

TAKEN FROM THE INQUEST FINDINGS OF THE CORONER R WALLACE SM

19 December 2001

Mr John Lawrence and Mr Stewart O'Connell appeared by leave to represent both the family of the Deceased and the Angurugu Community, and Mr Michael Grant appeared by leave to represent the NT Department of Correctional Services.

Johnno Johnson Wurrumarrba ("the Deceased") had been sentenced on 18 January 2000 by the Juvenile Court sitting at Alyangula to serve a period of 28 days detention under the NT Juvenile Justice Act. He was born 17 May 1984. He appeared to have been a fit and usually healthy boy.

His mother died of natural causes on 27 April 1986 when he was not quite 2 years old. His father died after being hit by a motor vehicle in Parap, Darwin, on 26 April 1995, when the boy was nearly eleven years of age.

The Coroner wrote: "The Deceased did not want to return to Groote Eylandt. He was greatly attached to and fond of his grandmother, who was living in Darwin to receive kidney dialysis treatment. The Deceased would have preferred to live with her, and seems to have wanted to help care for her – she is wheelchair-bound – but that placement was apparently impracticable. There may have been other reasons for the Deceased's reluctance to return to Groote Eylandt: if so it, or they, are much less clear on the evidence. There were many relations who would give the Deceased a meal, or put a roof over his head for a while but, as far as I can see, none able to take him in for the long term and bring him up as one of their own. If I am right about this, it is not surprising that the Deceased seemed towards the end of his sentence at Don Dale, less keen than one would expect at the prospect of returning to Groote Eylandt."

However, a youth worker told the Coroner that the boy had told her he did not want to go back because "there was big trouble on Groote Eylandt and a lot of people were dying".

The Coroner thought the boy's preference to live with his grandmother – an old, infirm woman residing in Darwin, rather than with, among others, his cousins and peers on Groote Eylandt ... was quite likely that because she was "the person by whom he believed himself to be most valued".

He boy had said that he drank alcohol, smoked ganga every day and smoked cigarettes when he could get them. He denied any previous problems when stopping recreational drugs other than a headache when stopping ganga,

The Coroner discussed the Deceased's record:

"The Deceased had a history of offending and court appearances. He had been sentenced by the Juvenile Court only three times. The first sentence he received was on the 17th March 1998 when the deceased was 13 years old. He received a no conviction good behaviour bond for 12 months. Despite numerous appearances in court and a series of minor offences and contact with the police, the deceased was not sentenced again until the 19th of October 1999, some 19 months after the commission of his first offence committed after receiving the good behaviour bond. On the 19th of October the deceased received a sentence of 28 days detention pursuant to the mandatory sentencing provisions of the Juvenile Justice Act."

The Coroner noted: "All of the offences, bar one set, were committed prior to the deceased turning 15 years of age. The offences that occurred on the 26th of June 1999 after the deceased's 15th birthday, were his 'first strike' under the legislation." The Coroner added: "My interpretation of that section is that it did not apply to the deceased at that time."

The deceased's served the 28-day period to which he was sentenced on the 19th of October. He was released on the 15th of November 1999 and flew back to Groote Eylandt that day.

On 18 January 2000 he was sentenced to another 28 days' detention for further property offences – in company of others stole pens, texta colours and liquid paper and some oil and paint - committed on 27

November and 5 December 1999. The deceased on those dates was still aged 15. However, as a “second striker” he was to be sentenced under the mandatory sentencing provisions.

On the 1st of August 1999 the Juvenile Justice Act had been amended to include an option of diversionary programs, giving the Court the alternative to 28-day detention, by ordering that the juvenile attend a diversionary program. The Coroner wrote: “There is no indication that the court considered that option.”

The inquest heard of a change in behaviour during the second term at Don Dale, including the Deceased saying he “heard voices”.

On 10 February, 2000, at 0312 hrs died in the Intensive Care Unit of the Royal Darwin Hospital. The previous evening at about 1830 hrs he had been found in his assigned room at the Don Dale Juvenile Detention Centre with a sheet tied around his neck.

A note was found in his cell which read:

“I didn’t want too die becaues I was too young. But now I’m growing up and I’ll come soon, meet my people in heaven. My land be there anytime.”

Mandatory sentencing for property offences came to an end on 22 October 2001