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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 29 NOVEMBER 2022

(Continued from 28/11/2022)

Transcribed by:  
EPIQ

THE CORONER: Take a seat. There's almost room for everyone to have a front row seat now. Yes.

MR COLERIDGE: Mr McMahon has been upgraded. Your Honour, we have two witnesses today. The first is Ms Brooke Shanks.

THE CORONER: Thank you.

MR COLERIDGE: She is seated in the witness box. And the second will be Mr Noel Clifford by AVL. I call Brooke Shanks.

THE CORONER: Yes.

BROOKE AMY SHANKS:

THE CORONER: Thank you.

XN BY MR COLERIDGE:

MR COLERIDGE: Ms Shanks, can I ask you to restate your full name for the record?---Brooke Amy Shanks.

And where are you living currently?---347 Yuendumu Community, Yuendumu.

And what do you do for a living there?---So, I'm the manager of the youth development program and oversee several other different programs at WYDAC, Warlpiri Youth Development Aboriginal Corporation.

Now, you've been, I think, at WYDAC most recently from about November 2021?---Yep, that's correct.

And you were also at WYDAC as a youth development worker and youth development coordinator - - -?---Yep.

- - - from about 2015 to 2018?---Yep, that's correct.

Now, WYDAC services' head office is in Yuendumu. Is that right?---Yeah, yep, the main office is in Yuendumu.

And it services other communities as well?---Yep, so we oversee youth development programs in Lajamanu, Nyirripi, Willowra and Yuendumu and have several adjacent programs to that as well.

Now, in 2015 to 2018, I think that you were doing some work in Nyirripi and Willowra. Is that right?---Yep, that's correct, yep.

Where were you based physically?---So, at the beginning of my time with WYDAC in 2015, I was based in Willowra Community as the youth development worker there,

up until the end of the year of 2016 where I moved over to Yuendumu Community and overseeing the youth development programs for Nyirripi and Willowra from Yuendumu.

Okay. Did you have any involvement between then, so the end of 2016 and 2018 when you left WYDAC for the first time, in youth development in Yuendumu itself?---Not in Yuendumu itself, only really during like the big events of like sports weekends and stuff like that where all the staff would come into Yuendumu and lend a hand. I worked more closely with our client services' sort of department, so the WWK funding and reaching out to the support and Nyirripi and Willowra needs by utilising the Outreach counsellor at the time. And then also working in conjunction with the Mount Theo program, if there was any young people in Nyirripi and Willowra that needed to access that program too.

I'm going to ask you a few more questions about it in detail in a moment, but just for her Honour's benefit, what's the WWK program?---So, the WWK is Warra-Warra Kanyi. So, that was a program that Brett Badger and Bruce Bignell created in the early 2000's. So it was a counselling – Yapa counselling based service that would cover the whole community. We actually had funding there briefly for our outreach programs, which were – covered Nyirripi and Willowra as well, by an outreach counsellor. And it would help in a range of different services. So it would help with court support. It would help with a 24/7 sort of crisis intervention and prevention sort of phone – phone line, that the community could access if they were in a need of crisis support immediately. And then it also helped with the support of other sort of programs, like the Intensive Families Support Service, and the Mount Theo program, so help supporting those young people accessing those programs when they come back into community with counselling.

Now then we'll talk about this in more detail in a moment, but that program was defunded in 2019 is that right?---Yeah I believe it was 2019 that it was defunded.

And - - -

THE CORONER: Which one was that?

MR COLERIDGE: This is the Warrawarra - - - ?---Yeah, Warrawarra Kungyi WWK.

- - - Kungyi Program, WWK. I'll lead a little bit more evidence on that in a moment, but with the exception of some ad hoc funding during the trial, it - - - ?---Yes.

- - - hasn't operated since 2019?---No.

Okay?---No.

Before I ask you some questions about WYDAC, what it does, what you did there, I want to ask you some questions about how you came to Yuendumu?---Yeah.

Where are you from?---So I'm originally from Adelaide. And back in 2015 I just randomly started applying for youth development positions across the NT. I was a residential care worker prior to that. And yeah, was successful in gaining the Youth Development Worker position in Willowra Community, and just decided to take that up. And yeah, made the move, and haven't left.

How old were you in 2015?---I think I was like early 20's, so '21, '22, I believe, yeah.

And did you have much involvement with Aboriginal people - - - ?---No.

- - - in the residential care facility?---No, we had a couple of sort of Aboriginal young people that we looked after, but nothing to the extent of experiencing a remote community.

In 2015, did you know that remote Indigenous - - - ?---No.

- - - communities still existed?---No, not at all. I didn't think that they existed at all. I was kind of surprised coming up to such a remote location, and yeah, the feelings that I – I first went into Yuendumu Community to do my induction. And that was a – yeah, a big cultural shock.

What shocked you?---The housing, and just the – the sort of picture of community. And the poverty. The – yeah, the – I remember going into one of the like first community housing, and I was just overwhelmed that 18 – 20 people would live in this three-bedroom house, that didn't have air conditioning, or didn't have adequate power, or – yeah it was – yeah, it was overwhelming.

When you said a moment ago that you didn't know then that remote Indigenous communities still existed, it was part of your surprise, the surprise to learn that people were living in effectively third world conditions?---Yeah, yep, yeah. And then because on TV in Adelaide, you see all the sort of – the TV adverts about sponsoring a child from like Africa, and all that sort of stuff, but then to go into a community and no one really know across Australia that there's also poverty within Australia, was sort of yeah, a little bit of an eye opener for me.

The inquest, I think for good reason, is hearing a lot of evidence about issues within Yuendumu - - - ?---Yeah.

- - - in an attempt to respond, or make suggestions. Something has kept you in Yuendumu for seven years?---Yeah.

What is it?---I think it's just the welcoming of community members. I remember being in Willowra, and you go through really heavy home sickness in your three to six months, where you just want to go home to your mum, to your dad, to your sisters, and all your family. And I think it was the old ladies, and the community members that wrap around you and see that you're struggling, and then sort of take you in as a family member, as they would any other child that's in community. And

I sort of – that sort of kept me around, is just that sense of family, and that sense of connection with people, and accepting, and yeah, love, where people have only known me for three to six months. It was, yeah, it was definitely what kept me there.

We've heard evidence from a number of different people who provide services, or have provided services in Yuendumu, when some certainly appear not to have really engaged with the community - - - ?---Yes.

- - - or even engage with other stakeholders?---Yeah.

Did you think about that consciously when you landed on the ground in Yuendumu? That you wanted to engage with Yapa?---Yeah. I think automatically you go that. Running youth program, you deal with kids on a daily basis. So to be able to give them the best possible outcome, a youth program, you engage their families. So you get their mum and dad, or you get their carers down, and their aunties down, or their uncles down, to help engage them at youth program. To be a part of a community sort of minded space. So you kind of do that, or I did that subconsciously, because that was – gave me the best result with the young people. And gave me the best relationship with them. So if you did have any behavioural issues, you know – you knew who to go to, to talk about those behaviour issues with – or any concerns, like medical concerns, or anything like that. If a young person stubbed their toe, and you've noticed that they haven't gone to the clinic for a couple of days, if you have those forms – relationships with their family, then it makes that part of your job so much more easier, and so much more free flowing.

What about relationships with other stakeholders? Some of the Yapa that I'm sure some – many are Kartiya?---Yeah, yeah. So it gives the community more of a holistic approach. So you're all working together for the same goal ultimately. And you're all there to support the community, whether it's adults or young people. So you're all there for the same reason. So having each service interact with other services, is sort of crucial for any success within program. And NAIDOC week recently, this year, are sort of prime example of that, we had all the service providers in Yuendumu come together and deliver different activities and stuff. And that was the first time the community highlighted that they ever celebrated a week-long NAIDOC week, with different activities. And it was just – yeah, it was – it was great. Because when one service provider couldn't fulfil one duty, then the other service provider was able to pick that up, and every age range was looked after during that week. So it sort of makes a better program delivery throughout the whole community.

One of the (inaudible) in Yuendumu in May this year - - - ?---Yeah.

- - - and had a conversation, and one of the things that you highlighted was high rates of staff turnover. And I'll ask you some questions about that in a moment, but something else you said was that you felt like at that time, there wasn't much communication between stakeholders within Yuendumu?---Yeah.

Does that reflect your sense of the way things were, or have been, during this

year?---So it's definitely improved immensely. And that's part due to I think all the stakeholders realising that they need to come together a little bit more. And everyone was working in sort of silo departments, and not really achieving the outcomes that they needed to achieve. And it's also part – I've got an amazing youth development team in Yuendumu. And so they take off where I can't fulfil those communication sort of needs with other service providers and stakeholders. Then they come in, and they can do that groundwork for me. So they've built up a lot of our relationships with the Mediation, the Night Patrol Program, and then with the Children and Families Centre, and then with the school and the council and CDP. So ultimately we've got a lot of service providers that have come in this year alone, and they've all got the – the same goal. So it's greatly improved, dramatically, over the last sort of even just three months period.

THE CORONER: What generated that improvement?---I think it was – so before, like earlier in the year, because of COVID we couldn't have those regular stakeholder meetings in person. A lot of it was over – online, and I guess that generated – we started having like regular emergency planning meetings because of COVID. And that sort of has flown from that to regular – I think we've got every second Wednesday, and every fourth Wednesday of the month, we have regular stakeholder meetings at two different locations. Either at the NIAA office, or the WYDAC Learning Centre. And I think from COVID that sort of picked that up, and it's made every single stakeholder realise that we've all got to help each other, and reach an ultimate goal in community which is sort of fed that.

I will ask you some questions about relationships with Yapa, professional relationships with stakeholders.

THE CORONER: Sorry. What is the ultimate goal?---Supporting in the community of what they want. So, hearing their voice. So for WYDAC in itself, it's sitting down with the young people and figuring out what they want to see at youth program, so going around during the program hours and asking young people, "Are you happy with just basketball or do you want something more intense like cooking activities or like cultural sort of art and craft based activities. So it's hearing the young people's voice is our ultimate goal of WYDAC and then transferring that out to listening to what the community want. So do they want better infrastructure for like rec hall or do they want more educational-based activities, a youth program or at the school or the junior night patrol program with mediation and night patrol, so it's ultimately listening to what the community wants and then trying to come up with a goal and a plan to get that.

And what are you hearing at the moment?---So, at the moment a lot of it comes down - you've got two parts, so you've got the adults of community and Elders that want educational and employment outcomes and then you've got the young people that they highlight that they're not ready for that and they want more diversionary and engagement activities to pull them away from the antisocial behaviour that - like and the peer pressure that they experience from some young people and stuff like that to pull them into a safe place where they can have those safe conversations with the youth workers. So you sort of - you've got to bring them together and work out an

ultimate sort of goal where the adults are listening to the young people, which I think sometimes their voice doesn't get heard as much. And a lot of them have highlighted that they are not ready to gain jobs yet, they don't feel like they are ready for that or ready for educational options or anything like that, they just want to have a safe place where they can go to to enjoy engaging activities that will develop them to employment options and educational options.

And - sorry, I just want to drill down?---Yes.

So you said diversion and engagement activities?---Yes.

So have you identified what - the kinds of - have you started to identify what that might look like or what that might be?---Yes. So for the older ones - the 16 to 25 year-olds, so they've identified that they want to do more on-the-ground learning where they have options to have their own space and working alongside the youth workers to develop their skills, so some have highlighted that they want to do that by going out on more bush trips, having more sort of - (inaudible) numerous activities out on bush trips so they're actually doing that today in Yuendumu, and going out there and doing a bush trip and having some of those sort of educational options and then the younger ones have just highlighted that they want a safe place to go and whether that is to throw a basketball around, they can get away from being in home and have more of an open space. Other young people have sort of highlighted that they love their cooking so they've also highlighted that they don't eat for a couple of days, so they'd rather cook a healthy meal and learn about sort of healthy eating and healthy cooking so that's where they use the youth program for that option. And then others are just happy just to sit and do chalk drawing or painting or some sort of arts and craft based, so it is very varied and it's a space that we can definitely deliver that sort of staff. But unfortunately, our funding just - it doesn't cover that. Our funding is mainly to work with the 16 to 25 year-olds in the employment outcomes, which is hard to manage.

Can I ask you some questions about that in a moment?---Yes.

But just a couple of follow-up questions on this topic. How are you identifying those needs and desires of that younger age bracket? Is it kind of formal interview, is it kind of ad hoc conversation?---It's done through a few different sort of aspects, so we hold like a sub-committee meeting, so they are meant to be every three months, sometimes it's deliverable every three months, sometimes due to sorry or funerals you've got to move them or postpone them and that's more of a formal sort of process and meeting. Others will just be general conversations that you've programmed just usually on the first day of program delivery, which is a Tuesday, the Youth Development Team will go around and ask the kids and the young ones what they want to see during that week and then they form a program around that, so it is very flexible. So a lot of it is just general conversations, the Youth Development Team actually because they had to cancel the last subcommittee meeting last month, they actually just went around house to house and just asked the families and the community what they wanted to see at program and one of the biggest things that they highlighted was due to community tensions at the moment between

two camps, that they wanted separate camp activities. So they wanted one day for the Youth development Team to go down to South Camp and run a barbecue and some engaging outdoor activities there and then the next day go up to West Camp and do the same sort of structure of activities delivered up there, so the Youth Team has done that, so.

Maybe you don't know, what is the funding for the 16 to 25 year age bracket and the younger age bracket?---So, our funding is delivered through WETT - which is Warlpiri Education Training Trust which is administrated by CLC, so that just covers 16 to 25 year-olds in employment outcomes and educational delivery outcomes. We actually don't receive any funding for under 16-year-olds but that's what we see on a daily basis is the under 16s rather than the over 16s. So I am not too sure off the top of my head what our yearly funding budget is for that. Noel will be able to answer tat one but yes, we're not actually funded for anything under 16.

Have you had conversations with the - I understand that there are a number of funding bodies including GMAAAC, NIAA?---Yes.

The NTG, but have you had conversations with the funders about the actual funding not meeting community need or expectation?---Yes, so we've tried. Sometimes that kind of falls on deaf ears a little bit and it's not really - once we're locked into a funding contract for say three years or two years we're kind of stuck and we can't really move from that. A lot of the time they're not willing to be flexible as the funding sort of goes on. Yes, so it sort of - you are put in a situation where you have got to wait until the last six months and compile all your evidence and prove to the funders that this is what we've tried, it's not working, let's look at different ways on being a little bit more flexible in the way that we can deliver our funding and our KPI and stuff like that around the funding. Sometimes they accept and sometimes they don't.

And do you know when those contracts are up for re-negotiation?---Yes, so June 2023.

Accepting that you're not really funded to provide these services, but what services is WYDAC providing on a day to day basis in the under 16 year-olds??---So on a day to day basis - so under 16 year-olds, the Children and Families Intensive Support Service, so they provide that case management support for families and young people during challenging times. If we're - - -

THE CORONER: And you're not funded for that?---We are funded, so that's a different department to my department, so that's funded by NT Government.

Right?---So that's very KPI specific as well, so I don't now what the actual criteria is but it is very limiting of what support we can provide those families and young people, and then we've also got the Youth Diversion Department, so we work with those young people involved in the juvenile justice system and - - -

Is that you or someone else?---So I'm currently acting in overseeing that and have been doing that since mid year this year.



And that's funded?---That's funded currently, yes.

And what does youth diversion do?---So, we've got currently three young people in Yuendumu alone that's currently on youth diversion and we sort of tailor it to meet their needs. So, we've got one young person who really engages quite well with the Arts Centre, so they're not really interested in engaging in youth activities at youth program, which is perfectly fine. So, they actually just go down to the Arts Centre daily and do some painting and some cultural sort of learning and stuff like that with his grandmother, which is really positive. And then we've got other young people that they might not be ready to engage in a youth program yet, but we're starting to slowly see them come in for an hour a night, which is really positive too. And then we work in conjunction with the Children and Families manager, Rustos(?) and he engages them within different departments. We've also got our infrastructure department which we try and engage the young fellas involved in the youth diversion program within that, which is essentially coordinated by my partner, Max Kennedy. So, he tends to work with the young people that have been involved in the break ins in community or the antisocial behaviour and he takes them to WYDAC houses and essentially shows them a half an hour break in can result in six hours of work of patching up the damage and doing repairs to those housing and stuff like that. And the young people get to sort of see a vision of what actually happens after they break into a house, which is kind of a positive outcome, I guess, for them.

MR COLERIDGE: Can I just ask about a couple of those answers?---Yes.

With youth diversion, is that program delivered to children who have been formally placed on diversion by a court?---Yep.

THE CORONER: I think it's - diversion is from the police?---Yep.

So, they're not put on a court – it's not court-ordered diversion, it's police diversion.

MR COLERIDGE: I suppose what I mean is, it follows some interaction with the criminal justice system, whether the police or a court?---Yeah, so we've got a couple also – we've got a couple that have just been referred to us from the local police and then we've got a couple that are actually court-ordered to conduct their youth diversion activities through WYDAC.

Does WYDAC provide any services, just kind of more broad, general, diversionary activities for kids who haven't been placed on diversion by the police or a court, but who have been identified as potentially higher risk or - - -?---So, that's where we're missing the gap with the WWK funding. The WWK funding could come in and sort of pick up the young ones that might not be referred to a particular area or a particular department and do that intense work with them. So, no, not currently at the moment.

Okay. Is WYDAC providing any activities kind of targeted at that age group for kids who aren't on police or court diversion?---Only what – we've got a youth program, but technically, we're not funding for it.

And how often is youth program running?---Tuesdays to Saturdays. So, an afternoon session and then a night session.

And what are the hours of those sessions?---So, it goes – in Yuendumu, it goes from 3:00 to 6:00. So, that's the afternoon activities. So, they might send a youth worker down now that the Yuendumu pool is open. So, they might send one of the youth development workers down to the pool to help supervise the young ones down there during the hot periods and then they're run some activities at the rec hall. And then, they close up for an hour for lunch – for dinner and then they come back and then they run activities from 7:00 to 9:00, and then we close during school nights at 9 pm so everyone can get home by 9:30 and be in bed for school the next day.

