

CITATION: *Inquest into the death of Gregory Nunggarrgalu* [2004]
NTMC 054

TITLE OF COURT: Coroner's Court

JURISDICTION: Darwin

FILE NO(s): D0211/2002

DELIVERED ON: 18 June 2004

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HEARING DATE(s): 15, 16 June 2004

FINDING OF: Mr G Cavanagh

CATCHWORDS:

CORONERS : Inquest, death from exposure, viewing body after death.

REPRESENTATION:

Counsel:

Assisting: Ms Lyn McDade

Judgment category classification: B

Judgement ID number: NTMC 054

Number of paragraphs: 40

Number of pages: 12

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

No. D0211/2002

In the matter of an Inquest into the death of

**GREGORY NUNGGARRGALU
BETWEEN 26th OCTOBER 2002 AND 3rd
NOVEMBER 2002
AT NILIPITJ OUTSTATION**

FINDINGS

(Delivered 18 June 2004)

Mr Greg Cavanagh

1. Gregory Nunggarrgalu (hereinafter called “the deceased”) died sometime between the 26th of October and 3rd of November 2002 in the vicinity of the Nilipitj Outstation.
2. His death was unexpected and therefore a reportable death pursuant to Section 12 (1) of the *Coroners Act* (“the Act”).
3. The Inquest into his death was held at my discretion pursuant to Section 15(2) of the Act.
4. The Inquest took place at Nhulunbuy and Darwin on the 15th and 16th of June 2004. Ms McDade appeared as Counsel Assisting the Coroner. The family was not represented, however the paternal grandfather of the deceased attended the first day of the Inquest. His attendance was arranged by my office and a special charter was provided to enable him to travel from Numbulwar to Nhulunbuy to attend.

5. Six witnesses were called to give evidence during the Inquest. These witnesses were Sergeant Michael Read the police officer who coordinated the search for the deceased, Constable Wiesenekker, the police officer who investigated the death and found the deceased's body, Don Nundhirribala the deceased's paternal grandfather, Ian Murrungun and Anthony Ormond, the deceased's travelling companions, and Detective Senior Constable Wayne Whitlock, a police officer who was involved in reinvestigating the death of the deceased. In addition to their evidence, statements from other witnesses, the post mortem report, the deceased's birth certificate, police reports including photographs, the deceased's medical records and a report of an investigation conducted by concerned community members of Numbulwar were admitted into evidence.
6. At the request of the paternal grandfather I did not refer to the deceased by name throughout the Inquest, and I order that his name not be published.

CORONERS FORMAL FINDINGS

7. Pursuant to Section 34 of the Act, I find, as a result of the evidence adduced at the Public Inquest the following:
 - (a) The identity of the deceased was Gregory Dunggarra Nunggarrgalu an Aboriginal male who was born at Numbulwar in the Northern Territory on 11 August 1967.
 - (b) The time and place of death was sometime between 26 October and 3 November 2002 in the vicinity of the Ngilipitj Outstation.
 - (c) The cause of death could not be determined from autopsy examination. I find having heard the evidence that the deceased's death was caused by the effects of exposure.

(d) Particulars required to register the death are:

1. The deceased was a male
2. The deceased was Gregory Nunggarrgalu
3. The deceased was an Australian resident of Aboriginal origin.
4. The death was reported to the Coroner.
5. The cause of death was from the effects of exposure.
6. The Forensic pathologist was Paul Bottrill and he viewed the body after death.
7. The deceased's mother was Ginyibua (Ginyibuwa) Nungubuyu.
8. The deceased's father was Galiliwa Nungubuyu.
9. The deceased resided at Numbulwar.
10. The deceased had no usual occupation
11. The deceased was aged 35 years having been born on 11 August 1967.

