

CITATION: *Inquest into the death of Joshua Stephen Walsh* [2014] NTMC 005

TITLE OF COURT: Coroners Court

JURISDICTION: Darwin

FILE NO(s): D0149/2012

DELIVERED ON: 19 March 2014

DELIVERED AT: Darwin

HEARING DATE(s): 3 – 6 December 2013

FINDING OF: Mr Greg Cavanagh SM

CATCHWORDS: **Gunshot Suicide, Police Siege**

REPRESENTATION:

Counsel Assisting: Mr Mark Thomas

NT Police: Mr Paul Lawrie

Judgment category classification: A

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

No. D0149/2012

In the matter of an Inquest into the death of

JOSHUA STEPHEN WALSH
ON
AT

FINDINGS

Mr Greg Cavanagh SM:

Introduction

1. At 6.41pm on Friday 24 August, 2012 Joshua Stephen Walsh died in the bathroom of Unit 3/3 Belle Place, Millner, a suburb of Darwin. At the time of his death Mr Walsh was wanted by police for the abduction of his ex-girlfriend, Ms Monique Edmondson, at gunpoint, from Catherine Booth House, a women's refuge, located in Stuart Park, and also for firearms related offences committed during the course of the abduction.
2. Ms Edmondson's abduction occurred at 10.40pm on 22 August, 2012 and occurred after Ms Joan Bowen, that evening, informed Mr Walsh of the location of Ms Edmondson. Mr Walsh, in company with one Patrick Briston, forced their way into the locked premises by confronting Ms DM and demanding to be let in. When she refused to do so, Mr Walsh fired a shot with his shotgun that caused the front door to shatter. He then went inside the premises during which time he fired four further shots. He found Ms DM on the phone (calling the police) and fired a shot at an office door that caused it to shatter, before he confronted Ms DM by pointing the shotgun directly at her face from a distance of thirty centimetres. Ms DM thought she was going to die and said that she was never more scared in her life. Ms Edmondson was found fairly quickly and she was taken away, against her

will, by Mr Walsh and Mr Briston. They departed in Mr Walsh's black Audi motor vehicle, which was parked nearby.

3. For the next 44 hours Mr Walsh kept Ms Edmondson under his control and would not let her go. He actively avoided the attention of the police. He moved locations on a number of occasions. He was careful not to have a mobile phone in his, Ms Edmondson's or Mr Briston's possession so as to evade police efforts to find him using mobile phone related technology. Eventually, late in the afternoon of Thursday 23 August Mr Walsh, Ms Edmondson and Ms Briston travelled to 3/3 Belle Place, Millner where they remained until Mr Walsh died.
4. Police were immediately notified of the abduction and in a short space of time a very substantial police operation commenced that involved almost all operational levels of the Northern Territory Police Force in Darwin. Very senior police were made aware of the matter on the evening of 22 August and the NT police TRG (Territory Response Group) was rapidly assembled. A round the clock operation then commenced, which did not cease until the death of Mr Walsh. Police were in possession of credible evidence that clearly pointed to the likely perpetrator of the abduction as being Mr Walsh.
5. Furthermore, NT police were aware that Mr Walsh was on bail for what has been described as being a "road rage" incident committed in Southport, Queensland on 7 June, 2012, in which Mr Walsh was alleged to have fired a shot from a firearm at the front passenger side of a car that allegedly cut in front of Mr Walsh's car. On 16 June, 2012, members of the NT Police TRG arrested Mr Walsh for the road rage incident at his mother's address at 2/12 Gotham St, Leanyer. A "Cordon and Call"¹ operation was carried out successfully in this regard. He was extradited to Queensland on 20 June, 2012 and eventually granted bail.

¹ This will be defined in paragraph 10

6. Additionally, NT Police had received reliable information that suggested that Mr Walsh might murder Ms Edmondson and then kill himself. Police had also received credible information that Mr Walsh would not give himself up voluntarily to police and that he would rather die rather than go to prison. Finally, Police possessed further intelligence that suggested strongly that Mr Walsh was a user of crystal methyl amphetamine, (colloquially known as “ice”²), was erratic and volatile. Consequently, all of these matters underpinned and drove the urgency of the activities of the police to find Mr Walsh and preserve Ms Edmondson’s and his life.
7. In summary, shortly after the abduction occurred police had abundant, credible, evidence, which suggested that Mr Walsh:
 - (i) Had very recently committed a number of offences that possessed a high degree of violence, were brazen in nature, calculated and which involved the repeated use of a firearm (the abduction of Ms Edmondson and the firearms offences committed upon Ms DM).
 - (ii) Had a recent history of erratic and significant violence that involved the use of a firearm (the “road rage incident”)
 - (iii) May murder Ms Edmondson and then kill himself.
 - (iv) Would not voluntarily go into police custody and might kill himself to prevent this.
 - (v) Was a user of crystal methyl amphetamine, was erratic and volatile.
 - (vi) Was in possession of a firearm (a sawn off shotgun) and would not hesitate to use it.
8. In noting these matters, it is important to observe that police had successfully and comparatively recently carried out a “Cordon and Call”

² For the sake of convenience the term “ice” will be used subsequently in this judgement.

operation upon Mr Walsh, which occurred without any difficulties. The circumstances, however, that confronted police in the abduction matter, were significantly more serious.

9. After the abduction occurred, the key initial matter for NT Police to attend to was to find Mr Walsh and Ms Edmondson, who had, in effect, gone to ground. Considerable efforts were made in this regard before intelligence came to hand on the Friday afternoon (24 August), which suggested that Mr Walsh was in one of two locations. One was in Palmerston, which was considered less likely than the other. The Palmerston location was dealt with on the Friday and was excluded. Police then focused their attention on the alternative place, which was 3/3 Belle Place, Millner, which consisted of a two storey semi-detached unit in a densely populated court surrounded, largely, by other apartment complexes.
10. After deciding that Mr Walsh was probably at 3/3 Belle Place the next decision for Police was how to effect his apprehension and, at the same time, preserve Ms Edmondson's life as well as the lives of Mr Walsh and others either in or near the premises. Police decided, again, that a "Cordon and Call" procedure would be used. A "Cordon and Call" procedure meant that a police armoured vehicle known as a Bearcat would be put into operation as the key vehicle to go Belle Place with a police negotiation team and a TRG team inside. In addition to this two other vehicles were to be used by police to attend Belle Place at the same time as the Bearcat.
11. Shortly after 6.35pm the Bearcat parked directly outside 3/3 Belle Place. The lead police negotiator, Sgt Kieran Wells, commenced to speak via a loud hailer to those inside the apartment. Sgt Wells saw, briefly, a figure inside the unit on the downstairs level.
12. After police arrived Mr Walsh told Ms Edmondson and Mr Briston to come up the stairs of the apartment to where he was located. Initially, they refused, then a short time later both went up. They were confronted by the

sight of Mr Walsh on his knees in the bathroom with the shotgun barrel placed in his mouth and his hands on the trigger. Both were present when he pulled the trigger. Mr Briston saw this occur and the devastating result of this action. Ms Edmondson did not say that she saw him pull the trigger but she heard the blast. She said that Mr Walsh looked her in the eyes just before he pulled the trigger. Mr Walsh died instantly as a result of the shotgun blast to his head.

