

CITATION: *Inquest into the death of Kumanjayi Walker (Ruling No 11)*
[2025] NTLC 9

TITLE OF COURT: Coroners Court

JURISDICTION: Alice Springs

FILE NO(s): A51 of 2019

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FINDING OF: Judge Elisabeth Armitage

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Coroners Act 1993 (NT), s 39.

Inquest into the death of Kumanjayi Walker (Ruling No 7) [2023] NTLC 11.

Priest v West (2012) 40 VR 521.

Doomadgee v Clements (2006) 2 Qd R 352.

APPEARANCES:

Counsel assisting: Dr P Dwyer SC with Mr P Coleridge
Instructed by Maria Walz Legal

For Zachary Rolfe: Mr M Abbott KC with Mr L Officer
Instructed by Tindall Gask Bentley Lawyers

For the Brown Family: Mr G Mullins KC with Ms P Morreau KC
Instructed by Streeton Lawyers

For the Walker, Lane and
Robertson families: Mr A Boe with Mr A O'Brien, Mr D Fuller,
Ms C O'Neill and Ms G Boe
Instructed by Hearn Legal

For the Northern Territory Police Force: Dr I Freckelton AO KC with Ms A Burnnard
Instructed by PFES Legal

For the Department of Health: Mr T Hutton
Instructed by Hutton McCarthy

For NAAJA: Mr P Boulten SC with Dr JR Murphy, Mr M Derrig, Ms M Mishra, Ms M Hurley and Mr N Espie
Instructed by NAAJA

For the Parumpurru Committee: Mr J McMahon AC SC with Mr C O'Bryan
Instructed by Doogue & George

For the Northern Territory Police Association: Mr R Murphy Instructed by Ms I Young,
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IN THE CORONERS COURT
AT ALICE SPRINGS IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. A51 of 2019

In the matter of an Inquest into the death of
KUMANJAYI WALKER

ON: 9 November 2019

AT: Yuendumu Community

JUDGE ELISABETH ARMITAGE

Introduction

1. On 8 October 2024, I directed the solicitor assisting this Inquest to inform the parties that I had ruled on three requests, by different parties, that further evidence be adduced in the Inquest. In each case, at least one other party had opposed the request that the further evidence be adduced.
2. The three requests, and their associated objections, were as follows:
 - (a) the proposal of Counsel Assisting in May 2023 to tender the statement of Ms M and the associated objections of Mr Rolfe and NT Police;
 - (b) the request of the Walker, Lane and Robertson families dated 26 May 2024 that an edited television program (Channel 9's "Shots Fired") be tendered as a part of the Inquest brief and the associated objections of Mr Rolfe and NT Police (in part); and,
 - (c) the request of Mr Rolfe dated 27 May 2024 that Sgt Meacham King be made available for cross-examination and the associated objection of NT Police (submissions dated 30 July 2024).
3. In each case, I ruled that the relevant request should be refused. These are my written reasons.

Legal principles

4. Section 39 of the *Coroners Act* governs the “receipt” of evidence by a Coroner during an inquest. It provides as follows:

39 Rules of evidence not binding

A coroner holding an inquest is not bound by the rules of evidence and may be informed, and conduct the inquest, in a manner the coroner reasonably thinks fit.

5. As I noted in *Ruling No 7*, whether a coroner may inform herself from “evidence” depends on whether she subjectively “thinks fit” to do so, but her subjective state of satisfaction must be “reasonable”.¹ Given the nature of a coroner’s statutory functions, and in light of the “broad and indefinite” subject matters of the coronial inquiry, it is appropriate that a coroner take an expansive or inclusive approach to the evidence and issues that may, ultimately, assist the coroner to discharge her statutory functions.²
6. Nevertheless, the authorities considering provisions like s 39 hold that such provisions do “not suggest that the coroner can, or should, conduct an investigation without paying proper regard to questions of cost, delay and feasibility”³ or the practical “*likelihood*” that a particular item of evidence *will* “influence the outcome of the hearing” in a significant way (as opposed to its bare *capacity* to do so).⁴

Analysis

7. As the solicitor assisting advised the parties, my ruling on each of the requests, whether made by Counsel Assisting or an interested party, was the same: the request was refused. Although there were some minor differences between each of the requests, my reasons for refusing them were also, in essence, the same:

¹ *Inquest into the death of Kumanjaya Walker (Ruling No 7)* [2023] NTLC 11, [4(a)].

