented to images being reproduced.

Date, Time and Location Last Seen

Reverend Alfred Dyer is recorded as the last person to see Dhakiyarr alive. This was at the Kahlin Compound, Myilly Point, on 10 November 1934.



Last known image taken by Reverend Dyer at the Khalin Compound on 10 November 1934

Summary of Relevant Medical History

No medical records are available.

Proof of Life

As Dhakiyarr would now be over 124 years of age, proof of life checks have not been initiated. Normal avenues of enquiry relating to proof of life checks from 1934 are not available or did not exist at the time of his disappearance.

Fingerprints

No fingerprints for Dhakiyarr are held on the fingerprint database.

Familial DNA

Dhakiyarr's DNA is not held on the National DNA database.

The purpose of collecting DNA from family members is for comparisons with unidentified human remains (UHR). There is an ongoing national focus by law enforcement agencies in using familial DNA for the identification of recovered human remains. In this case, given the distance of the familial DNA obtained (closest being a grandson) there may be scientific qualifications concerning any future identification.

No UHR's are stored at the Royal Darwin Hospital Morgue that are likely matches for Dhakiyarr.

The following descendants of Dhakiyarr have been identified, relationship confirmed, and voluntary DNA obtained for any future comparisons:

Terry Dhukal Wirrapanda (Senior next of kin, date of birth 30 June 1954)

Grandson on fathers' side, father D. Wirrapanda, the son of Dhakiyarr.

Kathy Liyawaduy Marawili.

Great granddaughter, daughter of Terry Dhukal Wirrapanda.

Michael Bandarr Wirrapanda.

Great grandson, son of Terry Dhukal Wirrapanda

Cheryl Marrwulu Wirrapanda.

Great granddaughter, daughter of P. G. Wirrapanda (deceased) who was a grandson of Dhakiyarr.

National Missing Persons and Victim System (NMPVS)

All known details of Dhakiyarr have been uploaded to the NMPVS. The NMPVS provides a national platform for State and Territory Police Missing Persons Units and Forensic Examiners to search and compare LTMP against UHR.

Circumstances Surrounding the Disappearance

Edward "Ted" Joseph Egan AO thoroughly researched Dhakiyarr's life and death and published the results of his research in "Justice All Their Own: The Caledon Bay and Woodah Island Killings".¹ With his consent, the following circumstances draw extensively from this book and body of research.

Dhakiyarr was born near Blue Mud (Caledon) Bay, in north-eastern Arnhem Land in approximately 1900. Dhakiyarr was a highly respected tribal elder and lawman for the Dhudi Djapu Clan. He spoke no English and lived a traditional lifestyle. Dhakiyarr

¹ Melbourne University Press, 1966

had multiple wives and several children, and his descendants still reside in Arnhem Land today.

On 17 September 1932, five Japanese Trepang fisherman were killed near Caledon Bay by an Indigenous clan local to the area. Despite Dhakiyarr not being personally involved in these killings, this episode set about the chain of events that would initiate contact between Dhakiyarr and the Northern Territory Police Force.

Dhakiyarr along with another male, Mierra, were suspects in two other alleged murders. William Fagan and Frank Traynor were allegedly murdered on the East Coast of Arnhem Land on Woodah Island sometime in March 1933. Their bodies were never recovered and as was later discovered, there was little or no reliable evidence connecting Dhakiyarr or Mierra with these missing men.

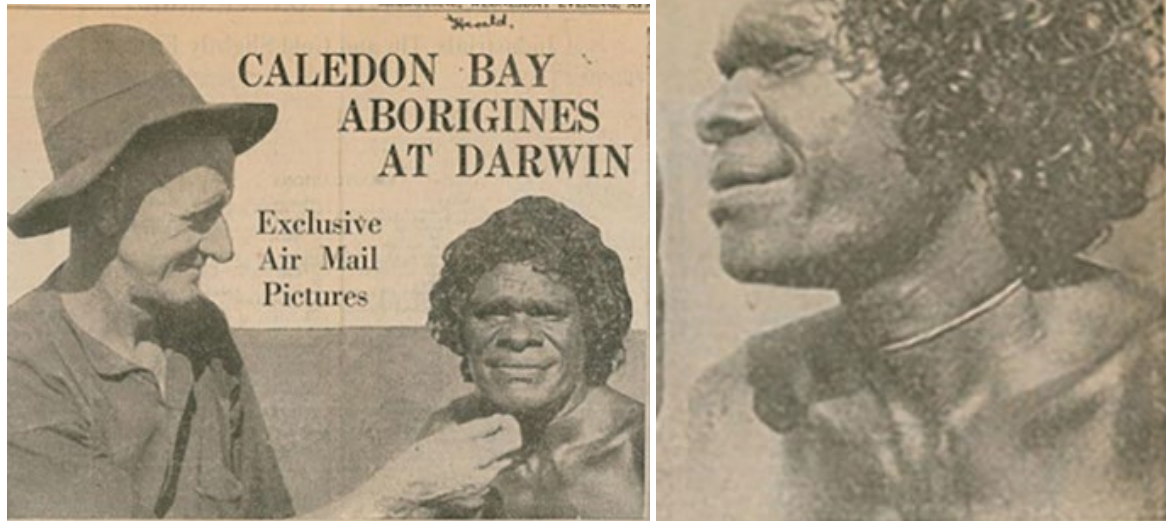
A police expedition was despatched from Darwin to Arnhem Land to commence investigations into the murders of the trepang fisherman. The expedition consisted of then serving Northern Territory Police Officers, Ted Morey, Jack Mahoney, Victor Hall and Albert McColl. The expedition members were assisted by indigenous trackers, Rueben, Big Pat, Roper Tommy, Lock, Minikman, and Dick. Dhakiyarr encountered the police expedition on Woodah Island on 1 August 1933. It was during this contact that McColl was speared through the heart with a shovel nose spear and killed. It is widely believed, and accepted by his living family, that Dhakiyarr threw that spear in the exercise of cultural law in defence of his wives.

