

N.B. Copyright in this transcript is the property of the Crown. If this transcript is copied without the authority of the Attorney-General of the Northern Territory, proceedings for infringement will be taken.

NORTHERN TERRITORY OF AUSTRALIA

CORONERS COURT

A 51 of 2019

AN INQUEST INTO THE DEATH

OF KUMANJAYI WALKER

ON 9 NOVEMBER 2019

AT YUENDUMU POLICE STATION

JUDGE ARMITAGE, Coroner

TRANSCRIPT OF PROCEEDINGS

AT ALICE SPRINGS ON 20 SEPTEMBER 2022

(Continued from 19/09/2022)

Transcribed by:
EPIQ

THE CORONER: Thanks for coming back, obviously.

Yes, Mr Coleridge.

CHRISTOPHER PHILLIP HAND, on former oath:

XN BY MR COLERIDGE:

MR COLERIDGE: Thank you, your Honour.

Sergeant Hand, yesterday I asked you some questions about the briefing, what we call the briefing, providing by Sergeant Frost to members of the IRT in the muster room at Yuendumu Police Station?---Yes.

I asked you some questions about what, if anything, you heard or overheard. Is there anything you wanted to add?---The other thing I did overhear Sergeant Frost tell the IRT and Senior Constable Donaldson, that the clinic was closed and that the clinic staff had evacuated the community due to some unlawful entries at the clinic houses.

I now want to ask you some questions about what happened following the shooting of Kumanjayi Walker, how did you become aware that Kumanjayi had been shot?---We heard on the radio. I heard the words, "Shots fired. Shots fired." We had the police radio on, the communication radio on, in the muster room and although I didn't know that Kumanjayi had been shot at that point in time, that was when I was first alerted to – that something had happened. So, I wasn't aware whether shots were fired at police or if police had fired their weapons.

When did you become aware that it was a community member, Kumanjayi, who had been shot?---I can't remember exactly when, but it was shortly after, from what I can recall. Sergeant Frost made contact with the IRT and they said that they shot Walker.

I'm going to read you something from your first recorded statement and this is at page 28, after becoming aware that the IRT had shot Kumanjayi, you say – you said to Sergeant Frost, "You're going to have to get more people here because we're going to be – ah – we're going to be in a world of hurt once word gets around the community that this is what's happened." Can you recall when you said that?---Yes, so as soon as I learnt that Kumanjayi had been shot, I immediately said to Sergeant Frost that we'll need extra resources in the community.

Why did you think you would need those extra resources?---In my experience working in Indigenous communities, particularly in Yuendumu, when a certain level of force is used by police, that escalates the tension and anger in the community and although I hadn't been involved in a police shooting on an Indigenous community, I have been – have experienced times where, if the community don't like the way we're doing our job and particularly with an arrest, perhaps we have to have a wrestle with someone, they get very angry and upset and start blaming us. So, with

obviously a shooting of a member of the community, that's when I – my expectations of what was going to happen, that's when I was thinking, we'll need extra resources because the community will be extremely angry with us.

Back in the 1990s when you first served in Yuendumu, was there ever discussion about what may or may not happen if there was a shooting?---Yes. So, I don't remember exactly when it was, but there was a discussion at one point. And as I said yesterday, back then there was only a sergeant and two constables and an ACPO (sic). And if we ever had to discharge our firearm at a person, then we discussed what we would more than likely do and although it was nothing official, never written down anywhere, but a loose plan was to go back to the police station and if we had to, evacuate the community. Obviously after, if we have to - you know, giving first aid and that type of thing to the person we've shot. But, other people live at the police station in police houses, family. So, we would ensure that they would be protected as well as ourselves.

Did you ever discuss those matters with Sergeant Frost?---I think I may have when I discovered she wanted to go to Yuendumu and I told her of my experiences, yes.

Had she ever described similar experiences to you working in remote communities, whether as a police officer or otherwise?---Yes. So, I don't know what year it was, but she was a nurse based in – living in Wadeye. And there was a police shooting of an Indigenous man there where he died.

And what was the consequence of that shooting on that occasion?---There were several riots, I believe, and a lot of community unrest from that incident. And since then, there's been extra resources put into that police station, whether that's from that incident or accumulation of other community tensions, but she was in the community when that happened working as a nurse. So, she understood firsthand what community reactions are going to be like.

I want to ask you some questions now about some telephone calls you made from the police station after 7 o'clock on 9 November. If I can please have document 7-52 annexure 1, this is the annexure to your first reported statement.

Can we zoom out slightly?

Can you identify the document for us?---Yes. So, that's titled CH1 dated 14 November 2019 and that's my signature.

Okay. And what is the document?---So, that's a running sheet that I started on a word document just to record certain incidents, critical decisions, that type of thing. There are probably several decisions missing or incidents missing, but I wasn't sitting in front of the computer for the entire evening. During the incident, I was up and down from my computer. So, when I had the opportunity to write something down, or to type something in, then I would do it, note the time and write – type down what the notation was.

Perhaps if we could zoom in again. All right, can we scroll down slightly and can we stop there.

There is an entry at 19:56, so 7:56 pm and it states, "Hand received a call from Commissioner Wurst re: situation appraised. He said he will arrange for Darwin/ASP members to come to Yuendumu. Requested I speak with ACPO Derek Williams re how this situation will play out. Sent Wurst, Williams number." You can see that?---Yes.

Who was Commissioner Wurst?---So he was – I believe at the time he was Acting Assistant Commissioner Travis Wurst. And I had worked in the 90's at Yuendumu with him, for a period of time.

What was his relationship, if any, with the community of Yuendumu?---He had an excellent relationship with the Yuendumu Community. And he had a – quite a good relationship with Senior ACPO Derek Williams. And he was also one of the pall bearers at Jabirula's funeral when he died. And that was the ACPO from when I was there in the 90's. So he – he had a very good relationship with – with the people of Yuendumu.

Were you aware at that time of when, if ever, he had lived and worked in the community of Yuendumu?---So he – I don't know the exact dates that he worked there. But I believe, from what I can remember, he and I worked for a good 12 to 18 months in Yuendumu. And prior to that, he had quite a bit of experience at Papunya Community as well.

Your Honour, would you excuse my back for one moment?

THE CORONER: Yes.

MR COLERIDGE: I want – what does the word "appraised" mean?---It's - - -

You were – sorry, go on?---Yeah, bit of I suppose, police speak. Just told him what the situation was.

He then said he will arrange for Darwin/ASP members to come out to Yuendumu. Why?---Because he realised that there was going to be significant tensions within the community. That they were going to be very angry and upset. And – and violent, potentially, towards police – or probably towards police. And having worked there, and in other communities, he was concerned for our safety.

Did he – do you recall, that's during that discussion, talking about whether those Darwin/Alice Springs members would be general duties officers, or a tactical team like the TRG?---I don't recall the details of that conversation, no.

You then record that he requested that you speak with ACPO Derek Williams, regarding how this situation would play out. You also sent him Derek's number. Did

you end up having a conversation with Derek Williams that evening about how the situation might play out?---No. I left that to Sergeant Frost.

At any point did Sergeant Frost speak to you about any communication she'd had with Mr Williams?---I believe she was speaking to and texting Derek during the – the incident. And particularly when he was out the front of the police station with his father, Warren Williams.

And was she communicating to you, what Mr Williams, Derek, what his opinion was of the situation outside?---Yes, so I believe there's a notation later on, about 23:05, where – on that running sheet, about what Derek had said to her.

Can we turn to the next page. Now there are two entries at 23:05. The second entry reads "Frost advised of call", that's a telephone call between yourself and Eddy Robertson. I'll ask you some questions about that in a moment - - - ?---Yes.

- - - but, "Frost advised of the call. She was on the phone with ACPO Derek Williams at the time. Williams suggested that any information to the family should come from bosses, management." You obviously made that notation?---Yes, that's correct.

What did you understand Williams to be saying to Sergeant Frost?---So that was after – I believe that was after Kumanjayi had passed away. And – so the call before that was from Kumanjayi's grandfather, Eddy Robertson, wanting to know what was happening. And I told him that Sergeant Frost would call him back. And then that's when I told Sergeant Frost of the call. And she spoke with ACPO Williams. And basically Williams suggested that any information regarding Kumanjayi's condition, should come from he calls bosses, like management bosses. That's why I put bosses in quotations. That's how he refers to them. But certainly management – senior management.

When you say "management – senior management bosses", what level of the NT Police Force command are we talking about?---At least superintendent level.

So not Sergeant Frost?---No, no.

I want to ask you a question about the call, the immediately preceding call with Eddy Robertson. Now you there recall that Eddy Robertson contacted on the main line in an agitated state, asking if Kumanjayi, and you note that he was the grandfather of Kumanjayi - - - ?---Mm mm.

- - - the deceased, is alive or dead. You answered and advised Robertson that you didn't have any information that you could give him, and that you would get Sergeant Frost to call him back. And you took his mobile phone number?---Yes.

It's correct, isn't it, that at that point in time, you did know Kumanjayi was dead?---Yes.

Why didn't you tell Eddy – Eddy Robertson?---That is a – what we'd call a critical decision. And that could have had implications for how the remainder of the night went. And bearing in mind we – we only had limited resources in the police station, and there was concern that once the community knew he had died, then there – our safety was at risk.

Now, at 23:50, an entry reads "Sergeant Zang(?) contacts Superintendent Nobbs regarding notification to family." First of all, were you present during that communication between Sergeant Zang and Superintendent Nobbs, or was this relayed to you second-hand?---No this was relayed to me second-hand. So I told – so Sergeant Zang came in from Alice Springs. And I notified him that any – that I was – kept this running sheet active as best as I could, and to pass on to me any relevant information for that.

What was Sergeant Zang's role?---He came out with – on Police Air Wing, with the group of general duties officers from Alice Springs. And he was taking control of the incident I believe.

Was he what's known in police speak as the Forward Commander?---Yes, Forward Commander, and he – direct line to the – I think they called it Incident Management Team in – in Alice Springs.

That entry is relatively brief, "Contact Superintendent Nobbs regarding notification to family." What did you understand that, I'm assuming telephone call, to concern?---So what I thought that was meaning was that Sergeant Zang was going to speak with Superintendent Nobbs. And whether they notified – make an official notification to the family about Kumanjayi passing away.

Is that something that Sergeant Zang actually told you, or did he just tell you to note what's noted in the running sheet?---So he just told me to note what was in the running sheet. But I found out later that that's what it was about.

And from whom did you find out later that that was what that was about?---I think from Sergeant Zang.

At 12:07, you record that a phone call took place between Eddy Robertson and Terry Zang, so Sergeant Zang, and that Eddy Robertson was told that Kumanjayi's still receiving medical treatment. I'm assuming "he" is Eddy Robertson - - - ?---Yes.

- - - he said "Thank you, give me a call." Were you present for that telephone call?---No, so it was relayed to me – relayed to me by, from my memory, from Sergeant Zang.

At that point in time Kumanjayi was not receiving medical treatment, was he?---No, I don't believe so.

Did Sergeant Zang have any reason to believe that he was receiving medical treatment?---I don't think so, no.

I want to ask you a question now about - and this is really a matter of fairness about and expert report that has been filed in these proceedings. The expert report is titled, "In normal circumstances understanding the structural nature of racial violence in the Northern Territory. Its authors are Professor Chelsea Watego, Dr Amanda Porter, Dr David Singh, Dr Elizabeth Strykos and Anna Serrato(?), it's dated 16 September 2022 and has been filed by the Northern Territory NAAJA. The report concludes;

"Overall we find that the death of Kumanjaya Walker was the result of brutal, structural, racial violence perpetrated by the Northern Territory Government through its police and health agents."

That is at page 9 of the report.

MR HUTTON: Your Honour, if I might (inaudible) to say - I just think it might be worthwhile indicating your Honour, as I've indicated to counsel assisting, we propose to file some submissions in relation to the admissibility of this report.

THE CORONER: Thank you. So - - -

MR COLERIDGE: I am not examining on the relationship, if any, between systemic racism and health.

MR HUTTON: The conclusion has just been put to the witness that he holds that line.

THE CORONER: I understand there might be some parts that are under objection. I will allow the questions provided they don't substantively go to those areas.

MR COLERIDGE: Thank you, your Honour.

MR FRECKELTON AO KC: We flag the same issue your Honour.

THE CORONER: Thank you, Dr Freckelton.

MR COLERIDGE: It is - I'm not asking for comment on that conclusion, I am just contextualising the question I am about to ask.

THE CORONER: Okay.

MR COLERIDGE: It is said at page 58 of the report, that one way in which that systemic racism manifested on 9 November was in an over-exaggeration by the Northern Territory Police of the level of threat posed to those officers by the community, following the shooting. What, if any comment do you have to make about that allegation?---So, in my experience working with Indigenous communities and particularly in the central desert region there is traditional, cultural payback and that night that as one of the concerns that I had, that they obviously want answers,

but some of the young men - and perhaps even the older men - would want to meter out some - some sort of payback because they are angry and upset as to what has happened and that night - that was a real and present concern for me, given my experience working there and knowing of cultural payback occurring within the community when there is a homicide of an Indigenous person from another Indigenous person.

No further questions, your Honour.

THE CORONER: Mr Boe?

MR BOE: Thank you, your Honour.

XXN BY MR BOE:

MR BOE: Senior Constable, you have premised many answers, including the most recent questions by reference to your experience as a police officer in remote communities as well as knowledge you've acquired about Warlpiri Culture, is that correct?---Yes.

I just want to ask you some questions about that?---Sure.

Prior to commencing training as a police officer you worked as a manager of a McDonald's franchise?---Yes, that's correct.

Was that in an urban setting?---Yes, a suburb of Adelaide.

You had no experience up to then of interacting with any Indigenous people in any substantial way?---Not that I can recall, no.

You have no tertiary education I take it?---I've got a Bachelors of Policing degree.

Is that the certificate of vocation given after you've finished your police training?---No, it's something I did off my own bat with Charles Sturt University.

When was that?---I did it over a period of about eight years, so I can't give you the exact time unfortunately.

But you obtained the degree well after you had been a police officer?---Actually I think I started just before I left - I started doing it just before I left Yuendumu because I wanted to do some extra curricular activity and I thought some type of tertiary education would be a good start.

Was there any component of that qualification associated with understanding Warlpiri culture?---No.

Any Indigenous culture?---There was - I think there was a topic or a subject on the - this is later on in the course - to do with the Royal Commission into Aboriginal Deaths in Custody.

Did that involve you being educated about Indigenous culture?---It was a broad-based subject but there was, - from memory, there was some subjects about different cultures within - Indigenous cultures within Australia.

We've heard yesterday - and I won't essay it now, what you were given at the time of induction and information that you received or not received - I won't cover that, you stand by those answers from yesterday?---Yes.

Did any of - did you independent of your police work, seek to obtain any other cultural training or insight into Warlpiri culture?---No, except from interacting with Jabirula while I was at Yuendumu, both on duty and while off duty.

That was acknowledged in your answers yesterday. I just didn't want to have to repeat it but you informed us that your acquisition of knowledge came largely from on-the-job work and information imparted to you by a particular ACPO?---Yes, that's correct.

Have you read any books about Indigenous culture?---I've read a book on the artists in - the Yuendumu art culture in that community when my ex-wife was working for Warlukurlangu Artists.

None of that information as useful for you in terms of policing, I take it?---Not directly but it's all - it was useful in learning about how the people of Yuendumu, how they record their dreaming and their stories, so that - although not directly related to my work as a police officer, it gave me an appreciation of the culture and their dreaming stories.

Did you understand that some of these drawings recorded their traumas?---Yes, I am aware of the Coniston Massacre.

A significant event for the Yuendumu community at that time, you would accept? --I'm sure it was for them, yes.

Yes, and concerning interaction between police and them?---Yes, although I don't think Yuendumu was established then.

Same people, the Warlpiri?---Yes, that's correct.

You told us yesterday that there was some, to use your words, "Do's and don't's" in relation to dealing with APCOs. Do you remember what - I can give you the whole answer is you like. Your expression was, you were asked, "Can you recall what some of the do's and don'ts were", in response to an answer you earlier gave. And your answer was, "Well, there's - in all community, there's a men's area and a women's area. Obviously, you can't go to the women's area --", et cetera. Do you

remember your answer from yesterday?---Yes.

That was in response to learnings you had obtained from talking to that particular APCO?---Yes, that's correct.

Was that the limit of the cultural information that you had acquired that impact in relation to your policing?---No. There's – without detailing every conversation or interaction.

I'm not asking you that, just - - -?---I had the - - -

Just identify what, if any – I'm sorry to cut you off, but I'm trying to help you to narrow your concern, what, if any, other learnings do you believe you've acquired that assist you or has assisted you in relation to conducting your policing duties in that community?---The kinship system. That's an important part to – I still don't fully understand it because it's very complex and I know there's been lots of studies and books written on it, but trying to understand that, because that's quite important when dealing with people.

How?---Sorry?

How is it important to policing?---Because it's very complex how marriages take place and promised marriages. And some people – some couples marry outside of those conventions and that culture and that creates tensions within the community.

Anything else?---Some areas in the Northern Territory, donkeys are considered sacred animals, because they've – many communities are quite religious and donkeys are sacred because they carried Mary on the back – Mary rode on the back of a donkey before she gave birth to Jesus. And dogs, there's – I think around Tennant Creek, there's dog dreaming. So, dogs are considered sacred in some of those areas. So, many, many things like that.

Did you learn anything about the relevance of funerals and sorry business as to how that may impact upon how you discharge your policing duties around those times?---So, sorry business, yes, Jabirula used to tell us about that and it all depended on the level of sorry business as to how important that person was in the community. So, he told us the dos and don'ts around sorry business.

What are they?---I beg your pardon?

What are they?---From what I can remember, you obviously go and shake the hand of the family and that's both men and women; that's a good respectful thing to do. As soon as you find out that there is a sorry camp and if we needed to go to a sorry camp, we would go seek permission from Jabirula. As for funerals, I don't recall too many things about what he said about funerals. We – occasionally police would be called to attend a funeral if they expected some trouble; if there was some tensions within the families. So, a lot of times, the – there were tensions around when the – where the deceased is to be buried. One side of the family might say, well I want a –

they need to be buried on certain country, certain family's country and the other side might say, we want them on a different part of their country. So, sometimes there were tensions. I particularly didn't agree with police being at funerals. So, if we did get called to attend, we would stay out in the background because I don't want – I wouldn't want my family members to have police at the funeral. So, it was to prevent breaches of the peace and to ensure that, you know, everyone can grieve without there being any violence.

Is there anything else you learnt as to how you might take into account the Warlpiri regard for funerals in your policing decisions?---Not particularly, no.

Were you able to hear evidence from Samara Fernandez-Brown in relation to her explanation to us of the importance of funerals in Warlpiri culture?---No.

Were you able to hear the evidence from Derek about the importance of taking into account the advent of sorry business in terms of policing decisions?---Not all his evidence, no.

Well, did you hear that part of it?---I remember reading something about that, yes.

The question was asked by Mr Boulten SC from NAAJA, and he asked at page 161:

“You spoke about the inappropriate, the wrong way to deal with somebody during a funeral, how important is it for police to be aware of cultural sensitivities?” His answer was, “It's extremely important.”

Now, do you accept that that was a genuine answer by Derek?---Yes.

Did you understand that before I read that to you, that he at least regarded it as extremely important?---The actual funeral or the sorry business is?

Why do you make a distinction?---The sorry business can – is obviously over a long period of time. It can be for some weeks before the funeral, but generally – it depends. Sometimes the deceased doesn't get buried for some months because of those tensions and arguments I was referring to earlier. So, usually the sorry camp is, in my experience, the ones I've experienced have disbanded because, if it's some months between the death and the burial, then they won't be in sorry camp for months and months.

Samara told us at page 153, there are sort of two intense periods. It's directly after the incident, assuming that's the event that caused the death, and then during the funeral and just after that too. You would accept that as a proposition, wouldn't you, that they are intense periods for the community?---Not for the entire community. It depends on the family. Not the entire community goes to a funeral. It's the same as our culture, the family and friends would go to a funeral in our culture and it's my understanding that it's the same in their culture, not everyone goes to a funeral in a community if they have no relationship with that person.

Sure, I understand that. Are you suggesting that there's little difference in what policing decisions one might make if a member of the non-Indigenous community was associated with a funeral, then from a community in which a member of a family is about to attend a funeral. Are you saying that there's not really much difference. It's just a matter of connection to it and they're matters of degree. Is that what you're trying to say?---Yeah, so the closeness of that family member to the deceased, definitely.

Can I tell you that Derek Williams also gave evidence that given the relationship between Kumanjaya and the person whose funeral it was, that he had an important role to play at that funeral. Did you hear that evidence?---No.

In any event, is it your position as expressed yesterday that if you had been aware that Kumanjaya may be attending a funeral, it had no impact on your decision whether or not to arrest him?---Yes, because he had the – the opportunity to, and we would have expressed that, had we known, after his arrest, we would have explained to him that we've got – if he wants bail, we would have to contact an on-call judge, and – to make a determination of bail. And we would have relayed the information about the – the funeral, and the importance of the funeral, to the judge. And left it up to – to them, obviously, to make that decision, where – whether Kumanjaya received bail or not.

Senior Constable, I'll take you to evidence from Remote Sergeant Lanyon Smith on this issue. Quote:

“You recognised that it would seem – it would be seen as disrespectful to arrest anyone during that sort of time?---Yes I can recognise that, yes.”

And then he – I asked him:

“One of the issues to take into account, when you know a funeral is coming on, is that issues might arise during the heightened emotions during that time, which might take up resources such as time and place in watch houses, that you might postpone non-urgent things until after the funeral?---Yes.”

Now, did you understand those two propositions?---Yes.

One of them, acknowledging that there would be disrespect if you attempted an arrest shortly before a funeral. And secondly, that funerals, as you've explained, can sometimes excite emotions, which take up other police resources, you understand?---Yes.