13. Outside the apartment, after Sgt Wells had been speaking for a brief time and before he had received any verbal response from Mr Walsh or anybody else inside the apartment, three people ran out of the premises. They were Ms Edmondson, Mr Patrick Briston and Mr Louise Monck. All were unharmed but Ms Edmondson was hysterical. They informed police that Mr Walsh had shot and killed himself.
14. Police then made the decision to go inside the premises. A TRG group of officers rapidly formed and quickly went inside. A distraction device known as a stun grenade (also known colloquially as a “nine banger”)³ was employed by police, which was thrown up the stairs, made a number of loud bangs, and which came back down the stairs. A number of police went quickly up the stairs. Police found Mr Walsh dead on the bathroom floor with a sawn off shotgun next to him as well as a great deal of blood. Police checked for signs of life but detected none. An ambulance officer attended shortly thereafter and verified the same.
15. The death was a death in police custody (as defined) and was a reportable death as stated by section 12 of the *Coroners Act*. The matter was investigated as a Death in Custody pursuant to the *Coroners Act* and the Police General Order that deals with Death in Custody investigations. Commander David Proctor, assisted by Superintendent Robert Farmer,

³ So called as it emits nine loud explosions and flashes, which is designed to disorientate a person within a room.

headed the Coronial investigation team. They compiled a most helpful Investigation Report that has been of great assistance to me.

16. Mr Mark Thomas appeared as Counsel Assisting. Mr Paul Lawrie of counsel attended the Inquest and sought my leave to appear as counsel for the NT Police Commissioner and the NT Police Force officers who gave evidence at the Inquest (other than Commander Proctor). I declined to grant leave to Mr Lawrie to appear as counsel for his clients; however, I was content for him to retain a watching brief in the matter.
17. I received into evidence the comprehensive investigation brief prepared by Commander Proctor and Superintendent Farmer in both its original form and also in a redacted form. The latter item is for the purposes of distribution whereas the original brief is not to be distributed. I considered that redactions were appropriate in this matter. Those redactions largely pertained to police methodology and procedures utilised for the purpose, in broad terms, of apprehending persons in “Cordon and Call” operations. I did not consider the disclosure of this material relevant to this Inquest. In addition, some redactions concerned the identity of persons associated with various drug activities, which again, I determined were not relevant to this Inquest. In addition to the brief, I received into evidence Mr Walsh’s birth certificate as well as the autopsy report of Dr Sinton.
18. I heard evidence from 30 witnesses over the course of four days. They were Commander David Proctor, Glenda Walsh, Michelle Tanson, Chantelle Walsh, Sarah Clarke, Tegan Clarke, Monique Edmondson, Patrick Briston, James Monck, Liam Booth, Joe Rose, Warren Purse, Superintendent Matthew Hollamby, Superintendent Kris Evans, Senior Sgt Shaun Gill, Assistant Commissioner Reece Kershaw, Superintendent Scott Pollock, Senior Sgt Chris Board, Senior Constable Martin Ramage, Sgt Michael Budge, Sgt Kieran Wells, Bruce Van Haeften, Senior Constable Christina O’Connor, Senior Constable Tim Sandry, Senior Constable Timothy Lloyd,

Sgt Craig Garland, Sgt Meacham King, Sgt Mason Smith-Lester, Senior Constable Stephen Dalrymple and Dr Terrence Sinton.

19. In addition to giving evidence, Ms Glenda Walsh, the mother of the deceased addressed me at the end of the Inquest after the evidence had concluded. Ms Walsh raised a number of criticisms of police which I shall deal with in this judgement.
20. Pursuant to section 34 of the *Coroners Act* (“the Act”), I am required to make the following findings:

“(1) A coroner investigating –

(a) a death shall, if possible, find –

(i) the identity of the deceased person;

(ii) the time and place of death;

(iii) the cause of death;

(iv) the particulars needed to register the death under the Births, Deaths and Marriages Registration Act;

21. Section 34(2) of the *Act* operates to extend my function as follows:

“A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.”

22. Additionally, I may make recommendations pursuant to section 35(1), (2) & (3):

“(1) A coroner may report to the Attorney-General on a death or disaster investigated by the coroner.

(2) A coroner may make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the coroner.

- (3) A coroner shall report to the Commissioner of Police and Director of Public Prosecutions appointed under the Director of Public Prosecutions Act if the coroner believes that a crime may have been committed in connection with a death or disaster investigated by the coroner.”

23. Additionally, where there has been a death in custody, section 26 of the Act provides as follows:

- “(1) Where a Coroner holds an inquest into the death of a person held in custody or caused or contributed to by injuries sustained while being held in custody, the Coroner –
 - a. Must investigate and report on the care, supervision and treatment of the person while being held in custody or caused or contributed to by injuries sustained while being held in custody; and
 - b. May investigate and report on the matter connected with public health or safety or the administration of justice that is relevant to the death.
- (2) A Coroner who holds an inquest into the death of a person held in custody or caused or contributed to by injuries sustained while being held in custody must make such recommendations with respect to the prevention of future deaths in similar circumstances as the Coroner considers to be relevant”

Reported When and by Whom

24. Patrick Briston reported the death to police at about 6.42pm on Friday 24 August, 2012. As stated above, he was present when Mr Walsh discharged a cartridge from the sawn off shotgun into his mouth.
25. At 6.54pm on Friday 24 August, 2012 the Coroner was advised of the death by the Coroner’s Constable.

RELEVANT CIRCUMSTANCES SURROUNDING THE DEATH

Background of Mr Walsh

26. Mr Walsh was born in Ingham in Queensland on 30 July 1986. His biological parents were Glenda Walsh and Stephen Walsh. He was the second child of three children to that couple. His oldest sister was Chantelle Walsh, age 28, and he had a younger brother named Matthew Walsh aged 24. The deceased had a further three half siblings as a result of his mother's relationship with Allan Wayne Clarke. They are Sarah Clarke, age 20, Tegan Clarke, age 19 and Dylan Clarke, age 10. The deceased also had a child with Michelle Tanson who is currently aged six.
27. Mr Walsh's biological parents remained married for about 10 years. They settled at one point in Bowen, Queensland. The marriage between Mr Walsh's parents ended when he was about three years of age. Ms Glenda Walsh says that her husband changed suddenly in character from being a very regular, ordered working man to suddenly appearing paranoid and depressed. He also turned to illegal drugs. Her husband's difficulties culminated in him locking the family inside the family home, not letting them leave the house for nearly a week. That occurred when Joshua Walsh was about three years of age, and following that incident Bowen police arrested Mr Stephen Walsh and eventually Glenda Walsh moved out with her children.
28. After this occurred Glenda Walsh settled in Queanbeyan in New South Wales. She lived there for some years. Her son, Joshua Walsh, played basketball. He rode dirt bikes from when he was about seven years of age, and it was in Queanbeyan that his mother commenced a relationship with Alan Clarke. Subsequently, Glenda Walsh and the children moved to Darwin when Joshua was about 14 years of age. Initially Joshua remained in Queanbeyan with Glenda Walsh's brother, but then eventually he joined the family in Darwin.

29. At school, his mother says that he liked maths and was good at it but did not like many other subjects. She said that he tended to like the ‘bad boys’.
30. The family moved back to Queanbeyan shortly before Joshua’s fifteenth birthday in July of 2001. In 2001, Joshua Walsh met Michelle Tanson in Queanbeyan. He commenced a relationship with her, and that relationship continued for a number of years. They began living together with Ms Tanson’s family shortly after their relationship commenced. Shortly before Christmas of 2001 Joshua returned to Darwin with his girlfriend Ms Tanson. After living with his family for a period of time Joshua and Ms Tanson moved out into their own flat firstly in Fannie Bay and then in Brinkin. Later they moved to a mango farm and managed to save money.
31. When Joshua was about 16 and a half or 17 he moved back to Queanbeyan with Ms Tanson. Shortly after moving back he became a regular user of crystal methyl amphetamine, aka “ice”. Both he and Ms Tanson were heavy users of the drug for at least 12 months. Mr Walsh was fairly regularly before the Children’s Court for a range of offences.
32. Eventually, the relationship between Joshua and Michelle broke down when Joshua was about 18 years of age. At the urging of his mother and Chantelle Walsh, Michelle moved back to Darwin and ceased her drug use and moved in with the Walsh/Clarke family. In Christmas of 2005 Joshua moved back to Darwin and he renewed his relationship with Ms Tanson. Joshua managed to cease his drug use and obtained an apprenticeship with Jaguar Kitchens in Darwin as a cabinet maker. The couple stayed in Darwin for several years living in Leanyer and Joshua did well financially in his job as a cabinet maker. His mother described him as being a very good cabinet maker- she said “the best in the world”. Ms Tanson commenced a cleaning business. However, there is some record of steroid use by Joshua Walsh at a point, specifically at about 2008, and a few interactions with the law, which included a conviction in 2008 in the Supreme Court for possession of a

commercial quantity of cannabis for which he received a suspended sentence of 14 months imprisonment. In addition there were some incidents concerning domestic violence with regard to Michelle Tanson.

