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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 27 FEBRUARY 2023

(Continued from 30/11/2022)

Transcribed by:  
EPIQ

THE CORONER: Welcome back everyone.

Dr Dwyer.

DR DWYER: Thank you, your Honour. Your Honour, we have a fairly packed two weeks planned for this next session. The first witnesses will be Gerry Jungula Patrick and Wanta Patrick who are via AVL from Lajamanu. And we also have Valda with us again this morning.

THE CORONER: Hi, Valda, how are you?

DR DWYER: Your Honour, we can start with that without further ado, but I just note that in relation to the remainder of the witnesses, after we hear from Gerry Jungula and Wanta Patrick we'll then hear from Deputy Commissioner Smalpage who I expect to take the remainder of the day.

After we hear from the first two witnesses I anticipate there'll be some housekeeping so we'll pause there and deal with some of those issues before Deputy Commissioner Smalpage is heard.

THE CORONER: Sure.

DR DWYER: We'll then hear from Assistant Commissioner Porter and some other witnesses throughout the week. As is customary with institutional witnesses NAAJA will lead evidence from Gerry and Wanta Patrick this morning and then when it comes to the institutional witnesses for the police Dr Freckelton, I anticipate if it pleases the court, will lead evidence from Deputy Commissioner Smalpage and Assistant Commissioner Porter.

Next week we will hear from Health and Housing and it's anticipated that their lawyers will lead the evidence from those witnesses. So, I will update the court as we go along with respect to the timetable but those witness lists will be published online for everybody to see.

THE CORONER: Great. Thanks, Dr Dwyer.

And we'll get that link up.

Hello. Is that Mr Gerry Jungula Patrick and Mr Wanta Patrick? Can you hear us or not?

DR DWYER: I think we're having some difficulty with sound on the livestream.

MR PATRICK: Hello.

THE CORONER: Hello. Look, thank you very much for making yourselves available today from Lajamanu I understand.

MR PATRICK: Yep.

THE CORONER: Just before we start hearing from you which is Mr Gerry Jungula Patrick?

MR G PATRICK: That's me.

THE CORONER: That's you. Thanks.

GERRY JUNGULA PATRICK, affirmed:

WANTA PATRICK, affirmed:

THE CORONER: You're part of the Southern Kurdiji, is that correct?---Northern Kurdiji.

Northern Kurdiji, okay. I'm sure that Mr Espie's going to help us understand that. Can you hear us okay?---Yeah I can.

Perfect. We can hear you but we're also broadcasting this via livestream and apparently we're just having a little bit of difficulty with the audio on the livestream. We're just going to ask you to wait for a minute while we sort that out?---Okay.

I'll just go off the Bench, relax for a moment. I'll be back shortly.

WITNESSES WITHDREW

ADJOURNED

RESUMED

DR DWYER: I understand that last stream is all sorted out now, so Wanta and Jungula are ready to go.

THE CORONER: Fabulous. Thanks again for coming to give evidence from Lajamanu, we really appreciate it.

Mr Espie?

MR ESPIE: Good morning again and just to confirm, your Honour, I'm all set with the live screen and we have Gerry Jungula Patrick on the right and Stephen Wanta Patrick.

XN BY MR ESPIE:

MR ESPIE: Good morning again to you both and just to confirm, it's Nick Espie from NAAJA. Welcome back. Can you both hear me okay?

WITNESS JUNGULA PATRICK: Yep.

WITNESS WANTA PATRICK: Yes.

MR ESPIE: And just to confirm, Wanta, you're the son of Patrick, sitting next to you?

WITNESS WANTA PATRICK: Yes.

MR ESPIE: All right. And we wanted to talk today about some of the work that you've both done and still do with *Kurdiji Law and Justice Group*.

WITNESS WANTA PATRICK: Yep, we do, yep.

MR ESPIE: And perhaps, just first with you, Jungula, you've been working with Kurdiji for quite a long time. Is that right?

WITNESS JUNGULA PATRICK: Yeah.

MR ESPIE: Do you know when you first started working at Kurdiji?

WITNESS JUNGULA PATRICK: I don't know. I don't know what year. It's a fair while, I believe I'm the longest serving in Kurdiji member, yes.

MR ESPIE: If I was to say at least 30 years. Does that sound about right?

WITNESS JUNGULA PATRICK: Yes.

MR ESPIE: And we just want to talk through some of the work that Kurdiji does,

perhaps if I say this first and ask that you explain, other than yourselves, Kurdiji has a number of other members?

WITNESS JUNGULA PATRICK: Yep, they were started (inaudible) start here, some of them more than that. So, they were really – most of them were really Elders, but at his age and younger. (inaudible) all the way I say (inaudible) with the family.

MR ESPIE: All right. And some of the things Kurdiji does is work with police and the supports and with lawyers. And part of that is writing letters to explain issues around offenders and victims going to court. Are you able to talk a bit about some of that work?

WITNESS JUNGULA PATRICK: Yeah, that's more like what we've already been doing for lots of times, make sure that criminal court work with our young troublemakers and work to make sure that everything is way more – yeah. We have to get even the local chaplain and all that mob to work with us as well. You know, they have to get us to work with them. Because the interpreting of, you know, translating all this meanings and everything, all of that, all of it, yeah.

MR ESPIE: Sorry, just having a bit of trouble hearing. Just confirming, you said part of what you do is interpreting culture and something else?

WITNESS JUNGULA PATRICK: Yeah, all of that. And then because some of the young fellas and young ladies are – have trouble understanding English. So, we got to direct them with (inaudible) as we're doing more (inaudible).

MR ESPIE: And mentioned some young people who not so much understand English, is part of your job also to help the courts makes decisions because judges and lawyers and police don't understand everything about what Warlpiri lore and culture and the people in the community.

WITNESS JUNGULA PATRICK: Yep, we'll explain it and we even write those letters, those statements that we would write trying to explain the cultural part of the – what the courts with the young fella or the young lad.

MR ESPIE: Yes.

WITNESS JUNGULA PATRICK: Especially with family problem.

MR ESPIE: Yes. And so when you write those letters, that helps judges make a decision on how they might deal with somebody – what sort of punishment or what sort of sentence they might give. Is that correct?

WITNESS JUNGULA PATRICK: Yep, that's it. Yep, we're prepared to work out the best way to prevent punishment and you lessen the sentence sometimes.

MR ESPIE: All right. And Wanta, we spoke about this yesterday, what can you tell

her Honour about – do you think when you’ve written a letter, you’ve supported the young person going to court. Does that help them to do the right thing?

WITNESS WANDA PATRICK: Yeah, the young fella is still in prison, but he’s – I guess he changed. He doesn’t talk things like the way he’s talking now, but he want to come back to community and help out with the young people.

MR ESPIE: Right.

WITNESS WANTA PATRICK: And he’s that kind of fella. He wants to do – and maybe be done reporting to member in the future (inaudible).

MR ESPIE: Okay. So, you’re talking about a young man that’s in prison now. Is that correct?

WITNESS WANTA PATRICK: Yep, all that’s really telling the young and troublemakers or perpetrators that – yeah, they need to come and sit down with the all the Kurdiji mob, I guess, and learn from them. They are important of the both side of law, yep.

MR ESPIE: And you told me that this young man that Kurdiji (inaudible) reported going to court, you’ve been talking to him regularly whilst he’s in prison?

WITNESS WANTA PATRICK: Yep, always getting family members to come and have a talk with them as well. Yeah, but we’re doing (inaudible), yes.

MR ESPIE: And he’s promised that when he comes out of prison, what’s he going to do with all the young men?

WITNESS WANTA PATRICK: It’s looking forward. He’s talking good and very helpful. From the years, that’s where it starts, that he wants to help is younger brother. I’m sure he like a young man as well, so he’s getting into that stuff.

MR ESPIE: So they don’t make the same mistakes he made. Is that part of what he’s concerned about?

WITNESS WANTA PATRICK: That’s part of it, yeah.

WITNESS JUNGULA PATRICK: Yep.

MR ESPIE: Are you able to tell the court about how you work with police and how you’re working – you’ve had conversations and meetings with the police about different things?

WITNESS JUNGULA PATRICK: Sorry, I also have trouble hearing. So, yep, that’s it. If we’re going to work towards positive change, we like to work and really work together and sit down and talk. And so far we’ve been doing it for many years now. Some (inaudible) yeah. And we got one of the police working here, and (inaudible)

yeah, and that talk and that. And he can go out (inaudible) to check out some of them road works, yeah. More (inaudible) police than couple of years ago. Nearly three years, about eight years. (Inaudible). Now they (inaudible) really good. I'm pretty much happy with the way (inaudible) working to the police. Yes, yeah I see.

MR ESPIE: And you've talked about police sometimes when they're looking to speak to someone that's been in trouble, they come to you to – to help with that?

WITNESS JUNGULA PATRICK: Yeah they come in, they – they follow those (inaudible). They normally go to the – what you call TOs. (Inaudible) us. And the police will normally come and see if there's any trouble. And then – and we tell them, yep, you can lock him away for a time being and we – we talk to his family. We'll – we will work out that, yeah. And that's this young fellow here, when really was that way as well. His mother (inaudible). He (inaudible) he works really hard that fellow. And – and try to bring (inaudible) and his – at the moment he's working for (inaudible) again.

MR ESPIE: Just another thing, in the past, some Kurdiji members have also flown to Darwin and Alice Springs, and gone to the prison, as part of the Elders Visiting Program, is that right?

WITNESS JUNGULA PATRICK: Yeah, Visiting Program, that is another Kurdiji (inaudible) taking Elders, and for family members, to prison to visit them, especially at the Darwin. Not much to Alice Springs, but in Darwin, yeah.