² *Ruling No 7* [2023] NTLC 11, [4(d)].

³ *Priest v West* (2012) 40 VR 521, [7].

⁴ *Doomadgee v Clements* (2006) 2 Qd R 352, [52].

in each case the requests came too late, and, at that late stage, would occasion a degree of expense and delay that was out of proportion to the likely value of the evidence.

Request 1 – the statutory declaration of Chelsea McIntyre-Hook (“Ms M”)

8. In or shortly before May 2023 Counsel Assisting informed Mr Rolfe that they had identified a statutory declaration of a friend of Mr Rolfe’s former girlfriend and proposed to add it to the Inquest brief. Mr Rolfe objected to that course and filed submissions in support of his objection on 19 May 2023. NT Police also objected to the receipt of the statutory declaration either in its entirety, or, in the alternative, with redactions to certain “inadmissible” or sensitive material.
9. It appears that coronial investigators identified that person, referred to here by the pseudonym of Ms M,⁵ as a potential witness after reviewing a series of statutory declarations that had been written by Mr Rolfe’s former girlfriend, Claudia Campagnaro. In Ms Campagnaro’s sworn declarations, she told investigators about a series of concerning behaviours and statements by Mr Rolfe regarding his use of force, his alleged desire to shoot someone, and his attitudes towards indigenous people. During the course of one of these sworn declarations, taken on 19 August 2020, she told investigators that Mr Rolfe had made similar statements in the presence of Ms M, including to the effect that “Indigenous People’s heads are like rocks, like you can’t break through them.”⁶
10. Investigators took an audio-recorded statutory declaration from Ms M on 14 October 2020. Ms M told investigators that she had met Mr Rolfe on two occasions, a couple of days apart, in the company of Ms Campagnaro, around

⁵ I have given the pseudonym of Ms M, to comply with the non publication order I made in this matter on 19 May 2025, and I have redacted her name in the one place it appears in the publicly available version of this Ruling.

⁶ Transcript of audio-recorded statutory declaration of Claudia Campagnaro dated 19 August 2020, 33.

Easter 2018.⁷ The first meeting took place over approximately two and a half hours, and Ms M’s then-partner was also present.⁸ The second meeting took place over half an hour or forty-five minutes, in the presence of a number of members of Ms M’s family.⁹

11. Ms M told investigators that¹⁰, during the meetings, Mr Rolfe had made “a number of different comments about Aboriginal people”, including that “they can take a beating”¹¹ and that they were “alcoholics”.¹² She told investigators that Mr Rolfe said words to the effect that “if he wants to kind of hurt them or fight them...he hurts himself first, ’cause then...he’s kind of able to fight them or beat them up.”¹³ Ms M understood Mr Rolfe to be saying that, by causing injury to himself, he then had a “a reason to be able to fight...Aboriginal people” or that it “kind of gave him an excuse to be violent towards them.”¹⁴
12. Ms M also said that Ms Campagnaro and Mr Rolfe would often talk about how “he would sometimes turn his bodycam off and...then turn it back on.”¹⁵ Ms M said that Ms Campagnaro and Mr Rolfe told her that, when they would attend jobs with their “groups” (I assume, “Patrol Group”), “people would take turns turning their things off”. She said that “sometimes they would arrest people or whatever and they would...turn their thing off...be a bit violent and then turn it back on.”¹⁶
13. Although some of Ms M’s statutory declaration recalled the words Mr Rolfe said, other parts amounted to impression or opinion. She explained to

⁷ Transcript of audio-recorded statutory declaration of Ms M dated 14 October 2020, 8, 10, 19-20 (**Ms M Declaration of 14 October 2020**).

⁸ Ms M Declaration of 14 October 2020, 8-11.

⁹ Ms M Declaration of 14 October 2020, 19.