On 8 April 1934 Dhakiyarr and Mierra, along with Mau, Ntajelma and Narkaya (who were suspects in the murders of the Japanese trepang fishermen) were conveyed via the vessel Oituli to Darwin. This arrangement was brokered by Warren Fowler and Alfred Dyer who were members of the Missionary Society based on Groote Eylandt. Also present was Fred Gray, a trepang fisherman with close ties to the local indigenous population. Gray had assisted with negotiations for the peaceful surrender of Mau, Ntajelma and Narkaya. There were fears that should an expeditionary force be sent by the Northern Territory Police Force there was the potential for further loss of life. The 1928 Coniston Massacre was still fresh in the minds of many. These arrangements were, therefore, apparently precautionary.



National Archives of Australia Melbourne Herald, April 18, 1938. Exclusive pictures from the Herald Darwin correspondent.

“The arrival of Rev A.J.Dyer, of the Anglican Peace Mission, and Mr Fred H. Gray, a Darwin trepanger, with 14 Caledon Bay blacks who surrendered for the murders of Constable McColl and a party of Japanese trepangers.”²



National Archives of Australia Melbourne Herald, April 18, 1938.

“Rev. A. J. Dyer shows Takiar how to pose for the camera and a side view of Takiar.”³

Dhakiyarr and the other Aboriginal men came to Darwin on a voluntary basis. He was not at the time in the custody of the Northern Territory Police Force. However, there is no doubt that Dhakiyarr and his companions had no comprehension of what lay ahead on arrival in Darwin in relation to court proceedings and custody arrangements.

The connection between the alleged trepang fishermen killings and the McColl killing is recounted by Justice Starke in *Tuckiar v The King*.⁴ In these remarks Dhakiyarr (then referred to as Tuckiar) is the appellant. Justice Starke said:

² Learning Resource text @Education Services Australia Ltd and the National Archives of Australia 2010. A1, 1933/7639

³ Learning Resource text @Education Services Australia Ltd and the National Archives of Australia 2010. A1, 1933/7639

⁴ *Tuckiar v The King* (1934) 52 CLR 335 at pp 348 and 349

The appellant belongs to a tribe of uncivilized aboriginals, who inhabit what is known as the Gulf country, in the far north of Australia. He neither understands nor speaks English. A Japanese had been killed by the aboriginals in Caledon Bay. In August of 1933, a police party was despatched to investigate this and other incidents. It consisted of Constables Morey, Hall, Mahoney and McColl, and some aboriginal police boys, who were used as interpreters and trackers. The party landed at Woodah Island in the Gulf of Carpentaria, and tried to get into contact with the natives. It marched about twenty miles, and found an aboriginal camp, recently deserted. Later, the party surrounded a number of lubras, or aboriginal women, whom they handcuffed and brought to the camp, and questioned, through the police boys, as to the killing of the Japanese in Caledon Bay. Two or three of these lubras belonged to the prisoner and may be described as his wives. Later again, the party saw a number of aboriginals on a rocky point which ran out into the sea, and a canoe load of aboriginals at the end of the point just disembarking. Leaving Constable McColl and two trackers with the lubras, the rest of the party ran across the neck of the point to intercept the aboriginals, but lost sight of them, and they escaped. The party then spread out in extended order, and went back through the scrub towards the camp where McColl had been left with the lubras. During these operations, the hat of Constable Mahoney was slashed by a spear across the puggaree, through the felt, and the police fired some revolver shots. Upon the party reaching the camp, McColl was not there, nor were the lubras, but the two police boys were still there. Search was made for McColl, and next morning

he was found dead, in a comparatively clear place not more than a quarter of a mile away from the camp. He had been speared through the chest, and a spear was found a few paces away, stained with blood. McColl's revolver was found lying beside him. There were six cartridges in it: three had been fired, but one had been a misfire. He was buried nearby. All the aboriginals, men and lubras, were, according to the evidence, wild, excited and frightened, but it is sworn that the lubras calmed down when told what the police wanted, and that their handcuffs were removed before the police attempted to intercept the aboriginals on the point already mentioned.