MR ESPIE: And other Kurdiji members are also part of Night Patrol, is that correct?

WITNESS JUNGULA PATRICK: Yeah that – that's driven by Kurdiji, yeah. Kurdiji and that police, yeah.

MR ESPIE: Can I also just touch on something we spoke about yesterday, you talked about – you've talked about now Kurdiji writes letters for people going to court. We also discussed where Kurdiji's written letters for other things, a long time ago there was some trouble with alcohol coming in from Top Springs into the community around funeral times. And Kurdiji wrote a letter to the - - - ?

WITNESS JUNGULA PATRICK: Yeah.

MR ESPIE: - - - Commission. Do you remember that?

WITNESS JUNGULA PATRICK: Yeah, it was really hard time, but we (inaudible) for the mob to go down this road (inaudible). He had too much grog, the community was experiencing too much grog into it, you know. And so the Kurdiji come together and we've written a letter, and that pretty much worked, yeah. So there's less grog. And even – even to this day, there's less grog coming in.

MR ESPIE: Before that, there, you were having a lot of trouble with the (inaudible)?

WITNESS JUNGULA PATRICK: Yeah.

MR ESPIE: Right?

WITNESS JUNGULA PATRICK: Now there too much, big dramas (inaudible) but enough to stir the community (inaudible) and write something for the grog house to go easy on the grog, yeah. And the car accident and all that.

MR ESPIE: And another thing that you wrote that letter about was – to the Royal Commission a few years ago, about young people getting locked up, and other children going into welfare, child protection?

WITNESS JUNGULA PATRICK: Yeah, all that's being handled by Kurdiji as well. And yeah, we had to pretty much – because Kurdiji's out of action now, now days, we just try to get it up and coming. Yeah that's been a few incident lately where welfare has taken some kid, yeah. But before when Kurdiji was working, they would come to (inaudible) and sort it all out and just have family members come and sit down with them. That's the Kurdiji members would sit down with them.

MR ESPIE: And you've worked with Child Protection to help them find family to look after kids, is that right?

WITNESS JUNGULA PATRICK: Yeah, that's right, we're pretty happy with the way it is. That's Kurdiji go in, yeah. Only like in the last few – few – what years, Kurdiji's been done and yeah, we don't know what's going on.

MR ESPIE: Do you think it's important that Kurdiji is able to talk on these sort of issues, whether it's alcohol or welfare, or people going to court? Are you able to explain why it's important?

WITNESS JUNGULA PATRICK: Yeah well firstly, if the – one of those Elders had (inaudible) and for me personally, I'd say yeah, pretty much really happy with the way Kurdiji's like driven back there.

MR ESPIE: Yes?

WITNESS JUNGULA PATRICK: Especially working with law and justice.

MR ESPIE: Right?

WITNESS JUNGULA PATRICK: Yeah.

MR ESPIE: And a lot of the work you – you do, you're not getting paid for, that's correct isn't it?

WITNESS JUNGULA PATRICK: No, not being paid for it, no. Not yet anyway.



MR ESPIE: But you spend a lot of time meeting with police, with lawyers, with other Kartiya that come in from Government, is that right?

WITNESS JUNGULA PATRICK: Yep, everyone is a member from the government, normally – normally acts – talk with the (inaudible) mob, they just come for part-Aboriginal. They're really requested they see Kurdiji mob, and (inaudible) we're happy to meet up with them.

MR ESPIE: And although you don't get paid, in the past you've had somebody working with you as a (inaudible), is that right?

WITNESS JUNGULA PATRICK: Sorry, say again. Being paid?

MR ESPIE: You had people working with you as a (inaudible) to help with some of your work?

WITNESS JUNGULA PATRICK: Yep, yeah, few – a few of them, yeah. Yeah, they work really well. We're happy with them. But for some reason they (inaudible) and (inaudible) stay longer. Yeah.

MR ESPIE: And is it right that in the past, you've had funding from the Land Council – Central Land Council?

WITNESS JUNGULA PATRICK: Yeah, I think so. Land Council and also the government, yeah.

MR ESPIE: And a long time ago, there was some money from Government, is that correct?

WITNESS JUNGULA PATRICK: Yeah, yeah (inaudible).

MR ESPIE: So you said you're trying to get Kurdiji up and running again at the moment. You – is that right? You don't have a coordinator helping you at the moment?

WITNESS WANTA PATRICK: (Inaudible) no.

WITNESS JUNGULA PATRICK: (Inaudible) there was a young fellow from Alice Springs who wants to try and help with the – get it up and running again with the fellow from here, yeah. But we – since COVID come, we lost contact with him.

THE CORONER: How many members are there in the Kurdiji group in Lajamanu?

WITNESS JUNGULA PATRICK: Well I would say roughly, from what I seen, the first time we was up and running, there was almost 50 people, yeah. But in (inaudible) some of them passed away.

THE CORONER: Okay.

WITNESS JUNGULA PATRICK: But everyone's – everyone's working – working with the what we call the skin names, yeah, (inaudible) from each town group to – to make Kurdiji work.

MR ESPIE: So you had members from different clan groups and skin groups, is that right?

WITNESS JUNGULA PATRICK: Yeah, that's right.

MR ESPIE: And just to clarify, that that means that if you're not able to talk on behalf of somebody who might be going to court, there'll be another member of Kurdiji that can talk on their behalf?

WITNESS JUNGULA PATRICK: Yeah, that's it, and they want to speak (inaudible) the one that very reliable.

MR ESPIE: And also (inaudible) know, Kurdiji has both men and women members?

WITNESS JUNGULA PATRICK: Men and woman. Yes, because what it comes under cultural stuff, and woman's more – is – yeah, men can't talk about it, but men will support them, and (inaudible) a lot of the woman have to represent themselves.

MR ESPIE: And so having a different couple of skin groups you mentioned that sometimes you've helped police when they need to arrest somebody so that they do it right way and then peacefully?

WITNESS JUNGULA PATRICK: Yeah they do it beautifully. We know it old land (inaudible) pick up a family member or that is related to the family.

MR ESPIE: So, again you'll have the right relationship, somebody with the right skin name they can talk to the person that they are arresting?

WITNESS JUNGULA PATRICK: Yeah. So, we have the two what the (inaudible) and they have to pick the right each. The right (inaudible) for the young fella. (inaudible).

MR ESPIE: So, (inaudible) need to be arrested by the police, for example, even though that's your father you wouldn't be allowed to help police to go and talk to him?

WITNESS JUNGULA PATRICK: It would be someone from his uncle's side, went skiing with.

MR ESPIE: And I think you said at the moment you have a good relationship with the police that are in the community now. Is that right?

WITNESS JUNGULA PATRICK: We are really happy with the way it's going, yeah. The relationship with the community and the police we're really happy.

MR ESPIE: What is about the police that are there now that's working well? Do they talk with you about problems in the community?

WITNESS JUNGULA PATRICK: Yeah, they tend to talk to community at public meetings and even the police like to come to any meeting that's happening in the community, yep. The community invites them to come in even if it's the sports carnival or ceremony or even (inaudible). All that's big event police now are notified to come and join into that, yep.

MR ESPIE: What does it mean to you? Is it important that young people in the community, senior people like yourselves like meeting with police and talking with police, is that important do you think?

WITNESS JUNGULA PATRICK: I hope for some young people they never thought that sort of stuff could happen. Seeing a community member talking to police who really try directing (inaudible) to the police the way to work with the community. That is really inspired.

MR ESPIE: And you think that helps them have a good relationship with the police?

WITNESS JUNGULA PATRICK: Yeah. When I grew up it was tense. Nowadays it's very helpful because the relationship the police have with the community that's really something and I never thought it was going to work but it would. It's going to be okay.

MR ESPIE: And I see you're aware of some of the issues that have happened in Yuendumu and that's what we're here to listen to how police and community can work better in the future.

WITNESS JUNGULA PATRICK: No. That's all we can do now because it's sort of bringing tension for the community against the police. Yeah, pretty much the police themselves were very scared here. Like, you know, the community march down to the police station and just wanted to, not just threaten them, but in a most soft way I would say. You know, they were there to let them know we (inaudible) and, yeah, let's work on this together. And so that's the main part of trying to work that out and try to avoid those. The police with guns puts tension in the air. You know, the people feel uneasy and nervous but if they just listen to the community police that are new to this place. And a few weeks here they change. There's no more (inaudible) And they don't know where they meet it somewhere.

MR ESPIE: So, police in Lajamanu are not carrying their guns now. Is that what you just said?

WITNESS JUNGULA PATRICK: Yeah, that's it.

MR ESPIE: Is that what people prefer do you think in Lajamanu that police aren't walking around with guns?

WITNESS JUNGULA PATRICK: For when they're drunk at Yuendumu, yeah, that's why. They were really going to put fella police that works with the community. We just want to see a positive outcome.

MR ESPIE: So, you mentioned when you were growing up things between people in the community and the police were a bit tense?

WITNESS JUNGULA PATRICK: Yeah when it first happened, yeah. But the community marched down, like I said, the community marched down just to ask the police not be scared in the community and where we can work towards some positive outcome from it, you know. We're not going to tell the police to go off the community. Together we can work hard I guess to try to ease that pain.

MR ESPIE: And just another question and one of the issues that some of the lawyers representing Yuendumu are asking you is the point about not having or at least not walking around with guns. Can I just ask you another issue that's come up in this inquest is police using police dogs when they arrest people, when they arrest young people. Is that something that - - -

WITNESS JUNGULA PATRICK: Yeah. The police here, yeah, we haven't seen any dogs for ages, yeah.

