

CITATION: *Inquest into the death of Katrina Hawker* [2024] NTLC 8

TITLE OF COURT: Coroners Court

JURISDICTION: Darwin

FILE NO(s): D0143/2020

DELIVERED ON: 9 August 2024

DELIVERED AT: Darwin

HEARING DATE(s): 17 – 21 June 2024

FINDING OF: Judge Elisabeth Armitage

CATCHWORDS: **Suspicious death; acute drug toxicity; alcohol and Temazepam; fingerprints; inconsistent version of events; referral to Commissioner of Police and Director of Public Prosecutions**

REPRESENTATION:

Counsel Assisting: Clancy Dane

Counsel for Mr Peter Scammell: Richard Bryson

Judgment category classification: A

Judgement ID number: [2024] NTLC 8

Number of paragraphs: 82

Number of pages: 21

IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0143/2020

In the matter of an Inquest into the death of
KATRINA HAWKER

ON: 12 SEPTEMBER 2020
AT: BAKEWELL, NT

FINDINGS

Introduction

1. Katrina Sheridan Hawker died sometime between 3:55pm and 7:00pm on 12 September 2020. The cause of her death was acute drug toxicity. At the time of her death she was 43 years of age. Her death was unexpected. Her family wanted to know the circumstances of her passing and participated fully with the inquest process. She is sorely missed by her family and friends and they mourn for her.
2. The inquest in this matter was held at Darwin Local Court on 17-21 June 2024. Counsel assisting me was Mr Clancy Dane. Mr Richard Bryson sought leave to appear on behalf of Peter Scammell, the partner of Ms Hawker. I granted leave pursuant to section 40(3) of the *Coroners Act 1993*.
3. Twenty-one witnesses were called to give evidence. In addition, numerous statements from other witnesses were admitted into evidence together with associated documentary exhibits.

Relevant background

4. At the time of her death Ms Hawker was a registered nurse employed in Ward 3B at the Royal Darwin Hospital. Ward 3B is an acute medical ward and Ms Hawker was a senior staff member and was regularly assigned the role of

Team Leader. Colleagues described her as dedicated to her patients, professional, and reliable (rarely taking sick leave and never arriving late). One colleague noticed that she had lost weight and was getting fit.

5. Ms Hawker lived with her partner, Peter Scammell, at 20 Connaught Court Bakewell. There were no other occupants of this single-story dwelling. The outdoor areas included a front lawn, driveway, an open carport leading into a back patio, a backyard area, and a pool.
6. In the days before her death Ms Hawker was making plans for her future. She had taken out a loan and had just purchased a car, which arrived on 8 September 2020. She was making arrangements to get it insured and was excited to go camping. On 9 September 2020, Ms Hawker scheduled an appointment for 9am on 14 September 2020 with the Employee Assistance Service Australia (EASA). She was rostered to work the afternoon shift on 14 September 2020 and she had made arrangements to have lunch with a colleague later that week. On 10 or 11 September 2020 Ms Hawker spoke with her manager and scheduled leave for 26 October 2020 through to 13 November 2020. She also told her manager that she was having some problems at home and was speaking with EASA.
7. Insight into the state of the relationship between Ms Hawker and Mr Scammell came from various sources. Ms Hawker's family did not really know Mr Scammell as he never accompanied her when she visited her family in NSW. Ms Hawker and Mr Scammell slept in different rooms, explained by Mr Scammell as being due to Ms Hawker's snoring. In recent years, neighbours of the pair reported hearing frequent, if not daily, arguing and one neighbour described the relationship as "very toxic". Ms Hawker told her sister that she was saving up money and planned to leave Mr Scammell, due in part to his excessive drinking.
8. Mr Scammell was intermittently unfaithful to Ms Hawker and, in a series of text conversations between Mr Scammell and one of his a close friends, he

variously described Ms Hawker as “the Kraken”, “krazy lady”, “bi-polar and something else”, “not normal”, “crazy woman”, “Mrs Insanity”, “mental”, “Mrs bossy boots”, “Mrs boss”, “a cunt”, and “so crazy”.

9. Also included in Mr Scammell’s text messages are references to killing Ms Hawker. For example, on one occasion, when describing an argument between them, Mr Scammell texted, “should I smother her with a pillow?”. On another occasion, while discussing Ms Hawker’s snoring, Mr Scammell again raised the prospect of smothering Ms Hawker’s face with a pillow. On a further occasion in early 2019 a conversation between the pair read:

Scammell: Kat has gone mental again. fuck this shit over it

Friend: What over

Scammell: no one deserves to be yelled at this early

Friend: Nope. What’s she on about

Scammell: over the most trivial things that just blow out over nothing

Friend: Just tell her to snap out of it lol

Scammell: Snap her up the side of the head, just joking.