About the end of 1933, a missionary party went to Caledon Bay to investigate the killing of Constable McColl. They met more than a hundred aboriginals on Woodah Island, including the prisoner Tuckiar and another aboriginal called Parriner. The expedition recovered the body of Constable McColl and arranged with the aboriginals that several of them, including the prisoner and one Marara, should proceed to Port Darwin, the administrative headquarters of the Northern Territory, some hundreds of miles away, and explain their actions, and, if necessary, "take the consequences." The prisoner voluntarily proceeded to Port Darwin, and was there arrested and charged with the murder of Constable McColl.

H. C. OF A.
1934.
TUCKIAR
v.
THE KING.
Starke J.

On arrival in Darwin Dhakiyarr was immediately arrested and taken into custody to face charges in relation to the murders of McColl, Fagan and Traynor. Dhakiyarr was taken to the Fannie Bay Gaol and remanded to await the trials.

His first encounter with the courts was from 25 to 27 July 1934. Northern Territory Coroner, Norman Crighton Bell, held an Inquisition into the death of McColl. Following the Inquisition, Dhakiyarr was committed to the Supreme Court for trial. The coroner's 'verdict' is extracted as follows:

2 p.m. Friday 27th July 1934.

After hearing the evidence of Harry an aboriginal.

Verdict

The Coroner said :-

I find that the deceased Albert Stewart McColl died at Woodah Island, Northern Territory on the first day of August 1933 as the result of a spear wound, and that the spear which caused his death was thrown by Tuckiar an aboriginal, on that same day.

After the verdict was read aloud the defendant was called upon to stand up and the usual caution was read aloud to him. After the charge had been read aloud to him Mr. Fitzgerald on behalf of the deft. said

"We reserve our defence".

The deft was committed for trial at the next Sessions of the Supreme Court.

NORMAN C. BELL. S.M.

CORONER.
27/7/34.

National Archives of Australia NAA: A1, 1936/4022 Part 2

On 2 August 1934, the joint trial of Dhakiyarr and Mierra commenced for the alleged murders of a Fagan and Traynor (which is somewhat confusingly referred to in the Judge's summing-up as "the murder of a certain person whose name is unknown"). After the summing-up (notes of which are extracted below) both men were found not guilty.

Judge's summing-up.

The following are the principal statements made by the Judge in his summing-up :-

"The accused are charged with the murdering of a certain person whose name is unknown.

The most astonishing feature about the case is the manner in which it is presented by the Crown.

Apparently the position is that there are strong reasons for believing that two men were murdered on that occasion a year ago. Apparently there is some reason to think that the two men before you are the persons responsible for the murder. Apparently not one single thing has been done by the Crown to clear the matter up. I may be wrong, for the Crown may have produced Parraner. It is almost incredible that a thing like this should have happened and nothing been done by the Government about it.

The public is entitled to an explanation of it. You as a Jury are entitled to it. At the same time as members of the Jury you are not entitled to allow that fact to sway your minds in any way. You must consider the case on the evidence that has been put before you, notwithstanding that the Government, the Administration or somebody lamentably failed in its duty.

First there is the question of proving whether any person actually was killed. Bones were found on the island. As far as anyone knows they are still there. They are not brought to Darwin and no examination is made to ascertain whether they are of a white man or a black. It has been suggested that they are the bones of one of the two men whom Mr. Gray told you he saw setting out in that direction. Not the slightest effort has been made to bring evidence, that might have been brought before you, to satisfy you that they are the bones of a white man.

Similarly the wreckage of the boat has not been brought here. Part was taken to Groote Eylandt. If brought to Darwin it might have been identified as part of the boat connected with the case. That has not been done.

You have also been told that a half-caste boy on the staff at Groote Eylandt acted as interpreter between Dyer and Warren and these accused, who made statements to them. That boy could have been produced but nothing has been done to produce him. It is incredible.

According to Mr. Gray's evidence, he last saw two white men at Arnhem Bay. That is all you have before you. No evidence is given as to whether they are dead or alive. The absence of white men between Groote Eylandt and Millingimbi might have been important, but none of that evidence helps you much. That is all you have.

All that you have before you in regard to the bones is that Mr. Gray states that if they had been of an aboriginal they would have been put away.

All you have before you to assist you is the alleged confessions. Ask yourselves whether you can accept one or either of them. You cannot accept both - they are quite different. You must consider whether you can accept either of them and, if so, which one.

You must seriously consider whether you can rely on the detail given. The detail is given by a wild aboriginal through an interpreter and there is great difficulty in understanding what is being said by the witness and by the interpreter. You must ask yourselves seriously whether you can rely upon it.

The confession made to Harry is given by himself, without the aid of an interpreter, nevertheless he is an aboriginal and it is more than likely that he will colour it with his own ideas. If you decide to accept his story you must ask yourselves whether you can accept it as to details.

There may be something in the fact that Parraner's story was told to him fairly shortly after the events happened. It is possible that Tuckiar and Merara could go along to Parraner and tell him a story that is not true. Aboriginals are prone to boasting as we all know.

If you cannot rely on either of the confessions, you should bring in a verdict of not-guilty.

If you rely on Parraner's story you will have to ask yourselves whether you are satisfied that the blow given by the accused to the man who fell into the water was the cause of his death.

If you are satisfied that the story establishes a killing - it is a matter for you whether a man actually was killed or not - if you are satisfied that these two men were killed you must ask yourselves whether the killing constituted murder. If you accept the whole of the story, it amounts to killing.