So those are matters, he thought, were relevant to take into account, in the timing on non-urgent arrests, do you understand?---Yes.

As at the time of the attendance at the Robertson's to arrest Kumanjaya Walker, on the sixth, between you and Smith, had there been any discussion about taking into account any of those sorts of factors in timing the arrest?---Well I didn't know there

was a funeral at Yuendumu, from what I can remember. So that certainly wasn't a – a consideration.

Had you known, is your earlier answer, that it would not have made any impact on whether or not you went and arrested him, but it might inform information you may relay to a court concerning bail?---Yes, I understand that it can be seen as disrespectful. But, without knowing his relationship with the deceased, or his involvement in the funeral, I think its impractical to not do our duty, and our work within the community, in that instance.

Given there was no urgency, could you not have made an attempt to find out?---Urgency is a subjective – subjective thing. In this instance, it was a breach of a court order. And I know that the court does, in my experience, it's a serious – some judges consider it to be a serious matter, that it's breaching a court order. It certainly wasn't – he's not a first-time offender. So he's a recidivous property offender as well. So the urgency - - -

Did you - - - ?---In my opinion, is very subjective.

- - - did you know what the nature of the breach was?---I believe it was he'd - - -

No, did you then - - - ?---He was - - -

- - - did you then know? Not, later. Did you then know what the nature of the breach was?---All I was aware of, he had absconded from CAAAPU, which is – I think it's a drug and alcohol rehabilitation.

Did you know how that breach might be remedied?---What – I don't understand what - - -

Well he – you've taken him into custody. You've spoken to us about contemplation of a telephone application for bail?---Yes.

Did you know that there was a way of taking him into custody at some time, that may not result in him having to be incarcerated for that breach?---No, I'm not aware of that.

Would that have been useful information for you to determine the urgency of arresting him before the funeral?

THE CORONER: What are you proposing, Mr Boe? What is the situation that you're suggesting might arise where he would not go into custody, or be dealt with by a court?

MR BOE: The submission, we may make, if the evidence is available, your Honour, for your Honour to consider, is that when Kumanjayi was at large, and having breached that condition, there are means by which, if proper representations are made, that a – he could attend court by telephone, or otherwise. Explain the

circumstances for the breach, and explain that he was not able to return, because of the position taken at CAAAPU, and that the condition that he complete the CAAAPU course could be postponed, or deferred until such time as he could be accommodated at CAAAPU. Now that's the ultimate submission. For present purposes, my question is intended to interrogate whether it's useful for a person being tasked to undertake a non-urgent arrest, they should be equipped with information, so that the arrestee can be comforted before - - -

THE CORONER: Well I don't – I don't think an arrestee can be comforted. Because in the end, it's ultimately the decision of the judge - - -

MR BOE: It is, of course.

THE CORONER: - - - as to what happens. So it would be false comfort for a police officer to suggest that that might be a likely outcome.

MR BOE: No, I fully accept that, your Honour. I'm not at all – I'm – I haven't precisely put my point. The information – the sort of information that we heard Derek say, sometimes taking 40 minutes to explain to Kumanjaya what was going to happen to him. That's really what I'm directed this to. That these are the things that will happen to you. I will take you to the police station. You are being dealt with because of this breach. There are ways in which that can be addressed, and I'm going to help facilitate that process. And I would have thought - - -

THE CORONER: I think it's a bit unrealistic though to think that police can really help to facilitate that process. What they can do, is provide information, for example, in a bail – phone bail, to inform any decision that the judge might make. But – and they can even go so far as to say whether they've got any concerns about whether or not bail could or should be granted. But ultimately, it is the decision of the judge. And they've got no control over the decision of the judge.

MR BOE: Your Honour, I'm hearing very carefully, your Honour's careful identification of the difficulties. I don't know if I'm going to make that submission. I'm just wanting to get the evidence, if it's available, to see if it will assist your Honour, in making some recommendations.

THE CORONER: I just feel like it's a little bit of a false premise, to suggest that there is some way of kind of manoeuvring the situation to the point where it would be unlikely that someone might not be returned to prison.

MR BOE: Well with respect, we don't accept that at the moment, your Honour - - -

THE CORONER: Sure.

MR BOE: - - - I understand that's your view. May I say, this goes to the heart of issues which go to questions of over policing and over-incarceration - - -

THE CORONER: I'm not - - -

MR BOE: - - - no, I'll just finish.

THE CORONER: Sure.

MR BOE: I'm not for the moment, making that submission.

THE CORONER: Okay.

MR BOE: I'm simply identifying what he knew and didn't know, and what he thought might have helped him in terms of attempting a peaceful arrest, or even arrest by appointment.

THE CORONER: Sure. I can – I – it is often the case that people are not returned to custody, in my experience.

MR BOE: Your Honour, I – and as your Honour knows, varying judicial officers take different approaches. And in this inquest, our hope, is to elicit information that helps us all to learn of how to decrease the number of people taken into custody. And I say that with all due respect. I'm not disagreeing with your Honour that there are difficulties. I am not disagreeing with your Honour that it will slow things down. But if there's going to be accommodation of Warlpiri culture as they've been invited to express to your Honour, they are saying very clearly, that there's sometimes a disconnect in the information.

In this case, there is a disconnect that we've seen. That in fact there was a funeral. And no decisions were made, prior to 6 November, to accommodate that fact. Now I'm not going to go on and on about it. But that is the area in which we are seeking to interrogate.

THE CORONER: Sure.

MR FRECKELTON: Your Honour - - -

THE CORONER: Yes, Dr Freckelton?

MR FRECKELTON: - - - I don't mean to interrupt my learned friend's time judiciously but we – we heard the stop watch go off some time ago.

THE CORONER: I think - - -

MR FRECKELTON: We assume that our learned friend is drawing to a close soon in this cross-examination.

THE CORONER: I think Mr Boe has requested some additional time and we've agreed that we can likely accommodate that, provided we are able to complete both witnesses today.

MR FRECKELTON: Both witnesses today, your Honour?

THE CORONER: Yes.

MR FRECKELTON: Thanks, your Honour. That's very helpful, because we can perhaps organise a range of other people.

THE CORONER: Thank you.

MR BOE: I was told that Sergeant Frost wouldn't be - - -

THE CORONER: And I'm taking up your time, Mr Boe. Go on.

MR BOE: Yes, thank you, your Honour.

I've forgotten where I was at. You would accept the proposition that before you go and embark upon an arrest, it's very useful for you to know what potential outcomes there are for the arrestee?---Well, there can be - - -

The whole range?---Yes, so my experience, I know there's several outcomes that can occur.

Yes. And you would think that that would be useful for the person who's facing the arrest to be given some information about that at the time you're arresting him?---At the time of the arrest or?

At the time of the arrest. You've got there – or even just before when you're speaking to relatives and Elders, which is something you acknowledge you ought to do, just saying this, we need to get Kumanjaya because he's breached an order. It has to be sorted out?---Yes, well I think Senior Constable Smith had spoken to them – the family prior to that and told Eddy and Lottie, you know, tell us when he gets into the community, because he has breached an order. So, they were well aware of it.

All right. Well, I won't canvass it with you. Was the trigger information that led to you in fact going to that house on 6 September, a sense that you needed to protect Luana because of the suspicion, no evidence, suspicion that Kumanjaya might have been involved, either directly or as a ringleader?---We weren't protecting Luana Symonds. So, Senior Constable Smith had received information that Kumanjaya was in the community. He knows Kumanjaya very well and has dealt with him on several occasions, knows he's a recidivous property offender and that he has been a ringleader of other youth property offenders in the past and to – one of our jobs is to not only investigate crime, but also try and protect from crime occurring in the community and thus protecting the broader community of Yuendumu. And knowing that Kumanjaya has a warrant and that he was in the community, we had a lawful reason to be there.

None of that's doubted. Senior Constable, what I'm asking you is to what extent to the information you had about the break ins affect the timing of the arrest, not

whether or not you ought to or not, the timing?---Well, the timing is, as I explained, it's – if we can remove him from the community, if that was going to be the determination of the judge, because we would have to contact a judge, or at least – the very least, put some conditions on him, then we would be negligent not to and then knowing that he's in the community and break ins continue.

Constable - - -

MR FRECKELTON: I would ask that the witness be able to finish his answer, your Honour.

MR BOE: He's given the same answer.

MR FRECKELTON: He's being responsive enough.

THE CORONER: I think he is being responsive. I think the negligent point too is getting to the nub of it.

MR BOE: All right, I'm mindful of time, so that's why I was trying to move on. But if you want to keep talking about explaining why you needed to arrest him, with respect, you've said that before. If you're going to say - - -

THE CORONER: I think what he was saying is, you were asking him how the break ins affected the timing.

MR BOE: Correct.

THE CORONER: And I think he was at the point where he was saying effectively, it would have been negligent not to pursue the arrest at that time, given that additional information.

MR BOE: Thanks, your Honour. I apologise for interrupting that answer.

What that in fact your intended evidence?---Yes.

May I ask you this, who was the senior of the two of you between Senior Constable Smith and yourself?---In experience in number of years, myself and rank, I was then a – I may have been actually a remote sergeant, but that's only in name only. But I was a senior constable first class.

Between the two of you, who made the decisions as to what you would or would not do that afternoon?---We agreed, discussed it briefly and then agreed to see if Kumanjaya was at House 577.

A decision by consensus?---Yes.

Now, was that afternoon the first you became aware of being tasked to arrest Kumanjaya?---We weren't tasked to arrest him by anybody. We were aware that

there was a warrant in existence.

It's just that in one of your answers to the examiner, the police, you spoke about the both of you tasking yourselves in order to go and arrest him, that was your word?---Well, that's just in words, but yes, we'd discussed it and we decided to see if he was at 577.

At that time, was there any protocol in place of how arrests will be undertaken under the command of the OIC, by which I mean, was it open to you to simply determine that you would task yourself to go arrest Kumanjayi or did that have to come under a chain of command?---No, we can make that decision ourselves and it's the same in any policing environment, whether it be in a community or an urban environment, you don't need to seek permission from a senior officer to effect an arrest. That would be totally impractical.

Might you here need to get some guidance of how to undertake that arrest?---Guidance? What do you mean by "guidance"?

Well, for example, to take into account the accumulated knowledge within the station of how to ensure that the arrest process did not offend cultural sensibilities in the community?---No, I don't think that would – Sergeant Frost was off duty at the time, so I wouldn't have gone to seek her or tell her what we were doing. If there was a significant unrest in the community or a serious offence that had been committed and we were going to arrest an individual or attend a significant disturbance, then I would have notified her of what we were doing. But in my mind, this arrest or attempted arrest of Kumanjayi before he produced an axe, I consider that to be a low-level arrest.

Something you could do without seeking the assistance of an APCO?---Definitely.

Something you should do, regardless of the learnings in relation to funerals?---Well, I didn't know the funeral was on at that point.

All right. You gave an answer to a question from counsel assisting yesterday when asked:

“Given what Kumanjayi had just done, in your opinion, would he have known he was going to prison?” You answered, “He, without a doubt -”

That was in response to, “following the axe incident”?---Yes.

That was the opinion you had of what Kumanjayi would have known?---Yes.

Now, do you have any sense of what he would have known, had he been arrested in relation to the breach?---I still believe he knew that was more than likely probably going to go back to prison, because he knew he wasn't supposed to be in Yuendumu.

Thank you. Did you know that Kumanjayi was APCO Williams' nephew?---Not until after the shooting.

Do you think that it should be left to individual police officer's judgment to decide whether or not to access an APCO in planning an arrest in the community?---So, you're asking me if – sorry, can you say the question again?

I'll premise it this way. You didn't think it was necessary to access ACPO Williams before this arrest attempt?---No.

Do you think it should be left to your discretion to decide that?---A 100 percent, yes.

Okay. You don't think there's a value in the station having guidelines as to how to utilise the important cultural resource that an ACPO can provide. And on your evidence, as provided to you in the past?---Sorry, can you just repeat the question again?

I know, it's very long winded. Do you think there's a value in a police officer performing duties in Yuendumu, to have some guidelines given to them about when they should access an ACPO to find out information to plan an arrest?---Wouldn't say guidelines, but notify the people that work there know that an ACPO, if there is one available, or an Aboriginal Liaison Officer, depending on the situation, obviously
- - -

Are you saying yes - - - ?---At three in the morning, you – you won't be ringing up an ALO or an ACPO saying we've had a – a female being beaten up by her husband, and he's left, can we – can we go and arrest him. That's – that's impractical.

All right, and – all right. But you knew Derek Williams quite well?---I wouldn't say quite well, but I – I knew him, yes. I hadn't formed a relationship that I had with his – his uncle, the same type of relationship because I wasn't permanently based there.

You were on duty with him until midnight the night before?---Yes that's right.

You knew he had the day off the next day?---Which day was that? The Friday?

The Wednesday?---So did I know he had the day off?

Yes, Tuesday night until midnight, I think, the information provides that the two of you were at Nyirripi and came back late?---We went to Alice Springs and came back late, I think that was the – with the prisoner.

About midnight you got back - - - ?---Yes.

He – he didn't mention to you that he was taking time off for a funeral?---He may have, but I don't recall. I knew he was – later on, that he was definitely taking time off because of the funeral.

Now so you know, I'm not going to cover any of the events that have been covered in relation to what happened on the ninth, or following. What you – sort of, that's already in a lot of evidence. But I do want to just deal with one issue that I raised with Remote Sergeant Smith, if I may. We've heard your evidence concerning your use and non-use of a Glock in your policing in communities. Okay, I'm assuming all those matters and asking these next questions. If you need to be reminded, or improve recollection, please do so. Have I understood it, you have never felt the need to use your Glock whilst policing?---Only in the destruction of animals, but that's usually a long arm.

Yes. Have you been issued with an armoured vest?---No.

Why is that? Is that an optional item?---I got fitted for one, and – before I left Darwin, and I think I was waiting for one to become available, and never followed it up.

Right, okay. So in all your time as a police officer, you've never actually had access to an armoured vest?---We – previous to the load-bearing vest, if that's what you're referring to.

Sorry, I just misheard, I didn't - - - ?---So the vest they have now, they're called load-bearing vests. Where you can put a – a ceramic plate front and back, and it renders it into a ballistic vest. Prior to that, there were, in the station, availability of traditional ballistic vests.

And leaving aside that change, do you mean that in some stations that you were at, there were vests available for you to use, but they weren't allocated specifically to you?---Before the introduction of the load-bearing vests, yes.

And when – and when the load-bearing vests came in, ideally, you would have got your own?---Yes.

And you just didn't follow up getting your own?---That's correct.

And how long ago was that?---When I got fitted for it?

Yes?---Would have been early 2018.

You've never needed one I take it? You've never suffered an injury in an area that a vest protects?---No.

Do you accept that the Glock – sorry. You have several weapons as part of your accoutrements, correct?---Yes.

Some are offensive, and some are defensive? Offensive in the sense of Taser, gun, capsicum spray. Defensive in terms of a vest?---I wouldn't call that a weapon.

All right, protection?---Yes.

Now given what you've explained about your experiences whilst policing in places like Yuendumu, do you accept that you have managed to fully discharge your duties as a police officer, in all respects, without the use of your Glock?---Yes.

It's been unnecessary for you to safely and fully discharge those duties, correct?

MR FRECKELTON: I object to the question, your Honour. The pronoun makes it pretty difficult to answer.

MR BOE: Which pronoun?

MR FRECKELTON: It. If it could be asked again, in a clearer way.

MR BOE: You want me to refer to the gun?

A Glock has been unnecessary for you to utilise to safely and fully discharge your duties?---I wouldn't say that. Having a – so having a firearm, we need that to, not only to protect ourselves, but also other members of the public, so it's an important part of our accoutrements and our tactical options.

No doubt. But in your case, you've not found it necessary to ever use it?---That's right, but that's because it could have also been that they had seen that I was armed, and decided not to – because they see I've got a – a firearm, and then not to further assault me by striking me with a weapon.

As a deterrence?---Yes, that's where I'm getting to, sorry, yep. The word deterrence, good word.

Understand. The – so you're mindful that people in the community do see you wearing the Glock when you're walking around the community?---I'm sure – I'm sure they are - - -

You're hoping - - - ?---Very well aware of it.

Yes, you're hoping they do, because you see it as partly a deterrence?---Yes.

Have you heard the evidence in this court so far about about the views of the community in relation to the wearing of Glocks in Yuendumu?---No I'm not.

Would you accept from me that there has been evidence of that kind heard by this court. And I'll just paraphrase it for you. One expression by Elders, and the like, is that people in the community find the carrying of Glocks in the community, frightening. Right, would you accept that that's evidence that's been given?---Yep, I accept that.

Yes, and – and that secondly, that they do not want community police to carry Glocks in the community. Do you accept that that's been heard here?---If you're telling me that, yes, I accept that.

And do you – hearing that, would you accept that for them to say that in this forum is a genuine expression of their views?---Yep, they have their views, that's right.

Do you agree that wearing a Glock is more visible in a place like Yuendumu, because of the architecture than it might be in say in a suburban setting in a capital city?---No. I disagree with that.

Okay, just in terms of fences, sizes of houses?---There are fences in Yuendumu.

No doubt. But visibility, from the porch, to the road, is unimpaired, isn't it, if a police officer's walking by?---Yes, but it's the same – it's – yes, it's an urban environment, but we're still visible to the public.

That's my point. But in just say you're driving around in a patrol car or walking down the street, in a suburban street, it's most unlikely you wouldn't even be seen?---No, I think I'd be seen down in the Smith Street where there's lots of people.

What about the suburbs like Woollahra?---Sorry?

Woollahra. Do you know where Woollahra is in Sydney?---No.

All right. Now, do you think in terms of the corporate learnings of the police force, that they should take into account the genuinely expressed views about the frightening nature of seeing police officers in the community with guns?---Can you explain "corporate learnings"? I don't understand what you mean?

Your view - sorry - the police force - all the people that Dr Freckelton is appearing for - including yourself. Do you think you, as a group - as a force - should take into genuine account the views of the community that I just summarised?---Everyone has views about policing and how police do things but for any community, whether it's an Indigenous community or an urban community or a small town in country South Australia to suggest that police shouldn't be armed with a sidearm, I find that incredible because there are guns in the community, either guns that are registered - and Yuendumu is the same, there are people with firearms licenses and guns registered to them in Yuendumu, as there are in urban areas and other country areas. So they would expect us to protect the community, that is our job, and to discharge our duties as best we can.

Do you think for example if you're walking into the yard to take a statement from a victim that you might not wear your Glock, for example?---I disagree with that completely.

What - some danger from this victim is it?---Well, what's - if she's a victim of a serious assault and her husband is inside and he comes out with a firearm or a knife and we have to protect the victim and other people in the house and ourselves.

Something you've never ever had to do?---It doesn't mean I - it's not going to happen.

I just skipped over a few questions there.

Thank you, your Honour, I have no further questions.

THE CORONER: Thank you, Mr Boe.

MR MULLINS: Thank you, your Honour.

THE CORONER: Mr Mullins?

MR MULLINS: I will be 20 minutes, does your Honour want to take a break now or after I have finished? Or in between?

THE CORONER: Any particular views? Sit for 20 minutes or take the break now? Then no-one is saying they need to rush out so we'll take the 20 minutes, Mr Mullins and then we'll take the break.

MR MULLINS: Thank you, your Honour.

XXN BY MR MULLINS:

MR MULLINS: Senior Constable, my name is - - -?---Sergeant.

Sergeant, sorry?---Yes. Yes.

My name is Mullins, I appear on behalf of the Brown family?---Yes.

Now, in your most recent statement, which is document 7-53AA AA, which was a short statutory declaration you gave about your approach to policing?---Yes.

Do you recollect that?---(No audible response).

And you say at par 4, the statement that when working at Yuendumu you got to know Mr Curtis, Mr Spencer and their families. Do you remember that?---Yes.

And you mentioned that you had quite a trusted and significant relationship with Mr Curtis and Mr Spencer?---More so Mr Curtis because Jabirula - Mr Spencer, he worked at Kintore, which was several hundred kilometres away, so I didn't really get to see him that much.

In the context of your relationship with Mr Curtis, did you exchange information? ---Yes, though it's more from him to us - more of a - yes, it was a two-way street but a lot of the information came from him.

And he gave you important cultural information?---Yes, sometimes, yes.

And educated you about the Warlpiri culture?---Yes.

And he gave you information from time to time about the movements of Warlpiri people in and around Yuendumu?---In that whole central desert region, they are very mobile with motor vehicles, so even outside of the Warlpiri lands.

And that relationship that you had with him was built on a very deep trust?---Yes, I'd like to think so, yes.

And you had a lot of confidence in him and could rely upon him?---Yes. He had certain limitations because he was - he couldn't read or write too well but his knowledge of the community and his tracking skills, in my opinion, you know, you didn't worry about his level of literacy.

But you say that, "It gave me a deep appreciation of their culture, how policing fits into it and helped police and the Indigenous community"?---That's correct.

And one of those things you learned is described at par 9 where you say, "Remote policing requires a different level of communication than what can be used in an urban area"?---Yes.

"The art of negotiation is also vital and a well-used tool?---Yes.

And "negotiation" you mean is oral negotiation?---Yes.

And you say, "Negotiation can take several minutes, several hours or sometimes days to achieve a necessary outcome to complete the task whatever it may be, without anyone getting hurt"?---That's correct, yes.

Now, did you hear the evidence of Derek Williams, the ACPO?---Not all of it, no.

During the course of his evidence he talked about the process of undertaking an arrest slowly and respectfully?---Okay, right.

Is that something that you may have been familiar with from your interactions with Mr Curtis and Mr Spencer?---Not specifically, no, I don't remember him saying anything like that.

Well certainly when you make reference to, "The art of negotiating taking several minutes, several hours or sometimes days to achieve the necessary outcome" recognises the importance from time to time of a slow and respectful approach? ---Yes, from time to time but not all the time.

