

CITATION: *Inquest into the deaths of Jaron Mamarika, Dwayne Bara, Jaross Amagula and Francene Huddleston* [2009] NTMC 060

TITLE OF COURT: Coroner's Court

JURISDICTION: Alyangula

FILE NO(s): D0201/2008  
D0202/2008  
D0203/2008  
D0211/2008

DELIVERED ON: 27 November 2009

DELIVERED AT: Darwin

HEARING DATE(s): 1 October 2009

FINDING OF: Mr Greg Cavanagh SM

**CATCHWORDS:** Motor vehicle accident, multiple deaths, driver education, unsealed roads in remote localities.

**REPRESENTATION:**

*Counsel:*

Assisting: Jodi Truman  
Family of deceased Peter Pohlner

*Solicitors:*

Family of deceased North Australian Aboriginal Justice Agency (NAAJA)

Judgment category classification: A  
Judgement ID number: [2009] NTMC 060  
Number of paragraphs: 65  
Number of pages: 22

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

No. D0201/2008  
D0202/2008  
D0203/2008  
D0211/2008

In the matter of an Inquest into the deaths of  
**JARON MAMARIKA & DWAYNE BARA**  
**ON 7 OCTOBER 2008**  
**AT EMERALD RIVER ACCESS ROAD,**  
**ALYANGULA**

**JAROSS AMAGULA**  
**ON 7 OCTOBER 2008**  
**AT ANGURUGU CLINIC,**  
**ALYANGULA**

**FRANCENE HUDDLESTON**  
**ON 12 OCTOBER 2008**  
**AT ROYAL DARWIN HOSPITAL,**  
**DARWIN**

**FINDINGS**

27 November 2009

**Introduction**

1. This is an inquest into the death of four young Aboriginal persons who died following a motor vehicle accident at approximately 1.30pm on Tuesday 7 October 2008. The accident occurred on the Emerald River access road approximately 7.8kms south of the Angurugu Community at Alyangula (aka Groote Eylandt). I note for the purpose of the record that the Emerald River access road is also known as Yembakwa Road.
2. At the time of the accident, the driver of the vehicle was attempting to negotiate a sweeping left hand bend. I heard evidence that the Emerald River access road is a dirt road and is heavily corrugated in some areas,

relevantly in the area where the accident occurred. Not unlike many rural or outback roads in the Northern Territory, it is a road that is not sign posted with a speed limit.

3. I also heard evidence that at the time of the accident, the driver was not licensed, was inexperienced and had never travelled this section of road before. Therefore, when the vehicle began to slide to the right, the driver overcorrected and lost control.
4. Following this tragic accident correspondence was received at my office from the *Anindilyakwa Land Council* dated 23 October 2008 requesting that I conduct an inquest. Due to this request and the fact that these 4 deaths were clearly unexpected, I exercised my discretion pursuant to s.15 of the *Coroners Act* (“the Act”) to conduct an inquest.
5. Pursuant to section 34 of the *Act*, I am required to make the following findings:

(1) A coroner investigating –

(a) a death shall, if possible, find –

- (i) the identity of the deceased person;
- (ii) the time and place of death;
- (iii) the cause of death;
- (iv) the particulars needed to register the death under the Births, Deaths and Marriages Registration Act; and
- (v) any relevant circumstances concerning the death

6. Section 34(2) of the *Act* operates to extend my function as follows:

A Coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.

7. Additionally, I may make recommendations pursuant to section 35 as follows:
- (1) A Coroner may report to the Attorney General on a death or disaster investigated by the Coroner.
  - (2) A Coroner may make recommendations to the Attorney General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the Coroner.
  - (3) A Coroner shall report to the Commissioner of Police and Director of Public Prosecutions appointed under the Director of Public Prosecutions Act if the Coroner believes that a crime may have been committed in connection with a death or disaster investigated by the Coroner.
8. This inquest was held on 1 October 2009. Ms Jodi Truman appeared as Counsel assisting me at this inquest. Mr Pohlner was granted leave to appear as Counsel for the families of the deceased. I thank each Counsel for their assistance in this matter. I also note that a large number of family members were in attendance at the inquest.

### **The Conduct of the Inquest**

9. Four witnesses were called to give evidence at the inquest. Those persons were:
- a. Senior Constable Serge Bouma, the Officer in Charge of the coronial investigation;
  - b. Loranissa Wanambi, a passenger of the motor vehicle at the time of the accident;
  - c. Senior Sergeant Lee Morgan, the Officer in Charge of the Alyangula Police Station;
  - d. Kristyne Love, Co-ordinator of Groote Eylandt and Milyakburra Youth Development Unit.