33. In 2009, Glenda Walsh and some of the children relocated to Brisbane. Shortly after this, Joshua and Michelle followed; Joshua Walsh commenced subcontracting work and according to his mother was making over \$4,000 a week at that time. Regrettably, there was a lapse back into drug use during his time in Queensland. He also separated from Michelle Tanson at this time. He commenced a relationship with another woman and his drug use increased. His mother and the children left Brisbane in September of 2011 and moved back to Darwin, and Mr Walsh remained in Brisbane. In March of 2012, he had a brief reconciliation with Michelle Tanson which did not last.
34. Around March 2012 Mr Walsh commenced a relationship with Monique Edmondson. She was then 25 years of age. When they met, she was a regular user of the drug “ice”. When they were living together in Brisbane, Mr Walsh drove out to a paddock on a farm, forced her out of the car, told her to get on her knees, produced a pistol, held it at her head and asked her if she was ready to die. They subsequently got back into the car and departed. Incidents of domestic violence appears to have been a fairly consistent theme from the early stages of their relationship.

The “road rage” incident in Queensland

35. On 7 June 2012, police alleged that Mr Walsh was driving his own vehicle, a black Audi sedan, at about 9.20am in the morning in Southport, Queensland, when a Holden Commodore allegedly cut in front of it. Police alleged that Mr Walsh became angry, drove alongside the Commodore vehicle, pulled out a handgun, showed it to three male occupants in the other vehicle, followed the Commodore for some time, leant out through the open driver’s side window of the vehicle and pointed the gun at the head of the front

passenger of the Commodore. Fearing he was going to be shot, the driver of the Commodore then braked suddenly and it's alleged that Mr Walsh fired a shot which penetrated the front passenger side tyre, causing it to immediately deflate.

36. Police allege that Mr Walsh and his passenger left the scene after evading police after a high speed pursuit. The Audi was abandoned. The passenger was arrested the following day. Mr Walsh left to go to the Northern Territory. He drove there in a Land Rover Discovery in company with Ms Edmondson. They arrived on Friday 15 June, 2012.
37. Police investigations established that Mr Walsh was residing with his mother at unit 2/12 Gotham St, Leanyer. Detective Senior Sgt Chris Board was the NT police officer who was tasked with the responsibility of coordination the arrest of Mr Walsh. On 16 June, 2012 TRG members engaged in a "Cordon and Call" operation. Mr Walsh walked from the premises and surrendered. He was extradited to Queensland on 20 June 2012 and charged with eight offences arising out of the incident.

Bail conditions for "road rage" incident

38. On 11 July 2012 Mr Walsh was granted bail in respect of these matters by a Queensland Court. Bail had been opposed by police. The bail conditions were as follows:
 - (i) To reside at 2/12 Gotham St, Leanyer unless varied in writing by the OIC of Police Prosecutions⁴ or the DPP⁵ (in Queensland)
 - (ii) That Mr Walsh is not to make an application for a passport during the currency of this bail order.
 - (iii) That Mr Walsh shall report personally to the OIC of Casuarina Police Station between the hours of 8am and 5pm on each Monday and

⁴ At Beenleigh Courthouse

⁵ Director of Public Prosecutions

Friday unless varied in writing by OIC Police Prosecutions or the DPP.

- (iv) Mr Walsh is not to use any illegal drug whilst subject to this order.
- (v) Within three business days of his release from custody and thereafter once per week Mr Walsh is to attend upon a medical practitioner in order to submit to ongoing drug testing at his own cost unless varied in writing by OIC of Police Prosecutions of the DPP.
- (vi) Mr Walsh, immediately upon attending a medical practitioner is to provide a written authority to the medical practitioner or his nominee to disclose and forward the results of any drug testing to Police Prosecutions or DPP within seven days of each test.
- (vii) Mr Walsh is to attend at such times as requested by Police Prosecutions or the DPP upon a medical practitioner for the purpose of drug testing which shall be conducted randomly but not more frequently than once per month.
- (viii) Within seven days of his release from custody, Mr Walsh is to attend a counselling session with a drug rehabilitation counsellor to determine a suitable programme for him.
- (ix) Mr Walsh is to comply with any therapy, counselling or other treatment, as recommended by the rehabilitation counsellor as part of the defendant's rehabilitation program.
- (x) Mr Walsh is to provide a written authority to the drug rehabilitation counsellor to authorise him or her to notify Police Prosecutions or the DPP of any non-attendance or non-participation by Mr Walsh in any facet of the rehabilitation programme.
- (xi) Mr Walsh is not to leave the Northern Territory other than to travel to Queensland for court appearances or attendances with his legal

representatives without the prior consent of Beenleigh Police Prosecutions or the DPP or do otherwise.

(xii) Mr Walsh shall have no contact whatsoever either directly or indirectly with any prosecution witness named on the index to the brief and any witnesses whose names have been provided to him or his solicitors by either Beenleigh Police Prosecutions or the DPP.

(xiii) Mr Walsh is not to commit any criminal offence whilst subject to this order.

39. Mr Walsh was bailed to appear at Beenleigh Magistrates Court, Queensland on 22 August 2012.

Return to the Northern Territory in July 2012

40. Mr Walsh returned from Queensland shortly after he was granted bail on 11 July 2012. He reported to the police at Casuarina Police Station on Friday 13 July, 2012. He complied with his reporting condition between 13 July and 3 August by reporting as required. The Casuarina Police Station reporting sheet for his Queensland bail has the date of 3 August 2012 as being his last recorded attendance in respect of this bail.

41. On 1 August, 2012 Casuarina Police were notified of the presence of Mr Walsh in their area in a Weekly Intelligence Bulletin which stated information concerning Mr Walsh such as his recent offences, certain conditions of his bail in Queensland, a summary of the “road rage” allegations, his address, his photograph and a warning regarding approaching him. The Bulletin said that the Queensland conditions of bail cannot be enforced by NTPOL and that if breaches are detected; members are asked to contact S/Sgt Chris Board on a specified telephone number.

42. Mr Walsh initially stayed with Ms Edmondson at his mother's house at 2/12 Gotham St, Leanyer. As a result of an argument that occurred after about two weeks, they were ejected from the house by Ms Glenda Walsh. Mr Walsh and Ms Edmondson then moved into his sister Tegan Clarke's house at 34 Stobo Crescent, Alawa. Another sister, Sarah Clarke and her defacto partner Paddy Briston were also living at the same address at that time.