I’m a nice bloke. there will be no killing today

Friend: Lol. Yeah but seeing it would be funny

Scammell: want me to neck it?

not me mrs bossy boots

10. Mr Scammell sent other messages to his friend which suggest that sometimes there was physical violence. On 2 March 2019 Mr Scammell sent a photograph of a handwritten note which included:

Kat attacked me and grabbed my head phones out of my ear and scratched me and yelled like a crazy banshee and swore and cursed and hit me 2/3/19. She is completely crazy and mental she yells and screams for no reason.

He then sent this text message, “Just building an alibi”.

11. In another series of messages Mr Scammell sent the following:

Scammell: *Sorry Kat chucked water at me, full cup. I reacted.*

Accidental back fist. Now I'm a cunt.

Sorry brain not functioning so well.

Too many beers

Friend: *Sounds like a reflex*

Scammell: *It was a random reflex. So much blood though*

Was everywhere. Biggest pool of blood I have ever seen

Like a tap that has never turned off.

The events of 12 September 2020 prior to the death

12. Mr Scammell woke early on the morning of 12 September 2020 and began drinking vodka soon after. He took his dog to Sanctuary Lakes where he attempted to fish.
13. Around about 10.30am a neighbour heard the pair arguing. At 11:03am the pair drove to Howard Springs Tavern. They played pool together. Mr Scammell was drinking beer and Ms Hawker was drinking a non-alcoholic drink as she was driving.
14. At 11:42am the pair left the Tavern and walked to the nearby Thirsty Camel Bottle Shop. Mr Scammell purchased a bottle of Smirnoff vodka (his preferred drink). The pair then travelled to Bunnings Warehouse in Yarrawonga where they purchased brackets to fit roof racks on the new car.
15. Mr Scammell purchased the incorrect brackets and they argued. They returned home around 12:30pm and the argument about the roof racks continued. It appears that Ms Hawker left the home again soon after. By 1:20pm she had entered the self-service area of Woolworths Bakewell to purchase a number

of grocery items, many specific to a chicken dish it appears she was planning to cook for dinner.

16. Between 12:59 and 1:08pm, likely after Ms Hawker had left the house to go shopping, Mr Scammell telephoned his long-term friend Jeremy Wolhuter via Facebook Messenger. According to Mr Wolhuter, Mr Scammell sounded pretty drunk, he said they had just got back from Bunnings and they had argued about U bolts. He said that he “wanted to kill her”. He said “I’m tired of her”, “I’m sick of her” and “I’m going to kill her”. Mr Wolhuter recalls that this was the first and only time in their 21-year friendship that Mr Scammell had made comments to him along those lines. Following this conversation, at 1:13pm, Mr Scammell sent Mr Wolhuter a message stating, “sorry for the drunken Petie talk. I’ve relapsed into idiotness again”. In a second text message at 1:14pm Mr Scammell said, “vodka talking, don’t get lost in the mangroves”.
17. Mr Scammell gave evidence to the effect that due to his excessive and habitual drinking at the time, it was not uncommon for him to be unable to recall periods of time while intoxicated and he forgot conversations. Although Mr Scammell said that he could not recall the conversation with Mr Wolhuter, his text messages appear to be consistent with Mr Wolhuter’s recollection of such a conversation and in his first record of interview when asked whether he talked to anyone on his phone, he answered, “my mate Wombat maybe”. Wombat is Mr Wolhuter’s nickname. When asked further details about Mr Wolhuter he said “why do you need to know this oh - like it’s irrelevant”.
18. At 1:25pm Ms Hawker completed her purchase of grocery items at Woolworths Bakewell and walked to the attached BWS where she purchased a bottle of white wine and a bottle of Grey Goose vodka (her preferred drink). She left BWS by 1:30pm.
19. Ms Hawker must have returned home by 2:09pm because her phone was used to take a photograph of a plant in the backyard. At 3:55pm her phone was used

to take a short video of Mr Scammell in the pool. There is no suggestion that any other person was present who might have taken this video aside from Ms Hawker.