What's the level of participation, particularly in the night-time block?---The night-time block, in Yuendumu, we can see anything from 50 kids to 120, just engaging in the range of different activities. So, they try and mix it up. So, some nights, they might close down the basketball and then go down to the football oval and do a barbecue and stuff like that down there and get the older ones involved with teaching the little ones how to play a football game or just running around on the football field. And then, yeah, then the other nights, we might do cooking in the afternoon and then the young kids serve all the little ones' dinner during the night session and stuff like that. And then we've worked with other service providers in engaging their resources, so Children and Families Centre, Fiona has lent us her big TV, so we do movie nights and stuff like that on some nights as well and the kids sit around with popcorn and pick a movie and have that sort of aspect of things.

We've heard a bit of evidence on this before, but what's the reason for delivering services at night?---So, it's trying to steer the young people away from antisocial behaviour. So, is one of the biggest sort of reasons to give them fun activities during the night-time to try and decrease the break ins and decrease that antisocial behaviour with substance abuse, whether it be ganja smoking or alcohol or anything like that. So, it's trying to sort of steer them away from that aspect of things. But it's also a really good opportunity to get them involved in positive activities that they might see, even though they seem like fun activities, that they might be developing their skills for the future, which is essentially one of the goals.

And just to clarify, this service is one that WYDAC is providing, but isn't technically - - -?---Funded for.

- - - funded for?---Yep.

Okay.

THE CORONER: Do you know how much is being spent on this service?---Not off the top of my head, no. But to put it in like sort of context, so with our (inaudible) funding, we receive \$15,000 a year for program equipment costs. So, that might be like basketballs or footballs. Now, in Yuendumu, it's much of a greater community, but we get the same yearly budget as what Nyirripi and Willowra receive for program

equipment costs of \$15,000 and it's triple the size.

If funding wasn't an obstacle, what would you change about those services?---It would be working more closely with the younger kids, particularly that eight to 14 year olds. They need a lot of support and that's sort of the peak moments for them, I feel. Like if we've got a young person that is engaged with antisocial behaviour, whether that would be ganja use or break ins or stealing or anything like that, by the time that they reach 15/16, it's really hard to move them from that sort of behaviour into another sort of positive, engaging activity without the juvenile justice system being involved. So, essentially, it would be really good to start that intense work with those 18 to – eight to 14-year olds, to start embedding those positive activities from an early age to try and get them away from that before they commence.

And on a kind of nuts and bolts, day to day level, what would that engagement look like?---So, sometimes, it's just getting a young person in the car and just driving around community. I find a lot of the time to find out the most about a young person having that sort of one on one time with them is sort of crucial and you can find out a lot with just sitting with a 10 year old in a car of what their home life is like, what their experiences are at home, what their challenges are, some of the reasoning why a 10 year old isn't going to school at 9 o'clock in the morning, and it might be as simple as, we're living with 22 people and all the adults were drinking last night and I couldn't get to sleep. And so, having those opportunities to have those conversations to be a little bit more aware of the struggles of the young people is sort of one of the biggest crucial aspects of youth program. And in that way, we can work on activities tailored to those young people. So, working out safety plans for them. So, if you are experiencing like lots of adults drinking one night at your house, like what's your next safe place, like who's your next identified safe person that you can contact and you can go to, so you can get rested for school tomorrow morning and be ready and be up early at 9 o'clock. But we just don't have the resources to be able to do that.

And when you says "resources", you just don't have the - - -?---Funding.

- - - staff?---Yeah.

Yes?---Funding and then it comes down to staff. So, a lot of the time – so, we've got the youth program that opens up and you sort of – you tell the youth development workers to focus on that 16 to 25-year olds to get them employment outcomes, to talk to them. But a lot of the time, you're pulling a three year old off of another three year old that's fighting at youth program and then you've got a nine year old that's having a jealous fight with another nine year old and you've got all these fights and all these barriers and stuff like that. And so, at the end of the program delivery, you're like, I didn't get to talk to any 16 to 25-year olds. And yeah, it really comes down to staff, even with three youth development workers on the ground delivering program in Yuendumu, you're putting out spot-fires everywhere and then you're trying to have a conversation with a young person about their home life, or about their challenges that they're facing. And then you get interrupted because another

young person is over in the corner trying to throw a basketball, and another young person. So it's one of those things with – without the staff on the grounds, that intense work can't – can't happen.

THE CORONER: How many staff do you need?---So ideally, you need probably five staff to run Yuendumu Youth Program, efficiently, is my sort of goal. And that would be one coordinator that's just based in Yuendumu and overseeing Yuendumu, as a floater, so if they need an extra set of hands during an intense program night, they are available to do that. And then you need four youth development workers on the ground. Two to really work with the older ones. And then two to work with the sort of younger ones, and do that sort of diversionary and sort of activities that you (inaudible) - - -

MR COLERIDGE: Just to clarify by older ones, you mean the 16 to 25?---Sixteen to 25, yeah.

And by younger ones, you mean the 18 to 14?---The eight to 14 year olds - - -

Eight, yes?---Yeah.

How should those staff – I'll it this way. How are those – how are your staff qualified at the present? What do their backgrounds tend to be?---So it comes from a range of things. So some might be completing a Youth Work Certificate, whether that's certificate four or a diploma qualified. Others might be studying, or completed a certificate four or Diploma in Community Service. What we're finding at the moment is because of the negative media attention of Yuendumu, we're finding less and less qualified people to fill those positions, essentially, because if we've got someone that's a really strong qualified worker, they come up, they interview, they go through that whole process. And then when you give them the options of Yuendumu might be an option for a youth worker position, but then they quickly withdraw their application, once they go on to Google and Google the Yuendumu Community and see what the media's sort of portraying about it. So then you sort of – you start to settle with less qualified people. Which in result, doesn't give you the outcomes that the community need. Because they're not qualified for those positions.

Did you do that Googling in 2015?---I didn't, thankfully.

What might have happened if you had?---I wouldn't have gone.

Do you think that what you read in the media is justified?---No.

This is a big question, and I appreciate that parts of it will be outside your expertise, but do you have a sense of what can be done to change that perception?---I think more positive news stories. There's so many positive stories that come out of community, like the Junior Night Patrol Program, or just in general, the Night Patrol, currently at the moment, has been our rock in delivering Youth Program activities, particularly during the night sessions. With the community tensions and the community fighting, having those services come in and help us, even if it's just

coming in to the barbeque that we're cooking, or for the dinner that we're cooking, and just being present. And sort of talking to the young ones about sort of violence and fighting and how it's not good, and positive behaviour. Those sort of stories need to be more broadly published. Same with the school. The school's doing absolutely amazing things at the moment, with the Yapa based school teachers, and with the support workers, and stuff like that. But you don't really see those come out in the media. There's lots of positive things that happen, on a day to day basis. NAIDOC week in Yuendumu was really positive. None of that was published in the media, what so ever. It was just – like recently it was signs on store saying South Camp can come at these hours, and West Camp can come at these hours. And so the portrayed of Yuendumu gets really negative. Where in reality, it's quite positive. And there is lots of positive things coming, and achievements happening. And young people gaining employment. And young people going through certificate threes and fours of like civil construction and heavy machinery, and stuff like that. But it doesn't get published.

THE CORONER: Are the young people able to complete youth work certificates or Diplomas in Community Service, from Yuendumu?---So that's what we've been trying to explore. So we've been touching base with Batchelor Institute, to see if they can come up and deliver. One of the – they used to be able to delivery Community Service Certificates. But they no longer can in community. So that involves taking people out of community, into Alice Springs, or to Darwin, to going through that process. And that brings up barriers in itself. Particularly when you're putting through local staff those certificates, there's lots of temptations in Alice Springs and Darwin with family obligations or with peer pressure or alcohol. It – it becomes a real tricky thing. And then a lot of people decided they just don't want to do it. They don't want to risk that aspect of things, and they refuse to go through that certificate. We've been very lucky in the sense of teeing up with Batchelor Institute and CDU to deliver some heavy machinery certificates, which we recently had delivered through the Yuendumu Learning Centre in June/July period. So that was really, really positive. So we've seen instructor come out and deliver and intense three – four week Certificate III of Civil Construction and Heavy Machinery. And we've actually seen four staff – like four community members undertake that certificate, which was really positive.

Can you tell me the ages and gender of those community members?---So all male. So – and they range from 20 years old to 29.

MR COLERIDGE: And roughly how many of them are there?---That was - - -

There were four – four, I see?---That was four, successful completions.

THE CORONER: So it would be nice to have more options like that?---Yep.

And to cover a greater range of interests, and also to cover the services that are, you know, looking for employees - - - ?---Yeah.

- - - in community?---Yeah. One of the most stock standard certificates that you try and get any new staff member coming – working with WYDAC, is Community Service. Whether that's someone gaining employment within CDP Program, or the council services, or WYDAC, or the school, community service really embeds that foundation of what it's going to be like in working in community. And then from there, they can sort of go more into a specialised field. So they can go into more of a sport and rec, or a youth work, or educational, or child care. But having – like some sort of Community Services Certificate, being delivered in community, sort of sets up the local works to be able to successfully be employed within community, and do their job well.

Do you know when that was last provided in community?---I believe there was in 2015/2016, and then it slowly started to not come into community.

MR COLERIDGE: Do you know why that was?---Because there wasn't enough participants essentially, to make it successful. So they would only come if they've got a minimum 10, which is a very high number. And really, you want to work with four/five people properly, so you can do that more one on one sort of smaller sessions with that group, rather than 10 people. Ten people is a lot of people in a class room, in a community of Yuendumu. And there's a lot of reasons why 10 people can't be in a class room. It might be sort of family lines, or it's just not culturally appropriate for five males and five females to be in a room, and discussing some really challenging issues involved with the Community Service Certificate. So smaller class sessions is kind of idea, but the – the educational facilities don't see that really as an option. So they like minimum numbers.

Who's delivering that education?---So it was done by, in conjunction of Batchelor Institute, and CDU. And now I believe after talking to Batchelor Institute, they don't deliver the Community Service Certificate at all.

And do you know if any other service provider has filled that gap?---No.

As in you don't know, or you - - - ?---I don't – I don't know. I know CDU do deliver it, but that's only based in Alice Springs or Darwin.

As in you'd have to travel in, okay?---Yeah.

And the likelihood of that happening or - - - ?---Is - - -

- - - No?---Yeah.

I want to ask you some questions about kind of trade skills?---Mm mm.

You talked about some of the work that your partner Max has done?---Yep.

Is that kind of ad hoc, informal engagement or - - - ?---Yeah, so it's very informal. So he actually sat the Certificate III in Civil Construction with the young people that sat it

in June/July period, so he could support them through the session. And he also gained a certificate in the end as well. But on a day to day basis - - -

THE CORONER: Was he one of the four?---Yeah, he's one of the four. Yeah, so he is a community member himself, so yeah, he is one of the four. So, he sat with three of his sort of infrastructure team members to sit the certificate successfully. And then, on a day to day basis, he'll teach them how to weld. He'll teach them how to use lawn mowers or whipper snippers to do sort of that regular maintenance and sort of upkeep of the WYDAC housing and stuff like that. It's very informal though.

And so, that's not a program he's delivering, that's just within his role in operations at WYDAC, he's involving some of the young adults?---Yeah, yep. So, like Rustus has highlighted a couple of young people that he's got on his sort of worry list, per se, of some young people that he's really intensely working with and he'll pass those names to Max and Max will go out and try and engage them in those sorts of activities, rather than get them involved in the youth program, because most of the time, they're not interested in involving themselves.

What does the age of those kids or young adults tend to be?---So, from probably around about 15 and I think we've had an older one which was late twenties.

Do you think that there could be any utility to establishing a more formal program for - - -?---100 percent, yep. So, we used to have the mechanical workshop open in Yuendumu and that was run by WYDAC. And that was sort of a basis of engaging those young men that are really hands on in particular activities in going through an apprenticeship. And since that closed, which I don't know what year that that closed in, those young men are sort of pushed to the side and we've got one that is halfway through completing an apprenticeship, but there's no mechanic to do that with. And then he's sort of faced with the option of, now he's got to sit all of the previous study that he previously did, where he only had a year to go, he's got to redo that all. So, he's got – he's back to square one in completing three years of study, even though he's done two years of it.

In the director's report for the 2021 - - -

THE CORONER: Sorry, why did the mechanical workshop close?---So, we had a staff member leave and then it's been limited housing in engaging another mechanic to come in. And yeah, the salary expectations for a remote mechanic doesn't fit what WYDAC is expecting or funded for.

In the 2021 director's report which was signed in February of this year, under the heading "Future Developments", it said, "On behalf of WYDAC that, subject to funding, it's the intention of the board to explore reopening the Yuendumu workshop to provide servicing and repairs to the corporations' vehicles, provide educational opportunities for Warlpiri youth and explore the potential of partnering with a commercial provider to offer repairs, maintenance and tyre changing services to the community"?---Yep.

Do you know anything about that intention or whether steps have been taken to make it - - -?---I don't know, yeah.

Okay?---Yep.

Who would be the person to ask about that?---Maybe Noel. Noel might know.

It's certainly something that we've heard from other community members, including board members at WYDAC, is that - these are older members of the community, is that one of the noticeable differences between their time as young adults in the seventies and eighties and today is that there are almost no opportunities for vocational training in Yuendumu. Does that sound - - -?---Yeah, it's very limited because you've got to have the participation numbers up there for even someone to come out, even deliver something. And then if it's under Certificate 3, then a lot of the time, Bachelor and CDU will come out and deliver it for free, which is great. But then you've also got to find housing for that trainer, which makes it a little bit more difficult because, if you don't have anything available within your organisation, you've got to dig into say Central Desert Regional Council with the guesthouse and a week accommodation there is very costly. So, it sort of puts you back to square one on, it's really good for free education, but then you've got the other added costs on top of that and then you've got the participation numbers. Sometimes, we can't guarantee or sometimes, three months of planning the training, you might have 10 people that are interested in undertaking that training and on the day or on that week, something might have happened and you've only got two people that are willing to sit the class and yeah, then that sort of makes it difficult for the trainer, so they tend to just pack up and leave which makes it a little bit more harder.

Do you think that there would be – it sounds like one of the difficulties with a lot of these formal training programs that are delivered from centres like Alice Springs is that there are rigid quotas or there might be a level of interest in the community, but they'd then turn up on a particular day and is an interest on the day?---Yep, yep.

Do you think that, you know, given the informal nature of WYDAC's engagement with kids, there's a benefit to just having infrastructure on the ground, like a mechanic's workshop - - -?---Yep.

- - - so that that engagement can be more ad hoc and consistent?---Yep, 100 percent. And having people that are also qualified in a range of different skills, so they can pass on their knowledge in more of an informal process is also really positive too. But yeah, we don't have that at the moment.

Just circling back to the issue of youth support, 18 (sic) to 14 year olds, one of the big service gaps you've identified in your written statement is the lack of any trauma or other counselling services for young people in Yuendumu - - -?---Yep.

- - - since the WWK program ceased in 2019?---Yep.

Can you tell her Honour a little bit more about that?---Yeah, so the WWK program



sort of filled those gaps where particular service delivery and KPIs had strict sort of engagement options for young people and older people. So, the WWK funding, it upskilled local community members in becoming Yapa counsellors, and essentially running a counselling service themselves what were – that's culturally appropriate, culturally informs and it – they work alongside a case manager to be able to help the wider community. And that was done via the 24/7 crisis line where they could ring up if they were having suicide ideation or mental health worries or concerns throughout the night or throughout the day, they would link them into the local clinic to – if they needed more intense mental health sort of assessments or support. And then they could also work in line with the local police and with the Mount Theo program and really fill those gaps when those other services were feeling a little bit overwhelmed with their workload. So, they were an allrounder. We also had, through the WWK funding, the Outreach counselling service, which as a youth development worker in Willowra Community was sort of crucial for me. I had like a history of sort of working with mental health and sort of personal like family experience with mental health issues, so I was pretty set on that knowledge and skills when working in Willowra, but having that support over the phone and in person with the Outreach counsellor, Matilda, at the time, she was kind of crucial in me being a successful youth worker, because I was able to support the community in ways that any other youth worker wouldn't be able to. So, I would be down with a young person in the middle of the night while they're holding a knife to their wrist or to their neck and sort of thing, and be that sort of support person and have that knowledge and training behind me from the Outreach counsellor to be able to assist that family and that young person during that hard time. So, it was really a crucial service to a lot of community members. It opened up a lot of job opportunities and educational training opportunities for them.

For Yapa?---For Yapa. A lot of the staff – well, all the staff, they went through Lifeline deliver an accidental counselling workshop, which essentially is formulated to community members and family members that might accidentally fall into that counselling role without even knowing it. So, that was a really good stepping stone for community members to go through that training and highlight that they can be of assistance to their family and they do have that knowledge and skillset behind them to be able to do that. And since that funding was cut, that has been non-existent.

Do you know how much the funding was, roughly?---No, I don't know.

And do you know why it was cut in 2019?---No.

And do you know if there have been any intents to re-establish that or similar funding?---Yes, so we've been working really closely with NIAA to highlight with the community on the need for that funding and we were successful in gaining that funding over the trial period which was a really good positive sort of experience for us and I think that even highlighted it even more that the community need this. There has been no counselling services since the night - of like 9 November and a lot of the young people haven't had the opportunity to express their emotions and their feelings around sort of the events that took place that night and yes, there's a huge gap there.

That funding that was provided during the trial period, do you know what the duration of the counselling services was? Was it just the trial, or - - -?---So it was just the trial. So it came into play like the week that the trial started and then yes, and then it stopped the week after the trial sort of ended and it was around sort of like healing and Gan'na healing came up and delivered some activities and stuff like that with older ones, and with the adults and Elders, which was really positive but again, that gap with the younger ones - the ones that hadn't had that opportunity to express their emotions and their anger or even just sit down with someone to go through the process properly of what the trial period is about, that was sort of missing during that period.