RELEVANT CIRCUMSTANCES CONCERNING THE DEATH

8. On Thursday 24 October 2002 he left Numbulwar Community with Ian Murrungun, his son Liam, and a Caucasian male named Anthony Ormond in a Toyota Hi Lux utility to drive to Lake Evella (Gapuwiyak), a distance of about 260kms. They left Numbulwar at about 3:00pm in the afternoon carrying with them some water and food.
9. The trip was to enable Anthony Ormond to visit Bobby Wunungmurra at Gapuwiyak and had been organised by Ian Murrungun and Ormond. The deceased joined them at the last minute. They were driving the back way to Gapuwiyak, a route known to Murrungun and the deceased.

10. Murrungun drove the vehicle from Numbulwar because he knew the road. The road was rough. In fact the road is rarely used and is no longer graded or otherwise maintained.
11. He drove from Numbulwar to Walker River Out Station where the group arrived at about sunset. They stopped briefly at the Outstation, and changed drivers. When they left the deceased drove the vehicle. The vehicle had to be push started to continue the journey.
12. They then drove to Ngilipitj Outstation where Anthony Ormond noticed that the alternator light was on. They stopped the vehicle but left it running while they got water from a creek near the outstation and continued driving towards Lake Evella. As they were crossing a dry rocky creek bed the vehicle stalled and would not restart. They slept the night in the vehicle.
13. On Friday 25 October Ormond tried to fix the vehicle without success. There was apparently some discussion about what to do. Anthony Ormond in his evidence to me said that the deceased and Murrungun (with his son) decided that they would walk back to Walker River to get help leaving him with the vehicle. Ian Murrungun in his evidence said that the deceased left them and started to walk to get help and that he followed with his son after the deceased could not be persuaded to remain with the vehicle. In any event I am satisfied that some time during the morning of 25 October the deceased, Ian Murrungun and Liam Murrungun left Ormond with the vehicle and commenced walking. They had some water with them. Murrungun had a coke bottle of water for himself and his son and the deceased had two bottles of water.
14. Before they reached the turnoff it had become dark and they decided to sleep for the night. They discussed what they should do as they had little water and no food. Murrungun decided that they should return to the vehicle. As he indicated in his evidence he knew that there was water there and he was

worried about his son. The deceased apparently agreed and told him to go back to the car and look after his son. Murrungun in his evidence said he tried to persuade the deceased to come with him but the deceased declined indicating he wanted to rest. The deceased knew the country and was a competent bush man. He had a small amount of water with him. Murrungun left the deceased sitting under a tree and walked back with his son to Ormond and the vehicle. He understood from the deceased that he would either walk to Walker River or return to the vehicle. They were walking slowly and resting a lot because it was very hot with no breeze.

15. Ian Murrungun and Liam Murrungun met up with Anthony Ormond later that afternoon. They were hot, dehydrated and unwell. They made no attempt to search for the deceased at this time, believing he would turn up soon. Ormond was concerned about the deceased and continually asked Murrungun where he was and was told apparently not to worry the deceased knew the country and would “turn up”.
16. The deceased did not “turn up”. On either Sunday the 27th or Monday the 28th, Ormond and Murrungun managed to get the vehicle started, and they resumed their journey to Lake Evella. They arrived in Lake Evella on the morning of the Tuesday 29 October, having spent the night of Monday 28 October on the side of the road.
17. The deceased was not sighted by them as they drove from the creek-bed to the Lake Evella turn-off. Murrungun said in his evidence that he was calling out to the deceased as they drove. They did not find him and made no real effort to do so.
18. On arrival in Lake Evella they did not report to police that the deceased had commenced the journey with them and had not been seen by them since Sunday 27 October. Ormond explained in his evidence that he was very worried and crying about the deceased and told his friend Bobby

Wunungmurra that he was missing. He said that he was told that the deceased knew the country and would turn up and that his family would look for him. He believed if he interfered and went to the police the deceased's family "would have done something to him". He left it to the family. Murrungun confirmed this in his evidence as did the deceased's grandfather. The grandfather was informed by Bobby Wunungmurra that his grandson was missing and he organised for the deceased's brother to look for him along the Walker River road. He was not found.