20. A 'Health Tracker' application on Ms Hawker's phone recorded that a person holding the phone took 12 steps and travelled a distance of 7.89m at 4:23pm. Ms Hawker's phone was later found in the kitchen of the house, a distance of approximately 8.2m from her body.
21. At 4:33 and 4:40pm Mr Scammell took photographs on his personal phone which depict Ms Hawker lying on a beach towel in their back yard. Three identical photographs were taken at 4:33pm. A further photograph, taken at 4:40pm, shows Ms Hawker in the same position but with her right arm moved to the right side of her body. Mr Scammell later explained that they sometimes took humorous photos of the other when that person was passed out drunk. There was some evidence of this on their phones and social media.
22. Given that Ms Hawker appeared fully passed-out at 4.33pm, it seems unlikely that she took her phone to the kitchen at 4.23pm.
23. The occupant of a unit adjoining Ms Hawker's property reported seeing Mr Scammell in the driveway of 20 Connaught Court at approximately 6pm. That female neighbour gave evidence that she can be confident of this time as an awareness of time formed part of her previous employment in a call centre. She also stated that she returned outside at 6:45pm and saw paramedics at 20 Connaught Court but no police. It is noteworthy that this second observation of time is accurate, the paramedics arrived at 6:41pm and the police did not arrive until after 6:50pm.
24. Shortly prior to 6:33pm, Mr Scammell walked across the road from his house to 3 Connaught Court, the property opposite his, occupied by a long term male neighbour. The male neighbour was washing dishes in his kitchen and recalled

Mr Scammell stating things such as, “I think Kat’s dead”, and describing her as “purple”.

25. Mr Scammell appears not to have attempted to provide first aid or CPR to Ms Hawker, despite having completed a first aid course in 2009. He did not call 000 upon finding Ms Hawker unresponsive in their backyard. The male neighbour dialled 000 at 6:33pm.
26. Paramedics arrived at 6:41pm. Ms Hawker had no observable injuries. They attempted CPR and other medical interventions without success. The ground where she was lying was wet but she was not very wet. Ms Hawker’s life was declared extinct at 7pm.

The identified cause of death

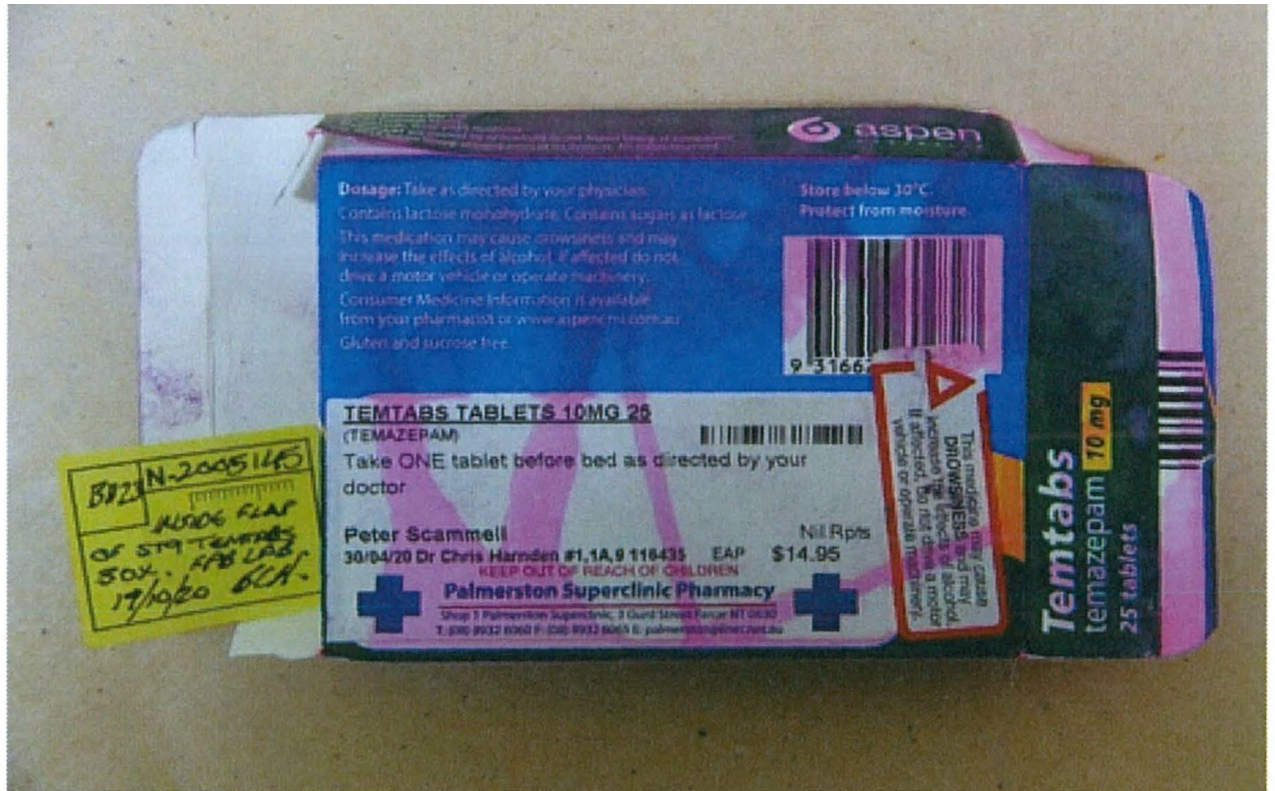
27. A post-mortem examination was conducted by Dr John Rutherford on 13 September 2020. Analysis of Ms Hawker’s blood showed the presence of alcohol at a concentration of 0.24%. Temazepam was detected at a concentration of 0.67 milligrams per litre of blood. He concluded that the cause of death was acute drug toxicity, being the combined effects of alcohol and Temazepam.
28. Temazepam is a prescription drug and a member of the benzodiazepine group of drugs. It has sedative and hypnotic action and is used in the short-term management of insomnia in adults. Mr Scammell had been prescribed Temazepam prior to Ms Hawker’s death. The prescribed tablets were 10mg in strength.
29. The toxicology results were reviewed by Professor Jason White. Professor White concluded that in order to have recorded this level of Temazepam in her system, Ms Hawker would have had to ingest at least 4-5 of the tablets Mr Scammell had been prescribed. Peak concentration of any Temazepam would have occurred approximately 1 hour after consumption. It is unlikely that she ingested the Temazepam prior to 2:55pm on 12 September 2020, as it is