Well, there may be some circumstances where there is some urgency in an arrest - that's right?---Definitely.

And generally speaking when you're in a remote community such as Yuendumu and you're undertaking an arrest, if it's not urgent you would take a respectful approach? ---We could do that, yes.

Well, ACPO Williams suggested that an approach that he would often take would be to knock at the door of a person's house rather than knock the door down. Is that something - an approach you would adopt as being respectful?---That's - we did that quite regularly but we also would - if it was urgent and we needed to perform a quick entry of a house to an arrest - to arrest an offender, then we would use our powers that we have to affect a rapid entry.

He also spoke about having a discussion with the family who might be at the house beforehand - before the arrest, to explain what was happening and why they were carrying out the arrest, is that something you would do?---Yes.

And that shows respect to the family?---Yes.

He also spoke about not - when one confronts the potential arrestee, immediately grabbing them and knocking them to the ground but having a discussion with them first and explaining what it is that has happened?---That depends on the level of offending and the person that we're dealing with and a whole range of factors that we must consider before we either go - what we would say "hands on" and immediately handcuff them or speak to them and say, "I'm here to sort out your trouble" whatever that may be. It all - it's a lot of variables.

And another factor that he spoke about was encouraging the person to come with you in the police car rather than handcuffing them and putting them in the cage. Is that something you would do from time to time to show respect?---Previously I have used the - of inviting, opening the police car, the cage door and voluntarily - you know, get them to voluntarily enter without handcuffs being used. However, policing has changed and we are a very risk averse organisation and people have, in the past, been given that opportunity and they've decided to escape, run away after being - or well and - well after they know they're being arrested. And once that happens, there's an escaped custody and then we have a duty of care to that person, and if they run away across a busy road and get hit by a car, then we would be back in court like here where there would be a death in custody. So, handcuffing them is standard practice now for not only their safety, but also our safety.

There's not many busy roads in Yuendumu, is there?---That was just an example. But if that person then escaped - say, for instance, a domestic violence offender, they escape and then we don't catch them for a number of days and then they go and beat up or even, God forbid, murder their partner, we would certainly be asked some tough questions again in a forum like this as to why we didn't do our job correctly.

You gave an answer to a question from Mr Boe where you suggested, and I didn't quite pick it up, so I'd like you just to address it again, that it was negligent not to arrest Kumanjayi Walker as soon as possible. What that the - - -?---Yes.

- - - response you gave for 6 November 2019?---Yes.

And what was the urgency?---Well, as I said, urgency is a subjective thing. However, in this instance, where the – if you want me to explain it again, with the connection with – yes, we didn't have any evidence that he was committing the offences, but knowing he was in the community, knowing his criminal history, if we had decided, well we won't go and do anything about that and the level of offending continues, not knowing that it's Kumanjayi or he hurts himself or hurts somebody else and it's something that we wouldn't be able to dismiss. Taking action at that time can prevent a snowball effect of other things occurring within the community and potentially to himself or his family.

Put shortly, you thought that he may have been involved in the Luana – I can't think of her last name, but the nurse's residence and property offences?---Sorry, can you repeat the question?

Put shortly, that answer you just gave, you believed there was some connection between the property offences at the nurses' quarters and Kumanjayi Walker?---There potentially could have been. We had no evidence, but given Senior Constable Smiths' previous experience with Kumanjayi, that that could have been the case, yes.

And that was the urgency?---Yes.

And there was not one scintilla of evidence that you had that connected him to any of those offences?---No, that's right.

All right. Now, just that level of urgency that you've described, when did that occur to you as being urgent; his arrest as being urgent? On the day?---Well, that afternoon.

Can I read to you, this is from par 6 exhibit 7-53AA, par 6 about two-thirds of the way down the paragraph, you said this in your statutory declaration, "What also comes with experience is not worrying about not arresting people at all costs, especially when you know who the offender is, unless the arrest is a matter of emergency." We can substitute the word "urgency" that you and I've been using there, can't we?---Substitute it for what?

"Emergency". You said "emergency" in your statement?---Okay, yep.

Yes. "They will eventually be located and arrested. That is obviously dependent on what they have done and if they are a threat to the broader community. In the example of our attempted arrest of Kumanjayi Walker, he was only wanted for breaching a court order."?---Yes.

"There was nothing that suggested he was a danger to the community or to others. So, I do not identify anything wrong in my response to being confronted with the axe."?---Yes.

Now, you're talking about a slightly different topic, but what you're saying is, in your statutory declaration, that you did not think there was any urgency about arresting him, because it was only for the breach of the court order?---Well, I say that we've been confronted with the axe, that's what I was referring to.

But the point is, is that you didn't think when you wrote this statutory declaration that there was any particular emergency in arresting him?---I don't understand what you mean. So, in that statement, I was referring to the axe and our reaction to that. But it would still – after that axe incident, he was a threat to the community and to potentially himself.

I'm just going to keep going, but - - -?---Sure.

- - - someone else may have picked it up, I'm sorry. So, could I just say this though, when you went to that house on 6 November 2009 (sic), House 577, did you talk to Lottie before you went into the house?---No, Ethan Robertson.

All right. Who was the owner of the house?---Lottie and Eddy and Ethan lived there.

Did you think that as disrespectful not to speak to her before you went into the house?---No. Ethan knew we were there and I believe from what the evidence of Senior Constable Smith, he spoke to another family member, Janice Burns, as well.

When you entered the room where Kumanjaya was or attempted to enter the room, you were blocked by Rakeisha?---Yes.

And you physically put your hands on Rakeisha?---Not my hands, but I did move her out the way.

And you understood that was disrespectful to her?---Yes, but I tried to do it in a respectful manner because I know that me, myself, being a male and her being a female, but she was preventing us from doing our job and hindering us in trying to do that job effectively.

And you got an immediate response from Kumanjaya?---When she screamed out, yes.

Yes. Then he asked you whether he could speak to Lottie?---No, that was before, before I moved her out the way.

And you said, "No, we want to put the handcuffs on you first"?---Yes, that's correct.

And did you think that was disrespectful?---To put handcuffs on him?

Yes, in those circumstances?---No, not at all. I just explained the reasons why we do put handcuffs on people, to protect them and to protect us and to allow us to have effective control.

There is no doubt that Kumanjaya did not know you were coming. Do you agree with me?---I guess, yeah. I don't know.

MR FRECKELTON: I don't know if the witness can comment on - - -

MR BOE: I'll withdraw that.

His response, his instantaneous response was to pick up something that was close to him?---So, he – like this is after I've said, we're going to put handcuffs on you?

Correct?---Yes.

And then to hold it up high and to run between you and Senior Constable Smith?---Yes.

Now, that converted what was a breach of a court order, in a few seconds, to a serious aggravated assault - - -?---Yes.

- - - on which you say he almost certainly would have gone to prison for?---Yes.

All right. And do you consider that to be a successful arrest plan executed by you?---I consider it to be – okay, we didn't arrest him, but no one was physically hurt. We didn't know that he was going to arm himself and we didn't have the benefit of an arrest plan because as far as I was concerned, it was a – considered to be at the time a low-level arrest, considering his previous history that Senior Constable Smith has had with him.

In your interview on 14 November 2019, it's document 7-052, with Detective Senior Constable First Class Alicia Harvey, you say that before the – well, before Kumanjaya had even arrived at the police station, you recognised that there was going to be a level of volatility and problems associated with the shooting?---Yes.

One of the risks that you identify appears at paragraph – sorry, page 34 of that interview and you say this, "There was a real possibility the police station could be stormed. There's only glass doors out the front. There's open access from the front to the front doors. There's lots of windows on that front side, on that front side of the police station. So where the sergeant's office is there's a window there. All it would have taken is like a big rock to get thrown through a window, or a car, to get driven through the doors, if they were that angry. And then one, all it takes is one person to – to go through, and then the whole mob will go through?---Yes, I'm not saying that but - - -

Ever had a car driven through a police station front window in your career?---No, but I've seen cars on communities go through – drive through fenced yards and houses and onto football fields where people are playing football.

Anybody break a window in the five hours that you were inside the police station?---Not that I can recall, but there was – the ambulance – a rock was thrown at an ambulance, and a nurse was hit. And there was certainly a lot of rocks being thrown into the compound at the police station, and onto the roof that night.

You recounted your statement to Detective Senior Constable Harvey, the information that Jim Lindsay had given you, that if we had to shoot someone, go back to the police station, pack whatever you can, grab our family, jump in the car, and just leave?---Yes.

And you were at that level of concern, before Kumanjaya had even been transported back to the police station?---Yes.

You didn't know how serious it was. You just moved straight from a police officer's been shot, this is the potential catastrophe - - - ?---A police officer wasn't shot.

- - - sorry, sorry. A police officer's shot somebody, this is the potential catastrophe that might apply?---In nature of policing, you always increase your – and your plan and your strategically planning, and what's going to happen next, and trying to account for every possibility.

Your Honour, can I beg for six more minutes?

THE CORONER: Yes.

MR MULLINS: What does - - -

THE CORONER: Can everyone wait six more minutes? Okay.

MR MULLINS: - - - what doesn't appear in your statement, at any time, or in the – what do we call this, chronology - - -

A PERSON UNKNOWN: Running sheet.

MR MULLINS: - - - running sheet. What doesn't appear, is that two people, from the community, came into the station after Kumanjaya arrived, and had a discussion with people inside the station, didn't they?---Which people?

Derek and Warren Williams?---Yes, they were – they – that's right. And their work with controlling the – the crowd outside, the mob outside, went a long way to preventing those things from happening, so yes.

But even though you were so frightened, and so concerned, right from the outset, about what might happen, you still allowed them to come inside the station to have a discussion with you?---Well I trusted Derek and Warren, to come into the station, yes. Derek's a member of the police force, and he has the utmost respect for his colleagues, and for the Northern Territory Police. So I know he wouldn't do anything. And the same with Warren Williams. He's very – very good man.

So – I should say, were you present for the discussions with Derek and Warren when they came into the station?---I don't believe so, no.

Do you know how long they were in there for?---Not for very long I don't think, no.

Can you explain why it is, in your running sheet, that that interaction with the community doesn't appear?---So as I explained to your Honour before that I was – wasn't tied to the – my desk and to the computer, getting up and doing other – other tasking's, or ensuring that all the members were – were okay. There was a couple of members outside the police station. So I wasn't tied to the computer at all, and that's why there were some things missing from that running sheet.

At page 30, of that statement, you identify two objective particulars of unrest. The first was the throwing of rocks, that's right?---Is this – which statement's this sorry?

This is the statement to the Senior Constable – or Detective Senior Constable First Class Harvey?---Yes, can you repeat the question please.

So you identify two particulars of – or two aspects of objective evidence, of unrest outside. The first was the throwing of rocks?---Yes.

How many rocks were thrown?---Oh, several, many, lots. More than the fingers that I've got on my hand.

Okay, so over five hours, about 10 rocks, more than 10 rocks?---No, more, dozens and dozens.

Okay, were any photographs taken of the rocks?---No.

Are the rocks still on the roof?---They actually could well be.

Was any photograph taken of the damage that was done?---To the ambulance, I'm not sure about that, but - - -

What about to the police station?---There was – I believe there was some photos taken of the police station with regards to some vandalism that was done.

And the second was – the second particular you identified was people being angry?---Yes.

And what was that? People yelling?---Yes.

Now have you seen the footage that Samara Fernandez-Brown has taken of what actually was happening outside the station?---I saw some footage, yes.

And does that reflect what you saw as the anger?---No that was a very narrow field of view, and it doesn't take into account the area on the other side of the police station, what I know to be called Police Camp.

Did any other officer other than you have a beard?---Very good question, I don't know.

Right. Some of the footage shows an officer with a beard conversing with people in the community through a hole in a fence, or what looks like a fence, or a gate. Do you know who that was?---Could have been Constable Alefaio, but I'd be just guessing, your Honour.

THE CORONER: Not you then.

MR MULLINS: Just a couple of brief things. At 23.05, there was a – you've been taken to a couple of telephone calls. One to Eddy Robertson, and a second one to Associate – sorry, ACPO Derek Williams, by Sergeant Frost. Were you involved in the decision making about whether to tell people that Kumanjaya had passed away?---No, not at all.

Now, one of the things you do say is that when you were planning to leave, you were very concerned about Sergeant Frost?---Can you explain that?

Well you're concerned about her well-being?---Is this – what day's this?

The day that's – on 9 November, in the evening, when you're contemplating leaving, evacuating?---Was I concerned about her?

Yes, were you concerned about her well-being, that she was upset?---No, no, I wasn't concerned about her well-being. I was concerned about the police station, the members as a collective.

All right, well you went to Sergeant Frost's house to grab her dogs?---Yes, that's right.

Because they were important to her, because they're her family?---Yes, that's right.

And you knew that she'd be very upset if those dogs were in some way hurt, or caught up in some sort of melee?---More so, didn't want to leave them behind, because then there'd be no one to feed them.

Right. How do you think the family of Kumanjaya Walker felt, knowing that his – their son, nephew, grandson, brother, had been shot, and had died in the police station, and they didn't even know?---It's very upsetting to me that that was the case. But the decision making process on that was – was not down to myself, at a local level. It was much higher up, I believe, than – than us making that decision. So I can understand how hurt and upset the family is, in particular, Derek Williams, knowing that he was related to Kumanjaya.

And if the choice was yours, can I suggest to you, during the course of the evening, you would have got Warren and Derek back in, and have a conversation with them about what was happening, so that they were fully informed?---Pretty sure they knew what – what had happened. In fact I know they knew what had happened, when they were outside the police station, Derek and – at least Derek knew that he'd been – he'd been shot, and possibly had – had died.

Had – why do you think that they knew that he had died?---During that – so that running sheet entry – well – just – where Eddy Robertson had contacted the police station, and then – can you read out what I – what I wrote please?

A PERSON UNKNOWN: (Inaudible).

THE CORONER: Sure.

MR MULLINS: This is my last question, your Honour. Sorry, that was my last question.

A PERSON UNKNOWN: 7-52 attachment 1. It's the second page.

THE WITNESS: So I take that, "Frost advised of the call. She was on the phone with ACPO" – excuse me, "Derek Williams at the time. Williams suggested that information to the family about Kumanjayi condition's" – well I'm paraphrasing, Kumanjayi's condition should come from bosses, so the management.

MR MULLINS: And what in that sentence tells you that they knew that he had passed away?---That ACPO Williams would have recognised that there were serious implications, once the – for us, that's the police officers at the station, once the broader community knew that he had passed away.

Thank you, your Honour. And thank you to my colleagues for the indulgence.

THE CORONER: We'll take the morning adjournment for 15 minutes.

WITNESS WITHDREW

ADJOURNED

RESUMED

CHRISTOPHER HAND:

THE CORONER: Yes, Mr Murphy.

XXN BY MR MURPHY:

MR MURPHY: Thank you, your Honour.

Sergeant, my name's Julian Murphy asking some questions for NAAJA. You might not believe me, but I believe (inaudible) under 20 minutes?---No problem.

And I'll just proceed chronology, so from 6 November to the night on (inaudible). So just starting with your call out to Luana Symonds place. You said in your first recorded interview that Ms Symonds said something to you like she thought there was an unwritten rule in the community that clinic staff are off limits for unlawful entries. So that upset her a bit?---Yes, that's right.

Could you just explain what you understood by that? And I note, just for your benefit, that you also talked about a no-go zone, off limits, in your evidence yesterday, but could you just explain what you meant – what you thought she meant?---That the clinic are there to help the community, and she – I – you know I took that comment from her to mean that she was quite surprised that in her time at Yuendumu that she'd been broken into. She hadn't been broken into before, so she was a bit upset at that, and thought that it would never happen to her.

Obviously break-ins do happen at other people's houses in Yuendumu?---Yes, that's right. Even police houses have been broken into before. Sergeant Frost's house was unlawfully entered not long after she arrived there.

In terms of from a police perspective, I guess you can only speak for yourself, but is it police view that break-ins at clinic houses are pretty more serious than break-ins at community members houses?---Community with – I can't recall too many incidents where a community member has reported a house being broken into, except may be on two or three occasions, at – not Yuendumu, but other communities. Generally speaking, it's the – from Yuendumu perspective, and other communities, generally speaking, it's the shops and Kartiya houses, so teachers, nurses.

But even though there are those break-ins at shops and teachers, is there a general understanding that there shouldn't be break-ins at the clinic's house, as you understand it from being in communities?---That was her – that was Ms Symonds impression. I mean it's a bit upsetting for them. They're there to – all Kartiya workers, all workers, you know, police, teachers, doctors, nurses, shop-keepers, all there to – to help the community, and to be – to be better. And in particular with Luana, she thought, because you know, they're the vital service of health, that – apart from the violation of her – her home, but just the fact that being a nurse, she

thought she might have been immune to – to a break-in because that was her first experience in some – or ever, I think.

I just want to move now to – I want to ask you about the attempted arrest on 6 November, and answered a lot of questions about that. But after that, you went back to the house to speak to Lottie Robertson and that was caught on body-worn camera. Do – do you recall your conversation with Lottie - - - ?---Parts of it, yes, bits of the conversation, yes.

And just for everyone's benefit, I'm going to be reading from exhibits from the trial, which is document number 19-057.

Do you recall saying something to Lottie Robertson like, "So next time he does that, he might – he might get shot." She responds, "I know." And you say, "In Alice Springs, like community policemen are different to town policemen." Do you recall saying something like that?---Yes.

What did you mean by that?---I think I was asked that question yesterday as well. That they know us. We know them. You know, we have that closer relationship with the community that a police officer in Alice Springs probably wouldn't have. In so far as we see them every day, down at the shop, at the clinic, or they come into the police station because they need to register a vehicle, or get a driver's licence, and we've – community police officers build up that close relationship with – with community members. But then with also the – how community police officers deal with certain situations, on community. Whereas if it was a – an urban environment, you may get a different result. But part of that conversation was to impress upon her the seriousness of what Kumanjaji had done.

I just might ask you to just explain a little bit further that answer. You've talked about differences between the relationships that community police officers have with community members, and the relationships that town police officers might be able to have. How do those relationships change the likelihood of a police officer shooting a civilian?---That's a difficult question to answer, as all depending on that situation and that police officer's experience. And what – the situation that they're being confronted with.

But you agree don't you, that in that answer, or in that observation you've made to Lottie Robertson, you're expressing the view that it was more likely that he would have got shot if it was an Alice Springs police officer?---Possibly, yes. Trying to impress on – you know, and saying to her, you know, you know us, we're community police officers. We do things a different way to what happens in town.

And I know there are a lot of differences that you've spoken about, some other differences, but one of those differences is attempting to use less force than might be used (inaudible)?---Yes, yes, whether – whether you're in a community or in – form a personal perspective, whether I'm in Alice Springs, Darwin, or Yuendumu, or any other Indigenous community, I'll – the force that I'll use to effect an arrest, I keep it proportionate to the circumstances that I'm facing.

We're just talking about yourself, but in the answer, in the observation you made to Lottie Robertson, you said "Like community policemen are different to town policemen." So you were talking generally then?---Mm mm.

And my question is do you agree that generally speaking, appreciating that individuals will differ, your perception is that community police officers are less likely to use force than town police officers?---In my experience, yes.

And that includes less likely to use lethal force, like firing a gun?---Yes.

Could I just move to a related topic which is after the 6 November attempted arrest. You did one recorded interview on 14 November, and then a second recorded interview on 17 December?---Yes.

And in the second interview, do you recall being asked have you received any criticism for the way in which you conducted the attempted arrest on 6 November?---I remember that question, yes.

And it's correct, isn't it, that you had in fact heard, even if was indirectly, of some criticism of the way in which you'd attempted the arrest on 6 November?---Yes, indirectly.

And albeit indirect, is it correct that that criticism that you've heard of came from town police officers?---I – yes. I assume it would have been, yes.

And the criticism was to the effect of, and these are your words, "Probably should have shot him."?---Yes.

So, you know if that criticism was relayed to you in between the 6 November attempted arrest, but before the 9 November fatal incident?---I had only heard about it post – after the shooting – sorry, heard of it. As it said, yes, it was indirect.

Okay. You heard about it after the shooting and what did you understand that criticism to mean or to be directed to, "Probably should have shot of him"?---Probably more so that I was justified, in their eyes, justified to use lethal force.

But knowing, as you did – no, I'll retract that. I'll just move on and I think I'll be over in the five minutes left, but I think I'm tracking okay.

I had a question that – just a kind of quite specific question, Mr Coleridge asked you yesterday about the decision to request a police dog in the arrest attempt over the 9th and the 10th and I know that that wasn't ultimately – well, as I understand it, not your decision. But Mr Coleridge asked you about dogs and you said that – I just want to get it right, I think Mr Coleridge was referring to Sergeant Frost, "What did you say about the dog handler?" And you responded, "Just in our experience, Indigenous people at Yuendumu, I had a dog many years ago a rottweiler, and they

didn't like my rottweiler --", And then you continued your answer talking about camp dogs and police dogs. Could I just ask you, when you said there, "In our experience, Indigenous people at Yuendumu didn't like dogs", like your rottweiler?---Mm.

When you say, "didn't like", do you mean they were afraid of him?---Yes.

Okay. And it was that reason that the dog might have been of assistance in the attempted arrest. Is that right?---Dogs – police dogs are a good – I'm not a dog handler, a police dog handler, but surely there will be one giving evidence here, that just knowing that they're there are a good deterrent.

It's the fear?---Yes.

So, as your understanding, and I know you're just speaking to your understanding, it was to use that fear in the arrest. That was the plan for the use of the dog?---To encourage people to stop what they're doing and whether they've – if they want to run from police or if they've harmed themselves with a weapon, again, I don't – I can't speak for a dog handler, but I'm led to believe they're very effective, even just sitting in the back of their – in their police car in their little cage and barking. And that can be a very effective deterrent for people to comply.