I am going to ask you some questions in a moment about your experiences of 9 November and in the days following, but what is your general sense of the level of need for these services in the community amongst young people?---So it was needed the moment that the funding was cut. There's so much trauma and complexities to a lot of young people even prior to the events in November 2019 and the community and the young people in general need support and it's not as accessible as what everyone believes it is. The health clinic is meant to have a psychiatrist and psychologist that comes out but over the years that sort of deceased in the frequency that that person will come out and support the community. A lot of the time if someone is having a mental health sort of breakdown it's flying him out and putting him in Alice Springs Hospital, which isn't the best possible outcome for that young person or for that adult in general.

In addition to kind of those acute presentations, how is the level of trauma and mental health manifesting in kids in Yuendumu?---It's - it's there and you see it every day at Youth Program and you hear some of the stories of what it's like growing up in some housing and some families and stuff like that and it's sad - and you're very limited on what you can do for that individual because there's nowhere to refer them to. There's no additional support unless you meet like a really strict criteria and that's not sort of helpful for any young person or family.

When you say "really strict criteria" are you talking about people who are pretty severely mentally unwell?---Yes, or they meet the particular criteria of the Children and Families Intensive Support Service but there's only limited support that we can give them through that program and sometimes the support that the family think that that program is there to assist with isn't actually what we are funded for. So sometimes they would like to use it as a crisis sort of support service so if they are running low on power or food that week that they can go to the Children and Families manager and again a purchase order or gain some sort of crisis relief funds to get them through until payday next week, but we are not funded to do that. So then you've got to sort of send them home without power or without food and that's when the youth program tries to pick up on that and tries to feed the kids every single night, even though they were not funded for it, or school holiday period, a lot of the families forget to feed their kids because the school provides food during the day. So then the youth workers are left to make lunches and dinner for the young people without being funded for it because otherwise you hear from kids day in day out that

they haven't eaten for two days. And that's what creates staff burn out because the stories that the youth workers hear, it impacts them.

On the subject of burn out, I mean, how many hats do you currently have on at WYDAC?---So, I started off in 2021 in November as their Youth Development Coordinator for Nyirripi, Willowra and Yuendumu. Within three weeks of holding that position we lost our manager of Youth Development so I was moved into that position to oversee youth development programs in Lajamanu, Nyirripi, Willowra and Yuendumu.

As well?---As well, and then luckily enough we had a really strong team leader, Simon, on the ground in Yuendumu that could oversee the coordinator aspect of things, up until he left in July. And then throughout the year every single time a staff member leaves I tend to have to pick up their job, so currently I do the acting Lifelong Learning Manager position as well, so I've done that since May, so I oversee the Yuendumu Learning Centre, the Unlock Literacy Program for Nyirripi and Willowra, the Early Learning Child Care Centres in Yuendumu and we do have one in Lajamanu that we can't facilitate, and then from there throughout the year I've gained the acting position of the Youth Diversion Manager position and recently in September, the Mount Theo Program, manager position as well.

How are you feeling?---Overwhelmed.

What are your plans for the future?---They're – gonna go back to family in Adelaide. It's - yeah - it's been a lot.

You're exhausted?---Yes.

I want to ask you some questions about the Mount Theo program?---Yes.

Obviously it occupies a special place within the WYDAC Mission?---Yes.

In 1993 it was kind of the beginning of WYDAC?---Yes.

Can you tell her Honour something about Mount Theo today?---Yes.

We are aware that there is the residential facility at Mount Theo, is the program limited to that today, has it developed and expanded?

THE CORONER: Is it operating at all?---Yes, so we had a client recently, when I took over the management position of Mount Theo, we just had a client complete a three week bail condition out there in September and that was a really successful completion. We've gotten back to sitting down and listening to the TOs and listening to the Board on what they want and they have highlighted that the old model for Mount Theo which was very positive and very successful but very limited in volatile substance abuse which we are seeing less and less of in community nowadays. They have highlighted the need to expand it to make sure that we are covering a wide range of issues that the young people are facing. But to do that you need

special qualified people to be able to provide that support so you need someone that's qualified in substance abuse and alcohol issues. You need someone that's qualified in behavioural management and sort of that sort of crucial home life sort of personal issues and then you need someone qualified in more complex family-based issues, the domestic violence, the sort of over - like crowding of housing and all of that sort of stuff to be able to successfully support those young people. So Mount Theo as it is now, so it's two parts, so it's our Safety and Wellbeing Program, so you've got the Mount Theo residential and rehabilitation facility which we've had to close a little bit earlier this year than expected because of the rain, so we've just had our support workers, Narelle Brown and Shaun Watson, just go back to Mount Theo, make sure everything is in order and closed and ready for the reopening in March 2023 and then you've also got the support that they provide on the ground, so they cover a lot of support for each of our different departments within WYDAC, so they'll work closely with the Children and Families Team.

And support you say "on the ground"?---Yes.

Do you mean on the ground in Yuendumu?---In Yuendumu.

Yes?---So it's two parts. So it's the Rehabilitation and Residential Facility, and then it's also the support in community, and working with those young people that might not be able to access Mouth Theo Outstation, because of family requirements, or it's not the right place for them. Or they're not ready to take that step in their process of working through their issues. So having those services in community, and supporting those young people in a varied way of different sort of events. Whether that's bush trips. So our successful completion client in September/October period, he goes out with our support workers every weekend. And he goes out on a bush trip, just to sort of go back out to country, chat to where he's at. Whether that's like mentally, or if he's falling in the same sort of routine of the substance abuse issues that he was experiencing, and engaging in that anti-social behaviour, he has those opportunities with the support staff. That's not always utilising the Outstation, and the support that the support staff can provide, is very varied. Sometimes it's just going down to program and sitting down with the young people that we are worried about, that might be involved in the Mount Theo Program, and having general conversations with them. Planning times to catch up, or to get them involved in a range of different sort of opportunities, and yeah.

Can I just ask some quick specific questions about that. Those support workers, which sit within the Community Safety Involving Program - - - ?---Mm mm.

- - - how many of them are there?---So we've just employed four, I believe, since September. Which is a really positive, because what we've found is since the passing of Kumanjaji Brown, in mid-2019, which was the funeral of the night of the shooting, he was a crucial carer to the Mount Theo Program/Support Worker. So since his passing, and obviously the shooting in itself, people haven't wanted to work at Mount Theo that usually would be really strong carers. Or they're going through their own trauma, and they can't successfully support a young person, when they're going through something themselves. So having those four support workers

currently at the moment, it's – yeah, it's been the reason why we were able to open Mount Theo in September. And they're doing an absolutely amazing job, working 24/7 out at the Outstation, and then helping out in every way possible when back in community, too.

Between November 2021, when you came back on board with WYDAC, and September of this year, do you know how many days the Outstation was open?---So at the beginning of the year it was closed to repairs and maintenance. There was some water and some electricity issues that needed to be sorted. So they were repairs. Unfortunately the – the worker at the time, the case manager that oversaw Mount Theo from May to September periods, he didn't really talk to the TO's and the board members of what they wanted to see Mount Theo – how they wanted to see Mount Theo run. So it was unsuccessful in opening. There was, on the grounds, in community, support given to some of the young people. But in terms of the Mount Theo Residential and Rehabilitation Facility, it didn't have any clients during that period.

And that person who was overseeing Mount Theo between May and September has now left?---Yes.

WYDAC.

THE CORONER: So from September there's been one client?---There's been one client and there's been several clients in community that we've been working with as well.

For the entirety of this year, there has been one residential client?---Yes.

MR COLERIDGE: Are you aware of the figures for let's say, the two years before November – November 2021? I accept that you weren't at WYDAC but - - - ?---No, I don't know the figures through that. When I was previously with WYDAC in 2000 and sort of 16, roughly, I had more engagement with the Mount Theo Program. And it was roughly three to six clients every sort of three months that we would see. And that would be covering all communities, Lajamanu, Nyirripi Willowra and Yuendumu.

And was that within the General Community Wellbeing and Support Team, or three to six clients at the Mount Theo Outstation?---That was at the Outstation at any given time.

And just anecdotally, accepting that you're a resident of Yuendumu and might have picked these things up, do you have a sense of when that dropped off?---Since the death of Kumanjayi Brown.

I see. Can I ask how long before his funeral his death was?---So he passed away in July in 2019.

I see. I'm not suggesting that this is the case, but would it surprise you if there had been few, if any, kids at Mount Theo between his death and September of this

year?---There was a period that the traditional owners closed Mount Theo Program, out of respect for sorry business during that time. Because he was a significant TO of Mount Theo and a part of the Mount Theo team. Jackson Fitzpatrick was the Outstation Coordinator at that time. And even with the Outstation closed, he continued his work with the young people within community. And the carers and support workers that were willing to work, during the period of closure.

Just to circle back to my question, which was, is your sense that probably there weren't any kids at Mount Theo in that period, between then and September of 20 - - - ?---I don't know without looking at the data, but yeah, there was a – there was a period where it was closed for cultural reasons.

And just to clarify, Jackson Fitzpatrick was Kumanjaya Walker's case worker?---Yeah.

I want to ask you some questions about the events of the ninth now, if that's okay.

I just note that we've been going for an hour and a half. I'm happy to launch into this topic, or we can take a short break, your Honour.

THE CORONER: Let's take a 15-minute morning tea adjournment.

WITNESS WITHDREW

ADJOURNED

## RESUMED

THE CORONER: Take a seat. Mr Coleridge.

### BROOKE SHANKS:

MR COLERIDGE: Ms Shanks, before I move onto the events of 9 November, I just wanted to ask you one last question about WYDAC. It sounds like you've done a bit of a recruitment drive in recent months. Is that right?---Yep, yeah, that's correct.

Before the recruitment drive, so let's say in March/April of this year, do you know how many employees WYDAC would have had?---Across all communities? So, in Lajamanu, we've got one stronger community for children and then we've got a youth development coordinator. Unfortunately, we weren't successful in finding any qualified youth development workers for Lajamanu, so the development coordinator worked alongside the local staff to deliver program outcomes for Lajamanu.

Just in terms of numbers, do you have a sense of how many there would have been in Lajamanu?---So, between four and five Kartiya staff and then we had a solid team of around about five local staff that helped facilitate the running of youth development program in Lajamanu. Yuendumu, we've had - - -

THE CORONER: Sorry, the four to five Kartiya staff and five local staff - - -?---Yeah.

- - - was – where was that?---Lajamanu Community.

Lajamanu?---Yep. In Nyirripi Community, we had two youth development worker staff that worked in Nyirripi delivering like the youth program activities there. Unfortunately, no local staff there – it was fairly like new, them starting. They started in April time, so trying to develop those relationships can take some time to employ some local staff. And in Willowra Community during that time, we've had a struggle in recruiting for Willowra Community, just because of the community dynamics at times. It's made it really difficult in employing the suitable staff member there, because they do need to be very experienced and qualified in youth work and we've struggled to find that. So, we've had a few staff that have started as youth development workers in Willowra Community, but haven't lasted very long, unfortunately. So, during that time, we would have had one youth development worker for a short period there. And then in Yuendumu, there would be probably around about 10 Kartiya staff and probably up to about 20 local staff in Yuendumu across all different programs.

Are the Yapa staff employed on a fulltime basis, or is that part-time work?---It's very sort of dependent on the individual and what they want. So, in Willowra, we have a fulltime Yapa staff member youth development worker. So, he's fulltime. That's what he provided that he wanted to do. And then in Yuendumu, it's a mixture of casual, permanent/part-time. I don't believe anyone has really flagged that they want fulltime, but it is an option available to them if they do desire.

Yes?---And Lajamanu, we've had one fulltime Yapa staff youth development worker and the rest have been casual based there.

The next thing I wanted to ask you was – and I want to be careful not to identify anyone?---Yep.

But in your work as youth development coordinator and just someone who lives in Yuendumu, do you think that there's a cohort of young kids who are presenting with many of the difficulties that affected Kumanjayi Walker?---Yep, yep. There's several in Yuendumu alone, but heading the same path.

One of them in fact had a very close relationship with Kumanjayi?---Yep, that's correct.

Do you think that, in light of the death, committal, the trial, all of the media attention as a result of this inquest, there has been a concerted effort by government to intervene in their lives and ensure that things change?---No.

Do you think that there's a risk that, if things don't change, what happened on 9 November might happen again?---Yes.

I want to ask you some questions about your experiences now, if that's okay - - -?---Yep.

- - - on the 9th. I want to start by asking you some questions about the funeral. I don't know if it's appropriate for you to say much about what happened on the day, but there are some quite beautiful descriptions in your written materials about song and dance?---Yep.

Can you tell us a little bit about the significance of Max's grandfather, Kumanjayi Brown?---Yeah, so he was an amazing man. He worked within WYDAC and he was a huge part of the Yuendumu community. He worked very closely with the local police, with the families of the young people. He worked predominately in the Mount Theo program and was one of the carers that were willing to be out there for three months, if he needed to be, to support these young people going through the Mount Theo Outstation Program. Yeah, when he did fall unwell and had to move down to Adelaide for treatment, that was huge for the Mount Theo team alone, for the Kartiya staff that had worked so closely with him for years before that, to his friends and family as well that worked really closely with him. So, the funeral itself was large. And you know that it's going to be a large funeral when they opt to not have it at the local church, to move it to the rec hall, because that means a lot of family is going to come in and a lot of service providers that he worked closely will be involved as well. The night before the funeral, there was a really nice memorial outside of the rec hall.

THE CORONER: Can I really – I really want to hear this story, but I just wanted to ask a question which is - - -?---Yes.



- - - not linked closely?---Yes.

But so I wanted to get in early before you continued. The carers at Mount Theo, are they considered staff - - -?---Yes.

- - - of WYDAC and they are paid for their roles?---Yes.

Okay, thank you?---Yes.

Sorry, go on. So, we got to the night before?---Yeah, so the night before, there was a really beautiful memorial. They did - the young girls and the women did their rehearsal of the dance and the songs that they were going to perform at the funeral. Everyone had an opportunity to speak really beautiful words of Kumanjayi Brown and their story and their sort of history with him. So, yeah, so that was a really beautiful night and that sort of started off the funeral commencing for the following day. The funeral itself started around about 3 pm the following day.

MR COLERIDGE: I'll just pause you there. Where was the memorial?---So, just outside to the rec hall, like across from the swimming pool area and the yellow house and the staff.

Go on?---Yeah. So yeah, so the funeral – yeah the morning of, we went around, we had t-shirts printed. So, we went around, collected our t-shirts with Kumanjayi Brown's photos and like a nice little memory statement of one of the local bands that he was involved in. And everyone sort of helped get the rec hall ready with seating and the flowers and everything like that. The morning of, I remember speaking to Jackson Fitzpatrick who was the outstation coordinator at the time for Mount Theo at WYDAC. And he came over to tell me that he had got the keys to the morgue because the clinic staff decided to leave community that day, and we didn't really have too much more information. But he was just sort of thrown the keys and – to get the body of Kumanjayi Brown out themselves, because usually, that would be assisted by the clinic staff with the community when the funeral was to commence. Yeah, the funeral, it was a beautiful funeral. The women and the children did their song, they did their dance. Everyone sort of relayed their stories and their best wishes to the families and everything affected by Kumanjayi Brown. It went for a significant amount of time. I was there with my partner, Max and my daughter, Navaya(?) and we sort of went in and out of the rec hall undercover area to the outside basketball court adjacent to the rec hall because it was quite large, so there was round about 500 people there I believe, it was a really big funeral. And then I remember looking at my phone around about 6 pm roughly and looking over to the Children and Family Centre, which is across the road from the rec hall and seeing a police vehicle there with two officers outside the vehicle. I didn't really recognise them at the time and I just kind of figures Kumanjayi probably worked really really closely with them at some point during his career with WYDAC so they were probably just there to pay their respects. The moment that funeral finished everyone was gathering to go over to the cemetery. That was just after 6 pm I believe. We actually forgot the cross and the flowers at Max's mum's house - Joyce so we were

planning to go back there, which is just next to the softball oval there to go get the cross and the flowers for the ceremony at the cemetery.

Can I just pause you there? I meant to ask at the very beginning, but your partner, Max, is a part of the Brown family, is that correct?---Yes, he is, yes, so Samara Fernandez-Brown is Max's sister.

And Kumanjayi Brown was his grandfather?---Yes. Yes.

Sorry, I interrupted you. Please go on?---No, you're right. And when we were getting into the car we parked next to the learning centre there in Yuendumu and we had some of Max's family members jump in the car with us so we decided to leave the cross and the flowers for the meantime and then go back to the cemetery the following day to put them on the grave site. So we all convoyed up to the cemetery at that point, so there was a large amount of cars and people that were making their way up there. Getting to the cemetery, usually it's quite a long process. This one felt a little bit rushed and - to the point where I remember sort of sitting down, waiting for the moment that you sort of throw dirt on the coffin as it gets sort of lowered into the ground and at that point we missed it, like it was just very very rushed. We were only there for what it seemed like 14 - 20 minutes, half an hour at max and by that point I was told to sort of leave so the men can finish off the proceedings of the - at the cemetery. So I walked to Max's auntie's car and she gave myself and Navaya a lift back into Yuendumu. Getting back into Yuendumu it felt very eerie. We got to the yellow house and because usually after a funeral sort of ends everyone sort of goes home, they sort of either have a nap, they just sort of refresh, reboot because it had been such an emotional day. At this point, coming back into community everyone was gathered at the yellow house which is across from the Yuendumu swimming pool which seemed a little bit bizarre. And as I sort of got out of the car I was holding Navaya and I remember going up to Naddie, Samara's other sister and Samara and asking what had happened and I just remember Naddie repeating like "They shot him - like they shot him" and I was just like, "Who?" Like "Who shot who?" And Naddie was expressing that the police shot Kumanjayi and they didn't know where he was or if he was alive. And from that moment forwards, because Max hadn't come back to community and he was very close with Kumanjayi, I wanted to give him the heads up of what had happened. And yeah, so I remember passing Naddie Navaya and then I was trying to reach Max over the phone. Unfortunately his phone was flat so I couldn't reach him. I don't now how many minutes passed but it wasn't that long, that Max drove in to the yellow house and saw the commotion and sort of stopped the car and then we sort of told him that Kumanjayi had been shot by the police and without even putting the car in park or anything, he just jumped out of the car and the car started driving off by itself and he was sort of running around trying to talk to people to figure out what had happened. So I jumped into the car and parked it out the front of the swimming pool and we all sort of gathered there and it sort of burned in my memory Max's mum, Joyce, just throwing herself to the ground and crying and screaming. And at that point we all decided to walk over from the yellow house to see the red house ourselves, to see if it was true and I remember giving Max Navaya to try and calm down because I was really worried about him and yeah, we walked into the red house and popped our

heads in, seen the blood - seen the casings, closed the door and as we were walking out we sort of seen the drag marks on the ground and that sort of set it in stone for the night. Sorry.