Domestic Violence Incident re Sarah Clarke and Domestic violence orders

43. On Sunday 5 August 2012 Mr Walsh allegedly assaulted his sister Sarah Clarke at 34 Stobo Crescent, Alawa. He was alleged to have flicked her in the eye with a spoon and then choked her. He was arrested on the day of the assault and charged with aggravated assault.
44. On 5 August 2012 an application was made for a non-contact domestic violence order on behalf of two protected persons: Ms Sarah Walsh and Glenda Walsh. On 9 August, 2012 a domestic violence order was made that prohibited, inter alia, any contact between Mr Walsh and the protected persons.
45. Mr Walsh applied for bail in respect to the aggravated assault charge. His bail application took three days and was heard on 7, 8 and 9 August. The police prosecutor sought that bail be refused. The Magistrate disagreed and Mr Walsh was granted bail.

Conditions of bail regarding the allegation of assault of Sarah Clarke

46. On 9 August, 2012 Mr Walsh was granted bail in respect to the assault. The conditions of bail were as follows:
- (i) To reside at 34 Stobo Crescent, Alawa
 - (ii) Not to approach or contact directly or indirectly Sarah Clarke or Glenda Walsh

- (iii) Not to consume illicit drugs and submit to urine analysis when directed by police
 - (iv) Report to OIC Casuarina Police Station every Monday and Thursday between 8am and 4pm.
47. The Police “Casuarina Arrest Targets/Bail Targets” bulletin was updated to reflect the Northern Territory bail conditions and the new residential address at 34 Stobo Crescent, Alawa.
48. Police did not conduct bail checks upon either the 34 Stobo Crescent address or his mother’s address at this time.
49. Commander Proctor could not locate the bail arrest sheet in regard to Mr Walsh’s attendance at Casuarina Police Station in relation to the assault allegation upon Ms Sarah Clarke. Prior to his death Mr Walsh was required to attend on four occasions in respect to this matter:
- Monday 13 August
 - Thursday 16 August
 - Monday 20 August
 - Thursday 23 August.
50. Commander Proctor presumed that Mr Walsh complied with the reporting condition in respect to his NT bail as a PROMIS entry would be entered on the police system if he failed to report. The only PROMIS entry that was entered was on 23 August stating that he failed to report that day. This was the day following the abduction at Catherine Booth House when Mr Walsh was already being sought by police. Commander Proctor also understood that the Queensland and NT bail reporting would have been amalgamated.

Allegations of Traffic offending

Incident one- 11 August 2012

51. On 11 August, 2012 at 9.47pm Detective Senior Constable Martin Ramage and Detective Francis Craig were on Channel Island Road in Archer when they endeavoured to stop a Black Audi motor vehicle. This occurred in a dark area without street lights. The Audi briefly stopped. Detective Ramage got a brief look at the driver by pointing the police car's headlights at the Audi. He had not seen Mr Walsh before and thought that it may be him by comparing him with photos that he had seen of him. In any event the Audi sped away and was not seen again by Detective Ramage that night.

Incident two- 22 August 2012

52. At 2.37am, 22 August 2012 police attempted to apprehend a White Land Rover Discovery with a registration that pursuing police determined to be Queensland registration 262---- (remaining letters/numbers not known). The police pursuit was terminated by police at Freshwater Rd, Jingili.
53. At about 7am on 22 August a White Land Rover Discovery with registration 262 JYX was located at the rear of Alawa oval. It appeared to have been abandoned. Mr Walsh was a suspect due to the proximity of the vehicle to 34 Stobo Crescent in Alawa. Police attended that address. Mr Walsh's sister confirmed that Mr Walsh had driven a vehicle of a similar type to the White Land Rover, however she refused to make a statement. The motor vehicle was seized and searched. A hunting knife was found under the driver's seat. A fingerprint expert analysed the vehicle. Only one fingerprint was obtained. This was under the outside of the driver's door. It did not produce a positive match to anybody.
54. No further search was undertaken of the vehicle until the police who had been involved in the pursuit came on shift on the evening of 23 August at 11pm realised that the vehicle had not been properly searched. When his

search occurred at about midnight they found a Samsung mobile phone (which was not traced to Mr Walsh), and a clip seal bag that contained a single tablet and an “ice pipe”. I note that the finding of this material occurred after the abduction had occurred.

Escalating domestic violence and termination of relationship with Monique Edmondson

55. Some weeks before his death, Mr Walsh and Ms Edmondson drove down a bush track in some bushland near Berrimah. He stopped near some burnt out vehicles and retrieved from one of them a plastic shopping bag that contained a sawn off shotgun wrapped inside a pale coloured sheet.
56. In the final week before his death Ms Edmondson contacted a Women’s shelter named Catherine Booth House for the purpose of leaving the relationship. However, she did not pursue it.
57. On Monday 20 August Ms Edmondson was working with Chantelle Walsh cleaning at the Alawa shops. Mr Walsh and Ms Edmondson were using mobile phone text messages to argue with each other. At about midday Mr Walsh arrived at the shops and grabbed Ms Edmondson around the throat and started to choke her before releasing her and doing it again. Ms Walsh cried and yelled at him to leave. Mr Walsh ordered Ms Edmondson to give him some earrings that he had bought her. He took her mobile phone and left.
58. Ms Edmondson then told Ms Walsh that she was finished with the relationship. She decided to contact Catherine Booth House again. Using Ms Walsh’s phone she did so and arranged to go there that day. At about 4. 20 pm Chantelle Walsh drove Ms Edmondson there. Chantelle arranged to drop off Ms Edmondson’s belongings at St Vincent de Paul. Ms Edmondson remained at the shelter from that point until she was abducted on Wednesday night (22 August).

59. Mr Walsh arrived at Chantelle Walsh's home late on 20 August. He asked Chantelle if he had heard from Monique and searched her phone for messages/phone calls that she had made. He found the number for the refuge. Chantelle acknowledged that this was the number of the refuge however told him not to ring it as they would call the police. He asked where she took Ms Edmondson. She lied and said that she took her to the Malak shops where a white van picked her up. He asked why she didn't drop Ms Edmondson off at the refuge. She said that it is confidential and that no one is allowed to know.

The intentions of Mr Walsh in the two days immediately prior to her abduction

60. After Ms Edmondson departed on 20 August, Mr Walsh constantly sought to find out where Ms Edmondson was located. He endeavoured to use his sisters in particular in this regard. As to his intentions, Chantelle Walsh said that:

“I got message after message from Josh that he was going to kill himself, he couldn't live without her. ‘I'm crying my eyes out sis’”.

She also said that:

“I was talking to Tegan and Sarah (just prior to the abduction) and they said that if he gets her, he's going to kill her then himself. He was going to shoot her, then himself”.

61. Tegan Clarke said that while he was looking for her, Mr Walsh said:

“If I can't have Mon, no-one can. And he said that he's got two bullets”.

62. Tegan Clarke clarified what she understood this to mean by saying:

“He's gonna blow her head off and then blow his head off. He's gonna put the gun in their mouths.”

63. Tegan Clarke added that Mr Walsh said:

“There’s no point in me living life because I’m going to gaol. I’m fucked. I can’t get out of it. If I can’t have Mon, no one can. There’s no, there’s no point in me living life”.

64. Shortly prior to the abduction Glenda Walsh informed police that Michelle Tanson said to her that Mr Walsh said that he was planning to shoot himself.

65. Ms Edmondson said to police when interviewed after the abduction that:

“During all of this Josh said that if it comes to the stage that he thought he was going to die that he would kill me first, shoot me first and shoot himself. He said this about three or four time over. He said it to Paddy. He said it to me.”

66. Patrick Briston said that Mr Walsh said to him that:

“I’m not, definitely not going to gaol for 12 years. I’d rather die before I go back to gaol”.

67. Mr Briston added that Mr Walsh repeated this statement “the whole time”.

68. Joe Rose, who saw Mr Walsh on the final day of his life said that Mr Walsh said to him at that time,

“Before I left Josh told me that police weren’t going to take him and that he would take himself before police got him.”