¹⁰ Given my decision not to admit the Ms M Declaration of 14 October 2020 into evidence, I have redacted some of the content of the declaration from the publicly available version of this Ruling.

¹¹ Ms M Declaration of 14 October 2020, 9, 13.

¹² Ms M Declaration of 14 October 2020, 9.

¹³ Ms M Declaration of 14 October 2020, 9.

¹⁴ Ms M Declaration of 14 October 2020, 10.

¹⁵ Ms M Declaration of 14 October 2020, 16.

¹⁶ Ms M Declaration of 14 October 2020, 17.

investigators that Mr Rolfe’s interactions with her gave her the impression that he “liked fighting Aboriginal people” and that “he probably just liked the violence”.¹⁷ She said that when she “got the news that he had shot [an] Aboriginal...kid [she] wasn’t really surprised that he had killed someone”, because she “felt like he enjoyed...hurting people or like being violent.”¹⁸

14. Mr Rolfe contended that “relevance must be the forefront of the consideration in whether or not to receive this statement, followed closely by the utility of it and incursion it places on the efficient operation of the coronial jurisdiction.” In distinguishing between “relevance” and “utility” I understand Mr Rolfe to have been drawing the distinction I drew earlier in these reasons between mere relevance (that is, a bare connection with an issue arising in the Inquest) and the degree of assistance I was likely to derive from the evidence (having regard to the quality/probative value of the evidence and the significance of the issue to which it was relevant).
15. I do not accept the submission that Ms M’s evidence is wholly “irrelevant.”¹⁹ Ms M claimed to have heard direct statements by Mr Rolfe regarding violence by him towards Aboriginal persons in the Northern Territory and of serious dishonesty in the context of that violence. On Ms M’s account, that dishonesty included the self-infliction of injury in order to excuse what might otherwise be inexcusable applications of force, and the manipulation of body worn video (**BWV**) to conceal acts of violence towards Aboriginal people. As I explained in *Ruling No 2*, *Ruling No 3* and, ultimately, in my Findings, Mr Rolfe’s tendency towards unnecessary or avoidable uses of force, in particular when dealing with Aboriginal people, and his honesty or dishonesty in the context of that use of force, were clearly relevant to the cause and relevant circumstances of Kumanjayi Walker’s death.
16. I do, however, accept the submission of Mr Rolfe and, in substance, NT Police, that at least some significant parts of Ms M’s evidence involved impression, or

¹⁷ Ms M Declaration of 14 October 2020, 9.

¹⁸ Ms M Declaration of 14 October 2020, 16.

¹⁹ If that was the submission: Submissions of Mr Rolfe dated 19 May 2023, [4]-[8]; Submissions of NTPF dated 17 May 2023, [13].

a “vibe”,²⁰ and that, even though I am not bound by the rules of evidence,²¹ these parts of her evidence were unlikely to assist me to discharge my functions as Coroner (that is, they had limited utility). The utility, or value, of Ms M’s evidence was also decreased by the fact that there was already a wealth of other, and in many ways more direct, evidence in the coronial brief regarding Mr Rolfe’s attitudes towards the use of force.

17. I also accept Mr Rolfe’s submission that the timing of the proposal to call Ms M would undermine the efficient operation of the coronial jurisdiction. Although it is likely that the statutory declaration would have been disclosed to Mr Rolfe during the criminal proceedings, it appears that Counsel Assisting were not aware of it, or aware of its potential significance to the Inquest, until around April or May 2023. By the time Counsel Assisting foreshadowed their intention to tender the statutory declaration, the overwhelming majority of the evidence in the Inquest had been received (between September and November 2022). Indeed, from February 2023 the only witnesses who remained to give evidence were Mr Rolfe and Sgt Bauwens (whose examination had been delayed by their unsuccessful applications, and appeals, to the Supreme Court and Court of Appeal). The tender of Ms M’s evidence would have required a further hearing block for the taking of her evidence, probably the evidence of other persons said to be present at her meetings with Mr Rolfe, and, possibly, the recalling of Claudia Campagnaro (who had not been examined about the meetings when she gave evidence in 2022).
18. Ultimately, although the evidence was relevant, and had some value or “utility” to me in discharging my functions, that value was not substantial in the context of the brief as a whole and was outweighed by the very significant public interest in bringing these already very lengthy proceedings to an end without further delay. Accordingly, I upheld Mr Rolfe’s objection and refused to permit the tender of Ms M’s statutory declaration.