If you cannot accept either story you should find the accused not-guilty.

If you accept Harry's story you probably will not have any difficulty in finding a verdict of not-guilty.

Unless you can rely upon the confessions made by Parraner through an interpreter you should bring in a verdict of not-guilty".

The Jury brought in a verdict of not-guilty and the prisoners were discharged. Tuckiar, however, will be held in custody awaiting trial for the murder of Constable McColl.



Mierra was released from custody. It is not known if Mierra was provided any assistance or made his own way back to Arnhem Land. It is believed he was later killed in a fight with a rival clan.

Dhakiyarr was remanded in custody awaiting trial for the killing of McColl.

From 3 -6 August 1934 Dhakiyarr stood trial for the alleged murder of McColl. He was found guilty and sentenced to death by Judge Thomas Alexander Wells.

An appeal was lodged in the High Court of Australia which was upheld. On 8 November 1934, the High Court quashed the conviction and took the relatively rare course of entering a verdict of acquittal. The High Court held that Dhakiyarr had not received a fair trial, the trial had seriously miscarried, and there was no prospect of him receiving a fair trial.

The High Court ordered Dhakiyarr's immediate release and Justice Starke added that he assumed "*steps would be taken by the Commonwealth to arrange for 'Tokia' to be sent to his own country*".⁵

On 9 November 1934 a press release was drafted by the Minister for the Interior, the Honourable T. Paterson. The press release made it clear that Darwin Authorities were to escort Dhakiyarr back to Arnhem Land as soon as possible:

⁵ F.F.Clauson, Deputy Crown Solicitor, 8 November 1934, Australian Archives ACT CRS A 432 Item 34/1437

In accordance with the High Court decision, arrangements had been made for Takiar to be released immediately. The Administrator had been instructed to take every precaution to ensure that the aboriginal in question received sustenance and protection, and that he was escorted as soon as possible right back to his home.

Mr. Paterson pointed out that, as the wet season had now set in, the escorting of Takiar back to his home was not an easy matter but that he was sure the Authorities in Darwin would overcome the difficulties. In any case everything that was humanly possible would be done to see that the aboriginal returned to his own people with a minimum of delay.

Mr. Paterson had been informed by an officer of the Department who had just returned from Darwin and had taken a special interest in Takiar, that the aboriginal was in splendid physical condition and that he had received the best of treatment during the whole time he had been in Darwin. It was highly probable that Takiar would return to his tribe as an emissary of peace and a friend of the Government.

AUSTRALIAN ARCHIVES ACT CRS A1

ITEM 36/4022 Pt 2

Dhakiyarr was taken from the Fannie Bay Gaol to the Kahlin Aboriginal Compound at Myilly Point.

The Kahlin Compound was established in 1913. It was used to segregate Aboriginal people and house children (the stolen generation), and it remained in operation through to 1939. It was not a prison, but it was surrounded by flimsy wire fencing.

The last confirmed sighting of Dhakiyarr was by Reverend Alfred Dyer during the afternoon of 10 November 1934, at the Kahlin Compound. Dyer took a photograph of Dhakiyarr and an unknown male at this time. Dyer was planning to take Dhakiyarr to the movies during the afternoon. Apparently, Marlene Dietrich was starring in "Blonde Venus" which was playing at the Star.⁶

Sometime after Dhakiyarr's interaction with Dyer, he left the Kahlin Compound and has not been reported as sighted again. Articles published in various newspapers from 12 November 1934, provide some insight into the circumstances of Dhakiyarr's disappearance from the Kahlin Compound.

According to a published article in the Sydney Morning Herald it was reported to Superintendent Leonard Robert Samut that Dhakiyarr had "gone bush". Samut was the Superintendent-in-Charge of the Kahlin Compound at the time and was also a

⁶ According to L.A.H Giles, in a letter to A.V. Stretton, Superintendent of Police Darwin, 17 September 1947, held in the NT Police Museum

former guard at the Fannie Bay Gaol during Dhakiyarr's period of incarceration.⁷ Dhakiyarr is said to have gone missing from the compound during a heavy storm on the Saturday afternoon of 10 November 1934. Because of the rain all tracks were lost. It is not known who provided the information to Samut. The comment of "going bush" and the tenor of the article give the impression that Dhakiyarr left on his own accord, but it was also reported that he left without his trousers (or a singlet⁸) and was at danger of being killed by a hostile tribe. It was reported that "no efforts are being made to bring him back to Darwin" and his disappearance solved a problem for the local authorities who had been expected to return him "to his native country".⁹

Apparently keen not to be held to blame for his absence, the following 'lettergram' was sent from Darwin to the Department of the Interior, Canberra:

Form T.C. 42.1
 "FOR QUICK SERVICE USE THE TELEGRAM."
 THE INFORMATION ON THE BACK OF THIS FORM WILL INTEREST YOU.
 Sec. 452, 3/1930.

COMMONWEALTH OF AUSTRALIA - POSTMASTER-GENERAL'S DEPARTMENT.
RECEIVED TELEGRAM.
 This message has been received subject to the Post and Telegraph Act and Regulations.
 The time received at this office is shown at the foot of the form.
 The first line of this Telegram contains the following particulars in the order named.