19. Police were eventually informed (on 1 November 2002) by the deceased's grandfather Donald Nundhirribala that his grandson was missing. He informed Police that his grandson and Murrungun had left Numbulwar in a Toyota Hilux Dual Cab Ute and that the vehicle had broken down somewhere near Ngilipitj Outstation and that Murrungun had walked to Lake Evella and the deceased had attempted to walk back to Numbulwar.
20. Murrungun and Ormond were interviewed by Police on Saturday 2 November. They provided statements to the police. Those statements are consistent with the evidence they each gave before at the inquest. I found both Ian Murrungun and Anthony Ormond to be frank and honest in their evidence and have no difficulty in accepting their evidence.
21. They confirmed that the deceased had left Numbulwar with them on Thursday 24 October 2002. That the vehicle had broken down in the vicinity of Ngilipitj Outstation. That on 25 October Murrungun, his son and the deceased had left Ormond with the vehicle and commenced to walk towards Walker River Community for help. They camped overnight. On the 26th Murrungun and son returned to Ormond and the deceased decided to continue to Walker River. They claimed to have waited for the deceased to return. They repaired the vehicle and left the Outstation driving at about 6:00pm on the 28th arriving at Lake Evella on Tuesday the 29th. They claimed they told locals what had happened and on their advice they did not

report the deceased missing to police– they were apparently told he knew the country and would turn up in a couple of days and that the family would handle it.

22. Ormond also candidly advised Police that the vehicle was owned by his brother Kenny Ormond. He informed his brother on 30 October that the vehicle had broken down in Lake Evella. On 31 October Anthony Ormond left Lake Evella for Nhulunbuy and on his return discovered that his brother had driven from Darwin and collected the vehicle.
23. Ormond remained in the community to assist Police.
24. Police were at the time suspicious that the vehicle was being used to carry drugs to Numbulwar and Lake Evella. The vehicle was located at 4 Sampson Court Malak on 2 November 2002. It was examined by Police Forensics. No blood, drugs or other forensic evidence was found. There was no evidence led at the inquest to substantiate this suspicion and I make no further comment or finding in relation to it.
25. Nundhirribala the deceased's grandfather organised a search party comprised of community members from Numbulwar, which arrived at Lake Evella at about 1:00pm on 2 November. Sergeant Read was dispatched from Nhulunbuy to join Constables Wiesenekker and Kowalewycz to organise and conduct a search for the deceased.
26. The police and community members left Lake Evella that night arriving at the Outstation at about midnight.
27. At 7:00am of Sunday 3 November the search for the deceased commenced.
28. At about 8:49am his body was found by Constables Wiesenekker and Kowalewycz. It was found on the side of the unused airstrip in bushland

about 7 kilometres north of the Outstation. Two empty water containers were found near the remains. The body was severely decomposed and it had been interfered with by animals, more than likely dingos.

29. Police measured and photographed the scene and took possession of all property located near the deceased. Police found no evidence to suggest foul play at the scene.
30. The deceased's paternal grandfather was informed that the body had been found. Sergeant Read told him frankly that the body had been interfered with by dingos and that it was not a pleasant scene. He said in his evidence that he nonetheless asked the grandfather if he would like to have a look. He claims the grandfather indicated quite adamantly that he did not. In his evidence before me the grandfather claimed he was kept away by the police and not permitted to view the scene. He could not recall Sergeant Read asking him if he would like to have a look. Further that had he been able to do so he would have been able to establish what had happened to his grandson. He was shown photographs of the body in situ at the Inquest and partially conceded, and I refer to his comment "I half believe", that the police were right in finding that the deceased had perished through lack of water and that the injuries to the deceased's body occurred post mortem, and were caused by animals.
31. The grandfather was not shown the death scene. I can appreciate the police desire to protect a crime scene, as indeed this was, however I suggest that in future greater consideration be given to inviting Aboriginal family members to view the scene before it is contaminated through the investigation process. In saying this I am not criticising the police who acted appropriately and in accordance with best investigative process. I am merely suggesting that consideration be given to accommodating family,

particularly in remote areas and in circumstances where it is apparent that there are no suspicious circumstances.