²⁰ Submissions of Mr Rolfe dated 19 May 2023, [10].

²¹ *Coroners Act*, s 39.

Request 2 – Mr Rolfe’s request that Sgt Meacham King be recalled

19. On Monday 27 May 2024, two days prior to the close of evidence in the Inquest, Mr Rolfe made an oral request, through his counsel, Mr Abbott KC, that Senior Sergeant Meacham King be recalled to give further evidence.
20. The brief oral submissions in support of the application reduced to this: SSgt King had made a number of different statutory declarations regarding alleged racism at a TRG awards ceremony. The last of the statements, affirmed on 1 May 2024, was said to be inconsistent with the earlier statements and other evidence in the Inquest. In Mr Rolfe’s submissions this was something that “should be explored”.
21. Mr Abbott KC did not identify the purpose for which Mr Rolfe wished to explore these inconsistencies, or the questions he proposed to ask him. The only connection between the TRG awards ceremony, Mr Rolfe and the death of Kumanjayi Walker is that Mr Rolfe claimed in his evidence to have heard rumours of the ceremony during his time as a police officer (and afterwards). He was not a member of the TRG, and did not attend any such award ceremony (most of which occurred prior to his joining NT Police). In the absence of an explanation by Mr Abbott KC, I am prepared to infer in Mr Rolfe’s favour that he wished to put the alleged inconsistencies to SSgt King in a legitimate attempt to discredit him as a witness, in circumstances where SSgt King had given evidence in the Inquest that was unfavourable to Mr Rolfe.
22. Mr Rolfe did not give prior notice of his intention to make the request, despite being on notice of the content of SSgt King’s most recent statement many weeks prior to the resumption of the Inquest on Monday 27 May 2024. As Counsel Assisting submitted at the time of Mr Rolfe’s oral application:²²

“...there are lines of communication that are open and have been urged upon all of the legal teams including Mr Rolfe’s team. There are emails that are regularly sent between members of the legal team copying in everybody so that any issues can be raised beforehand. It is simply not appropriate for these issues to be raised so late in circumstances where

²² Inquest into the death of Kumanjayi Walker, 27 May 2024 at T5661.

we are doing absolutely everything possible to manage this inquest sensibly and to finish this week.”

23. Mr Abbott KC did not respond to this submission, or identify any reason why the request could not have been made many weeks earlier and, at the very least, prior to the final, three-day, hearing of evidence in the Inquest between 27 and 29 May 2024.
24. NAAJA and NT Police both filed written submissions opposing the request. The central premise of each party’s opposition was that any issues that arose from alleged inconsistencies in the statements of SSgt King, or other witnesses, could be dealt with adequately in final written submissions. In opposing the request to recall SSgt King, NAAJA made it clear that it *did* intend to impugn SSgt King’s credibility, but maintained that “recalling him to give further evidence would be a futile exercise, which would unnecessarily lengthen the proceedings”, in circumstances where the inconsistencies were apparent on the face of the documents (and other evidence) and, in NAAJA’s submission, were “blatant”. Knowing this, NT Police undertook not to take “any procedural fairness point if this course is adopted despite alleged inconsistencies not being raised with Sgt King in oral evidence.”²³
25. NT Police also emphasised that the “oral request to recall Senior Sergeant King was made over three weeks after his last statement was served, when he was clearly unavailable, and when fewer than three sitting days remained.”²⁴ It noted that Mr Rolfe had not identified the questions he proposed to ask of Sgt King, or how “recalling him would assist [me] to discharge [my] statutory functions”. It noted that “[r]ecalling Senior Sergeant King would only protract the proceedings, which is particularly significant as the sitting dates for the hearing of oral evidence have now concluded and a timetable has been set for submissions.”²⁵

²³ Submissions of the NTPF dated 30 July 2024, [7]. The NTPF did not concede that I should ultimately find that Senior Sgt King lacked credit as a result of any alleged inconsistency.