You've used the word – so, you're saying that even just having the dog in the cage in the back of a car can cause people to comply. Is that right?---Yes.

And you understood that to be because of those people's fear of the dog?---Yes.

Were you aware that Kumanjayi Walker had been attacked by a police dog prior to - -?---No, I was not aware of that.

I've just got two topics left now to ask you about. Yesterday, in answer to questions from Mr Coleridge at page 562 of the transcript, you were giving an answer about the purpose of the IRT being in the community and the question was, "What, if anything, did you understand the IRT were to do until 5:30 am in the morning?" And you said, "So, they were to provide some high-profile policing presence on that night --", so the night they arrived, "just to give the community – so high-profile policing is a good way of letting the community know, whether it's an Indigenous community or an urban community, that police are around and available. It might quell any disturbances. And the rest, mentioned earlier. Is it correct that high-profile policing refers to – I'm not sure if it's a specific term, but it refers to police being in uniform and visible in the community?---Visible, yeah high visibility policing and that's another term you could use.

And as you've said there, really the purpose of it is to let the community know, and one of the words you used is that "police are around and are available"?---Yeah and to give them some – a level of comfort that police are there.

Is that, in your opinion, and I know you're not necessarily always calling the shots and not necessarily in control of these things, do you think that purpose of providing

comfort, to use the word you've just used, is going to be furthered or really detracted from by those high visibility police carrying long arms like beanbag shotguns and AR 15s?---So, who – sorry, are you referring to the IRT being armed with other weapons other than our police issued Glock's?

It could be them or it could be anyone. I mean - - -?---So, high – yeah. so, high visibility policing or high-profile policing is to be done a number of ways; driving around in a police car; getting out of the police car and foot patrol and talking with people, interacting with people, but not a – it's not meant to be a show of force, but to make people aware that police are around, so if they decide they might want to commit some crime, to not commit crime, because police are around and it's not every – back then, it wasn't every night that police were on duty in Yuendumu. There were some nights where we were and some nights where we weren't, just depending on the roster. So, having that extra policing presence is beneficial to keep the community safe.

And you just said it's not meant to be a show of force, would you agree though that if police officers are carrying beanbag shotguns and AR 15s, that is – would be perceived by any member of the community as a show of force?---Are we talking – carrying around in public or being secreted in a car?

I'm talking in public and in people's yards?---Yes, that could be, yes.

I'm onto my last topic now and it's in relation to your experience at the police station after the fatal incident, or after the shooting rather, from the 9th to the 10th and you've spoken about it in your first recorded interview in particular, and I know you've been asked some question about it already. So, I'll try not to traverse all of the same grounds. But you said, and this is at page 26 of that first interview for anyone, "When police even injure, let alone shoot – not that I've experienced it before, but I know what's going to happen. I know, you know, that on these communities, they start a riot just over a Facebook post and get angry." Do you recall saying something – that question to you?---Yes.

So, you used the words "I know what's going to happen", is it fair to say that you really, you used that word "know", but your worry about what was going to happen was a really concrete one. You were – this wasn't just a vague possibility, you were really scared about this potential - - -?---Yeah, I was very very concerned about what was going to happen that night.

And you said there that you hadn't experienced it but is it true that you'd heard or known about police injuring or shooting an Indigenous person in other Indigenous communities?---Only the Wadeye reference.

Okay, so just that fear that you've spoken about was primarily based upon what you understood to have happened at Wadeye?---Yes. And also with what - with my other comment about other disturbances within the community that can be started over a simple Facebook post, so this obviously wasn't a Facebook post, it was an Indigenous man being shot by police so that's what I meant by that.

Just when you refer to those other disturbances though, do you agree that when you are referring to your knowledge of those, that's referring to disturbances between groups of individuals in the community?---Yes, that's right.

Rather than directed to the police?---Yes.

So what made you think that if you can articulate - what made you think or fear that what had happened 20 years ago and hundreds of kilometres away in Wadeye was a good predictor that that might happen in Yuendumu?---Well, obviously taking that into account but with my reference to the Facebook posts and even my other dealings at Yuendumu, when they are unhappy with police they get extremely angry. I've even seen it where a police officer unwittingly ran over someone's pet dog and a group of people came to the police station - and this is in the 90s - and were very angry understandably because their pet dog had been run over but in that instance they - a couple of people armed themselves with weapons, so my - what my point that I'm getting at is that the level of violence sometimes used on communities, which has occurred in the past, that's what I was worried about.

I'm nearly finished, Sergeant. And it was incidents like that one you've referred to with the dog and I guess more seriously in Wadeye, that led you to the fear that community members might - and I'm quoting parts of your interview - quote - "Storm the police station and go for firearms" "our lives were in danger" and that - and this isn't a quote - but to the effect that someone might drive a car through the front doors of the police station?---Yes. So as I explained before, the concern was that members of the community would seek cultural payback on the police. Not saying that all of the community have that mind set but we need to be mindful that that is part of their culture, traditional payback and if there's a mixture of the anger and tension and if there's some alcohol that has been consumed then sometimes that does get out of hand.

You had no information that alcohol had been consumed that night?---No, but during funerals there is a tendency for alcohol to come to a community, just like when you or I go to a funeral afterwards there'd be a wake and there'll be alcohol consumed there and it's no different to Indigenous communities. Some people might like to consume alcohol after the funeral.

My last question is about cultural payback. Something that you mentioned today. You understand cultural payback to be a part of traditional Warlpiri culture?---Yes.

And you understand it to be quite a formal, organised process?---Not all the time, your Honour.

But according to traditional culture?---If it's traditional then yes, but many times it's not traditional where people are - have consumed alcohol and their payback is not sanctioned - for want of a better term - by communities and that's how people end up being seriously hurt and killed.

Just sticking with traditionally at the moment but I understand your qualification. Do you also understand that traditionally it's a restorative process not a revenge process per se?---Yes and no. A lot of it is - especially when the alcohol is involved, probably more revenge than a restorative thing.

Sure, but when it's done traditionally, according to the traditional law and culture, not with the influence of alcohol do you understand it to be restorative and not revenge? ---It's supposed to be, yes.

So then just referring to - if I can call it - this fear of a distorted form of alcohol influenced payback, that's what you feared on that night, is that right?---Yes.

Are you aware of Warlpiri people ever in the past meting out - and that word "meting" is a word that you used earlier - meting out cultural payback on a police officer previously in Yuendumu?---Not cultural payback but it was - in my experience Yuendumu and other communities - I haven't been part of a police shooting before but at a lower level, not payback but more so kicking that police officer out of the community if they thought they were disrespectful to community members.

That's something very different to what you say you feared on this night, which is people storming the police station and going - - -?---That's right, because someone had been shot and killed.

My final question then is you agree, don't you, that you had this fear of community members - a mob of community members - that word "mob" is used - it was used by you today - it's used in your statement?---Yes.

Do you agree that you were scared of a mob of community members potentially driving through the doors of the police station, storming the police station and going for firearms, you would agree that's what you were afraid of?---That was a concern, yes, that was one of many.

Do you agree though that never in Australian history have a mob of Indigenous people ever driven through the doors of a police station and got their hands on the firearms within the police station? To your knowledge?---I haven't studied it.

To your knowledge?---To my knowledge, no.

Those are the questions, your Honour.

THE CORONER: Thank you. Any other questions? Mr Officer?

MR OFFICER: Yes, thank you, your Honour.

XXN BY MR OFFICER:

MR OFFICER: Sergeant, my name is Luke Officer and I represent Constable Zachary Rolfe. Can I just start with a couple of brief propositions for your view?

Firstly, as a police officer when you are trying to - or potentially affect an arrest, information and intelligence is crucial to the performance of your duties when trying to affect an arrest, would you agree with that?---Yes.

And intelligence can be a range of things, as to where someone is, for example? An offender – potential offender?---Yes.

And logically, you can't go and arrest someone unless you know where they are, or have some information as to where they are as an example?---Yes.

That would be a form of information. The second proposition then can I just ask you is that every arrest is different?---Yes.

And that there is certainly, in some arrests, a level of unpredictability?---Yes.

For example, what happen on 6 November was unpredictable?---Yes.

Just turning to the 6 November. And briefly looking at your evidence from yesterday. At around 5.45 pm, you received information about the unlawful entry at Luana's house?---Yes, that's correct.

And you attend with Senior Constable Smith?---Yes.

And you start undertaking tasks with respect to finger print analysis, for example, and responding to that unlawful entry?---Yes.

And by 6.25 pm, you and then Senior Constable Smith, have made a decision in fact to go to House 577?---Yes, that's correct.

And that was on the back of information, or intelligence, that Senior Constable Smith had received, from a community source, that Kumanjayi Walker was in the community?---That's correct, yes.

And that's information or intelligence you have fresh to hand?---Senior Constable Smith did, yes.

Yes, and he passed it on to you?---Yes, that's right.

And based on that intelligence, and that information – sorry, can I withdraw that. Were you close by to House 577 at the time when you received that information?---Relatively close. 577, I think, is at West Camp.

Yes?---And Luana's – if you've been to Yuendumu, Luana's house is near the morgue.

Indeed, Constable – Senior Constable Smith had been approved for overtime, by the time you get to 577?---Well so I think it was before he got to – to assist with the unlawful entry and any other enquiries we needed to conduct.

Sure. And other intelligence or information that you had was that – from Senior Constable Smith, that he knew Kumanjayi well?---Yes.

That he was a a prolific property offender?---Yes.

And in your words, “Known to be a ring leader in relation to the unlawful entries”?---Yes.

That’s all information that you’d classify as intelligence and information?---Yes.

And so you decide to attend. This court has heard evidence from an Elder, Mr Williams, that information can’t be kept secret in the community. It spreads like wild fire. Would you agree with that?---That’s probably – probably true, yes.

In fact your words yesterday were that there was a risk that Elders would tip family members off about police trying to arrest?---Yes, that’s correct.

So when you receive information or intelligence, as Senior Constable Smith here had, in relation to a community source that Kumanjayi was in in the community, and in your evidence earlier to my friends, knowing his criminal history, knowing the fact he might have been a ring leader, and knowing the fact that he had a warrant out for his arrest, that was information, intelligence, you acted on there and then?---That’s right.

Because there’s a risk that that community source could have relayed the information that he’d tipped police off, back to the community?---Definitely, yes.

You then attend at House 577, and a door is open?---Yes.

And Senior Constable Smith actually enters into the house first, before you?---Yes.

And you come across a person you know to be Ethan Robertson?---Yes, that’s correct.

And Ethan points to the back of the house?---Yes.

You then knock on the door, you don’t knock the door down?---Senior Constable Smith knocked on the door, yes.

Smith knocked on the door. And it turns out, your intelligence or information was correct. You came across Kumanjayi Walker?---That’s correct, yes.

Now I’m not going to go through a blow by blow account as to what followed there. Can I just ask, in the sense of your decision not to discharge your firearm a couple of things. You used the expression in your evidence yesterday that the raising of the axe, and certainly in previous experiences, the utilisation of a weapon is sometimes a show of force?---Yes, in my experience.

And they – they do it to show that force to their family?---And to police, yes.

And to police. But – but and I think you even used the term that they “Brandish” weapons?---Yes, that’s a bit of a police – police speak.

Sure. But would you agree that the brandishing of a weapon is vastly different to the actual deployment of a weapon, on a person?---Yes.

So in this case, you weren’t struck with the axe?---That’s correct, no.

Were you struck at all by Kumanjayi? You said that you reached out to his right hand with your left hand, but you didn’t bear hug him?---No, sorry, no, so when he was in the door way, I grabbed his left – left arm, and the axe was in his right hand but - - -

Then he let go of it?---Yes, that’s right.

You certainly didn’t wrestle him?---No.

You didn’t wrestle him to the ground?---No.

Your partner, Senior Constable Smith didn’t wrestle him to the ground?---No.

In fact, he drops the weapon and he absconds?---Yes.

And so that’s a scenario where he has displayed a show of force?---Yes.

By the use of a weapon?---Yes.

But hasn’t physically deployed it against you or your partner, by physically deploy, I mean hit you or struck you?---That’s correct, yes.

Can I turn to 9 November, and this is the time in which you’re preparing your statement. And as I understand your evidence that the information you had was from a verbal conversation with Sergeant Frost about an arrest at 5.30 in the morning?---Yes.

You hadn’t read the email that was circulated with the so-called arrest plan, had you?---No, but I knew of it.

Knew of it. It was inserted in your statement of 14 November, you refer to information about an email, but you hadn’t read it?---Yes, that’s right.

And in your conversations with Sergeant Frost, about the discussion and arrest at 5 am, was it ever expressed in terms that it was a preference, as opposed to a mandate. So that those at Yuendumu, yourself, and Sergeant Frost, could get some rest?---The early morning arrest was the – the option to capture – get Kumanjayi by

surprise. Take him by surprise, so preferred and mandated, mandated means you can't do anything else. If they were to see him in the- if they would see Kumanjaya in the street going to the shop, then of course, they – they should arrest him. You don't just let that person go.

Yes, so you use the word "option"?---With regards to what sorry?

In your answer just then, when I asked was it expressed in terms that the arrest at 5 am was a preference so you could get rest?---Well that was the – yeah, the – not so much to – for us to obtain rest, but for the safe arrest of – the safest possible way to catch Kumanjaya by surprise, was the 5.30 – was the 5.30 arrest.

Yes, you agree that it was option, that's the word you used before, "option"?---Yes, unless they saw him walking up the street.

Exactly?---Mm mm.

And are you aware that Sergeant Frost had said to those members of the IRT, including Constable Rolfe, if you did come across him, arrest him?---Yes. That – that would be – you – I would expect anyone – any police officer to say that.

So on 6 November when you, or Senior Constable Smith had received intelligence that he – Kumanjaya was in the community?---Yes.

And Senior Constable Smith knew he was at 577, and you attended to effect an arrest, you just so happen to come across him, and attempted to effect an arrest?---Exactly.

And in fact you said in your statement on 14 November, about your involvement in the briefing, that you kept yourself out of it?---Yes, correct.

And what you did, and this is to Donaldson, the dog handler, as well as the IRT, is you pointed to some locations on a map as to where he might be?---Just 577, and where he ran.

Just 577 and where he ran?---Yes.

So there's certainly – except for that relationship between House 577 and the axe incident, you didn't know, and can I suggest, no one else knew, exactly where Kumanjaya was at that time?---No, but that was the most likely place he would be, as that's where Senior Constable Smith and I first went. As he said that's the most likely place he's going to be, because that's where his family is, and his girlfriend, Rakeisha.

Yes, because you say at page 25 of your statement on 14 November, shortly after saying you think the plan is for Alefaio to start at 5 o'clock the next day, "Once they had intel that he was still in the community, because at this stage, we didn't know he was still in the community"?---That's correct.

That's three days' later after the axe incident?---Yes.

And you later say when the IRT depart, this is about point 5 of page 25, "So, I assumed that they went out to arrest him or to find him or to gather intelligence, as they said." That's when the IRT depart, do you agree?---Yes.

So, going back to my earlier proposition at the start of the cross-examination, if you don't know where someone is and you're sent to arrest them, you need to find out firstly where they might be?---Potentially, yes.

And if you come across some information, fresh information, as to where they might be, for example, in a particular house, bearing in mind what you said about sometimes information can be spread by Elders and there can be a tip off?---Yes.

You act on that information that the intelligence should have at the time, don't you?---Yes.

Because to return at that point in time, perhaps ideally go and effect an arrest at 5 am the next morning, the offender could have absconded from the community altogether?---Potentially, yes.

In fact, do you recall that – I think some of the IRT members, if not all, bought swags to the Yuendumu Police Station?---Yes, I think that was a directive.

Yes. So, they were certainly anticipating the possibility of still being there overnight if they hadn't located Kumanjayi earlier?---Yes.

Do you agree? Were you ever aware of any instruction in your discussions with Sergeant Frost about the use of long arms?---No.

It's not a – working on a community, it's not a preferred option to be wandering around a community with a long arm, unless you're dealing with an offender who's armed with a gun themselves. And that's any – I would take that to be anywhere in the Northern Territory.

Were you aware of any instruction by Sergeant Frost for either you or others, and by "others" I mean Alefaio, that they were to stay at the police station and weren't to assist in the arrest?---Sorry, can you say that again?

Were you ever aware of an instruction by Sergeant Frost that you or Alefaio or even Senior Constable Smith were not to assist in the arrest, but were to stay in the police station?

THE CORONER: I don't know that that's a – I think you need to break that up into the individuals, Mr Officer.

MR OFFICER: Were you ever – were you ever told by Sergeant Frost that you

were to remain at the Yuendumu Police Station and assist once Kumanjayi had been arrested?---

MR FRECKELTON: At what point in time?

MR OFFICER: On 9 November 2019?---No, I don't recall that.

MR FRECKELTON: Do you mean in the evening or do you mean at 5:30 am?

MR OFFICER: It's a simple proposition.

MR FRECKELTON: I'm just asking you to clarify.

MR OFFICER: And I'll ask the next question.

MR FRECKELTON: Your Honour, the objection is, there are two relevant points in time. There is the evening of 9 November and then there are the events, or what might have been the events of the morning of 10 November. If there is a question about one or the other, the question should be put directly, but it is unfair to put it in a vague way.

THE CORONER: Well, I think he's asking if there was any instruction on 9 November and it could relate to either of those time periods, so I think he's allowed to ask that question and if there's a positive answer, then maybe it needs to be clarified further. Yes, Mr Officer.

MR OFFICER: Thank you, your Honour.

Sergeant, were you ever instructed to remain at Yuendumu Police Station and assist once Kumanjayi had been arrested?---No.

Were you ever informed or instructed that had there been no arrest on the night of 9 November, but certainly one the next morning, that that is when you might accompany the IRT?---Accompanying them where?

To arrest in the morning. If there wasn't an arrest on the night of 9 November?---I wasn't to be part of any arrest and I made that clear to Sergeant Frost.

MR OFFICER: Well, you weren't aware if that instruction was given to any other member of Yuendumu Police Station?---I haven't – I didn't hear any conversation, but that was the purpose of extra resources being in Yuendumu, because Senior Constable Smith was in Alice Springs on a rostered day off and Constable Weathers wasn't in the community and with the fatigue issues that were raised yesterday, that just left myself and Sergeant Frost there and with my telling her that I didn't want to be part of the arrest, that required the resources from Alice Springs.

Because there had been a significant escalation in Kumanjayi's conduct from

6 November, hadn't there?---As opposed to what?

Well, there had been a significant escalation in his conduct towards police officers on 6 November?---Yes.

Running at you with an axe?---Yes.

And so, an arrest or apprehension of Kumanjaya was imperative, would you agree?---Yes.

And certainly it was viewed as imminent and is that why you were preparing your statement at the police station in relation to the 6 November 2019 incident?---I was preparing my statement so once the arrest was done, that 5:30 the next day, that the bulk of the prosecution file was completed and then if there was a – if Kumanjaya was remanded into custody, then there would be sufficient evidence on the file to get him remanded and for it to be heard in Alice Springs.

Or indeed if they came across him when they departed the police station at 7:05 pm and so happened to arrest him, because they did come across him. Is that also - - - ?---That's a possibility, yes. And I didn't – I think I was going to have the following day off as well to get some rest, so.

Thank you, your Honour, I have no more questions.

THE CORONER: Thank you. Any other questions?

Yes, Mr Hutton?

XXN BY MR HUTTON,

MR HUTTON: Sergeant, my name is Tom Hutton. I appear for the Department of Health?---Yes.

I too want to ask you some questions about the events in Yuendumu commencing on 6 November 2019?---Yes.

When you attended the unlawful entry (inaudible) this house on the afternoon of 6 November, did you observe any damage to the house?---From what I can remember, there security screens over the windows, particularly the kitchen window which if I remember was the point of entry, that had been removed or partially removed and I also noted there were some holes in the cement sheeting on the eaves, but I wasn't able to determine whether they were done as a result of that unlawful entry or if that was from another previous incident or from a previous tenant.

But the PROMIS report from the coronial breach indicates you considered at the time that the offenders had first attempted to gain access by smashing a hole in the Gyproc roof?---Okay, that clears that up then, yep.

But they hadn't gained access that way. They had gotten in through the windows, you understood?---Yes, and I located a latent fingerprint on the inside of the window frame.

And in your statement, you said that they had done that by using shovels and that sort of stuff that were found nearby?---Yes, garden implements.

Can you recall what else now, if anything, was found in addition to shovels. I can't remember, sorry.

That's all right. Did you enter Luana's accommodation?---Yes, we did.

And what did you observe inside?---There were several people inside, Luana, her husband and a couple of other people, I think one of them was a nurse. And from memory, there was a bit of a mess and Luana, as I said before, she was pretty upset.

Am I right to say that a number of drawers had been pulled out and possessions had been thrown around the premises?---Yes.

And you described in your statement that Luana was upset and you confirmed that during your oral evidence as well?---Yes.

You were asked by Mr Murphy some questions a little bit earlier about your conversation with Luana and your evidence was she had suggested to you that the health accommodation was something of a no-go zone?---That was her impression and that's what she conveyed to me, yes.

Senior Constable Smith was also asked questions during his evidence about the conversation with Luana and he also described her as distressed but the reason that he gave for that was quite different to yours and it was that there had been a number of break-ins to health accommodation in the preceding few weeks?---Okay. I wasn't aware of that because I had only been there for a few days prior to that unlawful entry.

Sure. Do you recall hearing that conversation with Luana, that Senior Constable Smith gave evidence in relation to?---No, I don't.

Do you recall in the results of the fingerprints that were obtained from Luana's property were returned?---No, I don't know that. I had gone - I'd taken - after the shooting incident I'd taken time - some time off and an instruction was given for another police officer to take carriage of that matter.

Do you expect that they were returned after the shooting incident?---Yes, they wouldn't have been - my experience it wouldn't have been before.

Thank you. And you also took photographs at Luana's premises?---Yes, I did.

Could the witness please be shown tab 1229 in the brief?