Office Date Stamp: 4 PM 13 NOV 1934
 TELEGRAM
 By: [unclear]

Station from.	Words.	Time Lodged.	No.
30 DARWIN	81 9 PM 12 TH		

LETTERGRAM .. DEPARTMENT INTERIOR
 CANBERRA 57.

ALTHOUGH CHIEF PROTECTOR TOOK PRECAUTIONS HOLD TUCKIAR BY APPOINTING
 HALF CASTE TO GUARD HIM TUCKIAR LEFT HUT DURING HEAVY STORM RAIN
 OBLITERATING ALL TRACKS STOP BUT FOR COURT ORDER TO RELEASE HIM

IMMEDIATELY HE WOULD HAVE BEEN DETAINED AT GAOL UNTIL MORNING
 OF DEPARTURE OF TRAIN AS COMPOUND NOT PLACE OF DETENTION FOR
 MYALLS STOP REVEREND DYER WITH TUCKIAR DURING PORTION SATURDAY
 AFTERNOON AND ARRANGED TAKE HIM TO PICTURES AT NIGHT WHEN HE
 WAS DISCOVERED MISSING ... ADMIN

Seen by Minister
McBrown
 14. 11. 34

1-21/8

AUSTRALIAN ARCHIVES ACT CRS A1
 ITEM 36/4022P2

Neither the identity of the "half caste" guard mentioned in this correspondence, nor his position, are known.

If Dhakiyarr had not disappeared the plan had been to take him by train and car to Roper Mission as outlined in the following telegram:

⁷ According to A.V. Stretton, Superintendent of Police Darwin, in a letter to L.A.H Giles, 23 September 1947, held in the NT Police Museum

⁸ By our special representative, "Singlet and Trousers for Government", Melbourne Herald, 20 November 1934, Australian Archives ACT CRS A1 Item 36/4022842

⁹ From our special correspondent, "Tuckier Takes to the Bush, Bid To Return To Tribe", Sydney Morning Herald, 12 November 1934, Australian Archives ACT CRS A1 Item 36/4022842

"FOR QUICK SERVICE USE THE TELEGRAPH."
THE INFORMATION ON THE BACK OF THIS FORM WILL INTEREST YOU.

RECEIVED TELEGRAM.

This message has been received subject to the Post and Telegraph Act and Regulations.
The time received at this office is shown at the foot of the form.

Sch. C42. 3/1930.

The first line of this Telegram contains the following particulars in the order named.

Station from. Words.
34 DARWIN 41 11 AM

Time Lodged.

No.



INTERIOR CANBERRA

TUWKT UPIGG DCRQQ WROOO NOOKG NAPBB ANNMX KZAVK DZOXK CRODO
CXNIK NDEVO A FIV PNRXI DFUCI GEFLF GYFUT ADAOO ANNMX
KZAWH ABABY BHOZO GRPUU NXNAV HASDV RDRRN KZEAX AZLRP CRLGV
RAOQY NZIEL KLEDL ABANN LUFEP HUZLO FBRL IXRDN HAROT

ADMIN

D E C O D E.

Your telegram 9th November Tuckiar released from prison afternoon of November 9th delivered to the care of Chief Protector and taken to compound from which he absconded afternoon of November 10th. Arrangements had been made return him by train November 14th and by car to Roper Mission. All police instructed to endeavour to locate him.

The Minister

For information. In view of the specific instructions forwarded to the Administrator the above is most unsatisfactory

H.C. Brown

12. 11. 34

It is apparent that after his disappearance there were immediate and serious concerns for his safety. For example, this letter dated 12 November 1934, from the Association for the Protection of Native Race's, addressed to the Minister of Interior, T. Patterson:

"Association for Protection of Native Races earnestly requests Commonwealth Government to instruct immediate steps be taken by Darwin Authorities to find Tuckiar and protect him from dangers he is exposed to and provide safe conduct for his return to his own country as

was directed by high court his present position is equivalent to re-imposition of death penalty. (Rev W. Morley). ”¹⁰

The Investigating Officer, Cold Case Unit, Commented

There is a lack of information and documents concerning Dhakiyarr's disappearance from the Kahlin Compound. While it is widely accepted that records were destroyed during the bombing of Darwin in World War Two (February 1942 to November 1943) and in the destruction of Darwin during Cyclone Tracy on 24 December 1974, it is also possible that there was little or no documentation of what, if anything, was done concerning his disappearance.

The two prominent scenarios about what may have happened to Dhakiyarr are that:

- (a) he left the Kahlin Compound on his own accord to travel home and perished sometime thereafter; or
- (b) he was murdered by members of the Northern Territory Police Force in retribution for the killing of McColl.

As to the first scenario, we do not know whether Dhakiyarr was told or understood that his conviction had been quashed or what this meant, whether he believed what he was told or whether he might have thought it a trick. With the change in security levels at the Kahlin Compound compared to Fannie Bay Gaol, it is plausible that Dhakiyarr took the first opportunity to run away.