No, no, take your time. I will ask you some questions about that but one thing that you haven't mentioned is you were pregnant at the time?---Yes. I found out I was pregnant that morning, which was a surprise but a really happy surprise and it felt like it was sort of Kumanjayi Brown like sort of giving us a gift in a way. That quickly came to a halt the following day when I had a miscarriage and when I rang the local clinic they wouldn't see me. They just told me to take Panadol and stay at home.

Did they say why?---No.

I am going to ask you some more questions about the days following?---Yes.

In just a moment, but back at House 511 you closed the door?---Yes.

And in your written statement you say, "This was to preserve the scene"?---Yes.

Why were you preserving the scene?---Because once we seen the blood on the mattress and on the floor and the casing of the bullets we knew that essentially a crime scene should have commenced right then and there and it hadn't, it wasn't closed off, the door was wide open when we went there, which was quite concerning just in the sense of just not only community members going inside the house but there's camp dogs everywhere so like that could have sort of - I don't know - the evidence could have been destroyed, so yes, so out of respect for Kumanjayi Walker we closed it up so we could find out answers and so everything could remain intact to the best of our abilities.

Which members of family were with you at House 511?---So it was a lot of the Brown family, so Max's mum Joyce, Jean Brown was there, I remember Derek was there because he's the one that told everyone to stay outside the house and he was the one that closed up the house.

I missed you - that was?

THE CORONER: Derek?---Derek Williams. Yes, there was a lot of other family there, yes there was as lot of Browns, there was - yeah, a lot of Williams and - - -

MR COLERIDGE: How were the - all family members reacting to what they were seeing at the house, the blood, the drag marks?---So there was like anger, then there was like a mixture of like grief and wailing and yelling and people not knowing how to process that, so people throwing themselves to the ground, people like hitting themselves with rocks and just overwhelmed feeling of just grief and anger mixed into just not knowing how to emotionally express it.

Was there a sense amongst the family members of what had happened and how Kumanjayi was at that point?---There was lots of stories going by. There were some

family members that were present during the shooting and trying to navigate some of the rumour-based stories to the truthful stories was very difficult. We were told that he was shot with a shotgun and then we were told that it was a rifle, and so there was just so much information that was getting passed around that no-one really knew what actually happened. We were told that he was shot four times. And then we were told that he was shot once. And then we were told he was shot in the leg, and then the head, and like so there was just so many stories, and trying to filter through that, and also stay positive, that he was getting medical treatment, was – it was hard.

What, if anything, did the family know about whether he was alive or dead at that point?---We didn't know anything.

When you say hoping that he was getting medical treatment, had anything been said about that?---No. No, so first instinct to go to the clinic. But I think everyone sort of remembered the clinic wasn't open. So it was, okay, well let's find out answers, and let's go to the police station. I knew, deep down, seeing the drag marks myself, that it wasn't good. Because they were very heavy, embedded into the ground. There was no struggle there. There was no, nothing. So deep down, I had already know that it was going to go south, in terms of his health, with it. And then, yeah, then everyone started jumping into their vehicles, or walking down to the police station, to just try and get some sort of answer to what had happened.

When did you arrive at the police station?---I don't know really know what time. But I believe it was around sort of 7.30 – 8 o'clock-ish, it was shortly after we – we left the Red House. I stayed back at the police station with a lot of the kids in community, to try and sort of protect them. And then the men were more closer to the police station door, and the women were a little bit sort of set back there. So I positioned myself at the safe house across the road from the police station.

And the safe house is about 20 to 50 metres down the road, very high - - - ?---  
Fences - - -

- - - fences - - - ?---Yeah, yeah.

- - - on the corner?---Yep.

Okay. But you could see the front of the police station - - - ?---Yes.

- - - from there?---Yep.

And what could you see happen?---So I could see Warren Williams and Derek Williams up at the doors, trying to get answers. Max, my partner, was there as well. And Max came back and forth to let me know what was happening at the front. So he was passing on messages and everything, to what information they had, which was pretty much nothing. And then there was a couple of WYDAC workers there as well at the time. They were more closer, so I believe Ash, who was the Operations Manager at the time, he was more towards the police station doors, and then some

other WYDAC staff members was towards the gate area of the parking lot of the police station, trying to communicate with the officers there.

What was the general emotional state of those outside the police station?---It was very calm, peaceful. There was wailing. There was just people trying to get answers, or trying to send someone in with Kumanjaji, so he did have family there.

When you say people were trying to do that, what did you see or hear people doing?---So they were just trying to knock on the police station door, or use the button.

The intercom?---Yeah, the intercom button, and just requesting that they send in an Elder or a family member to sit with Kumanjaji.

Could you hear that from where you were or was (inaudible) Max?---So that was passed on to me by Max coming back, that they were trying to get someone in there to sit with him.

Now during this period, did you see anyone throw anything at the police station?---No.

Did you see any of the police officers within the police station, engaging with people outside?---No. The only time that I seen any sort of officer was when one walked past the glass doors of the inner section of the police office – police station, and so you could see that from where I was standing. But no one actually came to the doors.

Now, during this period, were you doing anything with your telephone?---No.

Do you know what the APP Flight Aware is?---Oh yeah, yeah.

Do you want to tell us something about that?---So in community you get really bored, and you hear the planes come in and out all the time, so yeah, you can go on Flight Aware and see what planes are coming in and out. So I utilised that web page, when I got back to Joyce's house with the kids, while I was waiting for answers, to see if the Royal Flying Doctor Service was coming in.

Roughly what time was this?---So this was roughly around 8.30 – 9 o'clock I believe, but - - -

This is after you went to the police station?---After when I went to the police station, yep.

So you would have been at the police station for about half an hour to an hour - - - ?---Yeah, yep, I wasn't there long, because I took the kids back to Joyce's, so they could be a little bit shielded from it.

So let's go back to Joyce's house. You're on Flight Aware. You're looking out for Royal Flying Doctor Service planes?---Yeah.

Why were you doing that?---To see if someone was coming in to help Kumanjaji essentially. I knew that there was no clinic staff from my previous conversation with Jackson. And then Samara was ringing me regularly with updates of what was happening at the police station. And by that point, they have gotten word that they were sending a medical team over from Yuelumu, which is another community about 45 kilometres out of Yuendumu. So they were waiting on them. And then I took it upon myself to check Flight Aware. And one minute, I don't know what time it was, but one minute a plane was scheduled to come in, and I would ring Samara, or Naddie and pass on that information, that a plane was coming, and it was scheduled for this time. And then I would go back and check it in 15 minutes, half an hour, and it had been cancelled. And then – yeah, eventually it was – there was a plane coming into Yuendumu, and it had departed Alice Springs at that point.

Roughly what time was that?---I think that was around like 10.30 – 11 o'clock I believe.

Now, at some point you would – at some point you called the Alice Springs Hospital, is that right?---Yeah. So after the plane came to Yuendumu, and then I tracked it on the Flight Aware App. And then half an hour after landing in Alice Springs, I took it upon myself, we decided between like myself, Samara, Naddie and Max, that I would ring directly to Alice Springs Hospital. Because I was white, so I might have been able to get more answers. So yeah, so I rang the switchboard, and they directed me over to the Emergency Department. And I spoke to a nurse, I don't know what her name was, and I asked her how Kumanjaji Walker was, obviously using his first name. And she just replied that they're working on them – him, and they didn't have any more answers for me, and pretty much hung up.

But the impression you got was that they were working on him at the Alice Springs Hospital?---Yes, yep.

Can you remember anything else about the conversation?---No, it was very quick, and it just gave us that little bit of hope that he reached Alice Springs.

I want to ask you some questions about what followed?---Yep.

You've told her Honour something very private about your life on 10 November?---Yep.

Did you connect that experience with the events of the ninth?---Yes.

And why was that?---When we woke up at 7.30 in the morning, and we didn't have any answers going to bed that night, we immediately woke up to hearing the wailing, and hearing the crying, and hearing the emotional state of everyone in community. And the – the experience that I had, it put a lot of stress, and sort of exhaustion and emotional state to me, to the point where like I couldn't eat that day. Like I couldn't

drink. And it was just a really highly stressful environment. And yeah, I contribute that to the miscarriage.

Now you sought medical treatment, is that right?---So I rang up the local clinic after hours number. And they just told me to stay at home and take Panadol.

Okay. Did they tell you anything about whether or not there were clinic staff in the community at that time?---No.

No. What was the general response from the community?---It was a lot of grief. It was a lot of unknown. A lot of people didn't know still to that point how many times Kumanjaya was shot, what had actually happened when he passed away. They didn't have any of that information. Everyone figured that, by that point, Kumanjaya had passed away in Alice Springs Hospital. So, everyone was under the belief that he was there. It wasn't until Samara and Naddie actually went to the police station and spoke to a couple of officers there and they got information that in fact, Kumanjaya was there all night and he had been drove out of community that morning in (inaudible).

Now, the community does know a considerable amount more today than it did on 10 November, but do you think that that grief has been resolved?---No.

What do you think is needed to at least attempt to address some of that persisting grief?---I think like just the acceptance, particularly for the young men, I think there is a big gap in community. Sometimes, they're not willing to express their emotion or sometimes they don't know how to express their emotion. So, they've kind of just bottled it up inside and just – they just sort of push it down. I don't know what would help it. I don't know if there is anything that would help it. It's one of those things where, yeah, it's – yeah, it's hard to actually know what would help anyone going through that.

Well, you know that the issue is there?---Yeah.

Your Honour, those are my questions.

THE CORONER: Can I just ask one question? It was agreed between you, Samara and Max that you should ring the hospital, because you're white and you might get more answers. Are you able to explain that belief or the experiences that lead to that belief?---So, in my experience, like working within like community, a lot of time, if someone needs answers, if someone's been flown out to Alice Springs Hospital or to Adelaide Hospital, they get very limited information if they ring themselves or there's that sort of barrier between sort of languages and stuff like that. And you tend to – if I get on the phone to the hospitals or the clinic staff, then I'm more inclined to get a little bit more information of what has occurred.

When you've witnessed people struggling to communicate and failing to get sufficient information, have any of them ever been offered interpreting services?---Very rare, or if it is, it's still very confusing or it ends up being pushed on a family member. So,

Samara has had to take on that role a lot of the time. So, even with an interpreter there, you've got to try and explain a lot of medical sort of language to a lot of the community members and it is really hard to continue that explanation. And sometimes, even with an interpreter, because that family connection's not there with that individual, you still can't properly explain it to some of the family members. So, then it's just utilising someone that has that greater understanding and can deliver that information to a certain extent. Yeah, it's – yeah a difficult thing.

THE CORONER: Yes, other - - -

XXN BY MR GORRY:

MR GORRY: Ms Shanks, my name is Damien Gorry, that's G-O-R-R-Y and I'm appearing for NAAJA?---Right.

At first, I'd like to ask you some questions about your transition moving from Adelaide to Yuendumu?---Yep.

You've obviously given some evidence this morning about how – well, first Willowra, then Yuendumu?---Yep.

There was quite a lot of culture shock and homesickness and the old ladies and the strength of the community were there to help you navigate that?---Yeah.

Were there any other things that you were helped through in that transitional period when you first got to community?---WYDAC back in the day, the management team at WYDAC was very strong and they always made very single staff members feel like a part of a family. So, you could go to them when you were struggling with homesickness or with those emotional sort of needs. I was really significantly lucky when I first started in Willowra Community. I had a wonderful youth development coordinator, Simon Deeres and I know that I could send him an email at 11 o'clock at night and he wouldn't feel that that was being like sort of annoying on my behalf or my feelings weren't invalid. He would always support me in my best possible way to overcome them and give me sort of guidance and stuff.

So, it wasn't so much the training or systems in place, it was more just the individual people that really guided you?---Yeah, yep.

Has it been hard to sort of replicate that with the current staff turnover?---Yeah.

In the early days when you were working in community and working for WYDAC, did you receive any cultural inductions or trainings?---Yeah, yep. So, it was within my first month, I was brought over to Yuendumu Community to undertake the cultural induction training that WYDAC had which overall was really good. It was very Yuendumu-focussed though. I remember sitting in there and the cultural advisors that were delivering the training pulled me aside and said some of the language within this isn't going to be relevant to Willowra, because it is very different community and even just some of the lingo that is used over in Willowra isn't some of



the terminology that they'll use in Yuendumu. And then, you would have the support and guidance in community from cultural authorities there to continue that induction process and to ask questions and not feel silly to ask them. Coming back to WYDAC since then, that's non-existent. Samara and Max have done the best of their abilities to support new staff through that, but unfortunately, what we find is those cultural advisors that we sort of depend on for that are usually the same cultural advisors that every single organisation will depend on and their schedule itself is very, very busy. So, trying to tee down a time for a proper cultural induction is very limited and it's sad to see that that doesn't happen anymore.

Okay. But there's certainly an aspiration on behalf of the organisation to reimplement those forms of training?---Yep, yes, 100 percent. One of the biggest things that have been highlighted through all of the stakeholder meetings and communication with all the stakeholders is, instead of moving towards an individual organisation cultural induction, to broaden it out, so it's a community-based induction. So, every single new staff member, whether they work at the school or the childcare or WYDAC or PAW, like they're getting the same information across the board, so all staff are fully aware of the cultural requirements and understanding of the cultural requirements within community.

Sure, okay. And when you first started working at WYDAC in Willowra and then Yuendumu, how did you go about integrating yourself into the community?---Willowra, I found that a little bit more easier, because it was very small. So, I made my connections with a lot of the older young people, so the 16 to 25 year olds. I was lucky as well, I come from a hairdressing background, so I delivered a lot of hairdressing-based workshops. And then, in conjunction with that, filtered out with NT Health to deliver like sexual health workshops and stuff like that with the young women and then working with the other male youth development worker to deliver it to the young men. So, I was very lucky in that regards, having that hairdressing background really gave me a foundation to build a lot of relationships and strong relationships with the young adults. In Yuendumu, moving over there, I didn't. I sort of – I was travelling, the requirements of that position was I live in Yuendumu, but Monday I spent in the WYDAC Office in Yuendumu, and then Tuesday to Friday, I'd be out in Nyirripi or I'd be out in Willowra. So you kind of – you don't have a home.

But did you meet your partner when you were in Yuendumu or - - - ?---I did, yeah. So we met each other during one of our monthly team meetings. He was a WYDAC staff member at the time. He was a local Jaru Youth Development Worker. And when he came up from Adelaide, we got talking, and we realised that we were both from Adelaide and what not. From that point forward, I organised some training and development in Alice Springs, some domestic violence training with Lifeline. So we took key Jaru workers, myself and Jackson, who was the team leader of Yuendumu Youth Program at the time, to Alice Springs, and yeah, that included with Max, my partner.

Okay, I think it's fair that the integration you've had into the Warlpiri Community's you've worked in, has definitely made your experience working in community more worthwhile?---Yeah, a 100 percent.

Okay. Could you participate in any Warlpiri classes?---No.

No, is that being discussed now, or potentially being (inaudible) - - - ?---There's always Warlpiri classes, as a youth worker, it's usually at the worst time possible. So it's either really early in the morning, and then you're working late at night the night before, or it's at the time of program delivery at night time.

Okay. This inquest has heard a bit of evidence about perceived hesitancy or a barrier for some Kartiya service providers to integrate quite fully into the community?---Mm mm.

Why do you think there is that sort of barrier in place?---Sometimes it's fear of what they have read, and the – the sort of Chinese whispers that sort of get passed around. So sometimes people are a little bit more like hesitant. It does take a while to really immerse yourself into community. And to feel a part of community. Even when I was in Willowra, no one used my name up until exactly my sixth month period. And I was ready to leave, because I was like, well no one even knows my name, like there's no point me being here. And a lot of people do take that, and they leave before actually experiencing that welcomeness in community, yeah. And then a lot of people don't realise the isolation aspect of things as well. So a lot of service provides nowadays, because Yuendumu is so accessible to Alice Springs, they are Monday to Friday. They come in Monday mornings, and they leave Friday afternoons, and sometimes the weekends, and going down to youth program after hours when you're not working, or participating in like the TFL, the football competition and stuff like that on Saturdays, that's sometimes the most – best memories that you have of community. But trying to find people to live in community at the moment, is very difficult.

But your advice would be to get past those barriers, to engage with the community's more holistic programs on the weekends, at nights, things like that?---Yeah, yep.

I want to talk a little bit now about the strengths of WYDAC, and some of the obstacles that it faces as well?---Mm mm.

In doing so I'm going to make reference to your letter, but also this 2015 evaluation by Gillian Shaw. It was done in September 2015?---Mm mm.

It's on the brief, reference 20-60.

Are you familiar with this evaluation?---I haven't read it, no.

Right, okay. I don't think it's necessary for the purposes of this questioning - - - ?---Yeah.

- - - to take you through it. But that's the sort of back drop. So obviously WYDAC is genuinely a Warlpiri organisation?---Yep.

It was founded as a result of Mount Theo. It's based in Warlpiri Communities only?--  
-Yep.

It's executive is made up on only Warlpiri people?---Yep.

So is it fair to say that Warlpiri culture and knowledge is central to the services that WYDAC provides?---Yep.

And do you think that the fact that WYDAC was born out of Mount Theo, which is an organically Warlpiri created organisation or initiative, do you think that's helped to sort of build the credibility of the organisation in the eyes of the community?---Yeah, a 100 percent.

So your letter to the court also mentioned the Children and Families Intensive Support Program. And you spoke a little bit about this before?---Yep.

I just wanted to drill into that a little bit. So you mentioned that obviously the criteria's very limited - - - ?---Mm mm.

- - - and it's sort of really for the most vulnerable?---Yeah.