MR ESPIE: Was that something that happened before?

WITNESS JUNGULA PATRICK: No. We never seen them before and even after the whole thing.

MR ESPIE: How would you feel if police were using dogs to arrest young people? Is that something that, how would you feel about that?

WITNESS JUNGULA PATRICK: I don't know if the dog going to work or anything. But they look pretty much scary. The community has dog as well (inaudible) dogs. And pigs. (inaudible). So, all I can say is no dogs for a long time. No, no dogs.

MR ESPIE: And you've mentioned you have a good relationship now with the police. In the past sometimes you haven't had a good relationship with other police that worked in Lajamanu, is that right?

WITNESS JUNGULA PATRICK: Yeah. Sorry to say but in the past the whole, honestly the thing was still fresh so a bit of tension there. People didn't trust the police, yeah. But nowadays, we're pretty much happ with the way things are going. (inaudible) you don't have to be tense with them.

MR ESPIE: During the inquest we've heard discussions from a number of witnesses, a number of police witnesses, about different ways of working community

policing. So, working in a community like Yuendumu or Lajamanu is a bit different to how you might work in town as a police officer.

WITNESS JUNGULA PATRICK: Yeah, for sure. Bit different, yep. Some of them had to go, found it difficult, yeah.

MR ESPIE: And do you think they work well in your community when they talk with you and learn – learn from you, or from people in Kurdiji and other Elders?

WITNESS JUNGULA PATRICK: The way Kurdiji is going at the moment, I'm sure work really well with the police, even though get some young fellows to get (inaudible) two or three ladies that work – work with the police. I'm sure it can work much better than in the 70s and 80s.

MR ESPIE: And Gungali (?), you must have seen a lot of different police come and work in Lajamanu if your life?

WITNESS WANTA PATRICK: Yeah.

WITNESS JUNGULA PATRICK: I'm just interpreting – just translating, sorry.

WITNESS WANTA PATRICK: Yeah.

WITNESS JUNGULA PATRICK: He said yes, he seen a lot of - - -

MR ESPIE: So police were looking to write up some ways of working in the community, make a – how to train police better to work in a remote community, do you think both of you would – or Kurdiji would be a good place for them to get some ideas on how they could work – work better, and train police better to work in community?

WITNESS JUNGULA PATRICK: Those people that work with the police, you know, police aid, and all that, that did really well. That outcome from (inaudible), that did really well. And so we're hoping now days, that the young fellow want to follow their footstep, (inaudible) towards the community.

MR ESPIE: But just on that, do you – do you think that it's important that there's more – more Warlpiri people, more Aboriginal – more Yapa police working (inaudible)?

WITNESS JUNGULA PATRICK: Yeah, it (inaudible) just man things sort of, but – thing, but now even girls are – are joining in for trying to work at the police station. Because we had three girls already working. But now they quit because some are – some of them left, you know, that they're new ones now.

MR ESPIE: Right, yes. And just the last thing I just wanted to ask you about, you've mentioned you don't – you've never gotten paid for the work Kurdiji does.

You sometimes get a coordinator, but nothing now. What would help to get (inaudible) Kurdiji up and running a lot better?

WITNESS JUNGULA PATRICK: Yeah it would be good to get paid, but in the past we've just done it for the pleasure of – of looking after the community's well-being, that's all.

MR ESPIE: All right.

WITNESS JUNGULA PATRICK: That's what counts, looking after our people. Because that's what our ceremony and cultural status, because like I said before, future of the (inaudible) input (inaudible).

MR ESPIE: All right, and you've said – and you do that for the benefit of your community. That – sometimes when you do – you do Kurdiji work, that – that can mean sitting down until quite late at night - - -

WITNESS JUNGULA PATRICK: Yeah.

MR ESPIE: - - - with lawyers, writing letters, for the court the next day - - -

WITNESS JUNGULA PATRICK: Yeah, yeah.

MR ESPIE: - - - and that sort of thing?

WITNESS JUNGULA PATRICK: Kurdiji had (inaudible) that one, yeah he can – sitting late at night at his place, learning centre, and writing letters.

MR ESPIE: All right.

WITNESS JUNGULA PATRICK: Yep.

MR ESPIE: And that just reminds of something I didn't ask you. One of the things that you suggested to the court was, in the past, the court used to sit in Lajamanu at the police station, and that was useful for people.

WITNESS JUNGULA PATRICK: Yep.

MR ESPIE: You've met with the court about shifting and (inaudible) court at the building that you're in now, is that correct?

WITNESS JUNGULA PATRICK: Yeah, we do – the court used to be at the police station, but because the room is very small, they (inaudible) I think, but I think that's why they moved it up here.

WITNESS WANTA PATRICK: And yeah, it's much freer, much – more space and – yeah, very good to work, when you're sitting in the court room.

MR ESPIE: Right, and sorry, just one more thing. I know as part of Kurdiji's work involves mediation, helping people in the community settle disputes, is that right?

WITNESS JUNGULA PATRICK: Yep. Like I said, Kurdiji decide to look after people in the community, even – even non-Indigenous people, we can look after them, yeah, help them out. And – and (inaudible) even the break-ins, yep the – yeah, they all into that, the Kurdiji – Kurdiji sort it out. Yeah.

MR ESPIE: Those are my questions your Honour.

Thank you.

THE CORONER: Mr Espie, when I had the pleasure of going out to Lajamanu as the local court judge, when we started out there, we were in the – a little court room attached to the police station. It was about the same size as that jury box.

MR ESPIE: Yes.

THE CORONER: And it was entirely the act of activism of the Kurdiji, that resulted in the agencies responding, and moving to the Land Centre, which was so much more appropriate for the court, and for the community. I also had the pleasure of sitting in court with the Kurdiji sitting in court with me, assisting in all of the court proceedings. Sometimes we were there for very long days. And the Kurdiji were there every court sitting.

A number of members outside of court, liaising with families, and also inside court. I received many of the letters and testimonies that they had prepared, but more importantly, I was there when they were contributing, in the court proceedings, speaking with the young men and women or the adults. And communicating freely with the (inaudible), so – and with me, so that there was a much greater understanding between everybody, as to what the Kurdiji expected of the young people in particular, that were coming to court.

And it was a great benefit.

MR ESPIE: Thank you, your Honour, that's (inaudible) I hadn't gone into detail, but (inaudible) in the court, but it's also valuable (inaudible).

THE CORONER: So I understand that is still happening.

WITNESS JUNGULA PATRICK: Yes.

THE CORONER: But I understand it is a little bit more difficult now because the liaison person, who I think might have been attached to NAAJA, or funded through NAAJA, was able to go out before the court sittings. Work with the Kurdiji, so that they had some information about what was coming in court. And I think that period of planning for each court sitting, is probably one of the areas which is difficult for the Kurdiji now that Rob is no longer there.

And that's a shame, but obviously they're – they're working through those difficulties, or trying to.

MR ESPIE: Yes, your Honour. And perhaps just for the benefit of everyone, Rob – Rob (inaudible) provided an affidavit (inaudible). He's obviously n to here today, but also on – on (inaudible) and detail around some of the work that - - -

THE CORONER: Perhaps that – there were just a couple of questions that I had.

Are there any – I think you said there might be three women working at the police station. Are there ACPOs or ALOs at Lajamanu at the moment?

WITNESS JUNGULA PATRICK: I'm not – I'm not sure what they have, I think that first one, ACPOs.

THE CORONER: ACPO, yes.

WITNESS JUNGULA PATRICK: I think they've been calling them that.

THE CORONER: Do you know how many ACPOs there are?

WITNESS JUNGULA PATRICK: Not now, because they – some of them, like I said, they have to be (inaudible) now, and so they're looking after the family. So they sort of (inaudible) out, just looking after and raising kids.

THE CORONER: Do you know if there are any Aboriginal people employed at the police station at the moment?

WITNESS JUNGULA PATRICK: No, not at the moment, no. I think one of the – two of the resident – two male person came up and – and got us to sign the paper for – for signing up the police, yeah. And that's as far as we know. I'm not sure what happening now.

THE CORONER: All right. And what about – are there any Aboriginal people employed at the clinic?

WITNESS JUNGULA PATRICK: Yeah, yes, at the clinic they're mostly ladies, yeah. Bill Cuppervale (?) used to work there, but they don't come out to community anymore. They've gone back to Western Australia, but I think they'll be back, yeah. That's only main work we have, yes.

THE CORONER: And no Aboriginal men at the clinic?

WITNESS JUNGULA PATRICK: I'm talking about the old – that one Aboriginal man, yeah his partner was working there.

THE CORONER: Okay.



WITNESS JUNGULA PATRICK: At Mays Brook (?) Western Australia, but he'll be back. He likes it.

THE CORONER: And what about at the school? Are there Aboriginal workers at the school?

WITNESS JUNGULA PATRICK: Yep, there's roughly eight of them, maybe more, maybe a little (inaudible), but yeah, I think that's enough there, enough to get the school going, yeah.

THE CORONER: Are there any youth programs in Lajamanu?

WITNESS JUNGULA PATRICK: Yeah, they call themselves WYDAC.

THE CORONER: WYDAC in Lajamanu, okay.

WITNESS JUNGULA PATRICK: Yeah, that's all on Wanta. Wanta program for the IT (?).

THE CORONER: And Wanta.

WITNESS JUNGULA PATRICK: Yeah. Take them out to excursion to where – yeah, to Melbourne or Ayres Rock or (inaudible). Yeah, they do all that sort of thing.

THE CORONER: All right. Thank you.

Any other questions from any of the other parties.

DR DWYER: I'm content to go last, your Honour. So, I'll just wait to see.