32. An autopsy examination was conducted by Dr Paul Botterill Forensic Pathologist at Royal Darwin Hospital on 5 November 2002. The actual cause of death could not be determined having regard to the state of decomposition of the body. However, he found no evidence of any significant antemortem injuries and that the damages present were consistent with post mortem fauna effect. In his report summary he opined amongst other things:

“... In plain terms, autopsy findings included after death decay related changes, as well as disruption of the body after death caused by animals. No definite significant antemortem injury was identified. At the time of autopsy the cause of death was not clear. Further investigations were performed. Microscopic examination showed probable liver fatty change and autolytic changes. Testing for drugs and poisons was negative...”

33. The deceased was formally identified from dental records. See Exhibit 2.
34. There was dissent in the Numbulwar Community over the deceased's death. The deceased was a good bushman and hunter who knew the country in which he perished. His grandfather knew that he would sometimes hunt without taking water with him. He found it hard to accept, not having seen the death scene to make his analysis of it, that the deceased had died from a lack of water and that his body had been interfered with by dingos. (At this point I digress and refer to the evidence of Constable Weissenekker who had been hunting in the location about a month earlier, he said that the region was unusually hot, that a bush fire had been through and there was little shade. He had become lost, “geographically embarrassed” notwithstanding his knowledge of the area. He had also seen dingos in the area.)

35. Rumours spread and there was a genuine belief in the Numbulwar Community that the deceased had been assaulted and killed. The disquiet resulted in the CEO of Numbulwar Community and Community members visiting the site where the deceased was found and conducting their own inquiry and preparing a report for the Coroner . That report was received into evidence as exhibit 5. A copy is attached to these findings.
36. As a consequence of the Community concerns I directed NT Police to conduct further investigations. This was done by two experienced detectives from Darwin who had no involvement with the original investigation, namely Detectives Hyusse and Whitlock. They visited the community and held meetings with community members to hear their concerns and explain what the police had discovered. They also interviewed Liam Murrungun who had not spoken to police during the original investigation. He was interviewed in the presence of his grandfather and his recollection of what had occurred corroborated the version given by his father.
37. A further report was submitted to me which confirmed the original police investigation. That report was admitted into evidence as part of exhibit 6, a copy is attached.
38. During the evidence of the Grandfather and Detective Whitlock it became clear that the concerns that the community had were largely answered by police during the second investigation, however some doubt would remain because the deceased's family had not viewed the death scene and made their own assessment.
39. There was also a suggestion that the community blamed Ian Murrungun for the death because they believed he should have looked after the deceased. The grandfather conceded that the community did hold Murrungun responsible. However it appears that the community has now resolved that issue with Murrungun, who in his evidence to me indicated that everything

was resolved and he was welcome in Numbulwar. Murrungun has not resided in the Community since the death because his wife is ill and requires medical treatment in Darwin.

39. The deceased's medical file was tendered into evidence and it and his grandfather confirm that he was an epileptic who took fits. He took fits regularly because he did not comply with his medication. It may be, given the extreme conditions that prevailed in October 2002 in the region he perished that his epilepsy contributed to his death. However I make no finding in that regard.

CONCLUSION

40. I find that the deceased died from the effects of exposure.

Dated this 18th day of June 2004.

**GREG CAVANAGH
TERRITORY CORONER**

Gregory Nungarrgalu

This report on Gregory Nungarrgulu hereinafter referred to as gn in respect for the culture of the peoples to whom he was a member and to all aboriginal peoples is made on behalf of his clan.

This report represents the submission to the Coroner by the families

Gn left Numbulwar on the Thursday afternoon of 24th October, 2002 in the company of Ian Murrungan his son Liam and Anthony----- to allegedly travel via Lake Evela .They were traveling in a Toyota Hi-lux Twin cab Petrol utility. They had food and water in the vehicle.

At approximately 130 kms or say half the distance from Numbulwar to Lake Evela ,at the turnoff to Lake Evela they decided to proceed to Milibiji outstation.

* * * * *

This a chronology of the events of the next seven days as told by Ian Murrungan.

Thursday 24th October.