69. On Wednesday 22 August at about lunchtime Chantelle Walsh phoned Ms Edmondson at Catherine Booth house and told her, inter alia, “you do what’s best for you, but please don’t go back to him”. She added that Josh was going to hurt her. Ms Edmondson told Chantelle about the shotgun hidden in the burnt out vehicle that had been recovered by Mr Walsh.

70. Chantelle Walsh, Tegan Clarke, Sarah Clarke and Patrick Briston saw Mr Walsh depart from 34 Stobo Crescent at about 8pm on Wednesday 22 August. He was carrying a backpack. After he left Chantelle told the others about the shotgun. One of the others believed that he already had the shotgun in his backpack

Locating Ms Edmondson at Catherine Booth House

71. On Wednesday 22 August Mr Walsh contacted Joan Bowen and offered her an amount of “ice” if she could find the location of the women’s shelter where she was staying. Ms Bowen was a user of illicit drugs, especially “ice”. Ms Bowen dialled the number that Mr Walsh already had of Catherine Booth House that he had obtained from Chantelle Walsh’s phone and through Chantelle confirming that it was the number of Catherine Booth House. Ms Bowen was collected by Mr Walsh and Mr Briston at about 8.30pm on 22 August. At 8.45pm Ms Bowen phoned Catherine Booth House and pretended to be a victim of domestic violence. She spoke to Ms DM and was told to ring back when she got a lift to the shelter. At about 9.30pm Ms Bowen called back and was provided the address of the shelter: [REDACTED].

72. Having secured this information, Ms Bowen told Mr Walsh and then was dropped off near Catherine Booth House at about 10pm by him (and Mr Briston). Ms Bowen then entered the Refuge with Mr Walsh and Mr Briston waiting outside. Ms Bowen then engaged in the ruse of pretending to be a victim. In January 2014, Ms Bowen was found guilty by a Supreme Court jury after a trial of various crimes committed by her in connection with this disgraceful endeavour. Suffice it to say, Ms Bowen’s actions were crucial as they were the sole means to facilitate the abduction given that Mr Walsh’s sisters had not, to their credit, revealed to their brother the whereabouts of Ms Edmondson despite constantly being sought to do so.

The abduction of Ms Edmondson and the assault of Ms DM

73. This has been thoroughly covered in the introduction component of these findings and I will not repeat what I have said save to say this. Counsel Assisting played the 000 call to the police that was made by Ms DM during the course of the entrance of Mr Walsh into the Refuge. During the course of the 000 recording Ms DM can be heard to scream “he’s got a gun” and the

sound of several bangs, consistent with gun shots, can be heard. The terror in Ms DM's voice is palpable and it is entirely understandable why she would say, as she did, that this incident constituted the most frightening event that had occurred in her life. The combination of shots being fired repeatedly as well as the shotgun being pointed directly into her face from a close distance (30cm) would inspire terror in virtually all persons who were on the receiving end of this conduct.

Post abduction movements of Mr Walsh, Ms Edmondson and Mr Briston

74. Shortly after the abduction, whilst still in Stuart Park Mr Walsh struck Ms Edmondson three times in the face with a drink bottle, pointed the shotgun at her and told her that if it came to the point that he thought he was going to die that he would kill her first then shoot himself.
75. Ms Edmondson said that at one point Mr Walsh stated that he planned to leave Darwin and Australia and get to Thailand under some form of false identity. However, this plan depended on escaping the attention of the police in Darwin in particular and appears to be fanciful.
76. Mr Walsh drove the Audi to Palmerston. They tried an address in Bakewell before leaving the Audi at 3 Helicia court in Rosebery with the consent of the owner. It was concealed under a tarpaulin. After briefly using another unknown motor vehicle they broke into a Holden Commodore before abandoning it in Bonson Terrace, Moulden. They stayed the night at 38 McGuire Circuit, Moulden, and with the consent of one Liam Booth, stayed the night there.
77. On Thursday 23 August they drove to 14 Borella Circuit, Jingili. They arrived in the day and stayed the day there. At around dusk they left this place and walked to 3/3 Belle Place, Millner. This was the residence of Gerald Louise "Louie" Monck, who was classed as an uncle to Patrick Briston. When the trio arrived at the unit, Louie Monck was home and was being visited by his son, James Monck. James Monck thought that Mr Walsh

looked “a bit insane, not the full quid, you know.” The following day, after learning of the abduction at Catherine Booth House, James Monck telephoned his father and said:

“Dad, just get out of that house. That cunt’s skitso. He’s snapping any moment”

78. Mr Louie Monck remained at 3/3 Belle Place probably out of loyalty to Patrick Briston. During their time at this location Mr Walsh, Mr Briston and Ms Edmondson used “ice” by smoking it.
79. A number of persons visited the apartment during the day. If a visitor arrived Ms Edmondson would be placed out of sight in one of the rooms upstairs.
80. At about midday Glenda Walsh visited the apartment trying to find the whereabouts of her son. She spoke to Louie Monck who told her that he was not there. The trio at that point were hiding upstairs. She left.
81. Joe Rose attended the Belle Place address on the afternoon of 24 August. He was stopped afterwards by police and initially denied that Mr Walsh, Ms Edmondson and Mr Briston were at 3/3 Belle Place. A short time later he reversed his position and admitted to police that they were at 3/3 Belle Place.

The “Cordon and Call” operation

82. On the afternoon of Friday 24 August, once 3/3 Belle Place was identified as the most probable location of Mr Walsh and Ms Edmondson, police rapidly acted to put together a plan of action to effect the rescue of Ms Edmondson and the capture of Mr Walsh. They had limited options. Belle Place was a high density area. There was the risk that if Mr Walsh got away into a car that there might be a high speed car chase/shoot out. There was a further risk of a shootout with police at Belle Place itself if police approached. Consequently, there was a risk that neighbours might get shot or might be

used as a ransom tool. It was determined that Ms Glenda Walsh could not be sensibly presented as a negotiator with her son given the recent tension between them that culminated in her ejecting her son from her house and successfully obtaining a domestic violence order. Nor could any other civilian person be placed in this position. A trained negotiator was, in the circumstances, considered vital. An armoured vehicle was considered necessary to house that person given that Mr Walsh had a firearm and was prepared to use it. Furthermore, a fully armed TRG unit housed inside the armoured vehicle was considered vital given the serious danger that Mr Walsh might murder Ms Edmondson. The use of other motor vehicles to complement the Bearcat was considered appropriate given the concern that Mr Walsh might run out of the sides or rear of the premises.

83. The “Cordon and Call” operation was over almost as soon as it started. Within a very short time of Sgt Kieran Wells speaking on the loud hailer Mr Walsh shot himself dead. It is probable that this occurred within one minute of Sgt Wells commencing to speak.

The interview of TRG members

84. After the death had occurred TRG members who had been involved in the operation at 3/3 Belle Place were stopped at the scene and audio statements were taken from them in accordance with the protocol established in regard to investigating deaths in custody. This was of course necessary. I note that some delay occurred due to the difficulty of obtaining independent investigators quickly.

The question of whether Mr Walsh shot himself

85. In November 2012 Chantelle Walsh contacted the Coroner’s Constable and said that she had heard reports that police may have fired multiple gunshots upon entry into 3/3 Belle Place. In noting this it should be borne in mind that a distraction device known as a “nine banger” was used by TRG police upon entry. As has been previously stated in these findings this produced

nine loud explosions that in the circumstances could be mistaken for gunshots.