THE CORONER: No?

Dr Dwyer.

DR DWYER: Thank you.

XXN BY DR DWYER:

DR DWYER: Wanta and Jungula, my name is Peggy Dwyer and I'm the counsel assisting the coroner.

WITNESS JUNGULA PATRICK: Okay.

DR DWYER: Can you hear me okay?

WITNESS JUNGULA PATRICK: Pleased to meet you, yes.

DR DWYER: Pleased to meet you, too. One thing that Rob Chapman says in his statement is that he thinks Kurdiji is really important for self-determination and community control, so that important Elders like you, Jungula and you, Wanta, can have a voice in what happens in the community. Do you agree with that?

WITNESS JUNGULA PATRICK: Yeah, we agree with that, yeah. Without it, it could have been worse. Lajamanu won't be (inaudible), it would be a place of too many chaos, yes. But because of Kurdiji, and Kurdiji teaches about our government within the cultural way and really the Australian way; learn both ways altogether. That's what it do, that's the exciting part to bring the two laws together and to work out the best possible way to work with the law tribally.

DR DWYER: And Wanta, would you mind interpreting this question for Jungula, your dad. Does Jungula find that the young people listen to him when he helps them?

WITNESS JUNGULA PATRICK: Yeah, yes.

WITNESS WANTA PATRICK: Yes, I agree with you. None of those young men are really – yeah, they want help them, but they like to spoken with them.

DR DWYER: And one – sorry, Wanta.

WITNESS WANTA PATRICK: Yes.

DR DWYER: And one of the things that we've heard in Yuendumu is that the community has had fighting which has made a lot of people sad.

WITNESS WANTA PATRICK: Yeah, that – yeah even here at Lajamanu. Not many fighting, but we get sad when we hear the story of each other Warlpiri's communities are fighting amongst each other. And some of them even come here for safety to stay out here. (inaudible) fighting guys now. Because Lajamanu is like a sacred place for forwards planning (inaudible). So, if they do come and fight here, normally the community would advance really quickly and say, no, no fighting. (inaudible). They talk - - -

DR DWYER: Does Kurdiji get involved to try and help stop the fighting and arguments?

WITNESS WANTA PATRICK: Very much. That's the whole concept of Kurdiji to really stop the fighting and rage and the hateness of Lajamanu people. It's really, really good. We really put the fighting out, yes.

DR DWYER: In your statement at – Wanta and Jungula, you talk about the role that role played and we know that you thought Rob Chapman was a really good coordinator?

WITNESS WANTA PATRICK: Yep, because he had his roots a little bit Warlpiri and

he's very - communities known him for quite a while, a long time. And that's why he was easy to work with.

DR DWYER: And then, when he left, there was a lady that did it for a while?

WITNESS WANTA PATRICK: Yes, and we got pretty much panicked (inaudible) when he got fully fight another (inaudible). You know, another – you know, that is stuck – plenty of fighting amongst each other too, yeah. And we've got to deal with that yeah and kinda saw them (inaudible) can sort them out, yes.

DR DWYER: And then after that, nothing, no coordinator?

WITNESS WANTA PATRICK: No, no coordinator.

DR DWYER: So, you need to have funding for a coordinator and funding for the Yapa that are working with Kurdiji?

WITNESS WANTA PATRICK: Yeah. Believe it or not, they is already set up for that. They already Yapa that (inaudible) want to work with the new law with a board member Kurdaitcha board member. And his promise yesterday is that the new fella that's coming is really good as well. He's been working (inaudible).

DR DWYER: I just want to ask you one other topic. You were telling the court about the work of Kurdiji when the judge comes to sit in community for Local Court, has Kurdiji ever gone to the Supreme Court in Darwin or Alice Springs?

WITNESS WANTA PATRICK: I don't think so, not yet. I haven't heard, no. Want to talk and everyone just spend time here in Lajamanu, yes.

DR DWYER: Do you think it would also be good to have Kurdiji at that top level in that Territory court and the Supreme Court.

WITNESS WANTA PATRICK: When it all comes down to that, yeah, but not the – not take it that far, yes. And we are in the communities all the time, we learn what this Kurdiji (inaudible) other language group trying to get theirs up and running as well, or set up a new Kurdiji in their region.

DR DWYER: Thank you very much, Jungula, thank you, Wanta.

THE CORONER: Just Dr Dwyer, can you just find out of there's been any engagement between the Aboriginal Justice Agency and - - -

DR DWYER: Yes.

THE CORONER: - - - the Kurdiji and how that might work in the future?

DR DWYER: Certainly.

Jungula and Wanta, we have got some information about the Aboriginal Justice Agreement. Did you have anything to do with helping with that?

WITNESS WANTA PATRICK: Yep, we've done as far as we can, we try to get full Aboriginal involvement in all our (inaudible6) aspects and try to just work out the best way to getting us all to work together. Yeah, that way they'll have a better understanding.

DR DWYER: Did you have the mob from the AJA come to you in Lajamanu?

WITNESS WANTA PATRICK: Yes, yes.

WITNESS JUNGULA PATRICK: Sorry, AJA?

DR DWYER: Yes, Aboriginal Justice Agreement.

WITNESS WANTA PATRICK: He's the one who's been doing it, but the co-pilot (inaudible) got sick again.

DR DWYER: I see.

WITNESS WANTA PATRICK: And he stopped working, so he – we were looking for another fella, yes.

DR DWYER: Did you meet with Leanne Liddle? Do you know Leanne?

WITNESS WANTA PATRICK: No, not really, no.

DR DWYER: Do you know how that Aboriginal Justice Agreement would work with Kurdiji?

WITNESS WANTA PATRICK: Yeah, that's true, that's true. I mean, Kurdiji is part of ours and we want those other agencies to come and work when it comes down to the law, justice and work with the community, yeah.

DR DWYER: Thank you very much, Wanta. And I note that we've got Ms Liddle coming from the Aboriginal Justice Agreement, we can ask her about that also next week, your Honour.

THE CORONER: Great, all right.

DR DWYER: Thank you very much, Wanta. Thank you, Jungula.

THE CORONER: Thank you again for coming onto the video-link for us today. It's been really lovely to hear from both of you. I'm glad that you're feeling positive about the work that the Kurdiji are doing and about the relationships that you're forging with the local police there. That's very encouraging and it's been very nice to have some good news.

WITNESS JUNGULA PATRICK: Thank you. Thank you very much.

THE CORONER: We appreciate it. All right, see you later.

WITNESSES WITHDREW

DR DWYER: Your Honour I'm told by Superintendent Morgan, that there are two Aboriginal liaison officers at Lajamanu. So I'll get some more information about – sorry Dr Freckelton - - -

DR FRECKELTON: Yes, we've just done a check on that, your Honour, to – it's referred to in Mr Smalpage's, the third affidavit. That is at par 98, and your Honour might recall that there's a list at par 98 in that affidavit of where the various ALOs are. And on hearing what the witnesses has said, I ask that a check be done to make sure that those two ALOs are still at Lajamanu. And my instructions are that they are.

THE CORONER: Excellent. I'm not sure that I've got the third one here. I've got – in front of me I've got 12 July 22 affidavit, but that's not the third one is it?

DR FRECKELTON: No there's a second one on 2 September of last year, and there's a third one, which is really important, your Honour, on 10 February of this year.

THE CORONER: Right, well I'll make sure I get those in front of me.

DR FRECKELTON: And just for completeness, I was referring to ALOs. There are not any ACPOs at Lajamanu at present.

THE CORONER: Thanks.

Yes, Dr Dwyer.

DR DWYER: Your Honour, the next witness is Deputy Commissioner Smalpage. I understand, I think, Mr Boe wanted to draw your Honour's attention to something before we start with this witness.

THE CORONER: Sure.

MR BOE: Thank you, your Honour.

THE CORONER: Mr Boe.

MR BOE: Just for the record, I just confirm that I appear with Ms Greave (?) for the Walker, Lane and Robinson families.

THE CORONER: Thank you.

MR BOE: Your Honour, I intend to have my instructors provide to the counsel assisting four documents, which I'll identify in a minute. And a USB recording. They comprise firstly an open letter from Constable Rolfe, first published in the Northern Territory Independent, on 23 February 2023. Secondly, there's a written opinion piece by a journalist called Vicky Campion (?) first published in the Daily Telegraph on 25 February 2023.

On the USB is an audio and visual interview by Peta, P-E-T-A Credland (?) with Vicky Campion, on Sky News, about the issue, and this article. And finally, there is some comments on a Facebook page called "I support Zachary Rolfe" including from Constable Rolfe's mother, Ms Deborah Rolfe. In my submission, these documents should be received by your Honour, as evidence in this inquest.

And I have provided some short submissions, which I'll take your Honour to - - -

THE CORONER: Sure.

MR BOE: - - - in a minute, as to why they are relevant for consideration at this stage. So I invite Dr Dwyer, if she's it appropriate, to tender those materials.

THE CORONER: Dr Dwyer.

DR DWYER: Can I just clarify is my learned friend asking that they be tendered in the inquest?

MR BOE: Well certainly at this stage, for your Honour to see. As to what your Honour wishes to do with that, that's for your Honour to determine.

DR DWYER: Might I ask that they be marked for identification at this stage, and then they – so that we don't through any – any issues up in relation to it.

THE CORONER: And shall I mark them for identification as a bundle?

MR BOE: Maybe it's best to make it identification A, B, C and D, your Honour - - -

THE CORONER: All right.

MR BOE: - - - because they are different content.

THE CORONER: Thanks, so the open letter will be MFIA.

EXHIBIT MFIA Open letter.

THE CORONER: The opinion piece will be MFIB.

