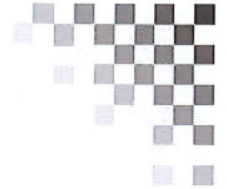




NORTHERN TERRITORY POLICE
STATUTORY DECLARATION



PROMIS No.:	IJIS Case:	Date: 19.08.2022
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STATEMENT OF:					
Name of Witness:	Paul Kirkby				
Date of birth:	[REDACTED]	Place of birth:		Age:	55
Occupation:	Police				
Home address:	Known to Police				
	Phone:		Mobile:		Fax:
	Email:				
Postal address:					
Work address:					
	Phone:		Mobile:		Fax:
	Email:				
Subject of statement:	Yuendumu - Coronial				

POLICE OFFICER TAKING STATEMENT:					
Name of Police officer:	Self	Rank:		Reg. No.:	
Station:		Phone:			

SUMMARY OF EVIDENCE:

DATES UNAVAILABLE:

THE NORTHERN TERRITORY OF AUSTRALIA

OATHS, AFFIDAVITS AND DECLARATIONS ACT

STATUTORY DECLARATION

I, Paul Kirkby, of an address known to police, do solemnly and sincerely declare that:

1. I am a Police officer currently gazetted to work at Palmerston. I hold the rank of Sergeant and my service number is 3431. I am currently on personal leave from the Police.
2. On Tuesday 16th of August 2022 I was served a summons to appear at the Coronial Hearing into the death of ██████████ WALKER after he was shot by police at Yuendumu in September 2019.
3. I was also requested to provide a statement. This request was made by Detective Superintendent Lee MORGAN. He subsequently provided me with a list of questions that the Coroner would like addressing.
4. The following statement is in answer to these questions.
5. I joined the New Zealand Police in 1997. I worked in both urban and rural areas. In 2008 I was promoted to the rank of Sergeant. I spent the majority of my time working in General Duties. In 2013 I resigned from the New Zealand Police and moved to the Northern Territory. In April 2013 I joined the Northern Territory Police and completed an Accelerated Recruit Programme (ARP). In June 2013 I moved to Alice Springs and started working on General Duties.
6. I have worked at a number of remote stations since joining the Northern Territory Police completing numerous relieving stints but having never taken up a gazetted position. These stations were Kintore (2 months), Imanpa (5 mths), Alpururulam (3 mths), Haast's Bluff (8 mths) and Galiwin'ku (5 weeks).
7. While working in Alice Springs I worked in General Duties mostly but also on the Point of Sale Intervention (POSI). I also completed short stints on Traffic, Youth Engagement, Custody and Events Planning. I worked on Events Planning as I was on Light Duties due to recovering from surgery after injuring my shoulder.

██████████
statutory declaration of Paul Kirkby.

██████████
Declarant

██████████
Commissioner for Oaths (NT)

8. Sometime in December 2016 I met Constable Zachary ROLFE. He had just finished his recruit course and had been posted to Alice Springs. He made an immediate impact on the station in that he assisted in rescuing two tourists from certain death from a flooded river. I believe this was in his first week.
9. The incident made a bigger impact than usual in that management at the Alice Springs Station reprimanded both Constable ROLFE and Acting Sergeant Kirstina Jamieson for the rescue. When both were awarded bravery medals by civilian organisations management ceased pursuing disciplinary procedures.
10. In March 2018 I was promoted to the rank of Sergeant.
11. Around February 2019 I took over as Shift Sergeant on Patrol Group Five in Alice Springs. I'm not completely sure if Constable ROLFE was already on this patrol group or came onto it after I started there. I think also that on some occasions, while I was a sergeant on POSI, Constable ROLFE completed some shifts on the Point of Sale group.
12. I was Sergeant on Patrol Group Five until mid to late September 2019 when I injured my shoulder and went on leave to receive surgery.
13. At this time Alice Springs had an Immediate Response Team (IRT). I had no part in this team and can't remember ever working in conjunction with them to resolve any matters.
14. One item of equipment that Police have been issued with is Body Worn Cameras. These are affixed to the members clothing or Load Bearing Vest (LBV), usually by a magnet. Every time Police members exercise a Police power these cameras are to be activated to record that interaction.
15. Sometimes (possibly quite regularly) the member simply forgets to activate this camera. This can be for various reasons such as, they weren't wearing it at the time, the situation escalated too quickly or the member simply forgot to activate it.
16. I have been guilty on a couple of occasion of all of the above. I have also failed to activate the camera on one occasion when I had turned the camera fully off using the main switch. I have then pressed to activate the camera having forgotten I had turned off the main switch. The main switch had earlier been turned off to save battery and ensure it got through the shift. After pressing the activation switch I had the believed the camera to be working, but it wasn't.