86. The evidence is overwhelming that Mr Walsh shot himself. As previously stated two eyewitnesses, Ms Edmondson and Mr Briston, were present when this occurred. Firearm tests were conducted by the police firearms expert, Senior Constable Timothy Lloyd, upon the sole shotgun that the TRG had in their possession at the time of the “Cordon and Call” operation (which the evidence suggests, had not been fired) and also upon the pellets that were found in the Catherine Booth shelter where Mr Walsh had fired the shotgun and also within the cranial cavity of Mr Walsh. That analysis determined that the pellets that were found inside the cranial cavity of the deceased were the same size and type to those contained in the shotgun cartridge used by Mr Walsh. Further, the shot pellets found within the cranial cavity were consistent in size and weight with those found in the Catherine Booth Shelter. Finally, the pellets contained in the cranial cavity were substantially bigger (in diameter and weight) and different in composition (steel as opposed to lead) to the TRG issued shotgun pellets. Hence, the TRG shotgun could be eliminated from any consideration that it had been used to fire the shotgun cartridge that killed Mr Walsh. Instead the firearms analysis supported the other evidence from the eyewitnesses that Mr Walsh had fired the shotgun.

The Autopsy

87. Dr Terrence Sinton conducted the autopsy in this case. Dr Sinton was of the view that the deceased died as a consequence of a self-inflicted gunshot wound to the head. Death, Dr Sinton said, would have been immediate. The wounds clearly were devastating. There is nothing to indicate that Mr Walsh was other than a comparatively healthy young man at the time that he killed himself.

FINDINGS

88. I shall structure my findings as follows:

- (i) The abduction
- (ii) The utilisation of the Cordon and Call Procedure and whether some other tactic/procedure could have prevented the death of Mr Walsh
- (iii) The death
- (iv) Whether the NT Police Force could have prevented the death of Mr Walsh, as the mother of Mr Walsh has suggested to me.

The Abduction

89. I find that the abduction of Ms Edmondson clearly revealed how dangerous Mr Walsh was at that time. The assault upon Ms DM caused utter terror to her. This was a brazen attack upon the place that was a refuge for victims and that of itself would have merited very severe punishment had he lived and being convicted of his crimes. I note that Mr Patrick Briston was sentenced to eight years and two months imprisonment (with a non-parole period of four years and one month) for his role in this incident. I find that he, a very young man of 18 at the time, and without a significant criminal history, was very much under the influence of Mr Walsh, who Mr Briston regarded as like a brother to him. Ms Joan Bowen's conduct in receiving "ice" in return for finding the location of the refuge by pretending to be a victim was a remarkable example of selfish conduct in respect of which she was recently found guilty by a Supreme Court jury and for which she received a sentence of imprisonment of three years, suspended after 15 months⁶. The egregious nature of Ms Bowen's criminal conduct is amplified by the fact that Mr Walsh's sisters did not reveal this location- only Ms Bowen did and without it the appalling cycle of events that followed would not have occurred, at least at that time.

⁶ This sentence was imposed by Chief Justice Riley on 29 January 2014

90. In respect of Ms Edmondson I commend her for the way in which she gave evidence before me. It was clearly difficult for her to do so given that there was some tension between her and various members of Mr Walsh's family who were in court, yet Ms Edmondson did so in a frank and reliable way.

The cordon and call procedure

91. When it was determined that Mr Walsh was likely to be at 3/3 Belle Place I find that police were in an extremely difficult position. The person that they were dealing with was clearly erratic and had recently committed a number of crimes remarkable for their violence. All the available evidence suggested that Mr Walsh had marked homicidal and suicidal tendencies. The likely victim of his homicidal tendencies was being held by him at that time. He had very recently used a firearm in circumstances that can be described as remarkably brazen and had said to numerous persons whom he trusted, in particular his sisters, that he intended to kill Ms Edmondson or kill himself or do both. The circumstances that confronted the police were thus extreme in terms of the risk of death to Ms Edmondson, Mr Walsh or others. There was a real risk of a shootout with police. I consider that in the circumstances that it was remarkable that Ms Edmondson escaped with her life. I do not criticise NT Police for the use of the "Cordon and Call" procedure. No realistic alternative was available to them. The mother of the deceased could not be used as a negotiator as relations had recently been strained between them which culminated in her ejecting him from her house and her obtaining a domestic violence order. A professional negotiator was called as well as a rapid response armed team with real skill. Nothing less was required. Police cannot be criticised for the fact that Mr Walsh killed himself. The Police negotiator, I find, had just commenced talking when Mr Walsh killed himself. The NT Police Force acted professionally and expended great energy in both finding Mr Walsh and endeavouring to capture him alive as well as preserving Ms Edmondson's life and the lives of the general public, particularly neighbours in Belle Place.

92. I add that I find that after the abduction occurred Mr Walsh did at some point speak of leaving Darwin and that going overseas to Thailand. However, this plan had a marked air of unreality about it and did not affect the reality of Mr Walsh's plans if cornered by police: that he would, at the least, kill himself. I note also in this regard that his mother gave evidence that he would inevitably kill himself.

The death of Mr Walsh

93. The TRG unit that went into 3/3 Belle Place almost immediately after the death of Mr Walsh was announced to them displayed exemplary courage in going up the stairs of the premises. They could not be sure exactly what they were going to meet, yet went up a staircase and were confronted with the sight of Mr Walsh dead with the sawn off shotgun that had killed him beside him on the bathroom floor. I find that Mr Walsh shot himself with this shotgun to his head. Why he did this is not entirely clear. However, it would appear from what he said to his sisters in the days prior to his death that he could not bear the thought of going back to prison for what he thought might be 12 years. I find that that this was the most likely reason why he killed himself. His death is riven with poignancy given that he had a young daughter who he clearly loved, and whose photograph was with him at the end.
94. The influence of the drug crystal methyl amphetamine, which I have referred to by its colloquial or street name as "ice" in these findings was, in my view, a factor in his death. It would appear that Mr Walsh has used this drug on an off for years and that his recent use of it appeared to be on a daily basis and that he was a heavy user of it. There is clear and abundant evidence from around the world from various experts in relation to this drug that suggests strongly that heavy users of it can become erratic, paranoid and violent, and conduct themselves in extremely violent and bizarre ways. Mr Walsh's conduct in respect to both the abduction and his death was entirely consistent with this type of behaviour. Mr Walsh's sisters, who I

find gave sensible evidence in circumstances that must have been difficult for them all, acknowledged how difficult that their brother had become to speak to and that nobody could get through to him. Whilst it is impossible to say precisely what role “ice” played in his death, I find that it played a significant role and that at the very least it made worse whatever underlying psychological problems that Mr Walsh had. What those problems were and whether this death would have occurred without “ice” is impossible to determine and shall forever remain unclear. However, this death serves as a warning to the community in the Northern Territory of the danger of this drug and the harm that it can cause. That is not to heap all blame for his death upon the drug. To do so would ignore the heavy responsibility that Mr Walsh bears for his actions and the reality that many users of “ice” do not commit the sort of crimes that he did. Nevertheless, it remains utterly remarkable that Mr Walsh killed himself notwithstanding that he knew that by so doing he would remove himself permanently from the person that I find he loved most- his five years old child. In my view that occurred at least in part as a consequence of his judgement being affected adversely by his excessive use of this nefarious drug.

95. With regard to the sisters of Mr Walsh, I find that all of them displayed courage in not revealing the location of the Catherine Booth Refuge and in varying ways encouraging Ms Edmondson to move on and leave her relationship with their brother. I do not doubt for one moment that it would have been difficult to resist their brother at this point in his life.

Whether the NT Police Force could have prevented the death of Mr Walsh

96. The criticism here is primarily predicated upon the basis that if Mr Walsh has have been arrested earlier he would have been in custody and therefore would not have died. Another criticism is that if the shotgun had have been taken by police he would have survived.