How many kids and families can be taken on by this program at any given time?---  
I'm not too sure of that answer, because that's one of the only programs that I don't oversee. So Rustus works with – I got his case list last week, to compile it to see if it's the same names for our Youth Program one. And I believe there's roughly 16 names on that list. But without more staff on the ground, he's limited in taking on any more, without overwhelming himself.

And it's just him whose running the whole show, or is there sort of other - - - ?---So we've got local staff.

Okay, great?---So everything that Rustus does as well, is working alongside a local staff member. So he won't actually go out and visit a family, unless he's already been accepted by that family, and have really strong relationships with those young people. He'll always take a local staff member out with him.

I wanted to talk a little bit about the Jaru Program now?---Yeah.

It's discussed quite a lot in the Shaw Report. And as I understand it, the structure in 2015 was something a little bit like this. Young adults were given some responsibility after - - - ?---Yep.

- - - they sort of get through their Youth Diversionary Program?---Mm mm.

And then progressively, they're given more and more responsibility the more they engage consistently?---Yep.

Until the point at which they graduate?---Yep.

Is that sort of the structure today still?---Yeah that's the structure. Before, back in 2015 to 2018, it worked on sort of a volunteer hobby sort of structure. So there was three levels. So you would get someone who's newly turned 16, and they would commence at a level one. So those would be activities that just trying to get that young person into that space, and engaged with some sort of activity. And then they would also receive like a purchase order for any of their work that they did within the program. And then what that did was start out that young person on money management. And the ability to understand how payments and salaries work and give you that sort of ground work to work towards full-time employment, or casual employment, whatever the individual wants to take. And then as they progress, and they do more of the delivery of activities, so they will transition to a level two. So they'll be running a cooking workshop with the young kids and what not. And then from there, then they would graduate to a level three, or fully graduate, from the Jaru Program. Which essentially means that they've gained employment, or educational options in the community.

Okay?---So it's a similar process, it's just without the purchase orders now.

Okay?---So right now, it's still working towards that level one, two and three model. And currently we've got 18 – roughly 18 under 25 year olds, 16 to 25 year olds that are awaiting on their oath card, and national police check, to gain employment within WYDAC to be – become – some are Jaru Youth Development Workers. Some are interested in more of their Jaru infrastructure. Some of – are interested in going into the pool and doing additional support there. So it's a range of different capabilities.

Sure, yes. In the Shaw Report it actually mentions how it was originally premised on giving purchase orders - - - ?---Yeah.

- - - but they wouldn't give a reform to actual budgeting skills - - - ?---Yeah, yep, yeah.

- - - so good to know - - - ?---It was a really good way to educate the young – especially 16 year olds, that some aren't even on Centrelink, so they don't even know about income and stuff. So you could go down to the shop, and you can be like, okay, well a corn beef is \$10 a can, opposed to \$7 for 500 grams of minced meat. And let's make sure that your money stretches in the way that you sort of need it to be stretched.

Yes.

THE CORONER: But you're not using the purchase order component now?---No. So our funding didn't like it, and due to the super changes in July periods, where every single worker needs to pay super, so no matter how many hours that they do,

the employer is needed to pay super on their behalf. We've had to eliminate the purchase order system.

MR COLERIDGE: I won't go over the evidence in the Shaw Report about how effective the Jaru Program is, but I guess in your words, do you see it as a beneficial program?---It is a beneficial program. It needs to – we get a lot of 14, 15-year olds that really want to engage in the program and usually you're limited in engaging them but yes, it needs to be redeveloped I think, but it's a good core start to those employment outcomes that the community and the funders need.

What kind of redevelopments do you think are necessary?---I think sort of lowering the age bracket for the Jaru Program in itself, to about 14 and then having additional programs that work more intensely for the under 14 year-olds so that way they are transitioning completely into a Jaru Program and not just coming in all of a sudden.

I want to talk a little bit about some of the obstacles that WYDAC faces. So obviously you've talked quite a bit about funding this morning already?---Mm mm.

And in particular I want to focus on the Warra Warra Kanyi loss of funding?---Yes.

Do you know why the funding was lost for that program?---No, I don't.

But in your eyes it was a very successful program?---Yes.

And it filled a very important need of the community?---Yes.

And obviously it was Warlpiri developed, there were Yapa counsellors, so there was Yapa employment coming out of that?---Yes, yes.

Yes, so I guess from your prospective was there a sense of sort of loss of pride or a loss of - a quite sadness with losing that program specifically, given its attributes of being Warlpiri developed and Warlpiri run?---Yes. A lot of the workers that worked, like the Yapa workers that worked within WWK, they struggled with the transition because they were used to one like program that gave them flexibility and gave them the ability to help any individual in community that needed their help, to something that required really strict criteria, and that was back in the day that IFS program - the Intensive Family Support program, which is the same structure as the Children and Families Service at the moment, but it was a really bit adjustment and some staff dropped off and didn't come back because they weren't interested in anything else besides WWK, like that as their strong - strong skill set and without any of that they weren't interested in working within any department - - -

Part of the organisation?---Yes.

So there was a lot of disengagement as a result of that loss of funding?---Yes.

Your - some of your root material also addresses the staff turnover at WYDAC?  
---Yes.

And obviously it's not a problem which is just in Yuendumu, it's across all remote communities?---Yes.

What do you think can be done to improve the length of time that the average WYDAC staff member remains in community?---I think, having more sort of training and support in community on facing things like isolation and the remoteness and all of that sort of aspect of things. A lot of the youth development workers are people coming up in their early 20's or late teens that may not have extensive life sort of skill sets and stuff like that behind them but they are really keen and they are really really good at their job - but they don't really, because of the high turnover in staff and because of the amount of groundwork that they have to cover on the ground to fill a gap, like mine, for instance, doing four manager positions, it's unsustainable. You're only ever going to deliver at 40 percent per position at any given time but you do it because it's the best outcome for the community. And a lot of the youth development workers do the same, they know what our funding requirements are but they're the ones running the program daily and they know what is needed but they don't get spoken to by funders. Funding bodies don't come and talk to them like they should. They don't get an understanding of what they face on a day to day basis and between the disclosures and going nowhere with referrals for it and trying to service young kids that were not funded for and trying to deliver a sufficient program for the community, it burns people out. And trying to do additional work on top of that to make sure that the community gets their needs. Our Youth Development Coordinator works six days a week and you tell her to not do it, but she continues to do it because otherwise she feels that the community sort of misses out and it impacts the community and it impacts her staff and her team, so she takes that initiative to do that, but it shouldn't be up to an individual to have that on their shoulders.

THE CORONER: Can I ask you this. One of the - or one part of that answer was going nowhere with referrals?---So, say you've got a disclosure from a young person that would not fit the criteria of the Children and Families Team but would fit the criteria of the WWK team, there's limited services that can help that individual, so you sort of - you take the disclosure, you do what is needed, so you ring the police if it's needed, you ring the manager of reporting line if it's needed and that's all you can do and it sort of - it leaves you with a gut-wrenching feeling that something is not going to be taken into account, like something is not going to be followed up with - there's no additional services for that young person and their family in community that they need and you never know the outcome, which is the hard reality of it.

MR COLERIDGE: Yes, so I got a sense reading the Shore report that there was a bit of attention, I guess, in how WYDAC offer services because I can see WYDAC is there for the entirety of the Warlpiri using it?---Yes.

And they are trying to build meaningful relationships for all of them but at the same time they are struggling, potentially, and I want your opinion on that?---Mm mm.

To provide for those particular challenging and disaffected view it may have, intellectual disabilities or come from particularly traumatic backgrounds or behavioural challenges?---Yes.

Do you think there is a bit of attention there and - - -?---100 percent. And that seems to be like the one comment in community constantly is "Well, what WYDAC is doing? Like what is WYDAC doing about the break-ins in community, about - yeah, like just the antisocial behaviour and the kids walking around at night time and WYDAC is doing the best of their ability and every single department is doing the best of their ability but we're not the problem solver in community and that seems to be the reoccurring thing. The Mount Theo program is a great program. I absolutely love it, I love the history of it, I love what the community has done with it, I love how the community started it. But it's not going to work for every individual and alternative options need to be explored and that falls on every single service provider coming up with options and coming up with a plan and a solution for those young people. There is plans that WYDAC can't fulfil and that's just because we don't have the specialised skill set behind those sort of requirements that the young people need for behavioural issues. And like every single organisation in community, WYDAC gets hit very hard with the break-ins and with the thefts and with the property damage of vehicles and the recall and staff accommodation and the safety aspect of things with that, so WYDAC want the problem solved just as much as every single other organisation, but yes, it always seems to lead back to "What is WYDAC doing"?

Sure. So I suppose if WYDAC was providing more funding, in a way some of those issues would be mitigated or ameliorated but there's a specific other service gap that needs to be on - for specialist services, it's true?---Yes, yes. There needs to be more, I feel, and it leads back to the sort of more of a government input of what can be explored outside a community. Sometimes the best option for a young person is to leave community. Is to get out for a little bit and to go explore additional sort of options and stuff like that. Sometimes that's more successful to an individual. Sometimes being on country is more successful. But with the limited services in community and with the fact that a lot of the government agencies aren't based in community, it's more of a, "We'll come in for a meeting and then we'll leave" and then there's really none of that communication between the service providers and the people in Alice Springs to hopefully help with finding a solution for a young person.

My last line of question might be a bit hard for you to speak about. So obviously you're working as a WYDAC Youth Development Coordinator from 2015 to 2018? ---Mm.

Did you encounter Kumanjaya personally through those years?---Yes.

And so do you have any memories of how he engaged with WYDAC as a service back then?---Between like 2015 to 2016 he was always making a presence at the WYDAC office with his red backpack on, that's how you knew it was Kumanjaya. So he had a really strong relationship with Ash, the Outstation Coordinator. And yeah, he was always a smiling individual. I had him in my car, myself, like by myself with him to drop him off where he needed to go at times. And he was very shy. Wouldn't

really talk to you at all. But he always sort of - you noticed him in community with his – with his red back pack, generally.

(Inaudible) presence?---Yeah, yep.

Okay, well did you think there were any sort of barriers to use engagement WYDAC over those years, that you perceived?---So reading his case notes, back from his first engagement with WYDAC, up until his passing, you could see a large gap, when we lost two staff members, when they resigned. So you have Beth, who worked within the WWK Program, and Kerri-Anne, who worked with the Mount Theo Outstation. We were very, very lucky in the sense that Ash worked closely with Kerri-Anne. So when Kerri-Anne did eventually leave WYDAC, that Ash had already formed those relationships with Kumanjayi, which was a really big positive. But you see it time and time again, a young person will build a connection with a staff member, and that staff member might be within WYDAC for several years, and they build up their trust to that particular worker, and when they leave, it leaves a gap. So that young person takes a while to reconnect with someone else, which makes it difficult.

Do you know when Ash resigned?---So Ash moved from the Outstation Coordinator position to the Operations Manager position within WYDAC, I believe it was in 2018. And that's – well end of 2017, start of 2018. And then that's when Jackson Fitzpatrick took over. He moved up from the team leader in Yuendumu, to the Outstation Coordinator position.

And so when Jackson started, even though he was Kumanjayi's case worker, and had a good relationship there - - - ?---Mm mm.

- - - maybe there was a period of time that it took Kumanjayi to actually build that new repour in that person?---Yeah, a 100 percent, yeah, yeah.

And you're referring in your answer just before, to Kerri-Anne, is that Kerri-Anne Chilvers?---Yep, that's correct.

That's all I have by the way of questions, thank you, Ms Shanks.

Thank you, your Honour.

THE CORONER: Any other questions?

Ms Morreau.

XXN BY MS MORREAU:

MS MORREAU: Thank you, your Honour.

Ms Shanks, as you know, I act for your family, the Brown family. I only have a couple of questions about the impact of Kumanjayi's death on your family?---Yeah.



In the years since?---Yeah.

And I'm particularly asking for your reflection, of course the family has been grieving in that time since, correct?---Yes.

Your reflection on the significance to that impact of not being able to comfort him in his last moments - - - ?---Mm mm.

- - - not being able to enter the police station?---Yep.

And what you spoke about, being misled about him potentially being treated - - - ?---Yep.

- - - and still alive, throughout the evening. Can you comment on the impact that those features have had on the families functioning, since then?---So the trust in sort of the police, really decreased. Even just with simple things. Having conversations with my partner's little cousin around the police are bad, the police are evil. Like you don't go to the police. You don't – you don't talk to the police, and trying to re-establish that she can go to the police if she needs. And she can use the police if she's ever in trouble or danger, or they are a safe place to go to. But it's hard explaining that to a 5-year old that has gone through such a traumatic event, and has witnessed and heard horrific things. And then it sort of transpires to like Max, my partner, he didn't know how to control his grief and anger, and frustration with that. He – he hated going back to Yuendumu, and his job at the time was to travel to Yuendumu, for work, with Central Land Council, as the Ranger Support Officer. And every single community he looked after, which was Lajamanu, Kalkarinji(?) and Yuendumu, he had to stop into Yuendumu to get to the other communities. He hated that. He didn't want to go back there. We didn't actually visit Kumanjayi's grave until this year. We didn't go there after the funeral. We didn't even know where his grave was at the cemetery. We – yeah. Max had to put in his resignation at the Central Land Council, because he just – he couldn't do that travel any more. And trying to explain that to staff members in Alice Springs that hadn't experienced the same trauma or emotional history was – was very difficult.

Can you comment on Kumanjayi's cousins? The other young – young fellows in the Brown family. There's a number of them, and how it's impacted upon them?---Yeah. So no one really spent the time with them to ask them how they're feeling, and it was highlighted during the trial period and it just happened to be Max's working with WYDAC within the Infrastructure Program, and he needed some assistance from young fellows to go out to Mount Theo and Willowra to conduct some repairs on the WYDAC facilities and stuff, and he just happened to bring out the cousins of Kumanjayi, the young fellows. And he got talking to them of how the trial was affecting them. And do they understand what's happening during the trial. And do they understand what will happen after the trial, and going into the Coronial. And all of that. And none of them had any idea. And it was actually a really good opportunity, because Max was able to talk to Samara, who was in Darwin at the time, doing all the on-ground work, and getting some information from her, so he could pass on directly to the young fellows, the cousins, the uncles, the brothers, of

Kumanjayi. So he could properly explain it to them, and the day of the verdict, it was actually a really special moment, because everyone sort of left the WYDAC Office, after the livestream, and everyone went to go do their own thing. And the young men were actually in Alice Springs for a football competition. And so everyone automatically went straight to fears for them of how they would react, and being away from family, and not being present in community, once the verdict was sort of read out. And yeah, we reached out to them, and because of the conversations that Max had had with them prior, and the embedding in them that family, and supporting family through whatever the outcome of the verdict would be, is sort of the crucial part of it. So within an hour of the verdict being read, they were all in the – in the bus, and their private vehicles, and they were making their way back to Yuendumu for the – for the community barbeque, which wasn't set off by any organisation, or any individual, it just happened to be everyone gathered at the Red House. Every single organisation brang something, food, drinks, water, music, equipment, barbeques, and everyone just sat together and grieved together.

And finally, his mother and grandmother, what's been the long term impact for them?---So Leanne's not the same. Just even talking to her, and walking into her house at Warlpiri Camp, it's sad. She's gone through a lot, and yeah, she's not the same as what she was beforehand. And neither is his grandmother, or any family member for that.

Thank you, Ms Shanks.

Your Honour.

MR ZICHY-WOINARSKI: Yes, your Honour.

XXN BY MR ZICHY-WOINARSKI:

MR ZICHY-WOINARSKI: Ms Shanks, my name's Casimir Zichy-Woinarski. I appear for NT Health. Do you need a moment?---No, no I'm all right.

The statement you made for this inquest was made on 25 July (inaudible), some two and a half years after the events that occurred in 2019. Did you make any notes of the events that (inaudible) fresh in your memory?---No.

So when you describe those events, you're relying on your memory?---Yep.

You would accept that your recollection of those events from two and a half years later are unlikely to be completely reliable?---Yeah.

I want to ask you some questions about the events on 9 November 2019?---Yep.

You said that you called the Alice Springs Hospital about half an hour after the plane from Yuendumu - - -?---Yep.

- - - arrived in Alice Springs. Do you recall what time you made that call?---No.

Did you use your own phone to make the call?---Yes, I would have.

You're not sure?---No, I'm not sure.

You said you first spoke to the switchboard - - -?---Yep.

- - - at the Alice Springs Hospital. Did you ask to be transferred to the Emergency Department?---I asked to be transferred, I used Kumanjayi's full name and that he would probably be in the Emergency Department. So, that's where they transferred me.

And when you were transferred, you spoke to a nurse in the Emergency Department?---Yeah, I believe so.

You believe so? How did you – why do you believe that it was a nurse?---Because I didn't get their full name, but at the beginning before their full name was "Nurse".

Did you ask the name of the person that you spoke to?---They answer the phone with their name, I just didn't recall - - -

Who the woman is?---Yes.

How did you introduce yourself to this person?---I just said that I was a community member.

That's all you said?---Yeah, I just wanted to find out the status of Kumanjayi.

Did you tell them that you were white?---No.

Is that something you normally tell health staff when you speak to them on the phone?---No. If it's to do with work, you usually say that I'm an employee of WYDAC or wherever you work.

Do you recall specifically what you asked the nurse?---I just asked for status of – and used Kumanjayi's full name.

What did the nurse say to you?---They said that they're working on him and that was it.

So, you recall those exact words?---Yep.

"They're working on him"? And you understood "they" to mean staff at the Alice Springs Hospital.

THE CORONER: She said, "we", I think?---yeah, "We are working on him". And then that was it.

MR GORRY: In your statement, you said the words used were “they”. You’re not sure now?---Yep.

You understood it to mean that they – she was referring to the staff at the Alice Springs Hospital?---Yes.

But those words won’t used explicitly?---I’m not too sure.

You understand that it would have been a breach of privacy for a nurse in the Emergency Department to discuss the treatment of a patient.

THE CORONER: How would she understand that? Are you asking her if she has that understanding?

MR GORRY: Do you have that understanding?---No.

So, you were just unaware of it?---No, we’ve rang the hospital on many occasions supporting family members in finding out information.

I suggest to you that the Alice Springs Hospital didn’t tell you that they were working on Kumanjayi that evening. Do you accept that?---No.