unlikely that she would have been able to record the video of Mr Scammell in the pool at 3:55pm if she had done so.

30. In a study of 32 deaths caused by a combination of Temazepam and alcohol, the average alcohol concentration was 0.24% and the median Temazepam concentration was 0.75mg/l. Ms Hawker's concentrations of alcohol and Temazepam were very similar to the median doses sufficient to cause death when the substances are ingested together.

Forensic analysis of the scene

31. Shortly after the police arrived, 20 Connaught Court was declared a crime scene. Specialist forensic officers attended for the purpose of carrying out forensic investigations.
32. Of particular note, a packet of Temazepam was located on a shelf in the master bedroom. This had been prescribed to Mr Scammell on 30 April 2020. The packet of Temazepam was on a shelf containing numerous other over-the-counter medications. Only the Temazepam was seized for forensic testing. Seven of the original twenty five tables remained in the packet.
33. The packet of Temazepam was tested for fingerprints. No fingerprints were identified on the outside of the box. A fingerprint belonging to the left index finger of Mr Scammell was found on the inside flap of the box, where a person might be expected to touch the box in the process of opening it. (Photograph below).



34. Partial fingerprints were located on the blister packet containing the Temazepam tablets. These partial prints were not sufficient to identify the person who deposited them.
35. It would have been preferable if all the medications (prescribed and over-the-counter) had been seized, in accordance with best practice and as expected by the Chief Forensic Pathologist.
36. A bottle of Grey Goose vodka was located on the bedside table nearest to the shelves containing the Temazepam. In evidence Mr Scammell identified this as his side of the bed. The bottle was mostly empty but still contained some vodka. Fingerprint analysis of the bottle identified a fingerprint left by Mr Scammell's right middle finger on this bottle. No fingerprints belonging to Ms Hawker were able to be identified on the bottle of Grey Goose vodka found on Mr Scammell's bedside table.
37. This vodka bottle along with a glass, spoon, and a number of other liquid containers located around the house were forensically tested for prescription

and dangerous drugs. None were identified. There were many other drinking vessels that were not seized and there were washed kitchen items on the drainer next to the kitchen sink.

38. Some of the items that Ms Hawker had purchased from Woolworths Bakewell earlier in the day were laid out on the kitchen bench. A recipe book was left open on a table near the kitchen. It was open to page containing a chicken recipe which incorporated the ingredients Ms Hawker had purchased and left out on the kitchen bench. It seems that Ms Hawker was planning to cook this particular recipe on the day that she died.
39. Medical journals and books had been left open in a room which was being used as a study. It seems that Ms Hawker had an ongoing interest in her medical education and was actively studying the medical science involved in nursing. A partially completed jigsaw puzzle was located, puzzling was one of Ms Hawker's interests.