A PERSON UNKNOWN: So what was the name of the document?

MR OFFICER: The name of it - I'm not sure. It's at 1228 - presumably photographs within the - just scroll down there please. Are these the photographs you took, Sergeant?---Yes.

I think you meant the first photograph which we've gone past, we can observe the damage to the gyprock roof?---Yes, I remember that now, yes.

And then again done with a shovel (inaudible)?---I couldn't say - possibly. It could've been done with something else.

We heard evidence yesterday from Senior Constable Smith that at times police would give advice to community members on securing their premises appropriately? ---Yes, so any unlawful entry whether that's in an Indigenous community or here in Alice Springs - I don't want to tell them how to suck eggs but, you know, try and offer some advice about what we call "target hardening" your house but also some friendly advice about just ensuring your car - you lock your cars and lock houses, that sort of thing - lock your doors, but just offering advice and asking them if they have any questions for us about, you know, security issues that they might have.

Thank you. Did you observe any difficulties in the way Luana was locking up her house, did she need any advice?---Not that I can remember, from memory the premises was locked, hence why the offenders went through the - prised off the security screens.

Thank you. Did you work the following day on 7 November?---Yes, I did.

Are you aware that the personal car belonging to Luana had its windows and back windscreen smashed?---No, I'm not aware of that.

You didn't attend and observe it?---No.

Okay. Moving now to 8 November. You've given evidence that you were on call that evening?---Yes.

And I understand the second job that you responded to was at the nurse accommodation again and responded by call from Nurse Vanessa Watts?---Yes.

(Inaudible) of the accommodation of Luana?---Yes.

You gave evidence yesterday that you were able to observe that people had tried unsuccessfully to enter to the premises?---Yes.

And how were you able to observe that they had tried?---Judging by Ms Watts' complaint over the telephone that was recorded and in talking to her that she could

hear some banging and she suggested that they were trying to - it sound to her that they were trying to break in using garden implements.

Did you find weapons or garden implements against the house when you attended to the call out?---I think there was a pick or a mattock with the handle broken.

Did you find anything else?---I can't remember.

Did you take any photographs of those (inaudible)?---No, I didn't.

All right. And in your statement you suggest that Sergeant Frost spoke with Vanessa that evening when you attended?---Yes.

Did you speak with Vanessa?---I can't remember, but Sergeant Frost was doing most of the talking with the complainant - with Ms Watts.

Did you speak with another nurse, Matilda Starbuck who are on the same street? ---I may have - but I can't remember.

And you then inspected - and after Luana's accommodation you then inspected Janine Broadacre's vehicle - a red jeep - which had had its back windscreen - - -? ---I don't - yeah, I don't know who owned the vehicle but as part of our response to that incident we - I went up and down the street just to see what other - if anything else had occurred or if there was any - anyone hiding in bushes or anything like that and that's when I located the red Jeep with the rear window smashed.

And you took one photograph of that?---Yes.

And could the witness please be shown tab 1 - 24A. That's the photograph you took Sergeant?---Yes, it is.

Thank you. And am I correct to say that after that - after observing Janine's vehicle - or the red Jeep, you then observed that the clinic car had its back open and the first aid kit had been strewn around, is that correct?---Yes, that's right.

Am I correct to say that it also had a window smashed?---I don't remember a window being smashed on that car, no.

Can I take you perhaps to page 20 of your statement, which is at tab 750 sir and I can read you the paragraph if this would assist, but you say;

"First aid equipment was strewn around the yard, so not a - you know, although the car window was smashed no, no houses were broken into and it was disappointing that the window was smashed but that was clearly by a rock and someone of the weapons they had to break into the house".

?---Yes, so I was making reference to the red Jeep.

You don't believe the clinic car also had a window smashed?---I don't recall that, no.

Did you attend any further callouts to Health accommodation that evening?---No.

Are you aware that here were other incidents involving the health accommodation that night?---No, I am not aware of that. We were at the Yuelamu community responding to a domestic violence incident.

Can I move now to 9 November?---Yes.

On page 28 of your statement you state - this is after Kumanjayi has been transported to the police station and CPR's been performed?---Yes.

And you – there's a – on page 28 – 28 of that statement, you say, "I do distinctly remember the information that was disseminated that they were all aware that there was no – no clinic at that time"?---Yes.

When you're referring to "they", who are you referring to as they?---Sorry, could you repeat the – the paragraph?

Sure. You say, "I do distinctly remember in all the um ah the information that was disseminated that they were all aware that there was no clinic at the time"?---The members from Alice Springs, the IRT and the dog unit, and – and Constable Alefaio as well.

Thank you. Counsel assisting asked you questions this morning regarding the running sheet that you prepared. And that's an – the annexure to the statement at 752.

Could I ask that that please be put on the screen as well.

THE ORDERLY: 752 Bec, attachment 1.

MR HUTTON: Perhaps I can ask you a question sergeant, while that's coming up. There's an entry in that running sheet at 10.45 pm, it says "A handful of police left for the air strip." And they were accompanied by the two nurses from Yuelamu?---Yes.

And the running sheet, which is on its way I think, they record that 11 pm, that they – that party returned from the air strip.

If you just wouldn't mind scrolling down for a sec. Just – that's great.

So we see the 22:45 entry and the 23:00 entry?---Yes.

So that – that exercise took 15 minutes to complete?---Yes.

And you note in your running sheet that when they returned, one of the nurses had been injured?---Yes.

Can you tell the court what injury she had sustained?---I can't remember who it was, whether it was the driver or the passenger, but I was told a rock would – was thrown through the window, and struck the nurse in the – in the head, and she had a cut to her forehead, temple area.

Did you recall whether she also had bruising to the arm and - - - ?---I don't remember that, no.

All right. And did you observe the damage that had been done to the ambulance from Yuelumu? Either that evening, or the following day?---Yes, I can't remember when. I think it was the following day, the broken window.

All right, and you gave evidence earlier that some photographs were taken of the damage to the ambulance.

I might ask that the witness first be shown the photographs that were taken by Officer Rait(?), which I think were the last.

Perhaps if we could just scroll through these. Thank you.

Are those photographs consistent with what you recall of the damage to the ambulance and the injuries to the Yuelamu nurse?---Yes.

Thank you. There are further photographs. I might, for expediency, (inaudible) proceed to those, thank you.

Just a couple of further questions, sergeant. In your running sheet at 11.26 pm, it's noted that a phone call was received from Ashley Johansen(?) at WYDAC, and saying that the clinic had been set on fire?---Yes.

Did you receive that phone call?---Yes I did.

And do you recall what Ashley Johansen told you?---I think he said – not because – not the actual building, but some grass was set on fire. I think that's what he said.

All right. And a decision was made, not to attend, because there was no one in the clinic, is that correct?---Yes and from what I can remember, there was – none of the structure was on fire, and they would have contacted us back again if – if – if there was a further escalation of that fire. If the fire got out of control.

Did you work on the Monday following? I know you've given evidence that you took some time off after - - - ?---No I left on the Sunday.

Are you aware of whether or not, or had you been informed that there were further break-ins to the nursing accommodation (inaudible)?---No I was not aware of that.

THE CORONER: I note the time. I think we need to take the lunch break.

Who else has questions?

MR MCMAHON: Your Honour, I have two minutes of questions, which I can do after lunch or now. Whichever you prefer.

THE CORONER: Is –

Mr Freckelton, did you - - -

MR FRECKELTON: Yes, I've got a few minutes (inaudible), your Honour.

THE CORONER: All right, then we'll come back after lunch.

A PERSON UNKNOWN: Your Honour, before we rise, I'm not going to earn myself any friends, could I propose that we take a shorter lunch today? We would like very much to finish the next witness, if that is possible.

THE CORONER: Sure, is – are we able to come back at quarter to 2:00?

MR BOE: Your Honour, may I indicate, your Honour, I have no questions for Alefaio.

THE CORONER: Thanks, Mr Boe. I think that everyone breathes a sigh of relief.

MR BOE: But I have raised with counsel - - -

THE CORONER: Not putting any pressure on you.

MR BOE: - - - no, no. But I have raised with counsel assisting what I'm wishing, in relation to this witness, would take two minutes. And I understand it's not opposed. It's just a document I need to take this witness to.

THE CORONER: Sure, we'll do that - - -

MR BOE: I'm happy to do - - -

THE CORONER: - - - then we'll take lunch, and we'll come back at quarter to 2:00.

XXN BY MR BOE:

MR BOE: Yes. Your Honour, could the witness be shown item 7145, pages 27 to 28. It's an annexure to Travis Wurst's statement of 20 August 2020.

THE ORDERLY: Sorry, Mr Boe, can you - - -

MR BOE: 7145.

THE ORDERLY: 7145.

MR BOE: And it's 27 to 28, it's three emails.

Sergeant, so you'd – context I want the documents and now. It's an email exchange that you have with Travis Wurst around 11.52 am on Thursday, 7 November. You'll see up the top there.

If you could scroll down a bit please Bec, and you'll see the original email.

You'll see there that what looks like that Wurst has been informed of some information by Bradley Curry(?), and in response to that he seemed to be making a welfare check upon you?---Yes.

He asked "Are you all right?" It's the next sentence I am interested in, and your response to it. He says, "I see the Warlpiri's with the surname of Walker are still ours and my nemesis", you see that?---Yes.

If you could scroll up please.

You'll see your response is, to that aspect of it, "The same family names keep popping up, just – just the younger ones now. The people we've dealt with are too old to fight us." You see that exchange?---Yes.

Could I just please get a sense of what did you understand he was trying to communicate to you, by his reference to Warlpiri's in that way?---You'd have to ask him that.

But what did you understand, in order to respond as you did?---That when I was at Yuendumu with him, had some arrests with people that – it's obviously particular family names, at – at Yuendumu. And that's why I refer to the – the family name's popping up.

Okay, what did you understand the word "nemesis" to mean? Enemy?---Possibly.

And in response, you were referring to an event of some kind by older people in the Walker family. Is that what you're talking about? "The people we dealt with are too old to fight"?---All the – the previous – so 20 years ago, the previous people that – that we dealt with, that were young – young men back then, they're too old.

All right, but he was saying to you, "They are still your and his enemies"?---Well I – I – that was his words, not mine.

And to be fair, in response in the penultimate paragraph, you point out to him, to contextualise that what in fact you felt from the interaction, when you said "I don't think he wanted to chop us up" et cetera?---Yes.

You were trying to let him know that a) you're okay, and to give him some sense of what the dynamic was that you faced?---Yes.

Thank you.

I've no further questions.

THE CORONER: We'll adjourn for the lunch break.

WITNESS WITHDREW

LUNCHEON ADJOURNMENT

RESUMED

CHRISTOPHER HAND:

THE CORONER: Were you next, Mr McMahon?

MR MCMAHON: Yes, your Honour.

THE CORONER: Thank you.

MR MCMAHON: Thank you, your Honour.

XXN BY MR MCMAHON:

MR MCMAHON AC SC: Sergeant, my name's McMahon, and I'm acting for the Purumpurrua Community of Yuendumu. I just want to give you a chance to clarify a couple of answers you gave, out of fairness to you?---Mm mm.

You spoke about the idea of payback today in earlier questions, when you were asked about events at the station?---Yes.

You understand that payback is part of customary Aboriginal law?---Yes.

Yes. And you understand that within the idea of payback is the notion that where there is payback, there will be some kind of restoration, that justice will be done and things will be restored, back to a proper order?---Yes.

You understand that to be part of the concept of payback?---Yes.

And you understand that in customary law that for payback to occur, it requires all the parties involved in the problem, whatever the problem is, to be heard, to come together and to be heard?---Yes.

And to talk out the problem, and then to decide on what the punishment might be?---Yes.

All right. And having agreed to those propositions, you would also agree, I suspect, quite readily, that the concerns you also expressed about perhaps a mob storming the station, or even an intoxicated mob storming the station, those kinds of concerns, which I fully appreciate were real to you?---Yes.

Are nevertheless, in no way part of customary law?---That's correct, yes.

Yes.

Thank you, your Honour.

THE CORONER: Mr – Dr Freckelton, sorry.

MR FRECKELTON: Thank you, your Honour.

XN BY MR FRECKELTON:

MR FRECKELTON: Sergeant, you've been asked a number of questions about the arrest that you sought to make of Kumanjaya on the sixth?---Yes.

At that stage, you were aware that Kumanjaya had breached the terms of a suspended sentence by leaving CAAAPU without permission - - - ?---Yes.

- - - is that right? What did that mean, so far as you were concerned, in terms of your obligation to arrest?---That if he's in the community, that we arrest Kumanjaya and execute the warrant.

And was there a timeframe within which you could do that, or did you perceive yourself to be at liberty to delay that until other events had been completed?---There's no timeframe put on arresting people. As I explained previously, with regard to his offending, his – his criminal history of property offending, that taking the opportunity, knowing he's in the community, and if he was at House 577, which he was, then arresting him and putting him before the next available court is – was what we intended to do.

Her Honour's heard that it was what you intended to do and what you attempted to do?---Yes.

But you did not know at the time that you were attempting to arrest him that there was an imminent funeral, did you?---No, that's correct.

If you had known that, what would your attitude have been to waiting for four or five days to arrest him?---Wouldn't have waited.

Now why? What's – what – what was impelling you in the circumstances of his having breached the terms of a suspended sentence, to feel some sense of urgency to execute that arrest?---The unlawful entries that had been occurring in the community. Although, as I said, we had no evidence that Kumanjaya was linked to those, he is a recidivous property offender. And as I explained previously with regards to being known as a ring leader of other youth in – with youth in property offending, that executing the warrant was a way – a lawful reason for us to perhaps remove him from the situation, if that were to be occurring. But also to mitigate any risk of him doing something else in the community. Not that we had any evidence or intelligence that that was going to occur, but we would come in for, as in Smith and myself, would come in for some criticism, if we knew where he was, decided not to arrest him, and then he may commit a violent crime, or he himself be injured, somehow. And we could come in for some criticism for not acting on that information and that warrant.

THE CORONER: Can I just ask when was his last property offending before this date? You might not be able to answer that. I don't know if you know?---No, your Honour, sorry I don't.

And did you know at the time?---When his last property offence was? No, no.

MR FRECKELTON: A number of people are looking at their computers seeing (inaudible) I think your Honour.

THE CORONER: I'm sure it is known. I mean I know his criminal history is there, but it's not something that this officer knew.

MR FRECKELTON: I think his suspended sentence was for other matters.

THE CORONER: It was, I think.

MR COLERIDGE: Giving evidence from the Bar table, your Honour, but the last offence date on this criminal history is 11 March 2019.

THE CORONER: But is that property offending?

MR COLERIDGE: It is, your Honour. Stealing and damage to property.

MR FRECKELTON: Thank you.

THE CORONER: Sorry, Dr Freckelton.

MR FRECKELTON: I'd like to move to another topic now sergeant. You made reference to disturbances at Nyirripi?---Yes.

With which officers at your station were familiar. And to some apprehension that those disturbances, my words, not yours, might spill over to Yuendumu, with persons from Nyirripi coming to Yuendumu for the funeral. Could you explain that further to her Honour please?---So there was – my understanding was there was some community fighting at Nyirripi. And at the same time, there was a football carnival, or a sports carnival. And that's why there were two officers stationed at the thema station there. And there was a certain level of apprehension that – that those disturbances would continue – those people in Nyirripi, either returning to Yuendumu, once the football carnival had finished, or Nyirripi residents attending Yuendumu for the funeral, that they would continue their fighting in Yuendumu, and particularly with the risk of alcohol getting into the community.

And were the persons in Nyirripi who had been involved in the fighting related to persons in Yuendumu?---I believe so. Most of the people at Nyirripi are related. They're Warlpiri's as well. And so they're all interrelated between Yuendumu and Nyirripi.

I then move to another topic again. You were asked about applying handcuffs to Kumanjayi when you attempted to arrest him. And you said to her Honour that there was a need for quick administration of handcuffs?---Yes.

What was the need for that administration to be quick?---To prevent the person you're trying to arrest from thinking of what they're going to do. If they're going to resist arrest. And that can even mean running away. But it's also for ultimately their safety, as well as ours. And to – applying handcuffs also allows us to have a bit more control over – over the person.

And with handcuffs it's significantly less likely that the person will continue to attempt to abscond?---Yes.

(Inaudible)?---Yes.

What would you have been prepared to do in terms of Kumanjayi having contact with other members of that household, once the handcuffs were applied to him?---The – yep, we would have – he wanted to talk to Lottie Robertson, his grandmother, and we would have quite readily taken him to – to Lottie. And then explained to her, what was happening, and obviously him, what was – what was happening, and that she, or probably – or Eddy, or anyone, could come to the police station. Meet us there. And – and then we can explain to them the process. And if they wanted to talk to a judge when we were doing the bail consideration, then we would have let Eddy and Lotti, or whoever they decided to – wanted to come down, and help Kumanjayi, we would have quite happily let them talk to the – to the judge. And that happens on many, many occasions.

And would those options have extended to Rakeisha as well?---Yes, if she wanted to – to attend, down at the police station.

Or to talk to Kumanjayi at the house?---That's right, if he – if he wanted to talk to – to anybody, and the more people that know that he's being cared for, the better it is for – for our relationship with the community. And then we're not there to – to hurt him.

You've been asked a number of questions about traditional customary law - - - ?---Yes.

- - - and the phenomenon of payback. More broadly, in the Yuendumu Community, what is the level of volatility and spontaneous eruptions of anger and violence?---Relating to customary law, or just in general?

No, generally?---It's a very volatile community. It's a lot of people that live there. Probably one of the biggest community – biggest town outside of Alice Springs. And large groups of – large family groups that live there. And lot of arguments that have been going on for many years. And exacerbated, I said yesterday, with social media, and messaging APPs, and comparing that to my time in the 90's in Yuendumu, that's a different dynamic that is not only exclusive to Yuendumu, but many Indigenous communities that have mobile phone coverage and those

arguments start out on social media or in messaging apps and then extend into - sometimes into community disturbances and community violence.

And when there are those community disturbances or violence do they with some regularity further result to weapons?---Yes.

And can they be exacerbated by the availability of alcohol?---Yes, definitely.

And was one of the concerns around this - as soon as the funeral impending event became known to you was one of the worries that alcohol could fuel disinhibition and potentially resort to weapons and violence?---Yes, definitely, yes.

And returning to this issue of payback then, putting aside the kind of formal restitutive arrangements that our learned friend, Mr McMahon, referred to, what was your concern about a spontaneous response to the use of potentially lethal force by a police officer against a member of the community in the context of the characterisation that you've given of that community?---So in the - do you mean with the threats against the police station and members?

Yes?---So there was a real threat of - well and decision-making as to well, if the station were to be breached, what would we do to protect - not property - because the property can be rebuilt - but protect our lives but also to protect the lives of the people that - and their safety - the people that were visibly - you know, outside the police station and obviously upset and angry so if that were to happen it would be a no win situation for any individual on that night.

And what role, if any, did the various discharges of rocks and the report of the fire at WYDAC play in the concerns that you had about what might become of the station (inaudible)?---The - you know, it could be - go from rocks to - to bricks and any other weapons, so rocks are deployed on many occasions, even in Alice Springs and out on communities because they are readily available but there are also other weapons secreted - when I say - traditional weapons like spears and nulla nullas and that type of thing, that are in a community as well as edged weapons such as machetes and knives so the fear was that it was going to escalate from just rock-throwing to a bit more than that.

And again, returning to the fire that was reported at WYDAC?---By WYDAC at the clinic.

By WYDAC. What did you make of that in the context of what was otherwise happening at Yuendumu?---So that - I took that to mean that the community were not only angry with the police but also angry at the clinic because they knew that the clinic staff weren't there and a community member had been shot and there were no community health staff to administer medical care to that person, so the fear was that there was maybe other fires would be lit, one - I think this was just a grass fire close to a building but there could've been other fires started either around clinic houses or police houses or near the station - the police station.

And her Honour has now heard about the rocks thrown at the ambulance and she will hear more of rocks thrown at cars when they went to the airport and then returned?---Yes.

How, if at all, did those events contribute to the concerns which you had?---Well, that escalated the concerns because that was a - rather than just throwing a rock on a roof, that was actually aiming at a person, driving a vehicle or inside a vehicle which could have had other impacts if glass was sprayed over the driver's face or the driver was hit with a rock and rendered unconscious, so that was a serious escalation in the violence.

I will put it straightforwardly to you. Were you and perhaps Sergeant Frost, being unduly worried or over-reacting to what was taking place that evening?---No, I don't think we were over-reacting at all.

Was anybody arguing that you should not evacuate the station?---Not to my knowledge, no. With the evacuation I think was initially approved by our superintendent.

I want to ask you one last question about the circumstances of the IRT personnel and the dog handler, Mr Donaldson, leaving the Yuendumu Police Station on the 9th?---Yes.

What was your expectation based upon what you had heard that evening, as to what they were going to do upon leaving the police station?---My expectation was to provide that high profile policing presence that I suggested and they were to make - familiarise themselves with the Yuendumu community. They were also to accept any callouts that night to allow myself and Sergeant Frost some respite and then to meet up at the police station at 5 in the morning.

Did you have any expectation based upon any ambiguities of the kind that were being suggested by our learned friend, for Constable Rolfe, that the five men were going to go straight to House 577, look through there and if they didn't find Kumanjayi, go straight to another place where they thought he might be, immediately?---No. That wasn't - that wasn't supposed to happen.

Thank you, your Honour.

THE CORONER: Thank you very much Sergeant. You have been here for a reasonably long time now. I really appreciate your considered answers?---You're welcome your Honour.

It provides yet another perspective - slightly different to some of the others that we've heard and all of them are contributing to our growing understanding about those events, so thank you again?---You're welcome, thank you, your Honour.

WITNESS WITHDREW

MR COLERIDGE: Your Honour, the next witness is Felix Alefaio and I call him.

FELIX ALEFAIO, affirmed.