EXHIBIT MFIB Opinion piece.

THE CORONER: The Peta Credland discussion will be MFIC.

EXHIBIT MFIC Peta Credland discussion.

THE CORONER: And the comments on a Facebook page will be MFID.

EXHIBIT MFID Comments on a Facebook page.

DR DWYER: Thank you. I'll just hand up that bundle.

THE CORONER: Yes, Mr Boe.

MR BOE: Your Honour, I've prepared some – we've prepared some written submissions, because I don't propose to rehearse some of the content of those articles for very good reason. One of which is that they include very false allegations about Kumanjayi, which were denigrating of him. They're deplorable, and hurtful to the family.

I've listed in par 4 of our submissions, four items which fall into the category of being false allegations. One emanating from Constable Rolfe, and the remaining three from – or remaining five, from Ms Campion. The intended effect of these publications, can be highlighted for example, I'm instructed that Robin Lanley, and independent member of the Northern Territory Assembly, and the Member for Araluen, has posted a Campion article, with this introduction.

"This piece in the Daily Telegraph reveals the other side of the story that has not been teased out through the Coronial inquest, yet." Now in addition to the falsehoods, I should say firstly, it's our submission that once considered, and other parties have had an opportunity to consider their position, these false allegations must be publically refuted, publically through this inquest process. The second submission we wish to make, is that publications contain contentious remarks about this coronial investigation, and the inquest, and about your Honour.

I will read out the five examples of this. The first three emanate from Constable Rolfe, he wrote, "When private texts are made public they become meaningful, because others put their own value in the words, and it cannot be controlled. Chalker", which I imagine is a reference to the Commissioner, "The Coroner, Peggy Dwyer, and every party in the coronial who agreed that the texts should be released, parties knew that the messages have nothing to do with the death of Kumanjayi Walker. They knew the damage they would do once in public. They would hurt the community, the police force, and the relationship between them."

Secondly, quote, from Constable Rolfe, "The biased involved in the investigation against me is blatant and obvious." Thirdly, "It seems that Chalker specifically went out of his way to weaponise these messages through the coronial, to cover up his direct influence. The ineptitude of the investigation against me. The failure to follow DPP advice. The discredited use of force export. The edited documents. The influence of witnesses, and a failure to disclose evidence that didn't help their

narrative. All of this is out there, and – but nothing has been done to address this documented corruption.” He’s implying that this inquest is part of being influenced by a corrupt scheme.

I pause to note that your Honour well knows, that Constable Rolfe is well represent by a large legal team in this case. None of these submissions have been made to your Honour, reflecting this sort of criticism. Credland says, “He, Rolfe, calls the coronial investigation, biased.” Campion says “What the Coroner should investigate – should be investigating is why the former Chief Minister, Michael Gunner, and Police Minister, Nicole Manison, both former Labour staffers, flew into the emotionally charged community two days after the Walker death, and warned ‘consequences will follow.’”

Again, your Honour, because they come within this inquest is in proceedings, it’s our submission that they would be refuted, as false allegations against this process, in due course, once others have made submissions, and your Honour has had an opportunity to consider. And if appropriate, to refer these matters to the Director of Public Prosecutions, or the Attorney General, to investigate, whether contempt proceedings should be brought against any individual or organisation.

It’s not just within our resources to be prosecuting that approach. The third matter we wish to raise, your Honour, is this. When you listen to the USB recording of the interview, which is MFIC, between Peta Credland and Robin Campion, you will hear that Campion states that she consulted with Ms Deborah Rolfe before she wrote the article, or before they were – before it was published. And importantly, exhibit MFID, are snapshots of the Facebook page of “We Support” – “I support Constable Rolfe” which plays that video, publishes the letter from Constable Rolfe.

And one of the comments are attributed to Ms Deborah Rolfe, “He, writes so powerfully and with such strength and emotion. I am very proud of him.” She then directs readers to the “I support Zachary Rolfe” page, to read Constable Rolfe’s letter in full. Now we understand, and I think it’s understood across the Bar Table, that Ms Rolfe is a practising lawyer in the ACT. Consideration should be given, by your Honour, or counsel assisting, or others who are more appropriately placed to do so, to make a complaint about her conduct in being associated with these publications to the ACT Law Society.

The last point in par 10, your Honour, is not a matter I’m going to speak to verbally because of orders in place but I do emphasise that they do bear on the issue that is still before your Honour for consideration. Those are our submissions, your Honour.

THE CORONER: Yes, Mr Boe.

Does anyone wish to speak to those submissions at this stage? We can of course return to them at a later stage if necessary.



MS NAZ: On behalf of the Brown family, my name's Naz, N-A-Z, I just wish to place on the record the Brown family supports the Walker (inaudible).

THE CORONER: Thank you.

MR ESPIE: Your Honour, could I just say NAAJA supports the sentiment of those submissions. In particular support par 10 which I submit (inaudible) and I won't say any more at this stage.

MR MCMAHON: Your Honour, on behalf of (inaudible) we should also say that Mr Boe has raised a significant number of significant issues. It's not appropriate that I would try and develop them now.

THE CORONER: No. We can come back to it, Mr McMahon. Obviously they're just been raised for the first time and it may be that parties wish to consider those matters and we can allocate some time later if people wish to make some additional submissions or respond further.

MR MCMAHON: Thank you, your Honour. We should just make it clear that we do support the fact that Mr Boe has raised these issues. The fact that he's called for appropriate processes to be considered and I think it's appropriate that they be ruled with purpose.

THE CORONER: Dr Freckelton.

DR FRECKELTON: Thank you, your Honour. We support what has been said on behalf of the families also. There are measures in this publication which are deeply troubling from the point of view of any right-thinking person.

The first place in which this material was published, as we understand it, was the Facebook page entitled, "I support Zach Rolfe." It's been copied in full and published by the *Northern Territory Independent*, a publication which I've addressed you previously was published on 23 February.

My learned friend is correct in relating to you that there have been further, in effect, derivative commentary publications in various parts of the media. There is an additional one also in the *Australian* on 24 February of this year. That highlights, your Honour, how serious the matter is.

Now, I've got to be careful in what I say as well because there is one component of this publication which was about three paragraphs down from the material that was referred about the Coroner and Peggy Dwyer which commences, 'Kumanjaya Walker was a young man.' Does your Honour see that?

THE CORONER: Yes.

DR FRECKELTON: That paragraph, your Honour, is nothing short of disgraceful and despicable. It imputes particular behaviours to Kumanjaya Walker for which

there is no evidence whatsoever. It is an appalling slur on a deceased man. Were he alive he would be able to take very, very serious defamation proceedings in respect of this material.

Now, your Honour, there are many problematic components to this. My learned friend has pointed out the most significant. Your Honour can see that it seems to be some kind of a campaign mounted on behalf of Mr Rolfe that he be praised for his conduct and be given a medal for it.

He has seems to have a view that the Coronial focus, "Is still on me." He is persisting in a campaign it would appear to try to destabilise the Northern Territory Police Force. He imputes a variety of slurs against the executive including that they're narcissists, liars, cowards and similar.

He describes one senior member of the Northern Territory Police Force as a clown who has taken over a castle. We don't know whether the motive of Mr Rolfe is to try to intimidate the two members of the executive who are going to be giving evidence before you this week.

If that is his motive it is an attempt to pervert the course of justice. It is a gross and blatant attempt to interfere with your inquest. As best we read it that seems to be the aspiration of Mr Rolfe. It will fail. Those men are going to be here and they're going to testify in front of you for a good part of this week.

But the attempt to interfere with your process troubles us grievously. Those are not just words. There's more to tell you about. On 8 June last year Constable Rolfe was served with a notice of alleged serious breaches of discipline. This relates to the Spotlight program of which your Honour is familiar already.

Four breaches were alleged against Mr Rolfe. The first was that he engaged in improper conduct while off-duty by participating in an interview with Ms Shorten, the *Australian*, at the time when the criminal investigation was still ongoing and making improper and unprofessional comments.

The second was that he engaged in improper conduct while off-duty by participating in an interview with Channel 7 during the criminal and making improper and unprofessional comments. The third was that he was found to obey a lawful instruction and he breached the Northern Territory Police media policy in that regard. Fourth was that he contravened a provision in the Code of Ethics and conducted himself in an unprofessional and improper manner.

On 15 June, in other words seven days later, Constable Rolfe admitted each one of these breaches. There were consequences. They were imposed by Deputy Commissioner Murphy. There are two deputy commissioners in the Northern Territory Police Force. You'll be hearing from one today. The other one is Deputy Commissioner Michael Murphy.

Pursuant to his delegation he placed Mr Rolfe on a period of good behaviour operative for 12 months. I repeat that was on 27 June of last year. Secondly, he formally cautioned Mr Rolfe in respect of the conduct in which he had engaged. And importantly too, on 13 – importantly also, a direction was issued by Commander Kylie Anderson to Mr Rolfe.

And I'm going to read it to you, your Honour. It's only three paragraphs:

“As a member of the Northern Territory Police Force I remind you of your obligations to adhere to all lawful directions and instructions as issued by or on behalf of the Commissioner of Police.

“As you are aware you must comply with the Northern Territory Police, Fire and Emergency Services media policy. The personal use of social media instruction and the Code of Conduct and Ethics general order. I provide copies of these policy documents for your review.

“I hereby direct that you not do anything that contravenes the media policy personal use of social media instruction and the Code of Conduct and Ethics general order. You are also reminded that any nonadherence to the policy documents and any unauthorised disclosures is a breach of discipline.”

Constable Rolfe could not have been under any illusion as to what his obligations were at the time that he saw fit to pen the communication which has been the subject of Mr Boe's submissions.