Statutory declaration of Paul Kirkby.

Declarant

Commissioner for Oaths (NT)

17. I have never heard of any member turning off a camera deliberately to avoid capturing an incident.
18. Training received in dealing specifically with Aboriginal people at the Police College is minimal. On my ARP course we did travel to Jabiru and then to an Aboriginal community (possibly Oenpelli). At a near-by Arts Centre we received a talk about Aboriginal people and their culture. This talk was delivered by an Irish chap.
19. I assumed (incorrectly) that having simply moved from New Zealand to Australia there would be no form of culture shock. I simply wasn't prepared for the conditions that the Aboriginal people in the local Camps and communities lived in. When I flew to Kintore to work there, for a short time, I was seriously tempted to remain on the plane and return home. Kintore was filthy and covered in rubbish. There were more dogs than people and the dogs all looked in such poor health I believed they should have been put down.
20. Despite the above I enjoyed nearly all my time working in Communities. I have never seen any racism directed at Aboriginal people whilst working in the Northern Territory Police. I have seen plenty of frustration displayed by Police members at some of the actions of Aboriginal people but this was simply due to what had happened and not because of the race of the person, or that they did that action due to being Aboriginal.
21. I think it would be naive to say that working in the Northern Territory Police hasn't affected me negatively. I think this is a complex issue and I am unable to answer in a way that will adequately explain, or articulate, how I feel. I'm asked if I have developed negative attitudes towards Aboriginal members of the community. I would have to ask 'What Community?' I developed no negative attitudes while working out in remote communities. I would describe those communities as the Kintore Community or Haast's Bluff Community etc.
22. In Alice Springs there are Aboriginal people living there but don't come from there. It was well known that due to Liquor laws and restrictions in remote communities a lot of people decided to reside not in their community but Alice Springs. This was done for the sole purpose of accessing alcohol. I would ask 'what community would these people belong to?' I would have to say that I do have negative attitudes to these people. Do I think more training for Police is required? No. I think more effort is required by other government agencies.
23. Finally I'm asked if I have any suggestions as to recommendations the Coroner might make to prevent future deaths similar to WALKER's. One would be stating that if someone attacks, seriously assaults or attempts to stab a member of the police the

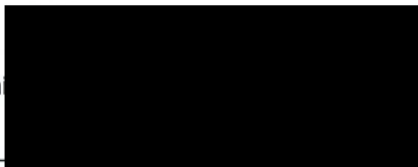
This is page 3 of the statutory declaration of Paul Kirkby.

Declarant

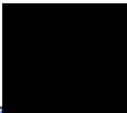
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chances of getting shot are probable and not just possible. Another would be to speak to those people demanding that Police not have guns in communities. The Coroner could advise that the reason Police have guns in Communities (and everywhere else) is because people like WALKER think they can attack police with weapons and these attacks can only be stopped by Police having guns. Finally I would say that it is wrong to consider people like WALKER first and foremost, and above all else, Indigenous. Obviously he is, but I believe Indigenous offenders are sometimes hidden beneath this cloak as opposed to be seen for what they did and what they are. Maybe not explained as well as it could have been and certainly not just focussing on Indigenous. This is done to lots of groups, races and religions and not necessarily by themselves.

24. This statement was made and typed by myself at the Palmerston Police Station on Friday 19th August 2022.

The  of Paul Kirkby.

Declarant ↘


Commissioner for Oaths (NT)

I will be available to give evidence in when required. I understand that the contents of this statement may be disclosed for defence purposes.

and I further declare that:

(a) (i) I have attained the age of 18 years;

AND

(b) (i) I have read this statement before signing it;

and I make this solemn declaration by virtue of the OATHS, AFFIDAVITS AND DECLARATIONS ACT, conscientiously believing the statements contained in this declaration to be true. I acknowledge that a person who wilfully makes a false statement in any material particular is guilty of a crime and liable to imprisonment for 3 years, (*section 119 Criminal Code*). Furthermore, a person who does anything to a Statutory Declaration that results in it becoming false or misleading, is liable to a penalty of a fine or imprisonment, or both (*section 27 Oaths, Affidavits and Declarations Act*).

Maximum penalty: 400 penalty units or imprisonment for 4 years.

DECLARED AT PALMERSTON THIS 19TH DAY OF AUGUST, 2022


Paul Kirkby

BEFORE ME

Constable 1C Barbora RAMLAH

NAME

TELEPHONE

COMMISSIONER FOR OATHS (NT)