Accounts by Mr Scammell of finding Ms Hawker

40. When Mr Scammell first reported the matter to his male neighbour he said that Ms Hawker had recently returned home from shopping and collapsed. This caused the male neighbour, who had a mechanical background, to place his hand on the bonnet of Ms Hawker's vehicle, which she had parked on the lawn (consistent with the plan to wash it). He reported the bonnet as cool to touch and he doubted that the vehicle had been recently driven. By the time Mr Scammell reported the situation to his male neighbour, Ms Hawker was displaying visible skin discolouration in the form of blueness to the lips and face. However, Mr Scammell later maintained to Officer Rothery that Ms Hawker "wasn't home long" before he had found her.
41. Mr Scammell told an attending male paramedic that he had gone inside for 10 minutes, come back outside, and found Ms Hawker just as she was when the paramedics arrived. Mr Scammell told another attending female paramedic

that he and Ms Hawker had been swimming in the pool. When they got out Ms Hawker had laid down on the towel. He had gone elsewhere for 10 minutes, and when he returned he had found her as she was.

42. The female paramedic noted there were no wet patches around the pool where someone may have gotten out. The male paramedic observed that Mr Scammell did not leave wet footprints on the concrete as he walked around.
43. The first police officer to arrive at 20 Connaught Court was Sgt Paice. He arrived alone and activated his body worn footage. Mr Scammell told Sgt Paice that he had been swimming and found Ms Hawker after he had gotten out of the pool. Mr Scammell maintained this version when questioned by Detective Sgt Matthew Allen soon afterwards stating, “man I went for a swim, I got outta the pool, I found her and she was like that. I didn’t do anything”.
44. Mr Scammell participated in five separate recorded interviews. The first of these took place between 10:02pm and 11:02pm on 12 September 2020. In this first interview, though asserting that he had difficulty remembering the events of the day, Mr Scammell stated:

I think – yeah no I had been swimming and then yeah I found her there but she must have been for a bit longer before I saw her.

45. Mr Scammell’s second interview with police took place the following day, 13 September 2020. Mr Scammell indicated to the police that he had a “mental blank” regarding some of the events of the day due to his intoxication. He told the police:

I went for a swim at some stage in the afternoon and I don’t know if I’ve fallen asleep and woken up but when I went outside I saw Kat lying there and yeah.

Mr Scammell indicated to the police that he had no recollection of waking up or where he may have been sleeping. He further told the police that he was unsure of which direction he come from within the property before he found Ms Hawker.

46. Mr Scammell's third interview followed soon after his second. It was brief and revolved around Mr Scammell being shown the photographs of Ms Hawker found on his phone which were taken between 4:33 and 4:40pm on the day of her death. He indicated that he had no recollection of taking those photographs.
47. In Mr Scammell's fourth interview, which took place on 21 September 2020, he told the police that he knew he was on the couch in the period before Ms Hawker's death, and probably went for a swim.
48. In his fifth interview, taken on 9 October 2020, Mr Scammell claimed to have been asleep on the couch for half of the afternoon. It appears that in the weeks and months following the death of Ms Hawker, Mr Scammell began to consistently tell his friends that he had been sleeping inside, woke up, and found Ms Hawker outside.
49. While it could be accepted that Mr Scammell was highly intoxicated on 12 September 2020 and has gaps in his memory, no compelling or satisfactory explanation was provided by Mr Scammell as to why his version of finding Ms Hawker shifted so significantly over time and no version properly accounts for his female neighbour having seen him in the driveway at 6pm.

Accounts by Mr Scammell concerning the Temazepam

50. Mr Scammell also gave a number of versions in relation to his knowledge of the possible cause of death and the Temazepam found at the house. When Sgt Paice first arrived on the scene he asked Mr Scammell numerous questions in relation to the possible cause of Ms Hawker's cardiac arrest. This questioning occurred while the paramedics were still providing first aid to Ms Hawker and included questions about prescription drugs. Mr Scammell told Sgt Paice that Ms Hawker did not take prescription drugs and he said that she had consumed "maybe one or two beers".

51. At a later point in the evening, while Mr Scammell was still at 20 Connaught Court speaking to police, he was able to display much greater insight into the possible cause of death and Ms Hawker's level of intoxication. Over the course of the evening Mr Scammell made the following remarks to Officer Orr:

You know what I think she did, she took a lot of sleeping pills. I've got this stuff that I got prescribed, Temazepam or something. Yeah fucking the whole lot. Plus the grog. She's fucking gone and overdosed just like that.