The Northern Territory Police Force is extremely concerned about the conduct of Mr Rolfe and it has taken action already. There are a number of consequences which could follow. I'm not going to pre-empt what those could be but as of yesterday Mr Rolfe's solicitor was served with a notice under s 79 of the *Police Administration Act* of 1978, requiring him to give a response in relation to his conduct within seven days. Depending on what response is received, further action is going to take place, if appropriate, swiftly.

Your Honour would understand that there are grave concerns that so intransigent does Mr Rolfe appear to be, that he appears to think he can write or say anything no matter how hurtful in pursuit of some kind of campaign of denigration and destabilisation, that regardless of what rules there are, what actions have been taken against him already, he can persist. In those circumstances a robust consequence will follow.

THE CORONER: Does anyone else wish to say anything at this stage?

Ms Ozolins.

MS OZOLINS: Your Honour, I feel compelled to put on the record that I don't have instructions to address any of these submissions and had no notice prior to Mr Boe rising to his feet that any submission or application would be made. I note

Dr Freckelton who appears for the institution of the Northern Territory Police Force, in addition to all of its members, save for the exclusions outlined in his opening, I feel compelled to get instructions given that my client represents 97 percent of members.

And I would ask that any – that there be time for further submissions to be made when there's a period allowed to take proper instructions on the applications and the submissions.

THE CORONER: Yes. Anything further.

Mr Officer.

MR OFFICER: Of course I also need to inspect and my position respective of submissions as well, but I also note that I don't act for Ms Credlin, Ms (inaudible) or Mr (inaudible). Submissions made and the matters ventilating the nature have been (inaudible) the way in which it's laid out (inaudible). But I (inaudible) of that, rather than (inaudible).

THE CORONER: Sure. As I said, I appreciate it's just been raised. People have not had notice of the issues that were going to be raised and I will be happy to have any further submissions at an appropriate time.

Do you wish to say or respond in an interim manner at this stage, Dr Dwyer?

DR DWYER: Just a few things. And not, your Honour, to engage in the matters that are put before the court by Mr Boe and Dr Freckelton. But only to serve a purpose of correcting some misinformation in the reports as I read them. Given the importance of the public being properly informed about the inquest.

THE CORONER: And although the transcript of the proceedings is available online and anyone can access it, I don't envisage that there are many members of the public who will read the transcript in full. However, it is of course available for any interested persons who have any interest or questions about the manner in which the inquest is being conducted.

It is not being conducted behind closed doors, it is being conducted in open court. Any members of the public are able to be here. But of course any that aren't able to be here and who wish to be fully informed, can go to the website. They can watch these proceedings online and they can read the transcript in relation to any of the matters that have been covered in this inquest.

DR DWYER: And as your Honour eludes to, the livestream archives are available for anybody who wants to go back and watch them. Your Honour, firstly, in relation to MFI A, which is the opinion piece. One of the things that appears to trouble Constable Rolfe there, looking at page 3 – 5 of the document that was provided by Mr Boe.

Constable Rolfe appears to write in the three paragraphs towards the bottom of the page 523, "You don't see me transition from protector to medic, immediately trying to save Walker once he is no longer a threat". He goes on to talk about, "You don't see me call him my brother when he asks for my help. You don't see me and the boys do our best to save his life for over an hour. You don't see us comforting him and reassuring him as he dies, despite our team's best efforts".

THE CORONER: So that's an assertion by Constable Rolfe that's been published.

DR DWYER: Yes.

THE CORONER: Yes.

DR DWYER: And it's an assertion that this inquest hasn't heard – or it seems to suggest that this inquest hasn't heard that evidence.

THE CORONER: Or hasn't made that information available through the inquest process.

DR DWYER: Yes, that's my concern with respect to any misinformation or the public being misinformed. So I just want to provide some reassurance in relation to that. Your Honour in fact mentioned the efforts to save Kumanjayi's life that are made by Constable Rolfe and other police officers in your opening remarks. It was a fact that I mentioned in my opening.

It's covered in the evidence of other officers who've given evidence in this court by way of their initial interviews, their follow up statements and their oral evidence. That includes Constable Eberl, Senior Constable Hawkings, Constable Kirstenfeldt, Sergeant Frost and others.

I also note that the brief of evidence which will be uploaded in its entirety, subject to any PII or legal professional privilege claims, on the YouTube. The brief of evidence includes body worn video footage that runs for over an hour that was worn by the officers who were providing that first aid. There has been no suggestion that the first aid efforts were anything other than to the best of the ability of the officers there on the ground doing everything they could to save Kumanjayi's life and that is abundantly clear from all the material in the brief of evidence available to your Honour.

One - - -

THE CORONER: So the only persons who would not have seen that are the people who have chosen not to access the full evidence that has been led in this inquest?

DR DWYER: Exactly, your Honour, or chosen not to listen to the comments made by your Honour or the evidence that we have heard in the open court during these proceedings.

The second issue is this. Constable Rolfe comments that, “The Coronial focus is still on me rather than on areas that could improve the circumstances of the Northern Territory”. Again I want to provide by way of reassurance some understanding of the amount of evidence that this court has heard involving areas or issues that could improve the circumstances of the Northern Territory directed towards that.

In the last tranche the court heard from 56 witnesses, many of them unrelated to Constable Rolfe and related to broader issues. This week we are predicted to hear from over 15 more about issues much broader than Constable Rolfe, specifically directed to areas that are aimed at improving the circumstances of the Northern Territory and to reduce the likelihood of this terrible tragedy occurring again.

And the third comment, and it really is just by way of clarification to avoid any misinformation or further misinformation. In what’s described as the full open letter penned by Constable Rolfe, he writes, page 1, “Chalker, the Coroner, Peggy Dwyer and every party to the Coronial who agreed that the texts should be released knew this. They had access to every single one of my messages and knew that I did not treat a single race differently from others. In private I talked shit about nearly every group at times. Yet they released just a tiny snippet to make me out to be a racist. A few messages out of thousands”.

That’s in the full open letter and again in the MFI A there’s a comment about text messages. Constable Rolfe says at page 2, “I’ve been painted as a racist, violent cop. I went to a boy’s school, and then joined the army. My playground language is sometimes crass and rude, and most would find it offensive, but I use it in private, with no intention to harm, with others who understand this. I’ve used rude and racist terms regarding nearly every race, most often my own.”

Particularly in that full open letter, and suggested in the second opinion piece, it’s put forward, it appears, by Constable Rolfe, that there has been cherry picking of his text messages by Constable – sorry, by Counsel Assisting. It seems to be suggested that his text messages have been taken out of context. Your Honour, on the contrary, the entire download from Constable Rolfe’s phone is in the brief of evidence. It now sits at some 8000 pages. In fairness to him, we have made an effort to only put forward text messages that appear relevant.

In an email from Ms Wals (?) dated 26 September 2022, sent to all parties, she advised

“That in relation to MFIC, which is the table of text messages, we hope to add to this document, including all the messages from tab three, 161, the iPhone download, that parties intend to refer to during the course of the inquest. The aim of this is to have a single document containing relevant messages, rather than have to refer to the brief item 3-161 itself. To assist us in preparation of that document, would you please identify for us, any messages, not yet included in MFIC that you intend to refer to, would be grateful to receive that by 3 October 2022.”

As I understand it, there was nothing suggested by Counsel Assisting Constable Rolfe, that should be added to MFIC. But the entirety of the phone download can be added, if that is what is sought, to put those messages in context. We have clearly been at pains not to include any messages that are clearly irrelevant or might be embarrassing. But if she thinks it more appropriate, all of that can go in. In addition – and Constable Rolfe’s legal team have engaged with MFIC, because your Honour was asked to – or your Honour has indicated – imposed an interim non-publication order over an author of one of those text messages, at the request of Constable Rolfe’s legal team.

And so, this court, will engage will any further requests, about those text messages.

THE CORONER: We have in fact included, as I understand it, a number of messages that parties have asked to be included. And it of course, if there was going to be additional messages which clarify or provide context, and they were raised with us, they would be considered for inclusion.

DR DWYER: Yes, and that’s all I wish to say at this stage, your Honour. But your Honour will recall in opening remarks in my opening, about how we are trying to conduct this inquest in a way that it is not inflammatory. One of the authors – or the author of MFIC suggests that it was incensory (sic) to stand beside persons in Yuendumu who were talking about payback and spearing. And I do want to comment on – just briefly, on that.

The tone of that particular article or opinion, is itself incensory which is regrettable and sad. But it also takes those comments out of context, because your Honour will recall, that the very first witness who we heard from, when we got back from Yuendumu, was Senior Constable Brad Wallace. An Aranda man, and very respected police officer in the Northern Territory. In a transcript, on 17 November, I asked him a question about what we had heard in the community.

That payback would involve spearing. And that this court, these are my words, “This court cannot condone grievous bodily harm to be committed against a constable who was involved in that situation, Kumanjayi’s death.” And I asked Senior Constable if there is any – “If there is a way that you can talk about – about how to accommodate customary law, outside of that practise of spearing.” And Senior Constable Wallace advises that that’s a conversation for the court to have with the Warlpiri Elders, and that it wouldn’t be appropriate for him to comment.

He then goes on to have a discussion about the importance and the involvement of Elders, in groups like the Walamuk Board in New South Wales, similar to the involvement of the Kurdiji, that we just heard about., in a way that empowers the Elders, and empowers customary law, outside of any understanding of spearing or payback that involves spearing. Your Honour has heard about payback and what that involves. And that it involves a restoration. Your Honour, has in the brief of evidence, General Orders, about customary punishment.