You also gave some evidence in relation to closure of the mechanics workshop at WYDAC following the departure of the mechanic?---Yep.

Do you know the name of the previous mechanic?---So, it was Stuey Marfield(?)

Is that Stuart Marfield?---Yep.

Are you aware of why he left the community?---No, I wasn’t in community at that time when he left.

And you haven’t heard anything about why he left the community?---No.

Nothing further.

THE CORONER: Any other questions?

REXN BY MR COLERIDGE:

MR COLERIDGE: I just have one question loosely connected with some questions you were asked about interacting with white service providers as a white woman on behalf of Yapa and why you might do that. Did you ever observe different treatment of Yapa than Kartiya by Kartiya service providers - - -?---Yep.

- - - in Yuendumu?---Yep, yep.

What did that look like when it happened?---So, sometimes like it’s as simple as

going to the clinic. And if the clinic is closed for emergencies only, but you need medication, most of the time, the community members will go there and the clinic staff will tell them to go away and come back the next day, where if I was to go there, I could get my medication. COVID tests as well was a big one during the COVID times and all that.

How did that manifest?---So, if we would have a community member that required a COVID test, then most of the time, they were just told to go home and someone would drop it off to them and it would depend if the clinic staff had enough time to drop that COVID test off to them. But if I was to go to the clinic emergency door and ask for a COVID test, then I could get it instantly.

Were you asked by community members to do things like obtain medications or COVID tests for them, because they thought it was easier for you?---No, not so much. Sometimes, I would be asked to come down to the clinic with an older lady to get their medication with them. So, stay present with some of the older women in community, so then that way, I could communicate what they needed and the fact that they didn't have any medication and they can't come back tomorrow without their daily medication today. So, that was – I've done that a few times. Or it could be as simple as ringing up the Commonwealth Bank on the Indigenous line and having to sit there present with a community member to translate what that community member needs to the Commonwealth Bank line.

And when you say "translate", you're not just talking about translate from Warlpiri to English, it's just translating from English to English.

Yes. It's explaining someone's needs - - -?---Yeah.

- - - to someone who might not otherwise understand those needs?---Yep, yep.

And any other observations of different treatment?---Not that I can recall off the top of my head.

Here in Alice Springs or - - -?---In Alice Springs, most definitely. Alcohol is a prime example. I remember when I was 38 weeks pregnant, heavily pregnant with my daughter, Navaya, and I was in the car with my partner, Max, who is Aboriginal himself. His licence said Yuendumu. My licence said Willowra. He was refused alcohol without an invitation to the gathering that we were going to.

THE CORONER: When you say "without an invitation" - - -?---So, they wanted like a written invitation, like a kids' party invitation. Not a text message, a written invitation is what they wanted.

A written invitation?---With the address that we were going to for the gathering. Max was denied alcohol because his licence said Yuendumu and they just told him to try another night. I was given a 10 pack of Jack Daniels, 38 weeks pregnant and a licence that said Willowra.

And this was at the point of sale?---Yep.

Your Honour, I don't have any further questions.

THE CORONER: I do. Any other examples? Observations in going about your normal business around anywhere or - - -?---So, when you're in Coles complex and if Max is two steps behind me, he'll get followed by security. A prime example was, I'd just had my second child, Noah, and before I had him, I was working at a local school here in Alice Springs. That worked really intensively with the disengaged young people in Alice Springs and I used to work with a group of girls, sisters and they were quite known to Coles complex and I remember during my time at that school, they weren't allowed to go inside the Coles complex. And I was actually at the checkout at the time with my son, Noah, and paying for my groceries and stuff and they seen me and wanted to come up and see the new baby, and a security guard promptly was behind them telling them to get out and to stop bothering people and being a nuisance to people and trying to steal things. And I explained that I know them, that I'm really close with them and they were just here to see my little one. They walked out to the car with me, helping me put my shopping in the back of my car, and I had several community members come up to me and ask me if they were trying to steal off of me, and then, trying to explain to them that I knew them was sad to sort of see the girls go through that. And now it's understandable that if they're on the street and someone stares at them, that they yell out at them.

And can I ask you a personal question?---Yes.

How old's Noah?---So, he is coming up to two in March, so 18 months.

Well, I'm glad that there's a happier aspect to all of this as well?---Yeah.

Thank you for the obvious commitment to the family and the community, your family and thank you for assisting us in the inquest and I wish you very well into the future - - -?---Thank you.

- - - with any choices that you make in relation to your future contributions?---Thank you.

WITNESS WITHDREW

THE CORONER: We can adjourn for lunch.

ADJOURNED

## RESUMED

THE CORONER: Yes, Mr Coleridge, please take a seat.

MR COLERIDGE: Your Honour, the next witness is Mr Noel Clifford. He's the current interim CEO at WYDAC. He'll appear via AVL to Darwin. Before I call him, I just wanted to say that we're very grateful that he's made himself available on short notice.

THE CORONER: Yes.

MR COLERIDGE: I call Noel Clifford.

NOEL WAYNE CLIFFORD, affirmed:

XN BY MR COLERIDGE

MR COLERIDGE: Mr Clifford, can I ask you to restate your name for the record?---Yes my full name is Noel Wayne Clifford.

And your occupation?---I'm a chartered accountant, working with the an accounting – charter accounting firm.

And that's a charter accounting firm based in Darwin?---Yes. We have a parent office in Adelaide.

Now, you have been interim CEO of the Warlpiri Youth Development Aboriginal Corporation since 1 September 2022?---Yes, and a second engagement, I did have an earlier engagement for the – to the same role, starting back in February, for about the same time. But a recently, in – since the start of September just resumed that role why try to find a full-time CEO.

Now, I think you've just hinted at it, but one of your main projects as the new interim CEO, is to identify a permanent and ongoing CEO, is that right?---Yes, that's correct.

Has there been significant turnover at WYDAC in recent years?---Yes at all – at all levels. Staff at all levels. From CEO down to, you know, to – to managers, to people who report to the news(?).

And so I think you might have said it, but that includes at the executive level, correct?---At the management level, yes, definitely.

And over the course of this year, if you count to yourself twice, there have been four CEOs. Is that correct?---Two, sorry yes, counting me in that, then yes. But, certainly what I recall two full-time CEO's, yes.

And so, you were CEO from February to May of this year. Correct?---Yes.

And then Michael Timewell took over from you. He was the former principal of the school?---That's right.

And was he CEO until you took back over on 1 December?---Yes, that's correct.

Who was CEO before you took over on 28 February?---There was a lady by the name of Joanne Ward.

So, I suppose it involves counting yourself twice, but there have been four CEO's appointed this year. Is that right?---Yeah, I would just qualify a little bit in that mine is acting interim with the task of finding a new one. So, it depends how you define it, yes.

Do you have a sense of why there's been such significant turnover at all levels at WYDAC over the last 12 months or so?---You're probably saying more than 12 months. You're probably saying about two years. A couple of reasons. One, if you go back to Joanne Ward, in her case, hers was burnout. She was involved with WYDAC for a couple of years and in her case, it was just she needed space and a – I guess a different environment. She was just mentally drained, exhausted. In relation to Michael's, that was just issues of communication with him and the board and the community.

You say, "issues of communication", in effect, disagreements between him, the chief executive and the board. Is that right?---Some disagreements, yes. More about the fact of not – I guess some of them felt that he wasn't actually present enough. He'd been absent, I guess, hadn't communicated with him on some key decisions that was being made and felt that they were not being consulted. That's part of it, but the rest of it, I'm not necessarily across.

What were the decisions that the board didn't feel like they were being consulted about?---I think just direction where WYDAC was going. So, there were just a couple of programs. One program that I think if I'm recollecting correctly, that (inaudible) cancelled and did that without discussing it with, I guess, the executive directors at least.

What was that program?---It was a small program of NDIS.

THE CORONER: NDIS?---NDIS, yep.

He cancelled – what was WYDAC's role?---WYDAC was providing us a small service role or support role there with members of one of the communities. And I guess Michael, again I'm not across the facts here, so my understanding is that he looked at it probably on a commercial basis and made the decision to cancel without sitting down and having a chat with, I guess, the executive directors who didn't appreciate it. That's part of it. There is more, but as I said, I'm not across all the facts.

I'm going to ask you some questions about governance at WYDAC in the broad, but



I would be interested to know what you perceive the broad and the general memberships' interest in WYDAC's strategic direction to be? What do you think the priorities are for the board at the moment?---That's a little bit hard to say. We – what we are organising in December is a governance day. A governance training strategic day to map out and plan. So, some of the things that you're referring to will come out as part of that training day. It's something that should have been held probably a couple of years ago and hasn't been. I've tried twice to get it up. The first time in my first gig, unfortunately, Michael didn't necessarily pick it up and run with it, whether that was due to time constraints, I don't know, but we've booked in a consultant to go through that. So, some of what you're referring to will come out. Our last parliament see it as being WYDAC providing, I guess its support to the communities in terms - particularly, the youth, in terms of the number of issues that sit there within the different communities. And then, with that, I guess what we'd call a "wellbeing support" that covers a whole range of issues, just not one particular issue. There are a number of issues that exist in the community that I guess I outlined in one of the questions, my response to it. And it's retackling those issues and trying to assist and support the community where they can.

I'll ask some questions about specific programs in just a moment, but just to draw a line under the recruitment of a new CEO, how is that going?---We have two candidates that we're talking to at the moment. And it's just a matter of, I guess, both of those candidates would work. It comes down to the moment they're thinking about it in terms of, I guess, the environment. There are a lot of issues in the communities, so they're sort of taking stock of that from a personal point of view. One of the constraints that we have is just funding. You know, the cost of getting an appropriate CEO in is quite significant in the market. And from a funding point of view, you can be out of that market.

I will ask some questions about funding in a moment, but how did you become to be identified as interim CEO?---I knew Jo, Joanne Ward, from I guess the time when she was based up here in Darwin. I had consulted to her on another corporation she was involved with. And then when Joanne was leaving, she just reached out and just asked me if I was willing to help out on a short-term basis. And I did accept on the basis that it was short-term with the role of finding a CEO.

Did you have any prior involvement with WYDAC?---Prior to my first gig, no. But if you're asking, and I think this is what you're asking, is my accounting firm involved with providing financial accounting services to WYDAC, yes, it is. But I was not part of that engagement.

So, when was your firm providing accounting financial services to WYDAC?---We would have started about the time Joanne Ward went, you know, as CEO.

Okay. So, roughly two and a half years ago?---I think it's probably about two and a half years ago, yes.

And what was the nature of the financial services that your firm was providing to WYDAC?---Originally, it started off as accounting systems. It's come to be pretty

much the finance team, along with helping out with some HR and some other matters that come up, as they come up.

Did any of that assistance involve auditing WYDAC's finances?---No. No, we don't. That would be a complete conflict of interest. The actual auditors of WYDAC are Merit Partners, who are a Darwin-based firm, a well-known, established firm, accounting firm up here in Darwin. What you are proposing there would be totally contrary to our laws and rules.

When you say "laws", you mean the Corporations Aboriginal and Torres Strait Islander?---Yeah, that's (inaudible), yep, that, plus the actual accounting professions, both.

Is your position remunerated?---Yes, I am paid for acting as interim CEO, yes.

And apart from identifying an ongoing CEO, what is the nature of your day to day work as interim CEO?---I outlined that in one of the questions. Effectively, I'm there as a contact. I'm there to help out on ground (inaudible), there to help out when different managers have issues. The board members come to me on a regular basis. Just to facilitate, I've met with the funding bodies to try and keep them in the loop of what's going on. Communication issues, to make decisions when decisions need to be made in terms of – or to assist with those decisions when they need to be made in terms of the ground (inaudible) operation.

Can I ask you some questions about the board itself now. Now, a number of financial documents, directors' reports, general reports are publicly available on the Orrick website?---Yep.

They disclose that, for the year ending 30 June 2021, WYDAC had 49 board members. Are you aware of that?---Yes, I am.

Now, a number of those board members will be executive board members – executive directors?---Yep.

Do you know roughly how many of the 49 board members are executive directors?---Approximately, there are six executive board members. When they hold their meetings though, you – that can extend to – to 13 in that you'll have some traditional owners come into that, along some senior members that will come into it. So for the last executive board meeting for example, there were 13 people present. But the executive's probably about six – six – (inaudible) six people.

In theory, any one of the 49 board members could attend a directors meeting?---Yes they could.

And vote on resolutions?---Yes.

What's quorum at a board meeting?---Off the top of my head, I'm not sure what the quorum is. It's not – it's not a large number.

If I suggested to you that quorum at your annual general meeting is 10 percent of the 144 members, would that sound about right for meetings of the board?---Probably, I can't give you that definitive answer. I'd be reluctant to say yes to that, but it's certainly not a – not a – not a very large number.

Why so many directors?---I think what they tried to do is get a certain representation across family lines, and also across location.

And when you say "location", you're not talking about just Yuendumu, you're talking about Willowra, Lajamanu, Nyirripi?---Yes, that's – I think was the original intent. But I think the stronger one is that its' based on family – it's a family line. One of the things that we're looking at doing in the (inaudible) change the (inaudible) to (inaudible) members a change in the rule book to bring that number back down to somewhere around about say, six, six to eight directors, with a – with two independent directors to come on board. That's being shaped up in the rule book at the moment, for (inaudible).

That's very interesting to learn. One thing I was going to suggest to you is that – or ask you about, is whether the size of – size of WYDAC's board might be effecting its efficiency?---I would – I would think that to be the case. I certainly have a view that the size of the board is far too – far to (inaudible) board meeting, and (inaudible) you've got 49 people attending you – you get – certainly the executive attending and a number of others. But you don't get the 49. And it makes it very hard if you wanted to – to get everybody together. So one of the things we identified is to have a small board govern base, (inaudible) two independent (inaudible) that'll be up to the executive and the members.

How - - -

THE CORONER: Mr Clifford, can you please pick up your phone again, sorry, it's just not clear enough when it's - - - ?---Okay, sorry. Is that better?

Yes, I'm really sorry that you have to sit there and hold it, I know that's - - - ?---I'm okay, my apologies.

No, no, I was happy to try it the other way, but it was not – not really clear enough.

MR COLERIDGE: What I might do is put to you some things that have been written about the problems that can arise when corporations are governed by very, very large boards. And you let me know whether this might be WYDAC's experience. It's been suggested that larger boards can inhibit or delay critical decision making. Does that reflect your experience over the last few months?---Without a doubt that can be an issue. Though I think you will find in their case, their executive works – works fairly well, and it certainly is contactless. So the executive do meet, and I think the executive do constitute a quorum, but I do agree that in principle, I'm not one for big boards. And I think they can certainly inhibit decision making and strategic direction without a doubt.

One of the other criticisms of large boards has been that they may be more susceptible to – these aren't my words, but – I'll put it this way. There can be issues with attendance or engagement by the majority of the board, when a key component of six to 12 directors, are the only directors who are regularly attending board meetings?---I – I would see that as being an issue, yes. Certainly when you call a board meeting of WYDAC, you don't get that full 49 representatives. You get a chore group.

THE CORONER: So even though the goal was to ensure that families and locations were represented, they're really only represented in name only, because they're not necessarily playing a role in the decision making?---That would be a reasonable comment to make, yes. Can I say, it can move around a little bit. So for example, just as an example, if I may use an example. The recent CEO interviews etcetera, were done by a panel of directors. And that included two from Yuendumu, one from Warlpiri – Willowra – Willowra, sorry. And the fourth one came from one of the other communities. So in that – in very important decision making of – of – of appointing a CEO, we did have a representative across the communities. However, on other occasion when there's been something like that, it's been dominated by one community. So it can quite often depend on the circumstances. Whose available. What's going on culturally within the different communities has a significant impact. Along with – along with violence – along with violence too.

MR COLERIDGE: So as I understand your answer, look, there are some changes to the people who attend from meeting to meeting?---Yes.

But is it fair to say, there are some regular faces who attend much more than others?---Yes, that would be so, yes. There is a chore executive that attend on a regular basis, definitely.

Do that – does that chore executive tend to be from one or a couple of particular family groups?---Certainly from a couple of family groups, yes.

And do they tend to be family groups whose family members are also employed in significant positions within WYDAC?---I think as you go across, it's not just one particular family that's employed in some positions. I think there are a few, so – but yes, there is certainly, you know, elements of – of people from different positions coming out of – out of a couple of families, yes.

Which brings me to the last problem that's been identified by corporate analysts in big boards, which is that they give rise to a risk that cliques or factions can develop, which advance the interests of some, but not all, members of the community a corporation is designed to serve?---That's one that's very difficult to – to necessarily answer how you may think. Because there are differences and cultural differences in how that applied in an Aboriginal corporation versus a company listed on the stock exchange. So there – it – there are different sort of I guess, community rules, that operate that way. But certainly, in terms of the executives, it covers just not one particular family, it does cover across a couple of different – a number of different

groups. A lot of it's to do with location, where they're based. Has a significant impact. And also, I guess, comes down to, you know, the traditional owners. Who are the traditional owners, and the (inaudible) traditional owners. It's not a simple – it's not a simple answer, it's a very complex answer. Very complex situation.

Are directors remunerated?---Are directors remunerated? Directors, in terms of where some are employees, yes they are paid for their – for their work cultural services. Are they paid for being a director? No.

How is remuneration – and I know that there are a number of ways of remunerating directors, by directors service agreement, other benefits, equity, how are directors who perform work for WYDAC, as directors, remunerated?---Well as I just said, there's no – there's no directors fees per say. So if – and there are some of the directors, not all of them, but there are a number of directors who are employees, or work on programs, they'll get paid, according to the work agreement that's gone up with them. And in terms of the – of the hours, based on timesheets, that are submitted.

So if there are members of the 49 director board who aren't engaging, they would not be remunerated by WYDAC?---Not to my knowledge.

Would they receive any other benefits?---Would they receive other benefits? There are various community services that WYDAC perform on behalf of the communities and in terms of the families, so they would be more than likely benefit so they are provided to a range of families.

What about the gift or use of motor vehicles?---Yes, certainly motor vehicles. So there's a couple of directors ET, one of our coaches who does have use of a motor vehicle when required. There are a couple of other directors who will apply for and will get - will get use of it. There's a request that's made - there's a request that's made for that and that goes through - that goes through authorisation.