XN BY MR COLERIDGE:

THE CORONER: Thank you very much.

MR COLERIDGE: Constable Alefaio, can I ask you to please state your full name?
---Felix Alefaio.

And what is your current rank?---I am a constable first class, Northern Territory Police.

And where are you currently stationed?---Stationed in Darwin Police Station.

You gave a recorded statement to investigators on 11 November 2019, is that correct?---That's correct.

And attached to that recorded statement was a diagram of the Yuendumu Police Station. Is that correct?---That's correct, yes.

And together, those documents are 7-2, your Honour, for the record.

You also gave evidence at the trial of Zachary Rolfe. Is that correct?---That's correct, yes.

And you gave evidence on 15 February 2022?---That's correct.

Your Honour, the transcript of that examination is at 7-24.

THE CORONER: Thank you.

MR COLERIDGE: Where are you from, Constable Alefaio?---I'm originally from the island of Tuban, for I lived in New Zealand for many years before I moved across.

I apologise?---That's all right.

When did you come to Australia from New Zealand?---2015.

What were you doing for work in New Zealand before you travelled?---I was working at the New Zealand police.

How many years were you working in New Zealand as a police officer?---Eleven years.

I want to ask you some questions about community policing, and by "community policing", I mean policing in remote Aboriginal communities in the Northern Territory.

A number of officers have given evidence that skills like communication, relationships, knowledge of local culture and traditions are important to effectively police in a remote community. Would you agree with that?---Yeah, I agree with that.

What I wanted to ask you was about whether those skills are also important in urban and metropolitan areas?---I believe community policing is also important in metropolitan areas as well. It can be applied in a metropolitan area.

Is there anything you could share with her Honour about your experiences in New Zealand for the way community policing in New Zealand is done on the subject of community policing in metropolitan areas?---Your Honour, my last four years before I joined the Northern Territory Police, I was attached to the Maori Pacific and Ethnic Service, which is part of the – all part of the community policing framework. And with that, comes the neighbourhood policing team and community constables. Community policing in New Zealand, you know, is the same as the Northern Territory. The aim is that - our role is to prevent and reduce crime in the community. Also, to work with people in that community or individuals that – to reduce the number of, you know, people being victims of crime or repeated victims of crime. And by doing that, your Honour, we work very closely with stakeholders, so in partnership with other organisations that have the same interest in that community. And that's like involved housing, wings of Centrelink, it involved community patrols.

So, can I just pick up on one of the expressions you just used, the “community constable”. Now, they're stationed in a particular community, a particular area?---Yep, community constables in New Zealand are the – they're based in different areas. They can base in a small office in a shopping centre somewhere or be part of the – a suburban, a small suburban police station.

And they're in addition to the frontline general duties' constables. Is that right?---Yes.

Now, when we talk about communities or areas, we're not just talking about remote or regional parts of New Zealand, are we?---No.

For example, in parts of Auckland, there might be community constables. Is that right?---Yes, that's correct, yeah.

And the neighbourhood policing model, that's related to community constables, but a little bit different. Is that right?---That's correct.

What do they do?---They form a small number of police officers to be deployed into a community to work closely with individuals.

THE CORONER: Work closely with?---With individuals or families that are affected by – or they are a victim of violent – of domestic - of crime.

MR COLERIDGE: So if there was a particular need identified in a part of Auckland, the neighbourhood policing personnel, I don't know what they're called?---Yep.

Might spend six to 12 months in that area establishing relationships?---That's correct, your Honour. They will identify suburbs that crime is – the crime rate is high and then they would deploy the small teams of police to go into the suburbs, your Honour, identify the root cause of these crimes or these problems and then try and reduce the rate of crime in that community. And by doing that, your Honour, that's when they are working in partnership with other agencies in that community. And also, working with, you know, people in that community as well. People with local knowledge of that community.

So, in accordance with that model, building relationships, communicating with the community, knowledge of the community, equally important and possible in an urban area as it is in a remote area?---Yes, your Honour.

I want to ask you some questions briefly about your experiences in Yuendumu. You were there from 2017 until the beginning of 2019?---Yes, your Honour.

And I think Julie Frost had arrived in Yuendumu by the time you left?---She arrived and I worked for her for about three months, I believe.

Just to clarify, this was when you were stationed in Yuendumu, correct?---That's correct, your Honour.

But you relieved from time to time in Yuendumu and other police stations as a part of the Territory relief pool?---That's correct. That's after I left Yuendumu.

Okay. That's how you came to be in Yuendumu on 9 November, correct?---Yes, that's correct.

Insofar as crime and policing was concerned in Yuendumu, what do you think some of the bigger issues were in Yuendumu at the beginning of 2019?---Can you just repeat the question?

I apologise. Do you think youth offending, property offending in Yuendumu was a problem at the beginning of 2019?---Yes, your Honour. It was an issue for us, probably the main issue for us in Yuendumu at the time.

Do you have any opinions on what the root causes of that issue might have been?---Your Honour, it can be caused by a lot of factors that contribute to it. I can go on and answer a lot of – you know, it's - you know, it can cause from, you know, from families or just kids who are just doing their thing as youth in the community. It's got nothing else to do and - - -

So, boredom, for example?---Boredom probably.

Hunger?---Yep, hunger, yep.

One of the common targets of some youth are the shops?---Is to break into the

shops and steal food and cigarettes.

Would you agree that services that provide activities for youth are a really important way of addressing some of the underlying causes of property offending?---That's correct.

In 2019, which were the major service providers in Yuendumu?---I believe it was the WYDAC.

Okay. Do you have an opinion on the services that they were providing, whether they were effective?---I – you know, I really don't know whether their program is very effective, but you know, I'm not working with them to make a judgment how effective their program is.

All right?---But all I can say is when they remove these youth out of the community on a camping trip, you can see the reductions of crime in Yuendumu.

What about engagement between the police and services in community? Was there much engagement between police and other stakeholders, on this issue of youth offending?---Well from my experience, your Honour, there was while working in Yuendumu there was very little interactions between WYDAC and police. That was my personal view while – from experience from working there. But by saying that, there's – there's always a few staff from WYDAC and the police are still communicating, and talk to each other.

Constable, I now want to ask you some questions - - -

THE CORONER: Can I – just before we go on. WYDAC I think had the diversion program, so if a young person was not charged, they could be diverted through a program of some sort offered - - - ?---Yep.

- - - by WYDAC?---Yep.

Do you know anything about the diversion program back then or now?---I heard of that, your Honour, but I wasn't sure. We had not been introduced to that.

Right?---Or shown to that program as well, your Honour.

MR COLERIDGE: Were there attempts by police to engage with WYDAC and other stakeholders?---There a few – few times. When I – by the time I work in Yuendumu, I experience there was a bit of you know, there are some of the staff members from WYDAC they are not communicating well with some – with the police.

I want to ask you some questions now about 9 November. So the day that Kumanjayi died. You – well before I do, you gave a recorded statement, you gave evidence at trial, I'm not going to rehearse a lot of the things that you were asked about then, okay. But you arrived from Nyirripi from 9 November, is that right?---That's correct, yeah.

With Mark Parbs?---That's correct.

Okay. When you arrived at the Yuendumu Police Station, did you have a conversation with Sergeant Frost?---Yes, your Honour. We on our arrive, myself and Sergeant Mark Parbs, we were met by Sergeant Julie Frost at the police station. Where we just – I think well first we just had normal conversation with each other.

And eventually, did you have a conversation with Sergeant Frost about what you and other people were to do that day?---Yes, that's correct, your Honour. The Sergeant Frost sort of thanked me for – for agreeing to stay behind and assist members in Yuendumu. Which at the time, I believe it was only two members. Was Sergeant Julie Frost and Sergeant Chris Hand. So the – so they asked me that I'll stay behind and you know, give them a hand in you know, trying to locate and assist in the arrest profile of Kumanjayi.

Can you remember where this conversation physically occurred?---It's occurred – I believe it's occurred inside the main police station in Yuendumu.

In the Muster Room?---In the Muster Room.

And was Mark Parbs there during this conversation?---I believe he was there.

Okay. What, if anything, did Sergeant Frost say about the plan?---Your Honour, it was more like a brief – quick briefing she gave to me. And if I can recall, was she wanted me to be there and assist the IRG, that's were coming later on the day. And to go with them in the morning, the next morning.

Can you recall what time?---She mentioned that to meet up at the Yuendumu Police Station at five o'clock in the morning, and to leave at 5.30 in the morning.

Now I think you said the word "assist" the IRT?---Yeah.

What was the nature of your assistance to be?---I – I believe it was just to be there because of – of my knowledge, local knowledge of Yuendumu, and also the – the relationship that I have with Lottie Robertson and Eddy Robertson, who are carers for Arnold at the time. So I was – you know, I was pulled in to hopefully if I – if they can communicate with them and ask them of – of his whereabouts, and also that I – I know Kumanjayi very well, and I can – I can defy – like if I say that – I can identify him. I know him. And I can point it out to TRG that that's him.

Okay, was it proposed that you by physically involved in the arrest?---No. Sergeant Frost made it clear to me that I won't be involved in the arresting of Kumanjayi, but after the arrest, I'll – I'll be involved in all the watch house processes back at the station when we get back to the station.

You mentioned that you had a relationship with Lottie and Eddy Robertson. How had you formed that relationship?---Your Honour, through the years, when I was

working there, in any dealings that with have with Kumanjaya I – I will go and look for him, but my first stop is to – you know, at the house of – I believe it's House 577. That's – so I will go there and just talk to them. You know, and I ask him where he's at, then I try to explain to them that you know, we just want to talk to him, if they can, you know, sometimes I ask if they can bring him back to the police station so we can deal with whatever we are – we need to deal.

And what about your relationship with Kumanjaya, did you have one? Had you dealt with him?---Look I – your Honour, we – we – we have good relationship. He – what I say, he doesn't hate me, though, he doesn't dislike me. He is – he never – he never expressed that, you know, verbally or physically in front of me. So he's always been – every dealings I have with him, it's – he's always calm.

Had you arrested him before?---Your Honour, yeah I arrested him about a couple of times, I believe.

And at which house, or houses, did you arrest him?---I believe it was at House 577.

And who was that with?---At the time when I arrest him, he was with his girlfriend inside his room.

Sorry, which police officer did you arrest him with?---Sorry, sorry, sorry, your Honour. With Lanyon Smith.

And was there any aggression, verbal abuse?---No, no, your Honour.

Now later on the ninth, you attended a job, I believe at Mount Allen, is that correct? Or was it Haasts Bluff?---Later that afternoon on the same day?

Yes?---Yeah, yes.

At around about what time did you return to the Yuendumu Police Station?---I believe we left probably about just after four – 4 pm. And we got back just after six.

Okay. Were you back in the police station before the IRT members arrived?---I believe when I got to the – rather the police station, I believe there's already another – must be the dog handler.

Okay, so there was just one person there?---There was one – probably one person there.

And when you got back to the police station, what did you do?---I went straight to the desk inside the Muster Room where I sat and start writing up the – the jobs that we just attended.

While you were sitting at that desk, writing up the job you'd just attended, did the IRT members arrive?---Yes.

And the desk you were sitting at, were you facing them, or facing away?---I was facing them.

Did you overhear a conversation between Sergeant Frost and the IRT members?---Yes, your Honour.

And was it just two of the IRT members, or all of the IRT members?---I believe it was all of the IRT members sir.

And did you have headphones in?---No, your Honour.

Could you hear what they were saying?---I could hear part of it.

What did you hear?---I – what I hear was Sergeant Frost telling them that – that the arrest will be taking place at five – 5.30 that morning – the next morning. And that we have to meet at the Yuendumu Police Station at 5 o'clock.

When you say "we" who do you mean?---That's myself and the IRT team.

Okay. And what did the IRT members say - if you heard - when Sergeant Frost told them that?---Your Honour, I can't recall what the - the - what did they say but I remember Sergeant Frost telling them that they will need two members of the IRT team to patrol in the community from 6 pm to 12:00 midnight and then at 12:00 midnight those two IRT members will return back to the police station in Yuendumu and have a rest and the other remaining two members of the IRT team that are resting to take over duties from 12:00 midnight to 6:00 in the morning and then those two IRT members that are on duty will join us when we all go down to - and the arrest of Kumanjayi.

And when you say "join us" you mean that those two IRT member would come back, you'd be met by the other two IRT members and then all of you would go to house - well, wherever you were going?---That's right, yes.

And what were those two - I am going to all them "teams" of IRT members, what were they meant to be doing between 6:00 and midnight and midnight and 5 am? ---They were - they were meant to - Sergeant Frost want them to be out there to provide patrol and high visibility out in the community and I believe a couple of days earlier there's been a break-in at the shops and some of the houses in Yuendumu, so that's the reason why Sergeant Frost wanted these members to be in the community patrolling and at the same time, you know, get intels of Kumanjayi's whereabouts.

And these things that you're describing, are they things that you heard as you were sitting there in the muster room on 9 November?---Yes, that's correct.

And you were something like four metres away from them?---That's correct sir.

And there was no other noise in the room?---No, your Honour.

You mentioned that they were going to gather intel?---Your Honour, I believe gathering intel - intelligence - information for us is, you know, go out into the community and talk to members of the community and just ask them, you know, of Kumanjayi's whereabouts and with that information when they come back they will provide the feedback back to - I believe Sergeant Frost at the time and then we will probably make a decision where to - or that intel will contribute into our plan for the morning as well.

If they received intel, were they meant to relay the intel to someone?---If they receive any intel they will tell Sergeant Frost.

Do you recall hearing that or is that an assumption?---No, I was just - I'm just answering your question but I didn't hear any of that.

Okay.

No further questions, your Honour.

THE CORONER: Mr Mullins?

MR MULLINS: Yes, thank you, your Honour.

XXN BY MR MULLINS:

MR MULLINS: Yes, thank you, your Honour.

Constable Alefaio, my name is Mullins. I am a barrister acting on behalf of the Brown family. Just a few questions. On 9 November when you were at the police station after Kumanjayi had been brought back to the station, you were assisting in the securing of the perimeter, is that right?---That's correct.

You weren't actually involved in any decision-making about whether to tell community anything or not?---No, your Honour.

You were taking instruction from Sergeant Frost?---Yes, your Honour.

And our instruction was to ensure that the perimeter wasn't breached, that's right?---Yes, your Honour.

And from time to time during the course of that many hours over that evening, you had assistance from others?---Yes. Yes, your Honour.

And was - there were some areas around the compound that might have been breached quite easily, mightn't they?---Yes, your Honour, it can be easily be breach, yes.

And no-one ever breached the compound?---No, your Honour.

So no member of the community ever tried to climb in through the back or breach the compound that you saw?---No, not that I know of.

Were you aware that there were a few rocks being thrown?---Yes, your Honour.

And this is while you were at the police station itself?---Yes.

Did you ever feel in danger of getting hit by a rock when you were walking around the compound?---Yes, your Honour, I was feel - and I was feel danger at the time, yes.

Okay. Now, did you actually have a conversation with some people who were out in front of the police compound at one point in time?---Are you talking about the people outside the compound or inside?

No, outside the compound?---No. No, your Honour.

Was there a fence that had a hole in it?---There is a fence with a hole in it, yes.

And did you have a conversation with some of the people through the hole?
---No.

No, okay. Now, you've mentioned about your history of policing in New Zealand?
---That's correct.

And counsel assisting asked you some questions about your interaction with the community?---That's correct sir.

And did you work in some communities where there was gang violence?---Yes, back in New Zealand, yes.

In New Zealand in some areas gang violence is a significant problem?---Yes, your Honour.

And many of those gangs are well armed?---That's correct.

With firearms?---That's correct.

And lots of other weapons?---That's correct.

When you were a police officer in New Zealand is it true that you did not wear a gun on your hip?---No, your Honour.

Are you agreeing that you did not wear a gun on your hip in New Zealand?---Yes, your Honour, yes.

There are guns in the police vehicles but you don't wear it on your hip?---That's correct.

Now, did you feel, when you came to Australia - I should say - I withdraw that. When you were in Yuendumu did you always wear a gun on your hip?---That's correct.

And did you feel that you were stronger wearing a gun on your hip?---It doesn't make a difference. I wasn't think like that, that not the way I think, when I have a handgun on my hips.

Well, you actually spent a lot of time at Yuendumu with Derek Williams, didn't you? ---That's correct.

And you and Derek got on very well?---That's correct.

And you learned a lot from him about policing in the community and about carrying out arrests, for example, slowly and respectfully?---Yes, that's correct, your Honour, I asked him a lot of questions.

And did you feel there was a parallel between the sort of policing he was doing at Yuendumu and the policing that you were doing back in New Zealand?---Yes, your Honour, he is a very experienced and very resourceful Aboriginal constable - police constable in Yuendumu.

And what do you think were some of the strengths that you saw in the approach of Derek Williams?---His local knowledge of the area, his best knowledge of the culture and - and he is a respectable figure in Yuendumu, yes.

And he's told this coronial inquest that treating people with respect is an important thing?---That's correct, your Honour.

And did you find that people responded if you treated them with respect?---That's correct.

And did you find treating people with respect was a better option in dealing with them than producing a gun?---That's correct your Honour.

In the days that followed 9 November, did you stay in Yuendumu?---Yes, your Honour.

And did you notice the presence of TRG members?---Yes.

And did you notice they were in police blues or were they in commando type gear? ---I believe, your Honour, they're wearing sort of khaki uniforms.

A little bit like army uniforms?---That's correct sir.

And were there many of them?---Probably about eight.

And did you notice that they were carrying large rifles in the community?---Not - not that I know of that they carry in the community but I did see those fire - those firearms back in the station, yeah.

Did you notice anybody carrying firearms in the region of the big shop? Big shop?
---The Big Shop?

Yes, the Big Shop?---Not - not that I know of.

Thank you.

Nothing further, thank you your Honour.

THE CORONER: Thank you.

A PERSON UNKNOWN: I've declared that I was (inaudible) time with this witness, your Honour.

THE CORONER: Thank you.

Mr Espie?

XXN BY MR ESPIE:

MR ESPIE: Officer Alefaio my name's Mr Espie. Just going back to the night - or following the shooting, you were at the station and you were tasked with, I think, patrolling and keeping that area secure. Is that correct?---That's correct.

Can you recall who gave you those instructions?---Your Honour, I can't recall, but I believe it will be - our supervisor was Sergeant Julie Frost.

All right. Did you have any specific concerns about the need to fit - be secure. You've just said that there were areas that could have quite easily been breached and ultimately weren't. What were the concerns that you had?---My first concern was my safety and the safety of my fellow officers at the time. And my second concern was the police properties - - -

Right?--- - - in the area as well.

Concern about what? What did you think might happen?---Well, I was concerned that if they breached into the police station, they might, you know, either destroy the building, destroy police resources that we have and I was also fearful that my, you know, some of us will get hurt as well, or maybe some of them might get hurt.

All right. But essentially, there were - initially, there was, other than the rocks thrown and everything, there was nothing else?---No, other than rocks, nothing else, yeah.

All right. And so, you say you didn't speak to anyone?---No, I didn't speak to anyone.

You've mentioned having a good working relationship with Derek Williams. Did you speak to him at all that evening?---Yes. I spoke to Derek Williams that evening when he – I believe it was him and his father and his uncle came to the police station.

Right. And they came to the front?---That's correct.

All right. Do you remember what time that was?---Your Honour, I can't recall what time.

They didn't come inside the building though?---They first came inside the building and then they walked out of the building as well.

All right. Do you recall if that was before or after Kumanjayi was deceased?---I can't recall that.

No. And other than talking with him verbally, you didn't have any kind of communication or text message with Derek or anyone else outside?---No. No, your Honour.

Mr Williams has given evidence about not being told about Kumanjayi's death. Do you recall conversations inside the police station about the decision not to tell him?---I wasn't aware of that, your Honour.

All right. Do you recall conversations inside the police station about not telling anyone else in the community, not releasing that information?---I wasn't aware of that.

All right. You do recall, at some stage, a decision to go to the airport. You were involved in that?---Yes, your Honour.

And what was the purpose of that?---That was to go and pick up some of our members that are coming in from – flew in from Alice Springs - - -

Right?--- - - - to assist us.

Do you recall at any stage prior to that at all during the night any discussion about flying doctors or any medical assistance being flown out to the community?---Not that I know of, yep.

All right. So, can you describe what the plan was, as far as travelling – driving out to the airstrip and back?---Yeah, well when the plane landed, the plane – there was probably not a plan, we were just being told, you know, there will be three cars plus an ambulance who will be driving as a convoy down to the runway where the Air Wing will be, pick up our members that are coming on the Air Wing and bring them back, safely back, to the police station.

And you were told this by someone?---Yes, I was told.

By, do you remember who?---I believe by Julie Frost.

What was the purpose of the ambulance coming?---I can't recall if the – what was the purpose of the ambulance coming with us.

It's fair to say that it was for the purposes of deceiving the people in the community that in fact Kumanjaya was being taken for medical treatment to a plane?---I have no knowledge of that, your Honour.

Well, you wouldn't ordinarily need an ambulance to pick up from the airstrip.

MR FRECKELTON: Sorry, the witness has just given evidence that he wasn't aware of why the ambulance was involved. These are just, I suggest, views – suggestions that have been put to him in circumstances, where his evidence is quite (inaudible).

THE CORONER: Yes.

MR ESPIE: My follow up question was whether that was something that would ordinarily occur, your Honour.

THE CORONER: I don't think that was the question. I think you were putting a proposition, but if you want to ask that question, I would allow it.

MR ESPIE: Did you think that was unusual, that an ambulance would accompany you to the airstrip for the purposes of picking up additional police, when in fact, you mentioned there were police street cars also accompanying?---Yep, you know, really your Honour, it probably was a bit unusual as well for the ambulance to accompany it.

Right. Do you remember who was in the ambulance?---Was the two nurse from Mount Allan, I believe, your Honour.

Do you recall their names as Heather and Lorraine?---I don't recall their names, yeah.