And they have been placed onto the record. And I recall Ms Ozolins rising to her feet in relation to this issue as well. Those General Orders appear at 17-31, and the revised version at 17-32. They specifically point out those General Orders. And the last one was in 2017, it's been rescinded. But it points out what the law is. It specifically notes that

“Members of the Northern Territory Police Force, will, as far as is reasonably practicable, prevent breaches of the Northern Territory Criminal Code. Under the *Criminal Code*, a person cannot consent to an act involving grievous harm, or death. A person may consent to actual – to an act involving bodily harm, but due to the circumstances surrounding that consent, it may still constitute a breach of the *Criminal Code*. When faced with a customary law situation known as payback, members shall engage with the community to prevent acts in violation of the *Criminal Code*, especially assaults that have the potential to result in grievous harm or death, even when they involve consent.”

So there is no suggestion, in this court, that spearing of anybody will be condoned. And it is distressing if mis-information is provided to the public, about what this court understands, or has heard evidence of, or what this court would condone. And I can only urge, on behalf of the court, respectful engagement by the media is sought from Counsel Assisting.

THE CORONER: Particularly when there is evidence from a number of different sources, in relation to a particular issue, to report only one side of the evidence, and not to give a wholesome account of all of the evidence that is in fact being received and discussed, is – it's not accurately representing what is occurring in this inquest.

DR DWYER: Yes, your Honour.

MR BOE: All right, I'm mindful your Honour is postponing determination of the issues we've raised, so that the other parties have an opportunity. But may I make this brief submission, is that if we are right, that any of the individuals either identified in the exhibits, is in contempt of this court, these publications are continuing, and they are on-line now. Those responsible for those postings, including the Independent Member for Araluen, have the opportunity, to remove those mis-truths, mis-statements, and contentious remarks. And they should do so, or at least take advice on that, so that the hurt and the disrespect to the families, is at least a little bit alleviated.

THE CORONER: Thank you, Mr Boe.

I think we'll take the morning adjournment.

ADJOURNED



RESUMED

THE CORONER: Yes, Mr Officer.

MR OFFICER: Your Honour, I just wanted to make it clear out of an abundance of caution that my silence (inaudible) Dr Freckelton has (inaudible) application does not (inaudible) acquiescence or acceptance of what he is asserting. I simply understand that (inaudible).

THE CORONER: Sure. Yes, thanks, Mr Officer.

Before we get to you, Dr Freckelton.

MURRAY JOHN SMALPAGE, affirmed:

THE CORONER: Yes, Dr Freckelton.

DR FRECKELTON: Thank you, your Honour.

Deputy Commissioner, would you state your full name for her Honour please?  
---My full name is Murray John Smalpage, with one L.

And are you one of the two deputy commissioners of the Northern Territory Police Force?---That's correct, your Honour.

Your Honour, before going into the background and similar of Deputy Commissioner Smalpage, there is a short statement of one page that he would like to make, particularly directed toward family on behalf of the Northern Territory Police Force. Is that acceptable?

THE CORONER: Yes.

DR FRECKELTON: Thank you.

THE CORONER: There's maybe some family in court but I'm happy for you to direct it to me if you prefer?---Your Honour, and to the community members that are present. On behalf of the Northern Territory Police Force we extend sincere condolences and sympathies to the family and friends of Kumanjayi Walker and the community of Yuendumu. We are sorry for Kumanjayi's passing and for the circumstances of his passing. We are sorry too for the distrust caused by not promptly informing his family and the community of his death and we acknowledge that the police sent an ambulance to the airstrip. That should not have occurred. We apologise to the community to the health personnel involved, especially Nurse Walcott for this. We apologise for the manner in which Kumanjayi's family members were informed of his passing on the morning of 10 November 2019 when police members did not refer to him in a culturally appropriate way and did not use his correct first name. The information was not given in a compassionate and sensitive manner and we accept that the manner in which the information was communicated

caused distress to his family. We acknowledge it was culturally inappropriate for police to ask Eddy Robertson to identify Kumanjayi's body. We apologise to Mr Robertson and assure the community that we have listened and we have learned to do better. We apologise that Kumanjayi's transfer to the police vehicle consisted of dragging which understandably causes distress to his family and community. We apologise for the carrying of long arms in Yuendumu and acknowledge the apprehension that caused the community. We offer these condolence apologies in the genuine recognition of Kumanjayi's tragic death and of its significant and lasting effects on the Yuendumu community. The Northern Territory Police Force acknowledges the tragedy of Kumanjayi's death both alone and in the context of grave and unjust history that includes events such as the Coniston massacre. The Northern Territory Police Force has taken active steps and will continue to do so, recognise there is much yet to do to rebuild trust between the community and the Northern Territory Police Force through collaborative discussions and consultations.

THE CORONER: Dr Freckelton.

DR FRECKELTON: Thank you, your Honour.

Deputy Commissioner, you have made three affidavits to assist her Honour have you not?---That's correct, your Honour.

The first, your Honour, is dated 12 July 2022. It's 7-120A.

Those contents in nature are correct to the best of your knowledge and belief? ---They are.

The second affidavit is dated 2 September 2022 and is 7-120B. Once again are the contents of that true and correct to the best of your knowledge and belief?---They are, your Honour.

You made a third affidavit dated 10 February 2023.

That was the one to which I was referring, your Honour.

THE CORONER: Thank you, I have it.

DR FRECKELTON: It's 7-120B. Subject to the matters which I shall raise with you in a moment are the contents of that true and correct?---They are, your Honour.

THE CORONER: Now, do you have those three affidavits that are exhibits in front of you, deputy commissioner?---I do.

Your Honour, may the witness refer to those affidavits in the course of his evidence?

THE CORONER: Yes.

DR FRECKELTON: Thank you.

I would ask you then to go the third of those affidavits and to the 12th of the exhibits, commence 12th.

This is a table to which reference will be made throughout the evidence, your Honour. MS12. You can see there's a table which summarises changes made and action taken by the police force since the tragic passing of Kumanjayi.

Do you have that page?---I do, your Honour.

Thank you. Would you turn then to page 6 of that? Do you see a heading two-thirds of the way down the page, "Use of force reporting."?---I do.

There's a second entry which reads on the left-hand side of the page, "Use of false reports." Do you see that?---Yes.

And it's a reference to an affidavit of Assistant Commissioner Porter there. Do you see that?---I do, your Honour.

Do you say to her Honour that there's a typo there. It ought to be par 120 rather than par 20?---That's correct.

Otherwise would you now turn please to exhibit 17 which is your affidavit and go to page 5 of that?---Yes.

At the bottom of that page at par 13 it's headed, "Drug and alcohol Testing" Do you see that?---I do.

There are a number of columns. There's one which has reference to various affidavits, for instance sworn page 1. Do you see that column?---I do.

And do you see that there's a reference at the bottom of that section which is Smalpage affidavit 3?---Yes.

Paragraph numbers there?---Yes.

Do you say to her Honour that that is a small error there and instead of pars 389 to 410 it ought to be pars 411 to 422?---I do, your Honour.

Thank you. Would you turn over the page to entry number 14, "Use of force philosophy policy."?---Yes.

Once again in that same column which refers to affidavits there are two entries, one in relation to your first affidavit and one in relation to your third. Do you say that the paragraph number 117 referred to there in fact ought to be par 120?---Correct. Yes, your Honour.

Those are the adjustments to the affidavit which otherwise it's true and correct to the best of your knowledge and belief?---Yes, your Honour.

So, in the first of your affidavits – I'm going to move between times, your Honour, between the first and the third affidavits in particular and occasional reference to the second.

You make reference to your own history as a police officer in pars 2 and following. In short, sir, did you commence as a police officer in 1979?---I joined as a police cadet in 1979 and became a police constable in 1980.

So, that takes you to something in the order of 44 years as of 2023, is that right?---Correct, my 44th year.

You were a detective from 1986 onwards?---That's correct.

From 2016 you were the commander and then Assistant Commissioner for Police in regional Western Australia, is that right?---That's correct.

How many stations did you have to look after in that role?---Through that role both as commander and as assistant commissioner regional Western Australia I was responsible for the provision of policing services across 124 police stations, 1600 police officers and 2.5m kilometres of Western Australia.

In 2019 I think you were appointed as assistant commissioner in Western Australia with responsibility for professional standards?---Yeah. I was promoted to assistant commissioner in 2015. I was appointed to the new role or swapped role from regional Western Australia to assistant commissioner for professional standards in 2019.

You joined the Northern Territory Police Force in early 2020 did you not?---That's correct, your Honour.

So, that was about three months after the death of Kumanjayi Walker?---That's correct, your Honour. In February 2020.

Could you tell her Honour a little bit more please about the rural and remote responsibilities that you had in the Pilbara and Kimberley areas of Western Australia?---Your Honour, prior to, throughout my career, my extensive career, I did serve for a period of time as a police constable in Kununurra Western Australia between 1985 and 1986. I was also a special constable in the Northern Territory Police Force at that time. Later on in my career I formed other investigative responsibilities which took me to the remote and regional parts of Western Australia. In 2006 I was appointed the district police superintendent for the Pilbara regional of Western Australia which encompasses some 440,000 square kilometres of Western Australia that adjoins the Northern Territory and includes a number of remote police stations, remote localities and I was based in Karratha Western Australia. In 2009 I transferred as the district police superintendent for the Kimberley responsible for

police and operations across the Kimberley region of Western Australia. The role I performed for a number of years until I was promoted as commander then I returned as the commander for intelligence for the Western Australia Police Force.