Would there be - - -?---And the other thing too, I think the co-chairs may get an allowance for being co-chairs but they would be the only - the only two - and you're going to ask me how much the allowance is and I'm sorry, I don't know how much the allowance is but from memory, the co-chairs do get an allowance.

Would you have a general sense of what it costs to manage the board both in allowances - - -?---Not much.

Not much, okay?---It's not much and the cost of the board - I mean, we would pay for, I guess - if it's a board meeting we would pay for things perhaps to do the host, to cater for that board meeting and if there's any sort of travel cost that would be involved, of reimbursing where appropriate. Quite often that involves allocating a motor vehicle or something like that, but the cost itself is minimal. One of the things that we would like to do is, as I said, to have to independents and then pay the independents a director's fee and I think as part of that rule book there may be a

move to see if sitting fees of some sort can be paid to directors to encourage attendance.

And when you say "independence" are you talking about independent board members who might not be members of the community of Yuendumu but have specialist experience in the management of corporations?---Yes.

Okay. Is that as things stand, a gap in the board's current structure?---I would think so, that's just - that's my view anyway, just from someone from outside. I always believed from my experience of Aboriginal corporations, there's significant benefit that can be obtained by trying to attract some traditional independent directors to the board. Those corporations where I see have that in place I think from a governance point of view probably perform stronger. They can certainly bring their expertise into play, some of other sources, which does assist but to do that you've got to pay a director fee and certainly WYDAC's current rule book doesn't allow that and doesn't allow independence or even (inaudible) to be paid.

You've spoken a little bit about some amendments to the guide book or constitution?---Yes.

One of them was decreasing the number of board members. Another was allowing for independent board members?---Yes.

What kind of time frame are we talking here? Is there a proposal to vote on the those this year?---Yes, yes. So we're looking at running our governance training day to the first of a couple of workshops on 15 December, which case the proposed - you know, what our alternatives rules (inaudible) word and proposed changes would be submitted as part of that day to the directors in attendance. Once that's had their consent - and I stress, it has to have their consent, then the intention would be to take it to a special meeting of members for members to consider and to accept and then the third stage of that process if that were to take place, that approval, will be then to take it to ORIC for ORIC's approval for it to be adopted.

I want to ask you some questions about funding now. In the directors' report for 2021 - I apologise, the financial report for 2021, the total operating for WYDAC is listed as a touch over \$10.5m per annum and it's been relatively consistent for the last couple of years of the reports. First you'd accept that's a significant sum of money?---Sorry, I don't understand. Is that a significant - \$10m - yes, it's a large amount.

Perhaps just to put it in contrast, NAAJA provides legal services to the entirety of the Northern Territory at around about \$23m per annum, which is a bit over twice WYDAC's funding?---Yes.

Now, the majority of your funding is by grant, correct?---Yes, it's grant funding that come in, yes. It is how the organisation gets its money, yes.

I think that it was about \$9.1 or \$9.2 million for the 20/21 financial year. Does that sound about right?---Yes, it sounds about right, yes.

Who were your major funders?---If you look at, I guess the answers I submitted to the questions that was connect - - -

I know that you've dealt with a variety of (inaudible) I'm just trying to - I can do it this way - your major funders are the NIAA, GMAAAC and Northern Territory government is that correct?---That's correct, yes.

Now, is your funding by contract an earmarked towards particular projects or is it more flexible? How much control does WYDAC have over how it spends the money that it receives from those bodies?---The programs are very controlled as to what you can do in terms of the outcome, so the actual - the funding is linked to budgets and how the money can be utilised.

One of the issues that has been identified by one of your employees, Ms Brooke Shanks, is that much of the funding is earmarked for use for a particular cohort of young people in Yuendumu - people who are between 16 and 25 years of age? ---Yes.

And much of that funding seems to be dedicated to assisting those individuals to be job ready, would you agree?---So it's earmarked to - I guess what you would say are segments in distinct areas. It's not necessarily aimed at making them job ready. There's a wellbeing component to that as well too, but job read is certainly a large part but it takes on a wellbeing component as well too.

Now, the issue seems to be that at least in Ms Shanks' view - and I take it in yours from the email you provided, that the need of a community like Yuendumu is for the support of much younger children, between the ages of something like 8 and 14 or 15 years old, would you agree?---Yes.

Can you tell her Honour something about why those funding arrangements don't seem to dovetail with the need that presents in Yuendumu?---Can I say, it's just not Yuendumu, I would take it across all four communities, and that the funding model that comes is quite often retaining from outside of the community from my observation with very specific focuses and goals. I don't – and this is just me, and by the way, I could be wrong here but I'm not sure the people who design these funding programs actually have time to sit down within the communities and spend lengthy time in the communities to really understand what are the real social economic clinical wellbeing issues that exist in each of the communities. And then therefore, if I can say this and I sort of in a short non-political sort of form, doesn't necessarily taken into account the real issues, the real – what they're facing and therefore address those issues so as to be able to take the – you know, the community falling in terms of change - - -

I mean, I take it - - -?--- - - - and what they mean.

The funders themselves might not have a good idea of what the community needs, but it is WYDAC's mission to identify need within communities like Yuendumu, is it not?---I don't think it quite works that way. Yes, WYDAC can and has put forward various different arguments, et cetera. But it comes down to quite – what are the objectives within a wider area outside of WYDAC. And it's those areas which get the money and get funded and you have to apply that particular program/KBI's to what you're trying to implement. But they don't necessarily dovetail, in my view, as to what should be there.

What kind of advocacy does WYDAC do with the funders to correct what might be mistaken views about communities' need?---Yeah, I think in the last – certainly, in the last probably couple of years, there's been a bit of a limbo there. In fact, that should be the role of a CEO with the board. And if you haven't had a CEO present embedded in the chair for at least two years, that makes that delivery difficult. So, part of that advocacy that you're referring to has been lost and needs to be rekindled.

Are those funding agreements publicly available?---I don't believe that they are. I can ask that question from someone who's with me who may know that better than myself, but certainly, the agreements we signed are all confidential, so I'm not sure – I don't think those agreements are public documents. I may be wrong, but I don't believe so.

Perhaps, we'll let you confirm whether or not they're publicly available and we'll make any necessary further request after you've had that opportunity?---Yep.

Can I ask you some specific questions about the funding for community safety and youth development, it sounded very much like – I mean, it sounded very much from Ms Shanks like really no money, or very little money, was earmarked for use in that eight to 14 year old bracket and that WYDAC was having to be creative to provide things like afterschool activities and some limited services to that aged bracket?---That's not something that I'm across. I would be reluctant to make comment on that one, I'm sorry.

Does WYDAC hold financial documents that might show, in a more detailed way, how money is being spent on individual programs?---Yes, it does. So, there are job cost reports for every program that WYDAC runs, and detailed job costs. And yes, they certainly are available.

And equally, does WYDAC hold documents that identify what services are provided in particular locations at particular times?---Yep. Yes, it does.

And would that identify, for example, if we're talking about the youth diversion program, how many people were assisted by WYDAC with youth diversion in a particular year?---There certainly would be data that could be collated to do that. And there's certainly reports that would give you the numbers of young people that assist in different programs.



One of the programs, I think, that everyone is particularly interested in, in light of WYDAC's history, is the Mount Theo program?---Yep.

Now, in your email, you indicate that the Mount Theo program is more than just the Mount Theo facility. Is that correct?---Yeah, that's how – it's certainly proceeds within the management of WYDAC. That's certainly how I would see it and has been certainly within the – I guess the key executive directors, certainly how they would see it.

How is the Mount Theo program, according to that broader definition, funded?---It's funded across a number of different programs which all have to interlock, which all have to service, I guess, as I thought it wellbeing. So, you can't necessarily target or isolate, even though the programs are set up that way, an individual program by itself. You have to follow a group of young people, families across the whole program or programs in terms of outcomes.

Do any of your funding contracts earmark money for use in the Mount Theo program specifically?---If you're referring to the facility, there is some funding which is earmarked specifically for the facility. It's a much smaller component of that budget for - I guess, for the Mount Theo program as we think. Because, yes, there is a small component for the facility.

How much is that small component per annum?---Off the top of my head, I'd be guessing. I'm not willing to guess. At some point, I could come back to you.

I know that you don't want to guess, but could you tell me whether it was, you know, in the ten thousands, hundred thousands, million dollars?---Look, at a complete guess, I'm guessing that it's probably something about \$400,000 off the top of my head, but it's not necessarily a big budget component of the Mount Theo in total. But it was about \$400,000, I think from memory, which goes towards – that's a guess, by the way, that's a guesstimate.

And that's out of the annual budget. Correct?---That's out of the annual budget, yes.

Okay. Between July 2019 and September 2022, how many children have resided at Mount Theo?---That's numbers that I would have to get. I'm aware of six kids that have been there, certainly within the last year from memory, the last year, probably a bit more, but there's been probably about six kids that have been out there.

Since July of 2019?---July 2019, since – well that's going back probably from about sometime in 2021 to now. So, about mid-July sort of that area in 2021 to now. I can't give you the data prior to that, because I'm not aware of it. I'd have to go and get it.

And did those six children go through Mount Theo comparatively recently?---One went through very recently. That person was there in September, middle of September, about the full-length 16(?) December.

And the balance of the five, when did they – when were they out - - -?---I would have to go back and check, but my understanding is there is another five that have sort of – in that sort of mid-'21 period up to now that went through at different times.

And when you say, “went through”, how many days can you say did they spend?---The most recent case spent three weeks there.

And the other five?---I'm sorry, I'm not – that, I don't know, my apologies.

Is that the kind of detail that might be in the documents we were speaking about just a moment ago?---Yes, that sort of detail certainly would be there. And Brooke certainly and another of our managers would be able to dig that out.

Is it possible that between July 2019 and about July 2021, that no children were at Mount Theo?---It's quite possible. In fact, if you look at the comments I made in some of those questions, is that the facility was at the request of a community. It closed for a little bit of period of time due to the events of – for a couple of events. One was the death of a significant traditional owners whose funeral was at the time of this – what this inquiry deals with.

That was Kumanjayi - - -?---Yep. And coming out of that, plus along with what happened, the traditional owners who were – where Mount Theo comes under, to my understanding, gave a direction that they wanted the location closed for a period of time. And then the person who was – who actually ran that facility along with a part of others parts of that total program, I guess was traumatised by what took place and also resigned. And they lost a key person who – who was largely responsible for – for that area facility. The executive directors are looking at re-engaging that person. I know they're in talks with that person, to have that person back – back on board, because that – while that person was there, apparently Mount Theo was operating – the facility was operating extremely well. So they're trying to re-engage with that person. And I understand that there is some success with that.

So for those two years when no children were at Mount Theo, what was that \$800,000 spent on?---It would have been shown as being unspent funding.

Pardon?---It would have been treated as unspent funding within the actual – within the actual organisation. So we – we have to acquit on the program, and say the money's used. And if they money's not used, then it would be shown as being unspent.

I see. And in then what becomes of the unspent funding?---Sorry?

And what becomes of the unspent funding? Is it returned to the funding body or can it be - - - ?---It comes – it comes down to what the funding body wants. In some cases it's returned. So there has been return of money. In other cases, it's been allowed to carry it forward until such point in time as – as I guess, the facilities and the program have been up and running.

Appreciating that your involvement with WYDAC has been relatively limited, and relatively recent, I wonder whether you could provide any insights to her Honour on what you think might improve the effectiveness of WYDAC's services in Yuendumu? Whether it be funding, whether it be governance?---Okay, well let – can I start in – in a couple of areas, your Honour, if I'm allowed to.

THE CORONER: Yes?---Firstly, we've talking about Mount Theo, and the unfortunate thing is Mount Theo is seen as a location, a facility. So let's deal with that part first. I had a trip to Mount Theo, a visit there not so long ago. The actual facilities out there, they need some considerable capital expenditure, in my view, to bring that location up to what it needs to be to be able to run in today's situation, a program with young people, engaging with young people in such an environment. There were members of the funding body that government who deal with that, out there at the time. And they've agreed with that. And it's a matter I think, of the executive directors, and WYDAC sitting down with them and working out two things. One, a capital funding component, and then along with also additional funding for that particular facility. So certainly, to run it properly it is – it is under-funded. And the facilities, they need some work on. That's – that's part of it. The second part of it is, is that is – Mount Theo, so people understand that Mount Theo, as a concept, has grown beyond a location, in that it deals with – should deal with the well-being of youth at the different communities. Just not one community. But all four communities. At the moment, they're seen by certain people, a view point that Mount Theo is for Yuendumu. And Yuendumu people only. It's more than that. But there are cultural issues you have to address in that. But it means potentially having a facility, having a place where youth from other communities can go to. So the funding has to cover that. But it also has to cover what I call a well-being, where you take youth who are, you know, there are issues going on in the community, and take them, and progresses them beyond a three week – it's called a camp, that is the wrong word. And I apologise for that. My head's trying to think of the right word. But to take them from that very three week, where they go out for three and then come back into the community. And once you're back in the community, you're probably back to where the problems were, are, still, and therefore, it's got to take them beyond that. So the actual funding is to look at, yes a well-being program that transgress from a certain age, up to – to beyond that – that age group, and deal with a whole range of things from – from education, to sport, to all the problems that exists. You know, the drug, alcohol problems, that exist within the community. So it has to address the violence. It has to address all those. And at the moment, the funding models that you get, you've got to go out and you've got to beg for them, and they are real components that deal with this part of the puzzle, with KBI's that are set for this part of the puzzle, but don't necessarily address the total issue. So from what – for me, what's wanted, is a funding program that deals with everything rolled into it. And for well-being funding program, that the community can sit down with government, and get the appropriate funding levels. Can work with government. And that it's not restrictive. At the moment, it's very restrictive as I see it. It's very legislative. You've got to go through all these acquittal, all these legal processes, which take up a large volume of money. So somehow you've got to be able to free up that process to make it easier for the communities. I'm not saying no regulation. But I'm just saying just easier, so that money can be used as I believe how it should

be used in terms of well-being of the youths in community. But it has to be a total package that covers that spectrum, from youth, right through into young adult, and addresses the violent – addresses the issues that are going on within – within those communities. And not one community, but four communities, at the same time.

MR COLERIDGE: If the funding was allocated to – or earmarked for different projects, or there was greater flexibility in the use that you could make of the funding, do you think that the funding levels would be sufficient to provide services in Yuendumu and surrounding communities?---No I – not based on current levels, no. And I know you said that was a large amount, but the – something you're not factoring in is a couple of things. So for example, let's just take one component. If you have staff out on those communities, you've got to provide housing for them. That housing is not – is not a cheap exercise. The housing is – it needs to be bought up to scratch, a number of areas, with a lot of repairs and maintenance. We constantly have, on a regular basis, a daily basis, break-ins, of all our staff houses, with property damage, property stolen. Cars smashed, etcetera. So you've got this constant security maintenance issue, which is quite significant, along with a housing component.

For - - - ?---You then take – sorry?

- - - for all – I mean just to put some dollar figures on those issues. In 2021, WYDAC spent approximately \$250,000 on housing allocation costs, and another \$273,000 on repairs and maintenance expenses. They're the type of expenses you're talking about?---Yes, we are. But I think you'll find that – that has significantly grown. I think it costs us per annum, approximately, say about 21,000 - \$22,000 per house, for repairs, and that's about to go more. That's based on some of the security measures we've just had to install. Like two of our houses, we're currently putting in some security frames, of about \$15,000 each. That's \$30,000 per – just for two houses, just on one area. And your funding budgets don't – don't cover that. You're not allowed to use your funding budgets for that sort of stuff. I mean you then go into the next area, where you've got to attract and keep staff, and the funding levels we get, don't allow you to necessarily compete in the market. And then when you start adding in all the – all the areas of living issues or living in a remote area with all the issues that exist, it becomes very hard to keep those staff. You mentioned a significant turnover, well that's one of the – that's one of the costs. And you can't compete with the – with the – with the salary levels that exist. Like, for example, for us to get a decent CEO, the cost factors a little bit outside of the money that we can necessarily afford. So you've got – you've got those issues that exist. Then you have your motor vehicles, then you have – so just the administration side of running – running WYDAC is quite significant. The insurance side of it is significantly expensive, and has gone up with all the – with all the issues that we're having.

What about motor vehicle expenses?---Motor vehicle expenses themselves are quite large. We have a significant number of our motor vehicles go in just recently, had to go into the work shop to have significant repairs done.

In fact, each of the calendars' years of 2020 and 2021, WYDAC has spent \$1,055,000 on motor vehicle expenses. What do those expenses consist of?---They consist of, of repairing, re-servicing, getting those vehicles back ready to be able to so be used. Some of the repairs were quite expensive. It includes some (inaudible) as well too, but there have been significant costs. Now, WYDAC has a fleet of approximately 50 motor vehicles across its, you know, it's communities and those motor vehicles take a hammering. So - and that's before you start getting into some of the areas, so - but yes, they are some of the problems that were facing and when you talk to the funders about, "Okay, these admin costs - particularly housing, for example, because you've got the allocated across the program, they say it's a corporate but if you don't get funding for corporate, how do you cover those costs of the house? And then what we know about what we charge - what we're allowed to charge to use their program is nowhere near what it costs us to maintain and provide that housing for staff.

There are significant figures on the financial reports for 2020 and 2021 for accountancy and audit and consulting events - consultancy and legal costs? ---Yes.

When you add them together something in the vicinity of \$1m for 2021, what are the nature of those accountancy audit and consultancy expenses?---There's a couple of significant (inaudible) there, there's some significant legal costs that the corporation has faced. There is a significant audit factor as well along with the accounting bookkeeping costs, along with some other consultants which are also in there, so it's just not that, it's your consultancy, so - and sorry human - and human resourcing recruitment as well, went in there as well, too, so it's a whole, I guess, conglomerates of different accounts and different fees.

Does a part of those accountancy fees represent the fees paid to the firm of which you are an employee?---Yes, they do, yes.

No further questions, your Honour.

THE CORONER: Are there any other questions for Mr Clifford? Ms Morreau?

MS MORREAU: Thank you, your Honour.