A copy of a letter dated 23 September 1947, from Northern Territory Police Superintendent Alfred Stretton to former Assistant Administrator Leslie Giles, is in the NT Police Museum. Stretton oversaw the Northern Territory Police Force at the time, and he wrote:

Nothing was ever heard of Tuckiar after his absconding from the Aboriginal Compound at Myilly Point. There was one very unfortunate incident in his imprisonment and release. Samut, you will remember, was a guard at the Fanny Bay gaol where Tuckiar was imprisoned in the condemned cell. He actually was in charge of Tuckiar. Shortly after Tuckiar's conviction Samut transferred to the Native Affairs Branch at the compound.

You will remember the Federal Government appealed to the High Court against his conviction for murder, the grounds being misdirection of the Jury. The appeal was upheld and Tuckiar was released. He was immediately taken to the compound where Samut was placed in charge of him. It is easily understandable that he would suspect some "funny business."

There were rumours that Dhakiyarr made his way to Shepperton, Victoria on a south-bound truck or to Mornington Island, Queensland. However, these rumours seem unlikely given Dhakiyarr did not speak English and was a traditional Aboriginal man with strong bonds to the Caledon Bay area of Arnhem Land. As Ted Egan explained, "he's not going to do that. He's got promised wives waiting for him. He's got wives and children" waiting for him.¹¹

It was also hypothesized that Dhakiyarr may have been murdered by a rival clan while travelling to his homelands. While this is the believed fate of his co-accused, Mierra,

¹⁰ Australian Archives ACT A 432 Item 34/1437

¹¹ Interview between Glen Chatto and Ted Egan, 10 September 2024, p 50

no evidence exists to confirm this same fate befell Dhakiyarr. It has not been suggested that, if he left of his own volition, he lacked capacity to find his way home.

Dhakiyarr was apparently healthy and well-nourished when he was released from goal. So there is no reason to suspect that he died of natural causes shortly after leaving the Khalin Compound.

The second scenario, in which Dhakiyarr was murdered by members of the Northern Territory Police Force, has been a long-standing theory. The expressed desire for retaliation from McColl's brother, Stewart, along with what may have been perceived by some as the injustice of an acquittal, would have undoubtedly been significant to then serving police officers. In these circumstances, a motive to harm Dhakiyarr may have existed among some serving police officers.

A series of letters received or written by Stewart McColl are in the Ted Egan collection at the Northern Territory Archives. These letters, from 11 November 1932 to 2 May 1935, cover the period from before McColl's death up until after Dhakiyarr's trial and subsequent disappearance. The letters in the collection are copies made by Egan. They were made with the permission of, and from originals provided by, Stewart McColl. The letters provide an insight into some of the attitudes of the day. For example, Stewart McColl was apparently agitating for some sort of retribution when he wrote to Mounted Constable Victor Hall on 29 September 1934, in these terms:

Dear Sir,

I have your letter of the 14th August setting out the details of my brother's death. On behalf of our family and myself I wish to thank you very much for this news.

Although I received certain meagre details from Headquarters I was eagerly looking forward to a letter from you. Details that were being published in the papers were very conflicting, and it was difficult to arrive at any definite conclusion.

There was a hue and cry about sending a punitive expedition against the natives, and much of the talk that was going on was made by folks who know little of the outback conditions of Australia.

No doubt it was a terrific blow to you chaps to have found my brother speared, and it is fairly safe to assume that effective retaliation will be carried out by his comrades. I realise the difficulties in apprehending these perpetrators of the crime, and it appears that little can be done until after the rainy season.

The theory in which members of the Northern Territory Police Force are involved in Dhakiyarr's murder is explored in Egan's research and book and the documentary film "Dhakiyarr vs the King".¹² Egan is one of very few living people to have interviewed critical witnesses. Egan reports that he obtained second-hand information implicating then serving police officers in the murder of Dhakiyarr. In his book "Justice all their own: The Caledon Bay and Woodah Island Killings 1932-1933"¹³ Egan wrote:

"It is widely believed in Darwin that Tuckiar was shot by the police and dropped in Darwin harbour. In 1991 a former Darwin resident was prepared to sign a statutory declaration that she had several times heard a particular policeman brag, 'in his cups', that he had personally shot Tuckiar. Unfortunately, the woman then had a stroke."

¹² A Film Australia National Interest Program. Produced with the assistance of CAAMA Productions and the Australian Broadcasting Association. Made in collaboration with Dhuruputjpi and Yilpara Communities of Blue Mud Bay, northeast Arnhem Land. Executive producer Anna Grieve. 2004

¹³ Melbourne University Press, 1966

As part of this investigation, Egan participated in a lengthy interview with the Cold Case Investigator, Detective Acting Sergeant Glen Chatto, on 10 September 2024. Egan would not provide the name of this bragging ‘particular policeman’ as the information he received was hearsay. However, Egan confirmed that the ‘particular policeman’ was known to him but had never confessed to him any involvement in Dhakiyarr’s disappearance. Egan also confirmed that the ‘particular policeman’ is now deceased.

Egan not only confirmed the conversation with the ‘former Darwin resident’, he also disclosed the source, a Mrs Wilson, who was the wife of Herald Sun correspondent Eric Wilson. E. Wilson covered the trial of Dhakiyarr in 1934. Investigations have been carried out identifying Mrs Wilson as Helena Mary Wilson, born 9 July 1907 (H. Wilson).

