COMMUNITY EDUCATION KEY MESSAGES

What is a Coronial Inquest?

At an Inquest the Coroner's job is to work out how someone passed away.

The Coroner does this by listening to people tell their stories and by reading documents and looking at other evidence, like videos and pictures.

During the Inquest, the Coroner will listen to evidence about:

- What happened when Kumanjayi passed away,
- What caused Kumanjayi to pass away,
- What happened before and after she passed away,
- Whether there are bigger issues that might have led to her passing away. For example:
    - Issues with the police or
    - Other issues in the community,
- Whether there should be some changes (like to police training) to try to make sure this doesn't happen again.

An inquest is very different to a criminal trial. A criminal trial is about whether someone has done something criminally wrong and if they have, they will be punished like by being sent to gaol. An inquest does not decide whether someone has committed a crime, or whether they should go to gaol.

What can and can't the Coroner do at the end of the Inquest?

At the end of the Inquest, the Coroner will write a report. In the Report:

- The Coroner will say what she thinks happened. For example, she will say when Kumanjayi passed away, what caused the death, and whether there were any bigger issues or problems that led to that. This part of the report is called the Coroner's "***findings***".
- The Coroner can tell other groups (including the Government, Police and Health) if there

are things that the Coroner thinks should change to make things better. This part of the report is called the Coroner's "***recommendations***". She can't force people to do what she recommends, but what she says is taken very seriously. There have been inquests that have made really good changes, that mean community is safer.

The end of an Inquest is very different to the end of a criminal trial:

- ***At the end of a criminal trial***, the jury decides if a person is guilty or not guilty. That is the only thing the jury is allowed to think about. If the jury says the person is guilty, then the judge punishes the guilty person, for example by sending them to gaol.

- ***At the end of an Inquest***, the Coroner is not allowed to decide whether ANY person is guilty or not guilty. The Coroner is not allowed to punish people for things that happened in the past. The Coroner's job is to try to make sure that the same things don't happen in the future.

What is the reason for having a Coronial Inquest?

There are two big reasons to have an Inquest:

- The **first reason** to have an Inquest is that it allows the full truth to be told about how Kumanjayi passed away. Because the Coroner needs to think about bigger issues that might be related to that, the Coroner can hear more evidence than a jury can at a criminal trial. The Coroner can also listen to more witnesses than a jury can at a criminal trial.

- The **second reason** to have an Inquest is to try to make sure that people don't pass away in the same way again in the future.

What kinds of issues will the Coroner look at in this Inquest?

The Coroner will look at a big list of issues during the Inquest. Some of those issues are:

- How did Kumanjayi pass away?

- What things could groups like Police, NT Health or Territory Families maybe have done differently that may have helped to avoid Kumanjayi's death,

- What changes do family and the community want to try to make sure no one else passes away?

At the end of this document, there is a longer list of the types of issues the Coroner will think about.

Who is the Coroner?

The Coroner's name is Elisabeth Armitage. She is a judge of the Local Court of the Northern Territory as well as the Coroner. The Local Court is a different court to the Supreme Court, which usually deals with criminal charges related to a person's death (like murder and manslaughter).

The Coroner has lived and worked in the Northern Territory for more than 20 years. She has done lots of work in indigenous communities.

The Coroner is neutral, like an umpire. She isn't on anyone's side. The Coroner must listen to all of the evidence and all of the submissions by all the lawyers. When she has listened to all of the evidence and the submissions she must decide what happened in a fair and independent way.

In the lead up to the Inquest, and during the Inquest, the Coroner will make sure enough evidence is heard to get the full story. The Coroner can also decide how that evidence can be shared with her so that everyone that needs to share their story can do so safely.

Who else is working on the Inquest?

Counsel Assisting

The "counsel assisting" are the lawyers who help the Coroner. Their names are Peggy Dwyer and Maria Walz. The one who will do the talking in Court is Peggy Dwyer.

Like the Coroner, counsel assisting are neutral. They are not on anyone's side.
Counsel assisting's job is to help the Coroner. For example, counsel assisting:

- Work out who wants to tell their story to the Coroner;
- Ask most of the questions of witnesses in Court at the Inquest; and
- Make submissions to the Coroner about what happened and what recommendations should be made.

An important part of counsel assisting's job is to talk to people in the community, and all of the lawyers for the other parties, to encourage them to work together.

The parties and their lawyers

"The parties" are people or groups or organisations who are allowed to question witnesses, or make submissions to the Coroner at the Inquest, through their lawyers.

They are allowed to do this because:

- They might have seen or heard what happened around the time Kumanjayi passed away;

- They might have special knowledge that is important to help the Coroner understand what happened; or
- They might have good ideas about how things should change to stop deaths, like Kumanjayi's, from happening in the future.

The parties may be:

- Kumanjayi's family;
- The Northern Territory Police Force, including the Commissioner,
- The Northern Territory Department of Health,
- Territory Housing, Families and Community.
- NT Corrections

The parties each have their own lawyers.

Where and when will the Inquest be?

The Inquests will be heard on the following dates:

- Inquest into the death of Kumanjayi Haywood will be heard at Alice Springs Local Court from 13-16 June and on 21-23 June,
- Inquest into the death of Kumanjayi Ragurrk will be heard at Darwin Local Court from 26-30 June,
- Inquest into the death of Miss Yunupingu will be heard at Darwin Local Court from 3-7 July,
- Inquest into the death of Kumanjayi Rubuntja will be heard at Alice Springs Local Court from 21-25 August, and
- All four inquests will continue together at Darwin Local Court from 30 October to 10 November, in relation to issues that are common to all four deaths.

After all of the evidence has been heard, the parties can tell the Coroner what they think all the evidence means and what should be done for the future. These are called **submissions**.

Once all the evidence and submissions are finished, the Coroner will take some time to write her

report (with the findings and recommendations). This might take about two or three months.

The Coroner's findings need to bring everyone's stories together to say as best as she can what the true story is. The Counsel Assisting and the Coroner will work very hard to make sure everyone's parts of the story are heard.

But, because the stories all come from lots of different people with different points of view, sometimes people might not fully agree with the story. The Coroner asks everyone to listen to each other, and try to understand each other, so we can work together to keep everyone safe.

What should I do if I want to share my story or want support?

The best chance the Coroner has to find the true story is for everyone to be honest and share their stories. This can be a hard thing to do because it is a hard story to tell when someone dies.

If you need some help or support to tell your story, or if you are sad or feeling sorry, you can do a few different things:

- If you have a lawyer already, then speak to them first so they can help you to write your story down;
- If you don't have a lawyer, or after you have spoken with your lawyer, then you can talk to Peggy and Maria. They will be patient with you and try to help you tell your story and write it down. You can call this number to speak to Maria (0438 547 049) or this number to speak to Peggy (0405 397 311).
- If you would like someone to talk to about feelings, or worries about what happened, you can also call Alison Grant at the NT Coroner's officer. She is a counsellor and social worker and her number is **08 8999 7770.**