We left Numbulwar at around 3.00 pm on Thursday 24th October. The vehicle was having difficulty staying running at Walker River settlement where the vehicle required a push start.

We proceeded to the turnoff to Milibiji outstation and decided to turn in that direction . We stayed overnight in the house at Milibiji.

Friday 24th October.

The next morning we decided to travel to a hunting hut past the Milibiji homestead, later we drove past Milibiji and the car stopped at the first creek on the: road back to the Lake Evela turnoff. We were able to get good supplies of water from the Homestead. Anthony stayed at the vehicle and the other three of us started to walk to Walker River. Before reaching the turnoff we decided to sleep the night.

Saturday 26th October.

The next morning we decided to walk back to where the car was and to get some more water as we were very thirsty. About 2 kms from

the Milibiji airstrip we decided to rest. The parties at this point split and Ian and Liam decided to return directly to the car; the distance to the car was around 2-3 kms. Gn also walked began to walk back independently. This was the last time we saw gn. The time was around 12.00 noon
Ian and Liam rejoined Anthony that day.No attempt was made to look for gn despite us knowing that he was without water.

Sunday and Monday 27th and 28th October.

Ian ,Liam and Anthony were together with the vehicle at the first creek.

We got the vehicle started on Monday and drove toward Lake Evela.

We spent the evening of Tuesday 29th October stopped on the road to Lake Evela.

Wednesday 30th October.

We arrived at Lake Evela in the morning.We did not report to the police.

On Monday 4th November

The Police approached us and advised us that that the body of gn was discovered and we gave a statement to them.

As a result of various reports and serious speculation on Saturday, January 4th 2003 , it was decided that the CEO of the Numbulwar Council would in the company of members of the community and the CDEP supervisor would visit the site and try to piece together the circumstances of gn's death.

The airstrip at Milibiji where Gn's Body was discovered is approximately 13.5 kms from the Numbulwar to Lake Evela turnoff.

On the return from the scene approximately 4 kms from the turnoff the party found Gn's thong (identified by members of the community who were familiar with gn,s attire)

We then proceeded to the Airstrip and what follows is an accurate summation of what was discovered.

At approximately 1/4 of the distance from the South — East end of the airstrip and approximately 25 metres from the East side we discovered evidence of a small fire having been lit using twigs and material picked up from on the airstrip. This fire was not lit by gn.

He was probably quite thirsty by now in any event as the country was quite dry.

It seems that at about 10 metres towards shorter end of the airstrip and at an angle of 15 degrees to the centre at the site of stones embedded in the surface a fight broke out between persons unknown and gn.

Moving obliquely to the eastern edge of the airstrip there is evidence of what appears to be a large pool of blood .Gn was apparently badly damaged at this point as there appears to be signs that he was running at the time a blow was struck on his body.

Moving in the same direction and at the edge of the airstrip there is evidence of a further scuffle and another appearance of staining on the ground by what seems to be blood.

In the same line as the previous two soil stains there is a considerably larger than the previous two about 5 meters in from the edge of the airstrip. gn was probably mortally wounded by this time as there is evidence that from this point the body had been dragged to its final resting place prior to being discovered .The soil stain at this point covers about a square meter.

Gn was dragged back toward the edge of the strip for a distance of say 13 meters a smaller area of staining appears on the ground.

From this point he was dragged to two trees a distance of about 30 meters . The distance from the fire to where the body was discovered was a total distance of 73 metres. The two trees are so close that nothing separates them.

The body was perched against the trees in the sitting position facing out to the airstrip , it was in a slight depression of around 20 mm this may have occurred after the body was removed and been caused by animals looking for something buried at this position ,the same soil staining as was described earlier was present at this site. There was an inexplicable amount of clearing behind the tree of an area of say 2 square meters .Adjacent to the body at a distance of about 1.5 to 2 meters there was a bar of about 1/2 inch rod sharpened at one end at one end

and with a plate of 50mm by 70 mm welded to one end about 30mm from one end; if the gn had been alive and able to defend himself from predators this would have been ideal for the purpose but it was out of reach. Also the body was covered with branches collected from out on the airstrip from re-growth approx 20 branches in all.