A letter in the Darwin archives provides insight as to how Egan came to be in touch with H. Wilson. The letter to Egan dated 29 August 1988, was sent by Campbell McKnight of the Australian National University (ANU), Department of History, and contained the following:

“Another story comes to mind from a mate Ian Wilson (Dept of Political Science Facility of Arts ANU) whose father was a journalist for I think the Melbourne Sun in Darwin at the relevant period. The family story is that police took Dhakiyarr out of town and shot him. Ian had some interesting photos and a shovel nose spear which was supposed to be that which killed McColl. He was intending to hand the stuff over to the A/AS. Perhaps it would be worth dropping him a line.”

The Ian Wilson referred to in McKnight’s letter is the son of H. Wilson and is now deceased (having died on 7 May 2011). Other family members have, however, been identified and some spoke to Chatto. The living descendants spoken to were H. Wilson’s daughter, Janet Vallee, her granddaughter, Petra Jones-Wilson and her grandson, Michael Wilson. All confirmed that the disappearance of Dhakiyarr was commonly discussed among the family, however, they offered no information concerning admissions by a serving police officer to the murder.

In 1994 Egan also sought further information about Dhakiyarr's disappearance by public request via notice in the NT News. In response to this notice, he was told by two ‘old Darwinites’ that a policeman called Vic Hall shot Tuckier. The names of the two sources of this information were referenced in his book as:¹⁴

“Telephone interviews with Stewart Elliot and Len Graham, Darwin August 1994.”

When speaking to Chatto, Egan relied on what he had previously reported, namely, that both Elliot and Graham, in separate phone calls, told him that the same ‘particular policeman’ (who had boasted to H. Wilson that he had shot Dhakiyarr) told them a different story. The ‘particular policeman’ told the ‘old Darwinites’ that Vic Hall shot Dhakiyarr. Egan had no independent recollection or original notes of his conversations with the ‘old Darwinites’. But was confident that, due to their respective ages at the time, the ‘old Darwinites’ were certainly now both deceased.

Mounted Constable Victor Charles Hall was part of the police party sent to investigate the murder of the trepang fisherman and was present when McColl was murdered.

¹⁴ p 192 and footnote 5 of Chapter 12

Hall was a Northern Territory Police officer from 5 November 1924 until 2 March 1943. Hall died on 11 February 1972.

While there is a motive for a then serving member or members of the Northern Territory Police Force to harm Dhakiyarr, it has not been established by any reliable evidence that any one or more police members acted on that motive.

In the absence of any living witnesses, forensic evidence, or a body, there is very little scope for establishing accurate facts when it comes to either of the commonly postulated scenarios. Neither can be confirmed or categorically ruled out.

Investigation Deficiency

Egan has declined to identify the ‘particular policeman’ named by H. Wilson because the information he received cannot be confirmed and may be unreliable. H. Wilson’s living family members have no recollection of her talking about a confession, though they recall her discussing Dhakiyarr. Although Egan recalled the conversation with H. Wilson took place by phone in 1991, her daughter, Vallee, doubted her mother’s capacity to speak at that time, as she suffered from strokes in 1989. Vallee also reported that while Ian Wilson was “prone to exaggeration” she had no reason to believe he would have exaggerated matters when discussing them with McKnight or Egan.¹⁵

Conclusion

The LTMP investigation has not been able to identify any evidence as to the cause of death or the whereabouts of Dhakiyarr's remains. However, given his estimated age and last known sighting, it is safe to conclude that Dhakiyarr is deceased. On the available information I am satisfied that he died on or about 10 November 1934 in the vicinity of the Khalin Compound. Further circumstances as to his cause of death cannot now be ascertained with certainty.

In a remarkable and generous act of reconciliation, and in keeping with a cultural imperative to lay the spirit of Dhakiyarr to rest, a group of nine larrakitji ceremonial log coffins were presented by the Dhubi Djapi clan to the Darwin Supreme Court in 2003. That ceremonial occasion is described in the following report.¹⁶ The larrakiji are admired by all visitors to the Northern Territory Supreme Court. Dhakiyarr is not forgotten.

¹⁵ Statutory Declaration, Janet Valee, 22 November 2024

¹⁶ Balance, J 11 NT LawSoc 2003

Wukidi ceremony for Dhakiyarr Wirrpanda

On Saturday 29 June, a Wukidi ceremony was held for Dhakiyarr Wirrpanda at the Darwin Supreme Court.

This historical act of reconciliation was attended by Chief Justice of Australia Murray Gleeson, Chief Justice of the Northern Territory Brian Martin, Solicitor General, Tom Pauling QC, and a healthy contingent of the local legal profession and the general public.

The first part of the ceremony took place in Liberty Square, outside the Supreme Court, and involved traditional dancing, singing and music.

The ceremony was then taken inside the Supreme Court for the ceremonial installation of the Larrakitj poles (mortuary poles).

The aim of the Wukidi ceremony was to lay the spirit of Dhakiyarr to rest. The ceremony stems from Garrawan (Woodah Island) in north east Arnhem Land.