The two motor vehicle incidents

97. The first of these incidents occurred on 11 August 2012. Detective Ramage briefly saw the driver in the light of his headlights. He had not seen Mr Walsh in the flesh before but had seen photos of him. In evidence before me, Detective Ramage said that the driver bore a resemblance to Mr Walsh however he would not be able to positively identify the driver. No conversation occurred between the police and the driver. There was no other evidence implicating Mr Walsh. In my view there was insufficient evidence to have charged Mr Walsh (who was not in fact charged with this offence).
98. The second incident occurred in the early hours of the morning of 22 August. A car chase occurred that was called off by police who did not identify the driver. The location of a car fitting the description was found was close to Mr Walsh's then residence. No proper search was conducted on the vehicle until the following night. By that time it was too late as the abduction had occurred. It would have been preferable that a thorough search of the vehicle had occurred when it was discovered at about 7am on 22 August but nevertheless given the absence of material found that connected the car to Mr Walsh there was no basis for Mr Walsh to be charged with offences concerning the car.

The shotgun

99. Glenda Walsh, the mother of the deceased, gave evidence that she told Detective Senior Constable Marty Ramage on about 5 or 7 August where Mr Walsh had hidden a shotgun. She said that she told him that it was out near sand dunes near the army barracks and that specifically it was in the second of three burnt out cars. She said that she got this information from Monique Edmondson who told her that was where the gun was. In fact Monique Edmondson evidence was that Mr Walsh had hidden the gun in bushland near Berrimah and that some weeks before his death she had been with him when he had taken it out of an abandoned car. Detective Ramage gave

evidence at this inquest that Glenda Walsh told him that the shotgun was buried in a sand dune out somewhere near police headquarters and that no specifics were given. I find that if the specific location of the gun were given to the police they would have gone looking for the shotgun. They didn't. Accordingly, I accept Detective Ramage's evidence on the point. In any event the general location that Glenda Walsh said that the gun was in differed from where Monique Edmondson said that it was. A further matter was that Ms Edmondson said that the gun had been removed by Mr Walsh some weeks before his death. In summary this criticism of police has no basis.

Breach of Bail

100. At the outset this entire area is overshadowed by the question of the enforcement of interstate bail conditions. In this regard it is important to find, as I do, that Glenda Walsh has raised in this regard a matter of real significance that has repercussions more generally for the enforcement of any interstate bail condition in the Northern Territory. I shall deal firstly though with the specific criticisms before dealing with this general problem.

The assault upon his sister

101. This allegation was defended. Police did what they could to have Mr Walsh bail refused. The fact that he was granted bail was a decision of a Magistrate not of them. The fact that the matter was defended and not admitted meant that this did not constitute a breach of the bail set for the 'road rage' allegations. It ought to be made clear that an allegation is not enough to constitute a breach of bail. It needs to be proved in order for that to occur.

Drug use by Mr Walsh

102. Glenda Walsh gave evidence before me that her son was using drugs and that she told the police that and that if tested he would breach his bail. It was a condition of his NT Bail (that was granted on 9 August) that he not consume illicit drugs and submit to urine analysis when directed by police.

It was a condition of his Queensland bail that he not use any illegal drug. It was a further condition of that bail that within three business days of his release from custody he was to submit to ongoing drug testing by a medical practitioner and thereafter once per week he be tested.

103. In fact Mr Walsh attended the Casuarina Square Medical and Dental Clinic and provided drug samples through urine analysis on 17 July, 25 July, 3 August and 10 August. All samples produced negative results for the presence of drugs and results were sent by facsimile by the Clinic to the lawyers representing Mr Walsh and the Queensland DPP office at Beenleigh. All samples were collected in accordance with a protocol which is AS/NZS 4308: 2008.
104. It has been suggested by some family members in this case that Mr Walsh was able to escape detection of drugs in his system by supplying false urine samples which he was able to do because the process of supplying urine wasn't closely monitored. I find that it is quite conceivable that the process wasn't closely monitored and that as a result Mr Walsh was able to escape detection. I also note that there would appear to be a failure to supply a urine sample in the final week prior to his death. This was a breach of his Queensland bail not his NT bail as the NT bail specified that the supply of a urine sample was at the discretion of police.

Reporting card failures

105. It is regrettable that the Casuarina Police station bail reporting records appear not to have been kept up to date (that is after 3 August). I find that Mr Walsh did report as required at Casuarina Police station until the date of the abduction, as the absence of reporting would have generated a PROMIS record. No such PROMIS record was generated until 23 August, when Mr Walsh was on the run. Keeping the bail reporting records up to date ought to have been a straightforward procedure and it is otiose to say that this procedure must be complied with so as to avoid confusion. Further, if there

are two sets of reporting conditions at the one police station, as in this case, the reporting card must clearly reflect that.

Failure to attend drug rehabilitation counselling

106. The Queensland bail required Mr Walsh to attend a counselling session with a drug rehabilitation counsellor within seven days of his release to determine a suitable programme. The NT bail contained no such condition. Mr Walsh complied with this condition by attending Amity House in Darwin on 18 July and undertaking an assessment and counselling session with Ms Johanne Goncalves, who was a counsellor and educator at Amity House. However, Mr Walsh failed to comply with a further condition of his Queensland bail, which required him to comply with any therapy, counselling or treatment as recommended by the counsellor. Mr Walsh missed his further appointment on 26 July and did not respond to Ms Goncalves's messages to arrange another appointment. No further contact occurred between them. Hence I find that Mr Walsh was in breach of his Queensland bail in relation to this condition from 26 July onwards. I do not criticise Ms Goncalves for her failure to notify the police of this breach as it is not clear that she knew that this was a breach of his reporting conditions. It is entirely tenable that she was not aware of this and instead thought that it was a referral from Mr Walsh's lawyers rather than a court ordered requirement.

107. The failure of Mr Walsh to attend further drug rehabilitation counselling at Amity House from 26 July onwards as well as the failure to provide a urine sample on 17 August were not reported to NT Police or to the Queensland DPP. This is regrettable. Both were breaches of his Queensland bail. There was a further breach which was his non-attendance at Beenleigh Magistrates Court on 22 August, the day of the abduction. It is important to note that his NT Bail conditions were not breached. However, the three breaches of his Queensland bail squarely raises the question of the enforcement of interstate bail conditions. I observe that as the failure to attend court on 22 August

was the day of the abduction and thus was very late in the piece but not too late for an arrest to occur if that was possible.

Enforcement of interstate bail.

108. A breach of a condition of bail in Queensland is an offence contrary to section 29 of the Bail Act (Qld) which carries a maximum penalty of two years imprisonment or 40 penalty units. There is no mechanism for the extra-territorial operation of the Queensland Bail Act such as would give Northern Territory police officers the power to make any requirement of a Queensland bailee. This means that a Northern Territory police officer could not simply have arrested Mr Walsh without warrant for a breach of bail, if he had been aware of a breach. The only mechanism available was arrest on a Queensland warrant as a consequence of extradition proceedings launched under the Service and Execution and Process Act (Cth). This in turn would be based on a charge and warrant for failure to comply with a condition of bail (contrary to section 29 of the *Queensland Bail Act*).
109. There was no protocol within the Northern Territory Police Force General Orders or within the Police Practices and Procedure Manual which lays down a procedure whereby NT police force members are to monitor compliance with bail conditions imposed by a court from another state or territory. I shall refer to this later in my recommendations as this matter exposes a serious problem that demands further reform and publicity for judicial officers.
110. In this case a monitoring situation was put in place by NT Police whereby one officer, Detective Snr Sgt Board, was given the responsibility of overseeing the bail conditions in respect of Mr Walsh's Queensland bail on the understanding that he would report back to the Queensland detectives. I accept that this was a sensible arrangement however, I also accept the submission of Mr Lawrie, counsel for the NT Police Commissioner, that it had its limitations as some of the conditions involved direct reporting back

to the Queensland authorities such as, for example, the drug testing results, and in that regard, would not be evident to Detective Snr Sgt Board.