The body of gn had been badly dealt with by birds and other native fauna at the time it was discovered and taken to Gove and then for autopsy in Darwin.

It is significant that the community members who could have read the local land signs were told to stay some distance from the site at the time the police collected the body of gn even the senior member of the family Don Nundirribala was told to stay well away from proceedings.

This report was prepared by Graham Donald Maisey who is the Chief Executive Officer of the Numbulwar Numburindi Community Government Council and a Commissioner for declarations in Western Australia. Gregory and his family are members of this community and his death is a serious matter in the community as the threat of retribution is real; other communities are also involved and are taking an interest in seeing that justice is seen to be done . The other communities are Ngukar and Alyangula.

The communities and my fear is that the police will not take the matter of Gregory's death seriously and that retribution will take on a more sinister significance with consequences.

Graham Donald Maisey
5th January 2003

1

To be added to this report.

Photographs of the scene

Map of the scene

Comments by Anthony

Affidavits from:

Don Nundhirribala

Mildred Nurnamirdirdi

Moses Numamurdirdi

Hank Murrungan

Kenneth Murrungan

Nathan Tan

Terrance Burra

Graham Nungarrgalu

Mark Cole

Others that may have something to contribute possibly Marie

Hudson the attending nurse

NORTH ERN TERRITORY POLICE, FIRE
AND EMERGENCY SERVICES
INTERNAL MEMORANDUM

<<>> :Op Ref.
14.5.03 :Date
<<>> :Ref

TO: OIC. CIB. PMC.
FROM: DET SGT F. HUYSSSE, PLM LPO.
CIB,
SUBJECT: PROM 554651 — FURTHER REGARDING
INVESTIGATION DEATH OF GREGORY
NUNGGARRGALU.

OIC CIB allocated this matter for further investigation after a request from the Coroners office. This death was originally investigated by Nhulunbuy Police Sgt Read and Const 1/C Wiesenekker and a coronial file submitted. The autopsy was conducted by Dr Paul Botterril where no injuries or signs of violence were evident on the body.

Subsequent to the submission of the coronial file Mr Graham Maisie being the town clerk of the Numbulwar Community submitted a document to the Coroner's office expressing concerns held by members of the deceased's family. The circumstances are on the 4th January, 2003 members of the community and Mr Maisie went out to the scene. What they saw and their conclusions generally are as follows.

- Recovered the deceased's thong and identified by members of the community as that of the deceased.
- Discovered evidence of a small fire near the scene.
- Near the scene they found evidence of a fight or scuffle due to disturbance of stones at the site.
- Evidence of three sites where blood was located in the ground.
- Evidence that the deceased had been dragged a total of 73 metres from the site where he expired.
- A 114cm bar of half inch sharpened steel with a plate welded to the end was located at the scene.
- That member's of the deceased's family were not permitted by attending police to view the scene with the deceased in situ.

The conclusions reached by these people appear to be ill founded and speculative and should be treated with caution. This group returned to the scene some two months after the death. The deceased was located by police on the 3rd November, 2002. There had been several thunderstorms and severe winds in the area of the scene during November and December 2002. It has been clearly established that the deceased did not wear thongs at the time but running shoes that were located at the scene. It is clear from assessment of the scene by police that the deceased had been dragged from the base of the tree where it is concluded he died, approximately 8 metres to where he was ultimately found.

2

The reporting investigator along with Detective Whitlock travelled out to Numbulwar on the

26th March, 2003. A general meeting was held with 24 members of the deceased's family and community members, as follows.

Peter Jaragba.
Bob Nurrdhurribala
Percy Murrungun
Ngadarin Murrungun
Gujali Murrungun
David Murrungun
Ernest Numamurdirah
Christopher Murrungun
Henry Nungumajbarr
Reggie Numamurdirdi
Phillip Huddleston
Malaya Nundhirribala
Emery Joshua
Moses Numamurdirdi
Billy Gumana
Don Nundhirribala
Samuel Ngalmi
Alfred Ngalmi
Alfred Numamurdirdi
Bill Yabida
Kim Murrungun
Mujiji Nunggarrgalu
Graham Nunggarrgalu
Paul Numamurdirdi.