The idea was conceived and driven by the Yolngu people, but NT Solicitor-General Tom Pauling QC acted as the Program Co-ordinator for the event.

"This is undoubtedly the most powerful act of reconciliation in Australia ever," Mr Pauling said.

In October last year, Dhakiyarr's

descendants (the Yolngu people) made a proposal to Chief Minister Clare Martin that a Wukidi ceremony be held in Darwin and that Larrakitj poles be erected as a permanent memorial.

In the letter the Yolngu described the importance of the Wukidi ceremony.

"We believe that he [Dhakiyarr] was shot and his bones are left in Darwin Harbour. To us Yolngu people, these bones are very important to our ritual because the bones have grown from the land and contain the strength of the land. Because these bones are in Darwin, it leaves us feeling empty without the strength they contain."

"This is undoubtedly the most powerful act of reconciliation in Australia ever."

"We know that bones are also important in your culture and you will understand. We remember that when Constable McColl was killed at Woodah Island that his bones were later collected and taken back to Darwin where they had a big funeral for him. This never happened for our leader and all we have left of him is a photograph."

"This ceremony will be an act of reconciliation between the Northern Territory Government and us, the family of Dhakiyarr Wirrpanda. We would like the site of the Wukidi to be a permanent memorial to our leader and a



A member of the McColl family spoke at the ceremony.

monument for our children, and their children also, to remind them that this was the last ground our leader stood upon."

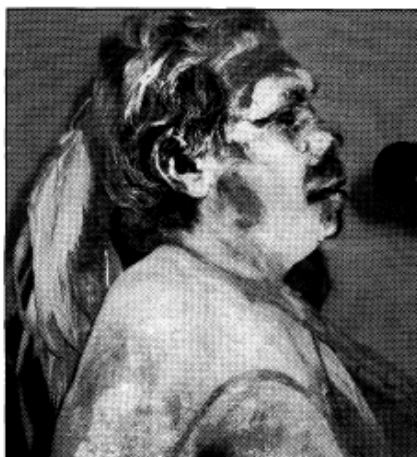
The Larrakitj poles were prepared and painted by the foremost artists in the region and hold great spiritual significance to the Yolngu.

The cover photo is of the ceremonial installation of Larrakitj poles in the Supreme Court.

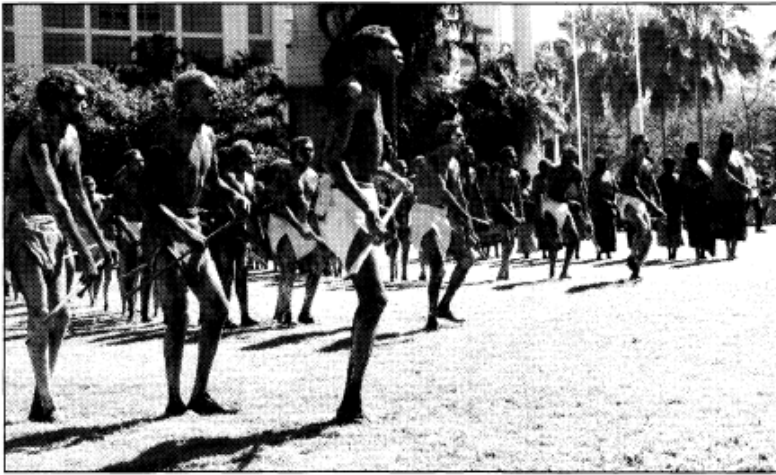
Chief Justice Murray Gleeson attended the ceremony on behalf of the High Court, to accept thanks from Dhakiyarr's family.

In the spirit of reconciliation, 35 members of Constable McColl's family also attended the ceremony and received an apology from Dhakiyarr's family.

After the ceremony, some of the McColl family went to stay with the Yolngu in north east Arnhem Land.



Dgambawa Maramulli, a representative of the Yolngu, explains the ceremonial proceedings.



Yolngu dancing as part of the Wukidi ceremony



History of Dhakiyarr Wirranda

Dhakiyarr Wirranda was a senior ceremony man for the Yolngu people, from Blue Mud Bay in north east Arnhem Land.

In the early 1930s he speared Constable Albert McColl to death in controversial circumstances.

Dhakiyarr came to Darwin to tell his side of the story and was subsequently arrested and tried for murder.

Tried in the Northern Territory

Supreme Court, a jury found Dhakiyarr guilty and he was sentenced to death.

In 1934, Dhakiyarr successfully appealed to the High Court and had his conviction quashed (*Tuckiar V The King* (1934) 52 CLR 335).

The Administrator of the Northern Territory was told to ensure that Dhakiyarr had a safe passage home, but after his release he never made it home and was last seen alive in Darwin.



Dgambawa Maramulli, Justice Trevor Riley, Chief Minister Clare Martin, Chief Justice Brian Martin, Wuyal Wirranda and Chief Justice Murray Gleeson, outside the Supreme Court.

Pursuant to section 16(1) of the *Coroners Act 1993* I have decided not to hold an inquest because I do not consider that the holding of an inquest would elicit any information additional to that disclosed in the investigation to date. The circumstances do not require a mandatory inquest because the deceased was not, immediately before death, a person held in care or custody, and the identity of the deceased is known.