I reckon that's what she's done aye. Fucking drank too much fucking vodka and too many pills. Not to burden you with my dramas but, I reckon if they go in the bathroom, fucking Mr Detective he'll find them. Temazepam or something, sleeping tablets.

She's – I just – somethings tipped her over the edge I reckon and reckon she's just fucking OD'ed man. I don't know, these fuckers are out the front trying to work out what's going on.

52. Later that night, during his first interview, Mr Scammell told the police that Ms Hawker "might" have been drinking Grey Goose vodka. He informed the police he had "a lot of sleeping pills" but was unsure if Ms Hawker had taken them or not. He described those pills as "diazepam or whatever they're called" or "benzo-diazepam". Mr Scammell told the police numerous times in this interview that he had never taken any of these pills and said, "I didn't touch them", "I've never touched them. I've got my shit sorted" and later said "which I've never taken". He said that Ms Hawker had taken some of those pills in the past but later said "I'm not saying that she did".
53. The following day, in his second interview, Mr Scammell was shown a photograph of the pill packet with 18 tablets missing. He again repeatedly stated that he had never consumed any of the tablets, which he referred to as "damazip - damazepam". His denials of consuming the pills were repeated and unequivocal, including the statement, "I've literally ne' – I haven't ever touched one of those". He explained that this was because, "I didn't want to get myself addicted to something like that" and he later explained, "I didn't

take them because I was told they make you drowsy and ...I would have had to take it at least 8 hours before I went to work and was driving and I figured – cause I do weird starts and early starts and finishes, I didn't want to be affected by them if I was having to drive in the morning”.

54. In his second interview, although he was very sure he had not taken any of the pills, he did think that he might have once taken the foil packet out of the box to look at it. He said, “I think I've had a look at it to see what was in it when I bought them or when I was given them”. When asked what he did with them he said, “I don't know, I don't know it was just a pack of pills”. However, I don't know why someone would open a packet to look at the pills. To my mind this account was vague and unconvincing.
55. Following this interview Mr Scammell told his friend RV that the police had spoken to him about tablets being missing from his prescription pills. RV recalled Mr Scammell stating to her that he had never taken any of the tablets.
56. By the time of his fourth interview on 21 September 2020, Mr Scammell had reached a different position on whether he had ever taken any of his prescription pills. He told the police that he had “probably taken one or two” and “I've definitely had at least one.. a few weeks ago”. However, he could not recall how the tablets made him feel when he took them.
57. Mr Scammell's account of Ms Hawker taking the pills changed too. Sometimes he told the investigating police, “I've never seen her taking any”. But he also said that he had seen Ms Hawker take one of the pills on a prior occasion.
58. He said it was “a shock” when he was shown the photograph of the packet “half empty” and had inferred from it that Ms Hawker must have been taking his tablets. However, when Mr Scammell was reminded that he had spoken unprompted about the possibility of Ms Hawker taking the pills on the night

of her death and prior to the “shock” of seeing the photograph he explained, “its just the first thing that came to my head is ‘cause I knew I had them in the cupboard”.

59. Mr Scammell has never adequately explained why his version changed in regards to his own consumption of Temazepam or his stated knowledge of Ms Hawkers consumption.
60. DG, a friend of Mr Scammell’s, recalled speaking to Mr Scammell on 14 September 2020. DG recalled Mr Scammell mentioning something to him about “valium” and there being some missing.
61. Curiously, it appears that the only time Mr Scammell correctly identified the substance as Temazepam was while speaking to the police at 20 Connaught Court on the night of the death and when affected by alcohol. He was asked about this during his evidence and was not able to provide a reason as to why he correctly identified the substance on the night in question, and then misstated the name in numerous subsequent conversations. I am left wondering whether his memory of the name of the substance had been recently refreshed on the night of Ms Hawker’s passing.

Other matters of note

62. Attending paramedics and police considered Mr Scammell to be heavily intoxicated. He told Detective Sgt Allen that he had been drinking “a bottle of vodka which I bought from Howard Springs Tavern”, that is the Smirnoff. In his second record on interview he confirmed he drank Smirnoff and Ms Hawker “drinks the more expensive one, the Grey Goose”. It is unexplained why his fingerprint was on her bottle of Grey Goose and hers were not.
63. In his first record of interview Mr Scammell said that it was “not normal” for Ms Hawker to sunbake. Her sister said she did not sunbake and a neighbour said he had never seen her lying on the grass before. She was fair skinned. It is not consistent with Ms Hawker’s previous behaviour that she

would choose to lie down on the grass and yet, according to his account, she did.