²⁴ Submissions of the NTPF dated 30 July 2024, [4].

²⁵ Submissions of the NTPF dated 30 July 2024, [6].

26. I accept the submission of both NT Police and NAAJA that any issue arising from the alleged inconsistencies could have been adequately raised in written submissions at the conclusion of the Inquest. While I accept that cross-examination on inconsistencies could have yield some additional evidence relevant to credit, there is an equal chance it would not. In addition, the issue of the TRG awards lies at the fringe of this Inquest. Given the belatedness of Mr Rolfe's request, to accede to it would have meant delaying the finalisation of the Inquest for a period of many months, in order to find a date mutually convenient to the Court, the witness and the very large number of legal representatives acting for the interested parties.
27. Accordingly, although I accept that the evidence has some potential, and peripheral, relevance to the Inquest, its value to me in discharging my functions is marginal at best and is outweighed by the very significant public interest in bringing these already very length proceedings to an end. For those reasons, I upheld the objections of NT Police and NAAJA to Sgt King being recalled at that late stage in the Inquest, without prejudice to any interested party's right to make submissions regarding Sgt King's credibility arising from any alleged dishonesty apparent on the face of his statement.

Request 3 – the WLR Families' request that a Channel 9 recording be tendered

28. On 26 May 2024, the WLR Families wrote to the solicitor assisting the Inquest, copying all parties, as follows:

On 27 March 2024, 9Now's *Under Investigation* series released Season 6, Episode 8 ("Shots Fired"), a program which included interviews with a number of people directly connected with the death of Kumanjayi Walker as well as the lead trial prosecutor Philip Strickland SC.

Ms Leanne Oldfield [and/or Margaret Brown] spoke about whether she gave any police permission to enter House 511.

Mr Strickland spoke, inter alia, about the decision not to regard the first shot fired by former constable Rolfe as being relevant to the criminal charges brought against Rolfe.

The WLR families request that this recording of the program be received into evidence by the Coroner.

29. Mr Rolfe and NT Police objected to the tender and filed written submissions in support of their objections. Mr Rolfe's objection extended to the entirety of the program, whereas NT Police's objection did not extend to the evidence of Margaret Brown about whether she gave permission to police to enter House 511. Save for that difference, Mr Rolfe's own written submissions note that he agreed with the submissions of NT Police.
30. Insofar as the recording contained the opinions of the lawyers who prosecuted Mr Rolfe about what did, or did not, occur on 9 November 2019 those opinions are, if not strictly "irrelevant", highly unlikely to assist me to resolve the issues that arise in this Inquest. To the extent that these lawyers had some non-opinion evidence to give, that evidence could only concern the conduct of the prosecution (a matter I had long determined should not be examined during the Inquest).
31. Insofar as the recording contained non-opinion evidence from Margaret Brown (and/or Leanne Oldfield), I accept Mr Rolfe's submissions that neither WLR Families, nor the Brown Family, explained why they had not sought to adduce this evidence in the years prior to the "Shots Fired" program. In addition, I accept Mr Rolfe's submission that, in circumstances where none of Ms Brown's earlier statements in evidence on the coronial brief (including her trial examination) had included an assertion that she had not provided Mr Rolfe with consent to enter House 511, a legitimate issue arose as to whether the reliability of this statement had been affected by the circumstances in which it was obtained. That would require the production, at least, of the "raw footage of the whole interview with Ms Brown" and, perhaps, production notes and other records of communication.
32. Ultimately, given the controversy surrounding Mr Rolfe's entry into House 511, and the issues that arise from the timing and circumstances of Ms Brown's statement, it would be unfair to Mr Rolfe to tender this hearsay evidence without occasioning an unacceptable delay to the Inquest. Accordingly, I

upheld the objection of Mr Rolfe, in full, and did not permit the tender of any part of the recording of the program.

33. For those reasons, I ruled that none of the evidence should be received.