Did you know them before this night?---No, your Honour.

All right. Did you speak to them prior to the convoy driving to the airstrip?---No, your Honour.

All right. And you drove to the airstrip without any complications? You picked up – then picked up a number of police officers?---Yes, your Honour. I was told to be the leading car, to lead – the lead car in the convoy that goes down to the airstrip, that's because of my local knowledge of the road.

Right. And nothing untoward happened on the way to the airstrip?---On the way to the airstrip, no, nothing happened.

All right. And you returned in the same convoy patten of three vehicles plus an ambulance?---That's correct, your Honour.

You say you observed some people that I believed called out to you or for the vehicles to stop?---I didn't hear what they were saying, your Honour, but all I could hear was people yelling or shouting.

You don't recall – well, I'm suggesting to you that when you were interviewed on 11 November that you said the crowd was sort of yelling "Stop, stop, stop" and that's when they started throwing rocks?---Your Honour, I can't recall that, but probably, if that's my statement.

But rather than stop, you accelerated?---Your Honour, we went very slow, you know. It was slow enough for, you know, to avoid dangers to members of the community. But until a rock was thrown and missed my front passenger that was sitting on the front – my front passenger, miss him by probably about centimetres on his face and the rock landed on my right forearm. And that's when we sort of just speed up a bit just to get out quickly.

THE CORONER: Was it thrown through an open window or - - -?---It was thrown through a closed window, your Honour, smashing the left passenger window.

And was that on the way to the airport or on the way back?---Your Honour, on the way back from the police station.

MR ESPIE: You said on the way there, you observed people in the same vicinity, but no one threw any rocks as you drove towards the airport?---There was nobody there, your Honour.

All right. Were there any community members at the airstrip, do you recall?---There were community members there before we returned back to the police station.

So, when you got there, there were people already there or attended whilst you were there?---Whilst we were there, yes. The crowd, members of community started gathering us outside the fence from the airstrip.

All right. Did you speak to anyone on that occasion?---Not – no.

Nothing happened with the crown that attended at the airstrip and were there while you were offloading people from the plane to the vehicle?---Nothing happened. It was just yelling and shouting, your Honour.

Do you recall what people were yelling and shouting?---No, your Honour.

And you didn't speak to anyone?---No, your Honour.

Was that an instruction not to speak to anyone or answer any questions?---Nobody told us not to speak to anyone.

All right, if someone had spoken to you and asked what was happening, whether that was – plan was for Kumanjayi or (inaudible) Kumanjayi would you have given them any answers?---If – if – if somebody approached me and talked to me, in – in good way, and you know, I will talk to that person.

You've worked for a number of years you say in New Zealand, in community policing and presumably that's something - - - ?---That – that - - -

- - - you carry those skills here?---That's correct, your Honour.

Communication would obviously be quite a – quite a key thing?---Yes, your Honour.

With the fact that at that stage it was quite late in the evening, about 11.30, 11:00, 11.30, a number of hours had passed since Kumanjayi had been brought back to the station. People would have been – it's obvious to you that people were concerned and would have wanted to know what was happening?---Yes, your Honour.

You didn't feel the need to speak to anyone? People that were calling out to you?---Yeah, your Honour, I wasn't in a position to, you know, to – to talk to any members of community. That will be for my supervisor to, you know, to talk to them.

All right, so just clarifying, if someone had spoken to you, in a good way, as you've just described, you're saying you wouldn't have been in a position to tell them anything?---If – sorry, can you repeat that question again?

Just a moment ago, when I asked whether or not you would have spoken to anyone, had they asked you anything - - - ?---Yep.

- - - you said had they asked you in a good way, you would have given them some information - - - ?---Yep.

- - - about how Kumanjayi was?---Yep.

But now you're saying you wouldn't particularly if there's issues?---If I was in position to talk to somebody, I'll probably will, but your Honour, that night, you know, the – the crowd outside were – were visibly upset and angry. And from experience, talking to angry people is just – you know, they probably won't even listen and listen to you.

All right, but I'll just go back to what you said about it, and you weren't in a position, it was something for your supervisor, was something you just said a moment ago?---Yeah, like I said that I'm – talking to members of the community was not my – I'd rather let my supervisor do that, instead of me.

So had someone approached you, in a good way, and politely asked, hey what's going on, is Kumanjayi okay - - - ?---Your Honour I'd probably talk to them.

You wouldn't have said look I need to - - - ?---No, no your Honour.

- - - get you to speak to my supervisor, or my superiors?---No, your Honour.

Looking back on what happened now, the incident of travelling to the airstrip and back, and do you think it's fair to say that people – community members may have assumed that that ambulance was in fact taking Kumanjayi to the airstrip?---Your Honour, at first I wasn't thinking. I – at first I didn't know why the ambulance was you know, accompanying us to the – to the airstrip. But – but now that he said it, it's probably – may be.

All right?---I – I don't know the answer to that.

And do you think maybe that's why people were upset and throwing rocks because they weren't getting any answers?

A PERSON UNKNOWN: Your Honour, I'm not sure how this assists. The questions being put to this witness are what the community generally had assumed. I'm not sure how he can sensibly answer that.

THE CORONER: I think that's right.

MR FRECKELTON: To put it another way, it's asking for speculation, your Honour.

THE CORONER: Yes, I think you're - - -

MR ESPIE: Well your Honour, it's - - -

THE CORONER: - - - it's more in the form of something that you might be submitting on rather than that this witness can actually assist me with.

MR ESPIE: - - - your Honour, it's trying to get an opinion. Obviously there was a a lot of assumptions made about the community's actions, and behaviour on the night, or in fact prior to any actions by the community. So it's – I guess it's in – that's similar - - -

THE CORONER: But where does it lead? Where does his opinion lead me to?

MR ESPIE: I'll leave the question, your Honour.

No further questions, thank you constable.

THE CORONER: We might take the afternoon adjournment, seeing as we started a little early, and then we can come back and finish any further questions.

WITNESS WITHDREW

ADJOURNED

RESUMED

FELIX ALEPHAIO:

THE CORONER: Mr McMahon, were you going next?

MR MCMAHON: Yes, thank you, your Honour.

XXN BY MR MCMAHON:

MR MCMAHON: Constable, my name's McMahon, and I act for the Parumpurru Community from Yuendumu. I just want to ask you some questions about your time in New Zealand, particularly to do with guns. As I understood your evidence, I actually couldn't hear some of it, you're a very quietly spoken man. But you were a policeman in New Zealand for about 10 years is that right?---Over 11 years, so - - -

Over 11 years. And it seems clear that in that time the practise for New Zealand police was not to carry guns in their work, is that correct?---That's correct, your Honour.

And yet at times, when you were a policeman, you were working in areas where there was some gangs – tough gangs of people?---That's correct, your Honour.

And those gangs would include young men?---That's correct, your Honour.

Correct? And sometimes older men, like fully – fully grown mature men in age?---That's correct.

So it's no exaggeration to say that those gangs are at times formidable, and pretty tough crews, do you agree with that?---That's what – that's correct sir.

And it's obvious, but we'll just get it for the record, at times, violent and even very violent?---That's correct.

Yes. And at least from time to time, if not always, but at least from time to time, had access to firearms?---That's correct.

Correct. And so in that environment, you're telling the court that you were able to be an effective policeman, and to do your job properly, in an environment where you were sometimes working with tough men, who might be lawless and who might be armed?---Your Honour, it depends on the circumstances.

Yes, yes?---Yes.

You spoke about – so I'll just – I'll just ask that perhaps more simply. You were able to do your job as a policeman for the community, even though you were at times working with gangs who might be armed?---That's correct, your Honour.

Can you just explain a little bit more about the – the guns in the vehicles, the police vehicles? Now as we understand that, from a couple of things that have been said, the vehicles can have a safe in them to store the guns? There's some kind of gun safe in the police vehicle?---You're talking about - - -

In New Zealand?---Thank you, your Honour. Yes, the guns are secured in the boots of the vehicle, the police vehicle, and there's a safe with a locked safe in that – the boot of the vehicle.

And were there ever circumstances in your work in New Zealand where you might have to go to the boot and pull out a gun?---Yes, your Honour, a few times.

Yes, a few times over about 11 years?---That's correct.

Now when you came to Australia, as I understood it, you started working as a policeman in the Northern Territory in about 2015?---That's correct, your Honour.

And a couple of years after that, you went to Yuendumu?---That's correct.

And as we understand it, Northern Territory Police wear a belt, an accoutrement belt with a variety of accessories on it?---That's correct.

Including Taser and spray, and handcuffs, and baton and the Glock?---That's correct, your Honour.

So they've got the pistol on the belt?---That's correct.

And when we – when you were at Yuendumu, typically you would wear that accoutrement belt in your work?---Yes, your Honour.

Which means you were also wearing a Glock?---That's correct sir.

In your opinion, would you have been able to do your job well, as a policeman in Yuendumu, if you were working every day, without the Glock, on your accoutrement belt?---Your Honour, I – you know, it is – it's police policy says that we have to carry firearms. And they – they won't allow me, you know - - -

Yes?---To – to work in an environment without all my police equipment.

No, I understand that. And your answer is an answer built on your sense of duty to do what you're commanded to do, in the way that you do your job?---That's correct.

And that's perfectly understandable. But I'm asking you to step outside that, which you're free to do in this environment. You're free to speak freely, and not be criticised?---Yep.

And other people in this court who speak for the police, have already made it clear, that you're free – the witnesses like yourself - - - ?---Yeah.

- - - are free to speak honestly and freely about issues like this. Do you understand?---That's correct.

So my question to you is, do you think, in your opinion, you would have been able to do your job well in Yuendumu, if you weren't carrying a Glock on your belt?---Your Honour, I don't think it'd make a difference, but I, from experience back in Yuendumu, I come across some incidents where I'm off duty, and I was approached by people that's been assaulted. And sometimes the perpetrator is also present at the same time, so I, you know, are able to – to diffuse the issues without us having our police equipment on – on us. So we would just manage to just verbally calm them down and talk them out of what's been happening. And then, you know, take the victim into a safer place for us to – to deal with it, while we are talking to them, yeah.

So even in – you've described there what – quite a serious and violent situation?---Mm mm.

But you were still able to do your job, even if you're off duty and suddenly try to sort out the problem. You're able to do your job without the pistol on your hip?---Yes, yeah, it depends on the circumstances as well. If – if I'm unarmed, or if I'm off duty and – and I come across a situation where weapons are involved - - -

Where what?---Weapons are involved, I'll probably stay out of that situation. I won't get involved in that situation.

Sure. Well I'm not going to take you over all the evidence we've heard about – and you've been part of this too, about negotiation - - - ?---Yep.

- - - and doing things slowly and working with the community in a way which might take a lot of time. We've heard a lot of evidence about that. But perhaps to summarise what you've said, you felt that it didn't actually make a difference whether you had a gun on or not when you were doing your duty?---That's correct.

When you – pardon me, when you were on duty?---When I'm on duty - - -

I said doing your duty, but I meant when you are on duty, it didn't make a difference to you whether you had your Glock with you or not?---Well if I'm duty, I'll – I'll rather have all my police equipment on me.

Yes, but from what I – from what I understood you to say earlier, it made no difference to you as to how – how well you were able to do your job, whether or not you had a Glock on or not?---Yep.

MR FRECKELTON: I object to that, your Honour. The – it came from the witness that it was exclusively related to an incident where he was off duty.

THE CORONER: No, before that, he did say he didn't – I understood his answer to be similar to what Mr McMahon is saying, that it – he didn't think it would make a difference, whether he had his gun or not, when he was on duty. That's what I understood his evidence to be, but - - -

MR FRECKELTON: I wonder if it could be clarified, your Honour?

THE CORONER: Sure.

MR FRECKELTON: Thank you.

MR MCMAHON: And I won't be long. We just have to clarify that issue?---Yep.

As I understood your evidence you've given a couple of times today, that - - -

THE CORONER: Why don't you just ask the question again, Mr McMahon.

MR MCMAHON: Yes.

Is it your evidence that when you're on duty, you'd be able to do your job with or without a gun? That it doesn't make a difference whether you're wearing a gun or not?---I believe, your Honour, I said when I'm on duty, I prefer to do my duty with all my police equipment on. That's including my firearm as well.

And that's because that's what you've been told to wear by your command?---It's – it's policies - - -

Yes?---You know we have – we have to.

And if - - - ?---It's part of the uniform, sorry.

- - - it's important that you comply with policy?---Yes it is part of the uniform as well, your Honour.

Yes. So I'm asking you to step out of that and - - - ?---Mm mm.

- - - and I – we've been over this, but we just need to clarify that sentence. Putting aside the policy that command insist on, for all the policemen in the Northern Territory, putting that aside, and bearing in mind your experience in New Zealand?---Yep.

And bearing in mind the way that you operate as a policeman. Does it – do you agree – does it make a difference to you whether you wear a Glock or not when you do your work?---Now bring back – my experience back in New Zealand, if I wear my uniform if I had a Glock on I'll – like yeah, like I'll do that same work. I'll do the same thing - - -

With or without - - - ?---Without – without the Glock on.

Yes. And you would have been happy to do your work in Yuendumu, as a policeman, on duty, without the Glock on, if command allowed that?---If commands allow that I probably will, but - - -

You probably will what? Not wear a gun?---I'll probably – if commands allow us not to carry guns, then I'll comply with that.

All right, thank you.

THE CORONER: Yes.

MR OFFICER: Your Honour, I do have some questions of clarification.

THE CORONER: Sure, Mr Officer.

XN BY MR OFFICER:

MR OFFICER: Constable, my name's Luke Officer and I act for Constable Rolfe. You were taken by counsel assisting to the sequence of events when you were asked to stay at Yuendumu Police Station on the night of 9 November 2019. And you were also referred to your statement of 11 November 2019, with a Jack Rait I think it was. Do you recall giving that statement?---Yes, that's correct, your Honour.

And then your trial evidence from the trial of Constable Rolfe?---That's correct.

It's very important, I just want to put these things to you, to make sure that you – whether you agree or disagree with them, because it seems to me there's some holes in the sequence that is currently before the court in your evidence today. You were asked - - -

THE CORONER: I don't – I don't think he was taken through the hole sequence today.

MR OFFICER: No he wasn't, your Honour, and very important that I - - -

THE CORONER: I'm happy for you to do it - - -

MR OFFICER: (Inaudible).

THE CORONER: - - - but it's not a suggestion that he's forgotten something, it's - - -

MR OFFICER: I'm not (inaudible).

THE CORONER: - - - no, no, it's he simply wasn't taken through the whole sequence in an effort to save time I think.

MR OFFICER: That's right. Certainly, your Honour, but I want to make sure that - - -

THE CORONER: I'm - it's okay, I'm allowing you to.

MR OFFICER: Your Honour -

Sorry, constable, at page six, you were asked by Jack Rait, and this is page six of your statement and your statutory declaration about your direct or indirect involvement on what was to occur on 9 November 2019. And your involvement. And you're - - -

MR MCMAHON: Perhaps - can we just get the document up on the screen?

You will see there at about point 3 of the way down, Constable, a question by Rait about your direct involvement or indirect involvement?

THE CORONER: Can you read that okay?---Yes, your Honour.

Everyone has been struggling. They haven't brought their glasses with them, they weren't expecting to be confronted with documents on the screen?---Yes
I understand the question

MR OFFICER: See that question? Yes. And your answer, "Oh, well with the - what Julie Frost was saying at the time is that he doesn't want (inaudible) meaning "they" me, myself, Chris Hand and herself are directly involved in the arrest of Arnold Walker" Do you see that answer there?---That's correct sir.

And Rait says, "Yeah, your answer - like I think my role there is just to help out with - after the arrest and whatever processes that come after that"?---That's correct your Honour.

Question:

"Yeah?---But - ah - the original - the plan was, you know, just a rough plan that was thrown to me at the time that IRT are coming out, there are four members coming out and the dog from Alice Springs are coming out and they are - they are - they are the ones who are doing the arrest"?

That's your answer?---That's correct, your Honour.

And a question, "Yeah"---Because of the threats that Arnold Walker displayed a few days ago when he threatened Chris Hand and (inaudible) doesn't want to take any more risk to get any members hurt"?---Mm mm.

"So she reckoned that IRT will deal with that directly and we are." Question, "Yep?-- Deal with it after arrest"?---That's correct sir.

And that was the effect of the conversation with Sergeant Frost?---That's correct.

If I can ask you to go to page 11 please and you will see there, Constable, about point 3 down the page again - and when I say "point 3" that's sort of sections of the page, for your benefit?---Thank you.

There's another question by rate, "So you said you were briefed, Julie Frost, what - what did that briefing entail. Do you see that question?---Yep.

Your answer:

"Oh, it was - it was more - yeah, it was more like to - to let me know what sort of my role".

"Yep?---(inaudible) why she need me to stay behind to help her".

"Yep?---And not just because of the arrest of Arnold, and also to give them a hand as well with call outs and any other jobs".

"Yeah?---That comes while I've been in Yuendumu for the weekend to cover".

"Yeah?---So she - she basically sort of, you know, 'It would be good to have you here to help us out', just the two of them back in Yuendumu".

"Yeah?---Give us a hand, I will call out and also just, you know, to help the - assist the IRT when they come out and the dog squad."

"Yeah?" And answer I think it says – "it's attributed to rate."

But, can you tell me whether this is what your answer was?---That - that's correct sir.

When they come out to - when you look on the page there. (Inaudible). Do you see how it says "rate" on the left-hand side with the answer?---Yep.

"When they come out to Yuelumu" or is this you? Is this your answer?---Yes, that's correct sir.

And that she wanted – "She made it clear that she wanted IRT and the dog squad to go in and arrest him because of concerns that you" over the page 12 "No, seeing the sort of violence displayed towards members of the police and – uh, one of us probably gets hurt" so she said, "Can you stay at home, they can arrest him". That was the conversation you had with Sergeant Frost?---Yes, I believe that yeah.

"Yeah?---Arrest, let him - let IRT arrest him, bring him back and then we'll know - we'll you know, we'll take over from the arrest."

"Yep?---When he got brought back to the police station."

Was your conversation with Sergeant Frost?---That's correct.

And then at page 13 you talk about – you don't necessarily need to go there Bec. The IRT members arriving including Zach Rolfe and Jimmy. They arrived a couple of hours after you being at the Yuendumu Police Station. Do you recall that? I haven't put it on the page there for you Constable?---Okay, yeah.

They arrived at some point?---Okay.

Now, in your - in the trial - this is at page 369 of the transcript, there's a question in examination-in-chief.

"You said that Julie Frost said that police should go first - sorry - should first go out and gather intel, is that what you said?" Your answer, "That's what I believe I heard, yes."

Do you stand by that answer?---That's correct.

And if I can just ask you to go to page 16 towards the bottom?

A PERSON UNKNOWN: The interview or the transcript?

MR OFFICER: The transcript interview that's on the screen. And - scroll down please? All the way to the bottom.

Can you see there, Constable, in response to the question, "Yeah" it starts with your answer, "And then - then I - uh - and then the plan - then their plan was - and I think I over - I think it was Zach, he was saying, just sort of briefing the members saying, "We're going to out and we're going to gather intel".

See that answer?---That's correct.

"Yeah?---And we're going to find out where Arnold is and to make sure we know where he is."

"Yeah?---And then - then after that they agreed to that and they - they left, all the four members went out"?

THE WITNESS: That's correct.

Do you recall that occurring on 9 November at Yuendumu Police Station?---That's correct, your Honour.

The 9 November 2019. And so just returning to your trial transcript, I'm not sure if he's got there Bec or whether it's necessary.

A PERSON UNKNOWN: The witness has it on an iPad.

MR OFFICER: You've got it in front of you there?---Yes.

Can you turn to page 370?---Yes.

And it's towards the bottom, Constable, and it's about point 7 of the way down - about the point 7 part way down the page, have you got that?---Yes.

And the question starts under cross-examination, "All right, well I want to ask you some questions about that". Do you see that?

THE CORONER: Third question from the bottom?---Yes.

MR OFFICER: Can I just get you to go towards the end of that and the question is this - at the end of that paragraph or that entire question:

"You certainly knew, didn't you, that the mission for the IRT was to arrest Kumanjayi Walker?---That's correct."

Do you stand by that?---Yep.

Next question: "You certainly knew, didn't you, and indeed Sergeant Frost in your presence specifically told the IRT members that if they came across Kumanjayi they were to arrest him"?---I - I believe so but I can't recall"?---That's correct.

Question:

"You knew, didn't you, because you've touched on this already, without going to your statement, you knew, didn't you that one of the things that they were to do was to gather intelligence from the community to try and identify Kumanjayi Walker to be arrested?---That's correct."

Yes?---That's correct sir.

If you turn over to page 371, the second question from the top. "You were basically helping at the Yuendumu Police Station"?---That's correct"?---That's correct.

And if you go towards the bottom the third question from the bottom, starting with, "It's true also"?---That's correct.

"It's true also -" and again, I don't expect you to remember much in fine detail, but would you agree with this much, it was obvious from all the people who were involved in that discussion, briefing, call it what you will, at that point in time just before they were deployed, they did not know where Kumanjayi Walker was?---That's correct."?---That's correct.

Next question, "What they did know, however, was that the last known place that he'd been seen by police was where the axe incident occurred and that occurred at 3:54 am on 6 November 2019?---That's correct."?---That's correct, your Honour.

And you recall Senior Constable Hand showing the IRT members a map?---Yes, I do.

Pointing to somewhere on the map. Do you know what particularly he was pointing to on the map, if he was?---I can't recall that, your Honour.

I'll get you to go page 72 starting at the top, "All right. Now, you were specifically told, were you not, by Sergeant Frost that neither you, Smith or Hand were to assist. You were to stay at the police station?---That's correct."?---Yeah, that's correct.

Yes? "In other words, you were never told that you were to go out into the community with the IRT to assist in the arrest?---That's correct."?---That's correct.