111. I also note Mr Lawrie's submission that NT Police would not as a matter of course allocate resources to the monitoring of bail conditions for interstate bailees other than a condition that the bailee report to a particular police station.
112. Regarding the question of extradition, Mr Lawrie drew my attention to the Queensland Police Service Operating Procedures Manual, which provides guidance as to the type and seriousness of offences which justify extradition. They are as follows:
113. Permission to seek approval of extradition proceedings from another jurisdiction to Queensland may be given when:
 - (i) A legal means exists for extradition between Queensland and that other jurisdiction;
 - (ii) An indictable offence or, in the case of close border proximity, any other offence considered appropriate for extradition in the circumstances is involved;
 - (iii) In the case of extradition from within Australia, there is a reasonable belief that the issue of a summons would not be effective in bringing the wanted person before a court in this state;
 - (iv) There is a real probability on the weight of existing evidence that a conviction and prison term would result from the extradition;
 - (v) The circumstances of the individual case justify the time and expense involved in the extradition;
 - (vi) The wanted person has been located and positively identified;
and
 - (vii) No proceedings are current or pending in the jurisdiction in which the wanted person is located (refer to Definitions 7: "Persons under restraint")

114. The criteria above would appear to be conjunctive. Conditions (iv), (v) and (vii) are the most important. In short, the matter must be serious enough to justify the expense and time involved. Serious enough means that there is a real probability of a gaol sentence resulting from a conviction for a breach. The failure to appear on 22 August would of course be too late to launch extradition proceedings prior to the abduction that was committed upon the very same day. Mr Lawrie has submitted that in the circumstances of this case extradition proceedings would have been unlikely to have been commenced even if NT and Qld Police were aware of the two breaches. I agree. The recency of the non -provision of the urine sample (17 August) is a matter where the gap in time was so close to the date in court (22 August) that it is not remotely realistic that extradition proceedings would be commenced for a breach of that nature. Regarding the other breach the time period is significantly greater (26 July) however the nature of the breach is such that given that there had been a prior attendance at the counsellor's office I find that it would be unlikely that a gaol term would arise for such a breach. Furthermore, to launch extradition proceedings based upon, in essence, this one breach would be unrealistic. Therefore, I find that extradition proceedings would have been unlikely to have been launched in Queensland even if the breaches has have been known to Qld and NT police.
115. In summary, I find that the NT Police Force are not at fault in any way for the death of Mr Walsh. Instead, there are significant aspects of the NT Police response in this matter that merit commendation, notably the swiftness of their response to the abduction, the very substantial resources immediately injected into the operation, the efficacy of it, and, crucially, the fact that they managed to save Ms Edmondson's life as well as prevent any other citizens from being hurt.

Urine testing under the NT Bail Act

116. At the time that this matter arose the *Northern Territory Bail Act* did not provide the power to permit a Magistrate to direct urine testing. Section 27A

(1)(h) of that Act merely provided the power to prohibit an accused person from consuming alcohol or non-prescription drugs. This had limited application in this case as the urine testing under the NT bail was at the discretion of the police whereas it was mandatory under the Queensland bail. It should be noted that the *Northern Territory Bail Act* has since been amended (on 14 March 2013) to permit a Magistrate to direct urine testing of a person on bail.

FORMAL FINDINGS

117. Pursuant to section 34 of the Act, I find, as a result of evidence adduced at the public inquest, as follows:

- (i) The identity of the deceased in this case was Joshua Stephen Walsh, born on 30 July, 1986 in Ingham, Queensland. Mr Walsh last resided at 34 Stobo Crescent, Alawa, Darwin, NT.
- (ii) The time and place of death was 6.41pm on Friday 24 August, 2012 in the upstairs bathroom of Unit 3/3 Belle Place, Millner, NT
- (iii) The cause of death was a shotgun wound to the head.
- (iv) Particulars required to register the death:
 - (1)The deceased adult was Joshua Walsh
 - (2)Joshua Walsh was a cabinet maker
 - (3)The cause of death was reported to the Coroner
 - (4) The cause of death was confirmed by post mortem examination carried out by Dr Terrence Sinton on 27 August, 2012.
 - (5) Mr Walsh's parents are Ms Glenda Walsh and Mr Stephen Walsh.

118. I offer my condolences to the family of the deceased for the loss of their son, brother and, most poignantly, in respect to his young child, her father. I noted the attendance on all days of the inquest of the mother of Mr Walsh as

well as his sisters. I appreciated the evidence and submissions that were made to me by Ms Glenda Walsh both in the witness box and at the end of the Inquest. It may be some small comfort for Ms Walsh to know that she has raised a significant issue of public importance in relation to the enforcement of interstate bail conditions.

RECOMMENDATIONS

Recommendation 1: Enforcement of interstate bail conditions

119. This matter raises an important issue with regard to the enforcement of interstate bail conditions. Firstly, there is the issue of the education of judicial officers of the present failings of the system. Secondly, there is the question of reform of it. In my view, significant reform needs to occur in this area such that if a Magistrate imposes bail as occurred here that he or she can be confident that its conditions can be appropriately enforced by interstate authorities. In this case, Mr Walsh was on bail for serious offences yet the conditions of it could not be enforced by NT police unless an application for extradition (which was highly unlikely) was carried out. This is not good enough. Effectively, what occurred here was that the Queensland bail was a toothless tiger, whose effectiveness in the Northern Territory was largely illusory. Given the seriousness of the allegations against Mr Walsh and the extreme consequences that the abduction and its aftermath produced for him, Ms Edmondson, and Ms DM, amongst others, a rigorous bail regime with prompt and practical enforcement of breaches was required. The present system did not and does not permit this. The Northern Territory Police Force cannot be criticised for this. I recommend that the Attorney General of this Territory look into this matter with a view to consulting with his colleagues interstate for the purpose of ameliorating the present system.

Recommendation 2: education regarding dangers of “ice”

120. Those charged with undertaking public health campaigns in the area of illicit drugs ought to focus their attention, in particular, on advertising the dangers

to young people of “ice”. As I have said this case serves as a salient example of its dangers.

Recommendation 3: GPS and bail

121. After the abduction occurred a considerable amount of police time was expended looking for Mr Walsh who had gone to ground. GPS (Global Positioning System) technology is now being employed in some jurisdictions for the purpose of monitoring the location of persons who are on bail. Presently, in the NT there is no lawful authority for a Magistrate or Judge to impose GPS tracking as a condition of bail. I recommend that the Attorney General and other relevant authorities look into the question of utilising this technology for the purpose of monitoring high risk persons whilst on bail, and if it is feasible, reforming the law in this regard to facilitate this.

Recommendation 4: urine samples

122. The taking of urine samples in this case was overshadowed by an allegation, which I have found had merit, that Mr Walsh was substituting the urine of others for his own so as to produce a false result. I recommend that when urine is taken that there be a specific signed note made by the person in charge of taking the sample that the sample has been taken from the person and that a note of that be placed on a form that is sent off to the relevant authorities.

Recommendation 5: drug counsellor notifications

123. Mr Walsh’s failure to follow up his appointment with the drug counsellor was not passed on to the police. As I have stated previously, I do not criticise the drug counsellor for this. However, I recommend that it be made clear to a drug counsellor when she sees a person in circumstances such as Mr Walsh whether there is a Court ordered obligation associated with the matter, in which case, I recommend that it be mandatory that a drug

counsellor must notify the police OIC of a failure to comply with any drug counselling condition of bail.

Dated this 19th day of March 2014.

GREG CAVANAGH
TERRITORY CORONER