64. In his first record of interview, when asked how long they had been together Mr Scammell answered, “too long”.
65. In his fourth record of interview on 21 September 2020, he said that Ms Hawker had threatened to leave him on several occasions because of his drinking. Ms Hawker told her sister she was planning on leaving. The end of a relationship is a known risk factor for domestic violence.

Mr Scammell’s conduct after the death

66. Within days of Ms Hawker’s death, Mr Scammell had exchanged messages with an old friend of his from high school, SV. SV visited Mr Scammell at 20 Connaught Court on Sunday 20 September 2020, eight days after Ms Hawker’s death. Mr Scammell and SV were physically intimate that day and they had commenced a relationship of sorts by the time of Ms Hawker’s funeral on 13 October 2020.
67. In the lead up to Ms Hawker’s funeral Mr Scammell was drinking heavily. A week prior to the funeral his friend of around 20 years, Douglas Henson, flew to Darwin from Bundaberg to support him. Mr Henson helped Mr Scammell write his speech for the funeral. Mr Henson then delivered the speech in Mr Scammell’s stead, when Mr Scammell said he was unable to do it.
68. Soon after Ms Hawker’s funeral, Mr Scammell travelled to Bundaberg where his parents reside. He also spent time with Mr Henson during this trip. Mr Scammell and Mr Henson discussed Ms Hawker’s death. In the days, weeks, and months after this trip to Bundaberg, Mr Henson represented to numerous persons that Mr Scammell had made an admission to him that he was directly responsible for Ms Hawker’s death. The persons he relayed this to included S-BW, KD, SW, DH, and Mr Wolhuter. Each of these persons gave evidence at the inquest. The precise details and circumstances of this stated admission

appear not to have remained consistent throughout the different times Mr Henson conversed with others about it.

69. On 11 December 2021 police spoke with Mr Henson in relation to these conversations. He told police that what Mr Scammell had actually said to him was “something like”:

She wouldn't have taken tablets and vodka. She wouldn't have taken them. I would have had to put them in her drink. Not that I did put them in her drink...I would have had to have put them in her drink.

...

She wouldn't have taken them by themselves, by herself. I would have had to give them to her. I would have had to put them in her drink.

70. Mr Henson said that he had exaggerated this conversation when speaking to others about it and blamed this exaggeration on what he claimed was a diagnosed Borderline Personality Disorder (BPD). However, despite thorough efforts, investigating police were not able to find any medical records which confirmed that Mr Henson had ever been diagnosed with a BPD.
71. While giving evidence during the inquest, Mr Henson denied that Mr Scammell had ever told him that he had killed Ms Hawker. He testified that Mr Scammell had actually said:

If I wanted to kill Katrina, I would have had to grind the tablets up in a drink. She never would have taken them any other way.

72. Mr Henson said that this remark was made to him while he was visiting Darwin for the funeral. He said that it had “played over and over” in his mind.

COMMENTS

73. The only persons who, on the evidence, might have caused Ms Hawker to ingest a lethal dose of Temazepam in conjunction with alcohol were Ms Hawker and Mr Scammell.
74. It appears highly unlikely that Ms Hawker was engaging in the recreational use of Temazepam and accidentally took a fatal dose. There was no suggestion that Ms Hawker was a recreational user of prescription substances. Her sister described Ms Hawker as “upstanding”, “law-abiding”, and “rules based”. She testified that her sister would “definitely not” have taken someone else’s prescription drugs. Investigations were undertaken into the drug administering practices of Ms Hawker in her professional capacity and no irregularities were found.
75. Even if, unbeknownst to all, including Mr Scammell, Ms Hawker was recreationally taking the Temazepam, it would seem highly unlikely that Ms Hawker would accidentally take a lethal dose. She was medically trained and a respected senior nurse. When her father was in ill health Ms Hawker took an active interest in his medication regime and used her expertise to ensure her father was managing his medications properly. Her sister described Ms Hawker as “very exacting when it came to medication”. It is relevant to note that Ms Hawker did not pass away from ingesting a small amount of Temazepam in an unforeseeable manner. She ingested at least 4-5 of Mr Scammell’s tablets. Her toxicology was in the middle of the range for lethal dosage in combination to alcohol and this would have been easily ascertainable information for anyone with a medical background.
76. It also appears unlikely that Ms Hawker took her own life. No person suggested that Ms Hawker was suicidal. No suicide note was left by Ms Hawker. She had just purchased a new vehicle and had plans to go camping. She had changed her annual leave arrangements shortly before her death. She had booked in an appointment for the upcoming Monday and made a lunch

date with a friend. On the day of her death she was planning to cook a particular chicken recipe, a cook book was open near the kitchen and the ingredients were left out on the kitchen bench. When she returned from the supermarket she parked the car on the lawn so it could be washed. She was halfway through a jigsaw puzzle and had been reading nursing materials to further her professional development. Her sister gave evidence that she would “never” have taken her own life and that assessment is consistent with all of the circumstances of Ms Hawker’s death. There is a distinct lack of evidence in support of any contention that Ms Hawker may have committed suicide.