Participants generally spoke of allegations as outlined earlier. Some of this group became quite irate and vented pent up emotions, as they believed the deceased was murdered. It became evident that since the death Ian Murrungun was subject to several torrid cross-examinations by community elders. Murrungun's account as explained by the group appears consistent with the statement he gave to police. The group viewed the police photographs of the scene. Statements were read out.

Graham Maisie had possession of a series of photographs taken out at the scene on 4.1.03. The photographs generally showed the scene, some long branches that had been ripped off trees at the scene and the sharpened steel bar. The group and Mr Maisie would not give up the photographs. I have obtained the negatives and developed the prints (attached.) Other than the steel rod most of what had been photographed is consistent with those photographs taken by police two months earlier.

Most of the group initially refused to accept that the three separate stain marks in the ground was from the fluids from the deceased's body as he decomposed and was moved by feral animals such as pigs and dingos. They believe that animals will not interfere with a dead human. This is despite assertions by myself and Detective Whitlock to the contrary based on our experiences where indeed we have seen bodies partially eaten and dragged or moved by dogs and/or pigs. Most of the group accepted our view when they saw that the legs had been torn from the body and all

the flesh eaten from them. When questioned it became apparent that groups of persons from the outstation at times roam about and may have used this area near the, scene for camping or making a fire that would account for an old fire and thong in the area.

It was explained to the group that the attending police saw that the deceased had placed a large branch and foliage against the tree near where he died as he was attempting to build a lean to for shade. Most appeared to accept this view. It appears that when they saw the branch and dried foliage at the scene they speculated that this was done in an attempt to cover the body. When found by police the deceased was clearly not covered at all.

After the initial meeting I arranged to have Liam Murrungun aged 10 years be brought to the council building for interview. Due to his age and the fact he remained mute a statement was not earlier obtained by the original investigating police officers.

On presentation of the child Liam I decided it was not prudent to have the child interviewed in the presence of his mother or father as the community may feel the child was 'coached' or protected in some way by his parents. After discussions with the elders Don and Moses Numamurdirdi and Mujiji Nunggarrgalu it was agreed that as Moses is the child's paternal grandfather it was appropriate in the circumstances for the child be interviewed in his presence only.

Although difficult, a reasonably detailed account was obtained from Liam Murrungun and recorded on audiotape. Graham Maisie insisted that he receive a copy on behalf of the community, so a second recorder was used for that purpose. The account given by Liam totally corroborates that of his father Ian Murrungun. Liam also stated that the deceased picked up and carried the steel bar from the outstation. It is my opinion that the child Liam was truthful with his account. During the interview the child appears to have been cross-examined several times by Moses Numamurdirdi.

At the conclusion of the interview with the child Liam Murungun, a secondary meeting was held with the community elders Don and Moses Numamurdirdi and Mujiji Nunggarrgalu. They appeared satisfied with the situation and outcome of the interview with the child. They generally agree with the view and findings of the police investigation thus far and gratified with our involvement. In their cultural way they still hold Ian Murungun responsible for the death as it was encumbered upon Murungun to look out for the deceased and believed he did not do enough to search for the deceased.

On our way back to Darwin via Nhulunbuy I had the opportunity to liaise with Sergeant Michael READ. He stated that after they located the body he did give the deceased's family who were further down the road opportunity to view the deceased and the scene. They declined to do so.

Conclusion.

Having considered all the material and circumstances surrounding this death it is my opinion that there are no suspicious circumstances surrounding this death. No evidence was found supporting any of the allegations/speculation made by Numbulwar community members. The evidence clearly contradicts this speculation. It

is my conclusion that this death was due to exposure. The deceased was weak and ill and perished from thirst.

Attachments.

Transcript interview with Liam Murrungun.

Photograph of iron bar.

Photographs taken by Graham Maisie.

Notes of Graham Maisie to the Coroner, dated 5.1 .03.

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