And in those roles in Pilbara and Kimberley were you required to liaise with the Northern Territory Police Force given the adjoining areas and so?---I did both in the Pilbara and the Kimberley and later as the commander for regional Western Australia and assistant commissioner through cross-border jurisdictional issues. There was a Western Australia police officer attached to Kintore Police Station and there is a Northern Territory police officer attached to a Western Australia police station at Warakurna. And I had quite numerous exposures between cross-border regions to ensure adequate service of policing services in the remote parts of both jurisdictions.

And is it your experience that there are people in the past who have drawn lines on the map of Australia persons in theory have just been discussing cross-borders with regulatory?---With great regulatory. And as we all know they are just lines on a map for many Aboriginal people who live in those remote locations of Australia.

Yes. Now when you started as a cadet in the late 70s there wasn't formal acculturation training or sensitisation, it was more informal, is that right?---Very much so, your Honour.

What have been the significant experiences that you've had which have attuned you to the culture of indigenous persons?---I'll speak specifically, your Honour, about a number of important people in my life and journey. But again, I'll make the point that my attraction as a police officer has always been to remote and regional locations, has been the most rewarding portions of my career. And you know, the engagement with Aboriginal people has been significant in that lengthy journey. As a constable in Kununurra way back in the 80s I worked exclusively with an Aboriginal Aid by the name of Noel Rivers (?). I was the constable and a very young constable, he was a police aid but he was my mentor and taught me a great deal of things about policing in Aboriginal communities and he's someone I hold in high regard.

Was he the equivalent of what we would now in the Northern Territory call an ALO? ---He was the equivalent of an ACPO. So he had sworn – special sworn powers. But he lived exclusively at Kununurra and he provided me with a pathway in how to deal with Aboriginal issues in an environment and a time when policing was vastly different to what we see today.

And after that?---Later on in my career and at several times in my career I've also dealt with Aboriginal police officers, some of which are still friends of mine today, still visit me in Darwin, including – hopefully he's listening – Sergeant John Hart (?), the first Aboriginal police officer in charge of the Yalgoo Police Station. Again, a person of significant influence in my life and taught me about respect. Later on in my police career, again through different interactions in different community forums, particularly in the Pilbara and more exclusively in the Kimberley region of Western Australia where I met and dealt with a great number of Aboriginal people who provided a really

great mentorship support and help me navigate the difficult pathway between law enforcement and cultural sensitivities. Specifically in 2009 I participated in an Aboriginal Suicide Summit, on Country at Billard (?) Aboriginal community where I spent a number of days along with a number of other people at Billard Aboriginal Community while living on Country, to try and come up with meaningful solutions around a significant number of youth suicides that had previously occurred in the police – in the Kimberley Region of Western Australia. I formed a strong sense of – a greater depth of understanding for the complexities of policing in remote locations and the ongoing trauma with suicides and alcohol abuse and child abuse across the Kimberley. In particular I'd like to recognise contact I had with Carol Martin (?) who was one of the first Aboriginal women in Parliament in Western Australia, was the member for the Kimberley. Was a person that I would reach out to in times of difficulty to seek wise counsel and one of the most prized possessions I own is a piece of artwork she provided me and my wife when we left the Kimberley of Western Australia to take up my new role as the Commander for Intelligence for the Western Australian Police Force. In 2018, August 2018 I participated in the – well over '17 and '18, the Australia, New Zealand Police leadership strategy stream one, which was designed for future development for senior officers. And as part of that program we partnered exclusively with Western Australia Police and the Martu leadership group out of Newman, Western Australia for an on Country cultural leadership camp for – leadership forum, which took place over four nights and five days. Where senior members of the Western Australian Police Force, including the Commissioner of Police, senior police from other jurisdictions will be lived on Country with the Martu leadership group and a vast number of other Elders and we lived on Country at a remote location, not in a community, out in a remote location where we all camped for the week. And we had an on Country immersion with the Martu Aboriginal people around a variety of complex issues, but predominantly around deepening our cultural understanding of police relationships with that Aboriginal group. It was probably one of the most rewarding confronting experiences that I'd been involved with. And it was just – it really, really awakened my knowledge to things that I thought I knew but I had no knowledge at all about.

And I think you've done the unconscious bias training for the Northern Territory Police Force?---I have, your Honour.

As a result of - - -

THE CORONER: Just before you move on. At the very beginning you mentioned a sergeant, I think John, I think it was Hart?---Hart, yep.

And you said, "He taught me about respect"?---He did.

What does that mean?---For a period of time in the Western Australian Police Force, in the early 80s, I don't think there was widespread respect for perhaps Aboriginal culture and Aboriginal people. As a young police officer, when I've got an older Aboriginal man who's my partner and I work with, he awakened me and just formed a bond that just demonstrated to me colours, colour's nothing. You know, he was a fine police officer. Someone I'm proud to know.

How do you show respect?---Respect, your Honour, is something that I think is very easily given. I think it's something that perhaps we overstate in terms of culture. I think every police officer can show respect by just being respectful and listening and pay due regard. Every single person that we deal with, day in, day out, has been on a journey we know nothing about. And the ability to perhaps emphasise with people helps drive that level of respect. Because when you delve into someone's life, things you don't know, I think it opens your eyes to the incredible journey that most people you know nothing about have been on. It's a very powerful tool.

So one component of respect is listening?---Very much, your Honour.

It's something that we've tried to do in this inquest, show respect and listen.

Yes, Dr Freckelton.

DR FRECKELTON: Part of that understanding needs to incorporate an appreciation of the traumatic events that have occurred to Indigenous people right throughout Australia. Is that something that you have learned about?---It is, your Honour. And I think that journey over the 40 years plus I've been as police officer, perhaps has been more broadly accepted now than certainly it was in the 1980s. So I think it's a really powerful tool and a really powerful thing that we actually reflect back upon the complex and often very unpleasant journey and relationships between police and Aboriginal people, right across Australia, not unique to the Northern Territory, Western Australia or anywhere else, just right across Country.

And in the course of this inquest have you taken the trouble to learn something of the events surrounding the Coniston massacres?---I have, your Honour. And again, as part of my readings and the journey I've been on, it's not just unique to Coniston. When I look at some of the terrible stories.

And as a result of all of that, what is your level of tolerance for racism (inaudible)?  
---Your Honour, on behalf of the Northern Territory Police Force, we don't accept nor tolerate it.

You're going to give evidence in due course about the initiate called CREC. Tell her Honour what that stands for, if you would?---Your Honour, Community Resilience and Engagement Command is a new command commenced on the appointment of Commissioner Chalker. It is a whole new command structure that is delivering significant reform from the Northern Territory Police Force. And one of the principle mechanisms for us to assist in cultural awareness and and better relationships right across the breadth and depth of the Northern Territory to the point, I would suggest, it's the best program I've seen anywhere in Australia.

Do you have a personal commitment to advancement and development?---We all do as executives, yes, your Honour, we're committed to it.

Thank you. Now, let me move to a broader topic then. I want to talk to you about policing generally and the functions of police in the Northern Territory. They're referred to in s 5 of the *Police Administration Act*, but just in broad terms, how do you conceptualise the role of police in the Territory?---Yes, your Honour. Section 5 of the *Police Administration Act* outlines the legislative responsibilities of the Northern Territory Police Force. They are the fundamental directions, I suppose, in law to the police. And followed from that, we then drive upon principally the commissioner's Back to Basics' project – 2030 project.

Now, what's that? Tell your Honour about that, please? Well, that's the policing strategy that we've adopted right across the Northern Territory Police Force that is under - driving our future direction and it links predominately to two principles, our people and our community. It draws heavily upon the badge we wear on our shoulder, "To Serve and Protect". And it's the principal strategy that we utilise across the police force.

Okay. Now, you and Mr Murphy are the two deputy commissioners of the Northern Territory Police Force answering to the Commissioner, Mr Chalker, correct?---That's correct, your Honour.

What are the areas that you have as your responsibility?---Within my command area responsibility, I have people in crime and capability. So, they include people in terms of college, professional standards' command crime. So, we have crime command in drugs and organised crime command. I also have capability, which touches upon water police, canine, mounted, airwing and specialists' components of the Northern Territory Police Force.

Just approximately, how many police officers are there in the Territory?---Sixteen hundred and, I think, forty at the moment.

And for instance, Mr Porter, who looks after professional standards, answers directly to you.

Yes, he does. Well, necessarily with a police force of that size, I think you said one commissioner, two deputy commissioners, there are four assistant commissioners. Is that right?---That's correct, your Honour.

And the seven of you constitute the executive of the Northern Territory Police Force?---That's correct. But also include in that, chief operating officer, who is a senior public servant.

Yes. There's a system of delegation of responsibility throughout the force, of course?---That's correct, your Honour.

So, what does that mean at a practical level for what you do and what you were informed about?---So, your Honour, whilst we're a small police force, we're still a relatively large organisation. The delegated command and control model that we operate under is devolved through the ranks as it comes down from the assistant



commissioner. So, we have commanders in charge of the various commands; northern command, southern command and obviously, the key operating functions of the Northern Territory Police Force. So, they are the principal owners of operational police activity as it occurs across the Northern Territory. As you go down, we have superintendents, they're normally in charge of divisions and districts and they are responsible for, again, the operational activity that occurs and response to community needs in those localities, wide across. And then obviously, we have the rank of senior sergeant, which generally incorporates the rank of – sorry, the position of officer in charge of the various sections. And then underneath that, we have sergeants and remote sergeants. So, they are responsible for the operational policing activity out there and they have responsibility and they are responsible for what occurs there.

THE CORONER: We're again just experiencing some live stream issues. I'll just take a brief adjournment, don't go too far, and we'll sort that out.

ADJOURNED