XXN BY MS MORREAU:

MS MORREAY: Mr Clifford, my name is Paula Morreau, I act for the Brown Family and I just have a few questions of you?---Yes.

Can you hear me?---Yes, I can.

Now, the reason, as you understand it historically why there are so many members on the boar is to properly reflect all of the different family groups out of the Yuendumu and the other Warlpiri communities. That's correct isn't it?---That is my understanding.

And whilst the idea of efficiency that you have been asked about might mean that the board decides to reduce its membership some way, that of course will be a decision for the board after taking your advice and that of other professionals, correct?---Yes, and that's what I did say, so we will take this to the board. The board may choose to say, "No, we're not going to do that".

Yes, and of course the number of directors that might end up after such a process, that too is an issue for the board to determine, correct?---That is definitely a broad issue, all we would do is take along some models and then that will be a board decision and then a member decision. It certainly won't be - if you're trying to say that's my decision - it won't be my decision - definitely won't - or for the CEOs.

Yes and I should say, of course, a membership decision because voting on such matters would go further than just the board members but also to the membership of the corporation, correct?---You are correct, and that is the intention is to take whatever changes are proposed to this covenant stage to the board. If the board accept or change or modify it, whatever they come up with will then go to a special meeting of members.

Thank you very much. They are my questions.

THE CORONER: Any other questions?

MR ESPIE: Yes, just a few, your Honour.

XXN BY MR ESPIE:

MR ESPIE: Mr Clifford, my name is Espie, I appear on behalf of NAAJA. Just in relation to - I notice from the information you provided to the court you receive about 35 per cent of your funding from NIAA?---Yes.

Which I presume is the Indigenous Advancement Strategy Funding?---Yes.

Are you aware of what specific programs that funding comes from? Is it a combination of the different streams of funding or?---It's a combination of difference - so it's not just one, so it covers off on a number of - a number of components.

So, for example, children's schooling, safety and wellbeing I assume may be some of the streams?---Yes, also Mount Theo comes under there as well too.

Have you experienced any issues, taking into account the time you've had involved with WYDAC but are there any issues with the flexibility or the way in which that funding is attributed to you?---Can I say, out of all the funding bodies I've had to deal with, the NIAA are without a doubt clearly head of everybody else. They adopt a cooperative approach in terms of working. You can all them up, sit down, so they are - they are flexible in terms of working with you in terms if trying to get the outcome. They have a certain mode, of their outcomes without a doubt but at the

same time they are happy to - and want to - talk to the community and the directors. The Mount Theo facility is one example of that.

Right?---There are others and I wish quite frankly that the other bodies had the same sort of - I call it "wellbeing approach" overall total concept approach, so I certainly have high praise for them and their staff that I have had to deal with.

Are you aware of where you get any specific funding - given we - given there's issues with employment in Yuendumu and other communities that WYDAC serves, is there any funding provided through their jobs and economy funding program screening that you're aware of?---Look, that has been suggested as the tensile area - the economic and wellbeing program. It requires us - WYDAC - just to sit down with them and do some planning. It's par of the - I guess an arrangement that we're trying to set up with, with the components of them to develop a couple of areas, one of which is that and the other is, as I said, the Mount Theo facility. So youth aversion also at the moment we have a funding package concept that is with them to consider as well too and if that comes off then that will be a big help within those communities.

All right?---And that will be in - and that package is aimed at all four communities, not one. So that's currently before them. I think there's a bit more negotiation to go on before that happens and I'm trying not to dump them in it so I hope this doesn't do that but that is certainly something that we are talking with them about in terms of going forward.

And I note from information provided, you are currently delivering youth diversion services, is that something funded through the NT government funding?---The Youth Diversion Services is funded through the NTG - so it's funded through the NTG government, yes.

All right?---But we're looking to try and, if we can, as I said, we need to actually expand that.

Sorry, what was that - I just missed your last - - -?---So, to ask what we need to do to that particular funding area is something that we need to actually we need to increase the funding coming to that because the funding that comes from there is a much smaller component of WYDAC's budget. Joanne Ward, before she left, did up these slides which showed how much the NT Government contribute towards WYDAC and it was kind of like 3 percent. So 3 percent of total funding came from the NTG and - which is not enough and needs to be a lot more. So that's an area that certainly any new CEO would have to take on board and to advocate. One of the things I was trying to get up and running in my first interim CEO was to have a consultant develop with us an overall budget program to take to the NT Government. That didn't get taken forward under Michael but I think it's an important advocacy aspect that needs to happen to - to actually increase the involvement of the NTG in these areas in terms of the work that's done.

And you've commented that NIAA are quite helpful, I forget the word you used, but they have - - - ?---They're very supportive. They're very supportive and understanding.

What's your experience with discussing funding opportunities and a flexibility in funding arrangements with NT Government?---Look I've had very little – little contact, so that's very (inaudible). And that's – could be on me, not necessarily on the situation. It's a time factor. But certainly in discussions that I've had with – with members of Departments from that, they certainly have been supportive. So I think it's a matter as I said, you need to have that very strong advocacy, which is taken on board by – by a strong CEO, and by the executive, to actually engage with the NTG. But at the same time, I haven't seen the NTG falling over backwards to assist either.

Right. You – just in relation to youth diversion, are you aware of the sort of numbers of young people going through diversion, and whether that's through court based referrals, or police based referrals, for diversion. Is that the sort of information that you have at hand, or you're aware of?---Look, the information will be there, it's a matter of seeking it out. And – and looking at it. Certainly in terms of the work that's done in terms of the support of young people, there are numbers there that come to these programs that are run of an afternoon or evening. So we can certainly provide that. And then in terms of going through into diversions, there's a team which is head up by Rastus, which is – certainly has case numbers of dealing with specific individuals and families. And which deal with sort of mental health issues, along with advocacy issues that are happening in terms of issues in the – in the communities. But can I say, that's an area to me that, from our point of view, I think is under-staffed. Under-staffed in terms of people with the appropriate skill level. Which is not necessarily a reflection of WYDAC. It's a reflection of the funding levels that is has been able to attract. If they had more funding, and better funding programs in that area, it is my view that they would be able to – to certainly attract the right – the right people, and to be able to do – to do more work with, in that area.

All right. And the challenges of yourself, or WYDAC, attracting staff, I suppose you have a combination of qualified staff that – or challenges of getting qualified staff, that aren't necessarily local people, but have the skills in counselling, youth work, etcetera - - - ?---Yeah.

- - - the main – I've just wondering about the main challenges of staffing for both those people - - - ?---Look - - -

- - - which I assume is housing, but as well as local Warlpiri people in the community, and what the different challenges are in (inaudible) that?---Firstly, you've got to get the right qualified people. Those people also have to have an understanding of working in remote and in first nation communities. They have to have experience, culturally, experience. At least my view, it helps. So WYDAC, in trying to attract those is competing on a national market with, probably not as many players as you may think.



Is there more that can be done to upskill and build the capacity of local people to fill those roles?---Yes there is. There is work that can be done. But you've got to have the right – to do that, you've got to have the right qualified people, the right people to be mentors, to bring those people along. It's kind of like a tick on an egg type thing. So you've got to get the right people there, and then you've got to have the right skills to be able to train – to mentor. Certainly, a component of it is that you've got to have those very highly qualified, motivated people. But underneath that, you then need a team which is a mixture of local, outside, that they can then develop training and bring along. And that's part of the gap that exists I think, at the moment, in any of the teams.

All right?---I'm not sure I've answered your question, but.

Sort of. We've heard – yesterday, of some – some local young people that attend boarding school interstate, I think there was a relationship - - - ?---Yep.

- - - there with a school in Cairns. Assuming some – some very bright and motivated, dedicated, young people graduate in the next year or so, do you have the ability, in relation to how you're funded to, for example, seize that opportunity, and provide someone like that with a traineeship, or a scholarship, to ultimately fill some of these roles that you would otherwise have to attract people - - - ?---We - - -

- - - from – from elsewhere for?---We would certainly be – would love to be able to attract, and to utilise those people, those young people. It'd be a matter of, I think, having to get the funding model changed a little bit. So, for example, in some programs, we can only use – we're only funded for point five of a person. So that's very hard to take on board a young person, and develop and take them through, if the funding program only allows you to fund 25. So there are some changes that, definitely, as I've said, would have to be made to that, in order to be able to attract. But where we could, certainly WYDAC would love to be able to utilise, in my view anyway, I'm speaking to – on behalf of the board here, and shouldn't, but it is my view that WYDAC certainly would love to be able to – to take on board those future leaders, and see that they progress and develop.

And so you – what you'd need is more than ability to – of a point five FTE - - - ?---Yeah.

- - - you really need to fund full-time roles, but also the ability to have a full-time trainee, or someone - - - ?---Yep.

- - - being able to full-time shadow, you know, a qualified youth worker, for example, or - - - ?---You would need a full-time – I agree. You would need a full-time, someone there, as an appropriate mentor, trainer, that they'd be able to develop and take them on board to do that. And we've had a couple of those, but one or two have left just recently.

And from your perspective, in the longer term, that would pay for itself. It would be worth the investment from NTG or NIAA, or whoever else is listening?---It would be –

yes, it would be a significant investment, but in terms of the wins for the organisation, and for the community, it would be massive. Without a doubt. I – it'd – it would be a significant venture to emulate and undertake, it would be so important.

But again, perhaps the services that are letting you down would include, you know, the issues with housing, for example, having - - - ?---Yeah, without a doubt.

- - - all right. And similarly, you talked of the challenges of young people attending, for example, the Residential Program at Mount Theo, just on that issue of housing, and a number of the other social issues. Do you experience that as a challenge of the fact that young people attend those programs, and then there's challenges for WYDAC in addressing the underlying issues with housing and Territory Families, and education, and other services?---I think they're the underlying causes, and you're not necessarily – you're not necessarily able to, or empowered, or funded, to be able to – to go down those areas. To me, it's a matter of ensuring that, if it's WYDAC, or any service provider there, is actually working in with the community, and in with the service – other service providers in that area, e.g. the schools, e.g. the police, e.g. the, you know, a whole range of areas that – there has to be a very much a joint consensus approach, rather than an individual turf approach, for want of a better word. It needs to be a community driven approach. And the other things too, if I may add, that you mention about attracting young people to work, is that at the – at the end of the night, or the end of the – say on a Friday, when they finish, what do they do with their time and their services? You know, how do they spend their time, socialising and relaxing. And that's a really hard – hard concept. That has to be somehow looked at as well too.

And just on that point, we've heard from people who – employed government, including police, and health, and education staff I believe, they have built in to their funding, toil or foil, but the ability to have some respite and if need be, whether they're Indigenous or non-Indigenous employees, have time off, travel into Alice Springs for example?---Yeah.

And is that something you're able to build into your funding model for - - -?---Not under current funding models, no.

Is that something that, again, would require advocacy from the CEO to look at the value of that and building that into how you were funded through NIAA and others to be competitive as an employer?---Look, going forward, I think you're right, you've got to have this – as I said, this total concept of a wellbeing funding package. Part of that is, in terms of the staff point of view, is to how you train, how you teach, how you develop, how you provide for staff, and part of that has to be a respite. Now, one of the things that WYDAC does have, and it comes out of the corporate budget, is there is an apartment in Alice Springs that we rent that we do make available to staff when they go into Alice Springs. So, if they're going to Alice Springs, they will ask for and if they're going say initially to do some work stuff, then we'll say, yep sure, make use of the apartment for the weekend, et cetera, all right. So, that's part of – some relief that we can do, but it's not enough.

Right. And just going back to the Mount Theo program, I note in your response, your email responses, that you talked about the original or the old model no longer being suitable as a means of running the program. Are you able – given that the origin story of WYDAC is very much about the Mount Theo initiative being created and run by local people in the community, are you able to expand on the challenges. I think some of them who are listed as insurance and funding (inaudible)?---Yeah.

Sorry?---The issues stem about from a couple of things. One they stem about from the determining bodies themselves. The other stem about from the various legal requirements that WYDAC faces and then has to adhere to. Regulations, et cetera, over the last 10/15 years, they've changed significantly. Insurance requirements have changed. So, for us to be able to have insurance in some of these areas, the restrictions are – the requirements are a lot more onerous than what they used to be. So, let's take a very classic minor example, for example. In the past, you might have been able to take guns out and for some of the young ones to go hunting traditionally with their guns. We can't have guns out there now. the insurance doesn't allow it. The police don't allow it. I made enquiries of an insurance company who quite frankly, point blank said no. The police said no. And then when I spoke with the funding bodies that deal with Mount Theo, it was like, no we don't want guns out there. That's a minor part. You then go down to other parts, for example, making cars available to people who are out there who aren't employees. When we checked it up, does our volunteer insurance cover that, no it doesn't. So, we can't provide cars to people who aren't employees or directors. And then you go into other – there just some of the minor concepts. So, what I'm saying is - - -

Can I just - -?---Yeah, go on.

Can I just pause you there and just in relation to that issue of insurance being flexible to allow various people to use vehicles, we heard from a former WYDAC employee and community member about the cultural importance and the social wellbeing importance of being able to get young people out on country in vehicles. Also, the cultural issues around the appropriateness of how, for example, gender segregation or avoidance relationships, et cetera. So, the ability to be flexible and have various Elders, community leaders, being able to get in the car with young people and take them out. That's - fair to say, that's not really something that factors into the way or to the challenges you have with being insured properly?---There are some issues with that. So, for example, if they jump into a WYDAC vehicle and go off and no one's an employee or the person driving is not an employee and there's an accident, where do we stand, WYDAC the organisation, stand? But I think – I know in terms of the question you're asking, it's something I don't think it's a topic necessarily for me to answer, because there are some issues associated with that, that matter.

And similarly, with the issues with firearms, is it a situation that it's too costly to be insured or that you simply can't find an insurer?---They won't do it, all right? So, we asked around a couple of times, we had issues with the police also saying that they didn't – the guns weren't there. And we had similar issues with the funding body who quite frankly said that they – that it wasn't to be part of it.

Right?---So - - -

So, if – and given somebody representing NT Police is here, if there was some way of accommodating that and supporting that ability to use things like firearms which Warlpiri people have told her Honour that are valuable - - -?---Look, I think it – as always, in essence, as I said, it comes back down to the – to two areas. One, the executive of the board as to the direction they want to go on that and the terms – and then every single case that you (inaudible) we move back to that executive and got directions as to how they wanted that to progress. The next thing to do, is you have traditional owners and that's their link. You actually have to – rightly have to deal and discuss with them as to how they want that to operate. Now, there was a very clear direction by the traditional owners and by the directors in terms of where the facility was to go and how it was to be operated. And the organisations moving towards that along with, as I said, are tracking back a previous employee who was responsible for the running of the facility area prior to when it basically stopped for a period of being used. But the actual running and how Mount Theo itself is utilised and developed has to be done in conjunction with – rightly, with the traditional owners and with the board, executive board.

Mr Clifford, are you able to advise the court of who that person is that you're hoping to attract, or is that something you're comfortable sharing?---Look, can I – if I'm legally bound to, I will. My preference is, at this point in time, that they're talking and I'm not so sure that it's fair to do that.

Thank you. I don't – well, I suggest you're not legally bound, but perhaps it's a matter that could be followed up?---I'm happy to – if her Honour wants to – I have to, then I'm happy to do that.

THE CORONER: No, I'm not requiring you to answer that question.

MR ESPIE: Perhaps just a final question in relation to Mount Theo, Kumanjayi Walker, who is obviously the reason we're here, is his unfortunate passing, had left a CAAAPU, a town-based residential program in Alice Springs, alcohol rehabilitation program, which is challenges or an issue that many young and old people face, particularly in relation to court-ordered reasons for being at those programs. Are you aware of the history of Mount Theo and whether there are challenges in being able to allow young people to attend programs or attend Mount Theo for extended periods of time, subject to court orders, whether that's bail or parole or any other court-based conditions?---Yep. I don't believe there are (inaudible) issues. Certainly, the last person that went out there came by way of a court direction. As I've said, the use of the facility has to be, you know, done in terms of the requirements of the traditional owners and the requirements of – always the traditional owners and the directors, along with the model that they set up with the funding body. I would assume no reason as to why – and this is just me talking myself, by the way, and not on behalf of the traditional owners, as to why – why that would not work and would not be a strong part of, let's call it a Mount Theo Program Well-being Program.

Thank you, Mr Clifford.

Nothing further, your Honour.

THE CORONER: Any other questions?

MR COLERIDGE: I've just got one.

THE CORONER: Thank you.

REXN BY MR COLERIDGE:

MR COLERIDGE: You talked a little bit about the staff turnover, and I wondered whether there were some staff who have since departed WYDAC who, in your opinion, were particularly valuable, and whose departure has been a particular loss to WYDAC?---Yeah there are a couple. There are couple. There's one in particular, who is just leaving, down the track, if was mentored properly, could be a valuable executive, a valuable, anyway, even potential CEO, but it's early – early days yet. But certainly that person was – that had – had the right ethic for the right, you know, desires. That person could have, if mentored properly, could have been a – a formidable asset. There are others, a former manager in that diversion area. She left just – just at the start of my, I guess second gig as interim CEO, that person is sorely missed. That person was one of those ones who I actually preferred to have had the – had amazing skill sets. Amazing cultural understanding, working with communities, and also was a fabulous mentor. Now we lost that person. We're about – we're just losing someone, who in my view, in a year or two time, could be the exactly same way. Along with other staff. So yes, we are losing people who – who – you don't want to lose, because there's so much gone into – into developing that so they have – so they have an amazing counter base and to – to bring to the community what the community needs.

Those are my questions, your Honour.

THE CORONER: Again, thank you very much, Mr Clifford, for making yourself available, I think sharing some of your frustration, probably tempered considerably for the purposes of these proceedings, in relation to the difficulties that are experienced. And also sharing some of the successes and you know, desired aspirations for WYDAC. So, thank you again?---No, thank you, your Honour, and I guess, as I said, I was happy to – to assist where I can.

Thank you?---All right, thank you, right, bye.

WITNESS WITHDREW

THE CORONER: So that completes our evidence for today. We've got one witness for tomorrow, 9.30 am. And then that will conclude our proceedings for this year.

ADJOURNED