That's correct, yes. Question:

"You were told that you were to remain at Yuendumu Police Station and assist once he'd been arrested?---That's correct. But during part of the briefing, that for – if Mr Walker is to be arrested the next morning at 5:00 or 5:30 in the morning, she wanted me to accompany them?"

THE WITNESS: That's correct.

MR OFFICER: And that was the effect of the conversation with this briefing with Sergeant Frost?---That's correct, your Honour.

Question:

"Sure, but I'm talking firstly about when they went out, you were told specifically that you were not to join them when they departed at 7:05 pm?---That's correct"?

THE WITNESS: That's correct, your Honour.

MR OFFICER: And then question:

"And the same applied to her, Hand and Smith?---That's correct."?

THE WITNESS: That's correct, your Honour.

MR OFFICER: And then question:

"Right, so all you were told was that if the arrest happened to occur the following morning, that on that occasion, you might be – come on that shift at 5 o'clock and you might go out and help them then?---That's correct."?

THE WITNESS: That's correct.

MR OFFICER: So, the sequence of events is that you understood that you weren't

to go out because Sergeant Frost had a concern about safety and risk to you because of what had happened on 6 November 2019?

MR FRECKELTON: At what point in time, your Honour? At 5 am or the night before, because there is a difference. And indeed, Mr Edwardson acknowledged that there was a difference in the cross-examination that's just been read onto the record. So, I think, in fairness to the witness, the point in time should be identified.

MR OFFICER: I've only taken the witness to events on 9 November.

THE CORONER: Okay. So, we're talking about 9 November?

MR OFFICER: The 9 November 2019, you understood that you weren't to go out with the IRT to effect the actual arrest because Sergeant Frost has concerns about safety to you as well as others.

THE CORONER: Well, I'm not going to allow that, because it's putting a proposition which is not in evidence.

MR OFFICER: But your Honour, he accepted that.

THE CORONER: He accepted that he was told not to go – I think, that he was told not to go out on the evening of the 9th. The proposition that he was not to go out on the evening of the 9th to effect an arrest is what is not in evidence, Mr Officer.

MR OFFICER: I understand, your Honour. I understand, I'll rephrase the question, your Honour.

Sergeant Frost has said to you that you were not to go out on 9 November because of concerns to your safety and others?---Yes, that's correct, yeah.

What was made plain was that the IRT were to gather intelligence, because no one knew where Kumanjaya Walker was as at 9 November 2019?---That's correct, your Honour.

All of the IRT members departed, and I put to you that it was Constable Rolfe who suggested they would need to gather intelligence?---I believe I heard that conversation as well.

You believe you heard that, yes. And so, your role – sorry, I'll withdraw that. If they were to come across him, did you understand that Sergeant Frost had instructed that they could arrest him on 9 November 2019 in the evening when they left?---I did not hear that conversation, your Honour.

But certainly, if they hadn't arrested him, your involvement was to occur the next morning at 5 am or 5:30 am?---Yeah. Your Honour, if members of IRT go out at night to gather intelligence and they come across Kumanjaya and arrested him, I would be involved in the process after the arrest, especially dealing with him in the

watch-house.

So, you had understood that the IRT might actually arrest him on the night of 9 November 2019?---Well, I didn't believe that they're going to find him.

You didn't believe they could find him?---Yeah, I didn't believe that they would probably come across him.

Well, why did you hold that belief?---It was just my personal belief. I was just thinking that, you know, he's got a few places that he might be and if he sees police, he will run. He will hide.

So, if he got wind or a tip off that police were looking for him, he might run or hide. Is that right?---I believe so.

Have you been involved in a number of arrests yourself, Constable?---Yes, your Honour.

And if you are out gathering intelligence such as the whereabouts of a potential suspect and you come across information as to where that suspect might have been, do you act on that information?---Yes, definitely, your Honour.

Definitely?---Definitely.

There and then?---Yes.

You certainly don't wait?---No.

Nothing further, your Honour.

THE CORONER: Mr Hutton.

MR HUTTON: Thank you, your Honour.

XXN BY MR HUTTON:

MR HUTTON: I will be very brief. Constable Alefaio, my name's Tom Hutton and I appear for NT Health in this matter. I just wanted to ask you about one subject and that is the journey to and from the airport on the night of 9 November 2019?---Okay.

I understand you were in the lead police car to the path from the station that evening and you were driving the car?---That's correct, your Honour.

On the trip back to the police station from the airstrip, were you also in the lead vehicle?---That's correct, your Honour.

And somewhere on the trip back to the police station, you were confronted by a crowd of people. Is that correct?---Yes, that's correct, your Honour.

And you slowed as you approached the crowd?---Yes, your Honour.

Are you able to estimate for the court how many people approached the vehicle?---Your Honour, I've got my headlights on, so I - probably over 10, over around 20 or about – yeah.

Between 10 and 20?---Around 20 – 10, yeah.

Sure, thank you. You've given evidence that a rock was thrown at the police vehicle and smashed through one on the windows?---That's correct, your Honour.

Am I correct to say that a number of rocks were thrown at the police vehicle, at your first vehicle on the trip back?---Yes, your Honour. It was not just my – not just the vehicle that I was travelling in, but also the vehicles that were following me.

Yes. But a number at your vehicle and also at the vehicles that followed?---That's correct, your Honour.

Did you see vehicles (sic) being thrown at the ambulance on the – on its trip back to the station?

THE CORONER: Rocks being thrown.

MR FRECKELTON: Rocks.

MR HUTTON: I beg your pardon, vehicles.

A number of rocks being thrown at the ambulance, I beg your pardon?---No, your Honour. I wasn't aware that there were rocks until we got back and I found out that one of the nurses was hurt.

You were in front of the ambulance, so you weren't able to - - -?---That's correct, your Honour.

And in your statement, you described the damage that was done to the ambulance. You state that the front windscreen got smashed and that both of the windows – both front side windows got smashed as well. And in your statement, you recorded that a nurse had been hurt?---That's correct, your Honour.

You saw the nurse when she got out of the ambulance?---That's correct, your Honour.

Can I ask that the witness be shown some photographs, please, back at tab 9, 14A, just three photographs.

Is that the nurse, Constable?---That's correct, your Honour.

Thank you. And those injuries that you can see in those photographs are consistent with what you can recall the injuries she sustained?---That's correct, your Honour.

Thank you.

Thank you, your Honour.

THE CORONER: Dr Freckelton?

MR FRECKELTON: Thank you, your Honour.

XXN BY MR FRECKELTON:

MR FRECKELTON: So, had you participated in an arrest of Kumanjaya previously?--That's correct, your Honour.

What can you remember about that?---Your Honour, we – I can recall that prior to arresting Mr Kumanjaya, we went there to his place, House number 577. At the house, it was his grandmother, I believe.

Yes?---Lottie Robertson. And over the years that I've been working in Yuendumu, your Honour, I have managed to build up a relationship with her. So, I walked in and saw her, and I asked her – first thing I did was asking her if Kumanjaya is in the house. Which she said yes, he's in his room. And then I said to her, I asked her can you please call out to him to open the door. Because I know if I – if he find out it was me, he wouldn't open the door for me. Which fortunately, the grandmother stood up, went knock and the door, and speak in language. And then she quickly walk out of the house. And several seconds later, the door was opened. So when the door was opened, it was Kumanjaya's girlfriend.

(Inaudible)?---She opened it. She saw me, and she tried to slam the door close.

Yes?---And I believe at that time, I just put my boots in-between the door and the – and the wall, which block the door from – from closing. And then I through that space, I can see Kumanjaya's laying on his bed. So I just told her first to open the door. She refused. So I had pushed the door open. So went straight up there, hold onto Kumanjaya's hand, and I told him that he's under arrest for whatever that I'm there to arrest him. And now he's just put handcuff on him, and all he – and I remember that (inaudible) go there, he was telling me if he can put his clothing on first.

THE CORONER: If he can?---Put his clothing on first. And I said to him, let me handcuff you first, and then I will help you put on your clothing. Which he – he – he disagreed first, and later he was just – so I put handcuffs on him. Asked the girlfriend to get me his clothing, help him put his clothing on, and then I – with the help – with the help from – Lanyon Smith, we escorted him out of the room, and then put him in the case.

MR FRECKELTON: And did he speak further with his grandmother, or with Rakeisha or anyone else, do you remember?---I – I believe he did speak to the girlfriend, and also to the grandmother as well, on the way out.

So when he left the house, what was his demeanour like?---He was definitely unhappy, but you know, he was in our custody at the time. And the grandmother was talking to him in their language.

Yes?---Words I probably believe saying go deal with it, you'll be coming home soon, or something like that.

And you took him to the station and put him in the cells?---I took him into the police station, your Honour. And we, you know, processed him there. Search him. Ask him the health questions, and – and then put through – you know, put him in the cells.

THE CORONER: Yes.

MR FRECKELTON: And did anyone come out to be with him from his family, do you remember?---I – I can't – I can't recall that. I can't recall that, your Honour.

Did you have any other contact with Kumanjayi?---The – I think this is the only arrest that I can recall. I did have some contact with him, but your Honour, I can't recall it.

That's all right. So from – from what contact you did have with him, what – what did you make of him? What sort of a young man was he?---He's – your Honour, from my personal view, he's definitely a young man who needs a bit of help.

What do you mean by that?---Well you know, he's – he's repeat offender, or recidivous offender for unlawful entry. And – and – and also one time, he got – he arrest – he assaulted his girlfriend, you know, domestic related incident. And – and he's a young man who just keep doing the wrong thing. And from my personal view was he's just – you know, he needs help. He probably needs help, yeah.

Did you know anything about his having FASD, or hearing problems, or any other health issues?---Not that I know of, your Honour.

You've been asked a whole string of questions about wearing guns. If policing at somewhere like Yuendumu, are there advantages to you, in doing your job, in having a Glock on your hip?---For – for police officers safety, yes. You know, some of the remote communities, your Honour, you know, can be quite violent as well, because, you know, so we are – we need something to – for police to – for their own personal safety.

So personal safety of yourself and your colleagues. What about being able to protect the personal safety of the members of the community?---Oh definitely. That's – that's also in – is a priority for us as well. You know, safety of members of the community, and our safety.

Does trouble sometimes erupt quickly in these communities?---Yes, your Honour.

And so what's the advantage of having a Glock to be able to respond to such trouble?---It's for protection.

Right, so if you had your choice, and there were no rules from the – the bosses, would you like to – to be wearing your Glock most of the time, or would you prefer not to?---That's going to be a hard question to answer, your Honour, but from experience of – of working out in remote here, I'll probably put on my – my firearm.

Right, thank you. Now sir, you've been asked some questions too about what you overheard, and what you understood, when Sergeant Frost was speaking to the men from the IRT, and the dog handler, Mr Donaldson. Do you recall being asked questions about those matters?---That's correct.

And you were close by and able to overhear parts of the conversation, is that right?---That's correct, your Honour.

When the men left the station, on the basis of what you heard Sergeant Frost telling them to do, what did you expect was going to happen over the next hours?---I didn't expect anything to be happen in the next few hours.

What do you mean by that?---I – I actually believed that they won't come across Kumanjayi.

Right. And if – if they didn't come across him, what did you understand to be the plan?---Is to meet at the station at 5 o'clock in the morning - - -

Yes?---Next day. And then leave at 5.30 in the morning to go and arrest Kumanjayi.

And what was your role to be in that arrest of Kumanjayi, early in the morning?---Not directly involved with the arrest, but to be involved in all the after arrest procedures, take him through the watch house.

You made reference earlier in your evidence to assisting and identifying Kumanjayi. What did you mean by that?---That's correct, your Honour. I – most of the IRT members that attended that night, they – they had no previous dealings with Kumanjayi, so they also need me there to – to identify, if they come across Kumanjayi for me to be able to correctly identified him.

And you had arrested him at 577, yes? Do you remember where you arrested Kumanjayi?---Previous arrest?

Yes sir, yes?---Yes.

577, at Lottie and Eddy's house?---That's correct, yeah.

And you knew the incident that happened – that had happened that week, on the Wednesday, had been at 577?---Is this – sorry, your Honour - - -

The axe incident?---The axe incident, yeah I wasn't – I was – I was only aware of that when I got to the station, when I was briefed.

Yes, (Inaudible)?---Yeah.

All right. And so – where – did you have an expectation, from everything that you heard, of where it was most likely that Kumanjayi was going to be that night? Where he was going to be sleeping?---I actually believe he will be sleeping at 577.

Now sir, there have been – counsel assisting have taken the court to some very unpleasant racist text messages that have been exchanged, involving Constable Rolfe. Do you know about those messages having taken place?---No I wasn't aware of that, your Honour.

All right. Have you encountered police officers in the Northern Territory force, behaving in a racist way toward Indigenous people?---Nothing that I was directly involved with. I never had that, no.

You have not encountered that kind of thing?---Not, your Honour.

Have you heard a police officer in the Northern Territory speaking of Indigenous people as coons, niggers, meandible(?) - - - ?---Not - - -

- - - or anything like that?---I never heard of that, your Honour.

If anybody with whom you've worked did engage in that kind of behaviour, what would you have done?---As a person of colour, I would talk to them directly. I would tell them how I feel.

I want to go back to your own background in New Zealand to finish off now, please. You've told her Honour about the role of community policing in New Zealand?---That's correct.

Is there a particular training for community police to serve in New Zealand?---Your Honour, call it community policing, it's – sorry, training packets for recruits as well, for new recruits. And a community constable is a different role as well.

Yes?---So, for a member who is interested to apply for that role, he has to go down to the police college and spend about four to six weeks.

Right?---Starting you know, training on community policing.

That's over and above ordinary training for recruits?---That's correct.

All right. And did you do some of that training yourself?---I did part of it - - -

Yes?--- - - - as I was part of the Māori Pacific liaison officer.

And you've described to her Honour that the particular role of community police both working with people who might be at risk of repeat offending, but also with other institutions who provide assistance within communities?---That's correct, your Honour.

And you've now come to the Northern Territory where there is not anything quite the same, is there?---For my personal view from working in Yuendumu, but yeah.

THE CORONER: Sorry?

MR FRECKELTON: I wonder if you could explain that a little bit more. Is there the same kind of community policing structure in the Northern Territory as there is in New Zealand?---Yes, your Honour, yes.

I'm still not quite sure we're on the same wavelength, so let me try again. In New Zealand, there's a special policing role, isn't there?---That's correct.

Does that exist in the Northern Territory?---Yes, your Honour. We have Aboriginal community police officers.

Yes?---We also have Aboriginal Liaison Officers, the ALOs.

Yes?---These are all community policing programs, so – in the Northern Territory.

I want to ask you a real open-ended question so you can provide any views that you have to her Honour. Could the Northern Territory learn anything from the New Zealand experience with community policing?---Your Honour, I think any jurisdictions, police jurisdictions can learn from other police jurisdictions ways of community policing. And I believe that if the Northern Territory Police need to work more on the Northern Territory policing, I believe they can seek that assistance from other jurisdictions.

Is there something in particular that you think the Northern Territory could learn from New Zealand?---The court policing in New Zealand is all fuelled around the community policing strategies. And because it's very important because community policing, you are there to identify the root cause problems and you are the voice of the police in those communities. You are there to build a relationship with all the stakeholders. You are there to be with them and learn their language, sorry, their culture. I probably have to be – because back in – and I can't compare New Zealand to the Northern Territory, because in New Zealand, there is a multi-ethnicity community. While here in the Northern Territory, you know, remote areas, we just have one community there, which I think it's probably better here for compared to New Zealand, because you are dealing with one community, you're not dealing with multi-cultural communities.

Thank you.

MR COLERIDGE: Just briefly, your Honour.

THE CORONER: Sure.

REXN BY MR COLERIDGE:

MR COLERIDGE: You were taken, Constable, to your recorded statement and the words “directly involved” in the arrest. You also gave some evidence that you understood your role to be to attend and, for example, to speak to people like Lottie Robertson or Eddy Robertson if they happened to be at the house Kumanjayi was at. Do you recall that?---That’s correct.

Is it correct then that the words “directly involved”, she didn’t want you to be “directly involved” mean she didn’t want you to be physically involved?---That’s correct, yeah.

Okay. And in fact, at page 15 of the recorded statement, a page you were conspicuously not taken to by Mr Officer, you note that you understood the plan to be that you would probably just support them from, you know, hanging, you know, somewhere out of the building or somewhere?---Yep.

So, you would attend House 577, if that’s where you were to go?---That’s correct.

But, for example, stay with Lottie and Eddy talking why the IRT did the physical arrest?---Proceed and arrest him. That’s correct.

Okay. The other thing I wanted to ask you about was – you mentioned a moment ago that you’re a man of colour?---That’s correct.

Have you – I’m not talking about in the Northern Territory Police Force, but have you ever been the victim of racism?---Well, I’ve been a police officer for over 19 years now and you know, I cop a lot of those racism comments from all different people, so you know, different colour – people of colour as well, they can throw racial comments at you as well. So, you know, I guess I have been.

What effect did it have on you?---As a police officer, I built this – what do you call, you know, something that I just try to ignore it, stop – just don’t take them seriously. I’m here for work and to do my job as a police officer. So for any comments like that come to me I’ll just try and ignore it. If I have to take them seriously I probably won’t last long, this long with this job.

What effect does it have, for example, on your morale as a police officer to know that other police officers in the Northern Territory Police Force are using words like niggers and coons?---Well, if it’s true I’ll - you know, that’s for the management to be dealt with. But as a coloured police officer and things like that would happen in the work, yeah, I will feel a bit, you know, a bit down. I will go and talk to my superiors

and let them know that this is happening. But, your Honour, so far I have not heard any of those from any of my colleagues.

No further questions, your Honour.

THE CORONER: Just going back to the community policing in New Zealand you said that the community police were there to build relationships, identify the root causes of problems, build relationships with stakeholders and the goal was to reduce crime?---That's correct, your Honour.

Did you see or experience effective relationships - first of all, sorry. Did you see or experience actual effective engagement so that root causes of problems would be identified and if so, did you see effective strategies put in place to address those problems and actually reduce crime?---Your Honour, a good example, when I was working in New Zealand is the unlawful entries, you know, we seem just been unlawfully entries. And then at that this area there's a lot of poor members of the community living in this particular area, the police were there and because of our working relationship with housing and other organisations who give them advice on financial advice and also professional counsellors that come in and help with us. We - you know, I see changes in some of these communities as well. I see a drop in the crime rates as well, your Honour. It's - you know, it's difficult work, but for police officers to build that - it's very important to build that relationship with those communities, with the community I and also organisations to have an interest in that community. But when I talk about those organisations like housing, schools, churches, youth groups, you know, sport clubs and these are the organisers that we can all get together discuss - identify those issues and discuss with them, what can they do to play their part in helping solving this problem. And we try to recruit young kids into sports. Youth groups running mentoring programs. You know, getting the youth to dancing groups and things like that. So, small things like that, it helps, your Honour. I saw changes. I saw a lot of changes in some of the work that we done back as I said.

THE CORONER: Have you seen that kind of approach in any of the communities that you've worked in, in the Northern Territory?---I see a lot of police tried their best, you know. These are hardworking members of - the Northern Territory members that are working outside in these remote communities try their best to work with, you know, these communities. You know, sometimes it works. It depends on how the community responds to whatever your plan that you want implemented in that community. And also, like I said, I think the building relationship with these community - with communities and organisations that are based in these communities like the health department, the schools, Centrelink and the local council. I think it's very important. And also, the Elders of the community as well. It can work.

Did you see any real changes in Yuendumu?---I think, your Honour, I left Yuendumu before the incident and I see very little changes.

Very?---Very little changes.

Little.

Anything arising from that?

MR COLERIDGE: One question arising.

THE CORONER: Sure.

REXN BY MR COLERIDGE:

MR COLERIDGE: You mentioned that one of the services you might be involved with as a police officer in New Zealand was counsellors. What kind of counsellors?---Anger management counsellors or domestic violence. You know, counsellors for mental problems, which I think is also a big thing in our communities here.

Did you ever – or were you ever involved with counsellors for trauma or sadness, grief?---Like in my experience as a police officer?

Sorry, providing that kind of counselling service to at risk kids or - - -?---Look, as a police officer, you are a police officer. You can be, you know, we are not trained - - -

Sorry, I wasn't suggesting that you would do the counselling?---Yep.

But were you aware, in your role as a police officer, of at risk kids being encouraged to speak with trauma counsellors?---Yes, your Honour. All the time, your Honour.

Okay.

That was all, your Honour.

MR BOE: Your Honour, may I ask one question arising from the issue - - -

THE CORONER: Sure, Mr Boe.

REXN BY MR BOE:

MR BOE: Constable, when you described the work that was done in New Zealand, were the people who were community officers people of colour or were they white people?---Your Honour, with the – we call them MPES, it's Maori and Pacific and Ethic Service. So, they try and encourage the different cultural groups to join the police. And then in the police, they will try and encourage these members from different culture to be involved and take part in – to join the community policing.

Did you find, however, that the people that were doing that important work of having relationships, trust, understanding of the community they were services, were they people of colour, police officers of colour doing that?---Yeah, that right, your Honour.

You can be – like I'm from a different cultural group in New Zealand and I speak my native language. And I was choose because I have a big community back in New Zealand that I can relate and represent the police in their culture. And I speak their language and then we can also get a nation police officer who can communicate. So, that's – you know, that's probably the best way, because we understand our culture. We understand the language. But by saying that, we have some very good European police officers who are community constables. They are very - - -

Thank you.

Thank you, your Honour.

THE CORONER: I think that's all of us have had our turn. Thank you again for coming and telling us about your experience in Yuendumu. But we've also particularly been interested to hear about the alternative sorts of options that are out there for policing?---Thank you.

Obviously, you've told us a little bit about your experience in New Zealand and we appreciate those insights?---Thank you, your Honour.

THE CORONER: We can adjourn until 9:30 tomorrow.

WITNESS WITHDREW

ADJOURNED