10. A brief of evidence containing 15 civilian and 11 police statements, together with numerous other reports, photographs and police documentation, was tendered at the inquest (exhibit 1). I thank Senior Constable Bouma for the efforts he made in relation to his investigation concerning these deaths. I consider this to be one of the most thorough and complete investigations I have seen in recent times in relation to a fatal motor vehicle accident and it was conducted to a very high level of standards.

### **Formal Findings**

11. On the basis of the tendered material and oral evidence at this inquest I am able to make the following formal findings in relation to each of the deaths.

#### Jaron Mamarika

- i. The identity of the deceased was Jaron Mamarika who was born on 24 July 1986, at Darwin in the Northern Territory. His birth however does not appear to have been recorded at the time with the Office of Births Deaths and Marriages.
- ii. The time and place of death was at approximately 1.30pm on Tuesday 7 October 2008 at the roadside of the Emerald River access road, Groote Eylandt.
- iii. The cause of death was multiple injuries following a motor vehicle accident.
- iv. Particulars required to register the death:
  - a. The deceased was male;
  - b. The deceased's name was Jaron Mamarika;
  - c. The deceased was of Aboriginal descent;
  - d. The cause of death was reported to the Coroner;

- e. The cause of death was confirmed by post mortem examination carried out by Dr Terrence Sinton;
- f. The deceased's mother was Sarah Dininagarugwa Bara. The deceased's father was Moses Japonia Mamarika (deceased);
- g. The deceased lived at Lot 225 Umbakumba Community at Groote Eylandt;
- h. The deceased was unemployed at the time of his death.

#### Dwayne Bara

- i. The identity of the deceased was Dwayne Bara who was born on 19 December 1990, at Alyangula in the Northern Territory.
- ii. The time and place of death was at approximately 1.30pm on Tuesday 7 October 2008 at the roadside of the Emerald River access road, Groote Eylandt.
- iii. The cause of death was blunt head injuries following a motor vehicle accident.
- iv. Particulars required to register the death:
  - a. The deceased was male;
  - b. The deceased's name was Dwayne Bara;
  - c. The deceased was of Aboriginal descent;
  - d. The cause of death was reported to the Coroner;
  - e. The cause of death was confirmed by post mortem examination carried out by Dr Terrence Sinton;

- f. The deceased's mother was Sonia Ulungwi Pozzana. The deceased's father was Roderick Numinjerridanga Bara;
- g. The deceased lived at Lot 332 Angurugu Community at Groote Eylandt;
- h. The deceased was unemployed at the time of his death.

Jaross Amagula

- i. The identity of the deceased was Jaross Amagula who was born on 8 October 1990, at Darwin in the Northern Territory.
- ii. The time and place of death was at approximately 5.20pm on Tuesday 7 October 2008 at the Angurugu Clinic, Groote Eylandt.
- iii. The cause of death was multiple injuries following a motor vehicle accident.
- iv. Particulars required to register the death:
  - a. The deceased was male;
  - b. The deceased's name was Jaross Amagula;
  - c. The deceased was of Aboriginal descent;
  - d. The cause of death was reported to the Coroner;
  - e. The cause of death was confirmed by post mortem examination carried out by Dr Terrence Sinton;
  - f. The deceased's mother was Loretta Wurrawilya. The deceased's father was Melville Amagula;

- g. The deceased lived at Lot 403 Angurugu Community at Groote Eylandt with his de facto partner, F Huddleston and other family members;
- h. The deceased was unemployed at the time of his death.

Francene Huddleston

- i. The identity of the deceased was Francene Nunggarrgalu Huddleston who was born on 21 January 1992, at Gove in the Northern Territory.
- ii. The time and place of death was at approximately 9.08am on 12 October 2008 at the Royal Darwin Hospital.
- iii. The cause of death was blunt head injury following a motor vehicle accident.
- iv. Particulars required to register the death:
  - a. The deceased was female;
  - b. The deceased's name was Francene Nunggarrgalu Huddleston;
  - c. The deceased was of Aboriginal descent;
  - d. The cause of death was reported to the Coroner;
  - e. The cause of death was confirmed by post mortem examination carried out by Dr Terrence Sinton;
  - f. The deceased's mother was Lola Nunggarrgalu. The deceased's father was Trevor Huddleston;
  - g. The deceased lived at Lot 403 Angurugu Community at Groote Eylandt with her de facto partner J Amagula and other family members;

h. The deceased was unemployed at the time of her death.