77. No drinking vessel or bottle was found with her fingerprints. If she had planned to take her life or was recreationally consuming Temazepam it is curious that nothing has been identified as being used by her to consume alcohol and Temazepam.
78. Although Mr Scammell now claims to have been sleeping much of the afternoon, this is not consistent with the other evidence. He was definitely in the pool at 3.55pm. It seems likely that he moved Ms Hawker’s phone at 4.23pm, given she appeared well and truly passed-out when he took her photos at 4.33 and 4.40pm. He was in the driveway at 6pm and must have seen her at that time, but he did not report her to his male neighbour until about 6.30pm. Why he did not call 000 himself is unexplained given that his and Ms Hawker’s phones were located in the kitchen by police.
79. If Ms Hawker passed out approximately one hour after the ingestion of the Temazepam, it was likely consumed around about 3.30pm, shortly before Mr Scammell was videoed swimming and when he was, presumably, awake.
80. If Ms Hawker did not cause herself to ingest the Temazepam only one rational possibility remains. During the inquest the following questions were asked of Mr Scammell:

Mr Dane: It just seems if we put it all together, you have this big argument with Katrina on the day. You call your friend of 21 years

who says he has never heard you saying something like this before. And you say that you are going to kill her. The relationship appears to be having issues. She dies of a mixture of alcohol and Temazepam. There is vodka in the room and a box a Temazepam and the only fingerprints they can identify on those two things are yours?

Mr Scammell: Yes.

Mr Dane: When the police arrive you seem to give pretty inconsistent, vague versions. While you are drunk at the scene you tell the police that the substance is called Temazepam. You change your story about some of the key details over time about where you were, where you were coming from when you saw – whether or not you had taken any Temazepam in the past, these kinds of things. And then one of your other best friends starts going around telling people that you had made a confession to them?

Mr Scammell: Yes.

Mr Dane: I mean, even if you don't actually remember what happened that day. Do you think it is possible that you did something to cause Katrina to ingest that Temazepam?

Mr Scammell: I cannot remember anything from that day. And I can say where you are saying is – you know, is this possible because you are putting all the pieces together. But I just can't see myself doing that.

Mr Dane: Do you think it is possible that you did?

Mr Scammell: No.

Mr Dane: It's a pretty unbelievable run of luck, isn't it? If you didn't do it?

Mr Scammell: I don't know. I don't know what happened that day.

Mr Dane: You don't know?

Mr Scammell: No.

The Coroner: It might have happened? Is that what you are saying?

Mr Scammell: No. Well, I can't 100 percent say that it didn't happen or it did happen. I'm just saying I can't remember what happened.

The Coroner: So it might have happened?

Mr Scammell: I'm not going to say that.

FORMAL FINDINGS

81. Pursuant to section 34 of the *Coroners Act 1993* I find as follows:
- (i) The identity of Ms Hawker was Katrina Sheridan Hawker, born 7 August 1977 in Sydney, Australia.
 - (ii) The time of death was between 3:55pm and 7pm on 12 September 2020. The place of death was 20 Connaught Court, Bakewell, Northern Territory.
 - (iii) The cause of death was acute drug toxicity, specifically the combined effects of alcohol and Temazepam.
 - (iv) The particulars required to register the death:
 - a. Ms Hawker was Katrina Sheridan Hawker.
 - b. Ms Hawker was of Caucasian descent.
 - c. Ms Hawker was a nurse.
 - d. The death was reported to the Coroner by the police.
 - e. The cause of death was acute drug toxicity.
 - f. Ms Hawker's mother was Robyn Gwendoline Hawker, her father was Richard Elkington Hawker.

REFERRAL

82. Pursuant to section 34(3) of the *Coroners Act 1993* I am not permitted to include a finding or comment that a person may be guilty of an offence. However, as I believe that an offence may have been committed in connection with the death of Katrina Sheridan Hawker, in accordance with section 35(3) of the *Coroners Act 1993* I now report this matter to the Commissioner of Police and the Director of Public Prosecutions.