### **Circumstances Surrounding the Deaths**

12. On Tuesday 7 October 2008 the deceased Dwayne Bara was driving his father's car, a 1999 Gold Nissan Patrol bearing NT Registration plates 644-614 in the Angurugu Community. Some time around lunch Dwayne Bara left Angurugu with his six passengers in the car, namely:
  - a. His de facto partner Loranissa Wanambi;
  - b. Travis Mamarika;
  - c. Jaron Mamarika;
  - d. Francene Huddleston;
  - e. Jaross Amagula, and
  - f. Jackie Bara.
13. I find that each of these seven young persons knew one another either as life long friends or family members. Together they all intended to travel to Emerald River, also known as Yembakwa, to go hunting and fishing.
14. Upon initially leaving Angurugu, Dwayne Bara was driving. I find that Dwayne Bara had never held a licence to drive, although it appears that he had some driving experience. Shortly after leaving Angurugu, Dwayne Bara pulled the vehicle over near the Angurugu dry tip, some 1.5kms from Angurugu, and allowed Travis Mamarika to drive. It appears more likely than not that Travis Mamarika had wanted to drive the motor vehicle and Dwayne Bara agreed for him to do so. Travis Mamarika also did not have, nor had he ever had, a licence to drive and I find he had little experience in driving.

15. As a result Travis Mamarika occupied the driver's seat, Dwayne Bara occupied the front passenger seat and Loranissa Wanambi sat between them in the front. I note for the purpose of the record that there was no actual seat for Loranissa Wanambi to occupy in between the driver and front passenger in the vehicle. Jaross Amagula occupied the rear driver's seat, Jaron Mamarika occupied the rear passenger seat and Francene Huddleston occupied the middle rear seat. Jackie Bara occupied the rear load space of the vehicle, again where there are no actual seats.
16. I find that not a single person in that vehicle was wearing a seatbelt, although there were seatbelts operational, and available, in the vehicle for five of the seven occupants.
17. I find that the group travelled along the Emerald River access road. This is an unsealed gravel road of approximately 11 meters in width. Like so many outback, or rural, roads there are no marked lanes. However, unlike some outback or rural roads, the road is of a sufficient width to allow a carriage of one lane of traffic in each direction at the same time. I find that the Emerald River access road generally carries a minimal volume of traffic.
18. Being an outback, or rural road, the Emerald River access road is not sign posted with a speed limit. This is not unusual for such roads in the Northern Territory. By virtue of the provisions of regulation 77A of the *Traffic Regulations* (NT), the default speed limit for that road is 110kph. Just as the road is not sign posted with the speed limit, it also has no speed advisory signs situated prior to the bend. Again, this is also not unusual for such roads. Further, like many outback roads, the road is also sometimes heavily corrugated in parts.
19. As noted in the introduction, at approximately 1.30pm and approximately 7.8kms south of Angurugu Community, Travis Mamarika attempted to negotiate a sweeping left hand bend in the road. Unfortunately, as the motor vehicle entered into the bend it began to bounce sideways on the heavy

corrugations. This bouncing was contributed to by the speed that the vehicle was travelling at.

20. In relation to the issue of speed, I note the evidence within the statutory declarations of the three persons who survived the accident. Jackie Bara stated that he thought Travis Mamarika was driving the vehicle too fast at this time. Loranissa Wanambi also stated that she thought the vehicle was driving too fast and thought that Travis Mamarika was going at 140kph.
21. I note that during the course of his investigation, Senior Constable Bouma who is a qualified and experienced crash investigator undertook several calculations to assess the speed of the vehicle as it entered into the bend. According to his calculations, the vehicle was travelling at approximately 94kph at the relevant time. He did not dispute in evidence however that Travis Mamarika could indeed have been travelling at a speed of 140kph less than a kilometre before the accident occurred.
22. As the vehicle began to bounce sideways, the driver, Travis Mamarika, overcorrected his steering and lost control of the vehicle. This action caused the vehicle to go into a right hand yaw, meaning that the left rear wheel began tracking outside of the left front wheel, before the vehicle crossed onto the wrong side of the road.
23. The vehicle then left the right side of the road, crossed a dip running parallel to the road and then mounted an embankment also running parallel to the road. Upon reaching the crest of the embankment, the vehicle has then struck a tree and rolled 1.5 times over, covering a distance of 17.4 meters, before coming to rest on its roof.
24. As a result, Jaron Mamarika, who had occupied the rear passenger seat, was ejected from the vehicle and sustained fatal injuries, dying at the scene. Dwayne Bara, who had occupied the front passenger seat, was partially ejected, however the left front window and the left roof section of the

vehicle rolled onto him, and as a result he also sustained fatal injuries, also dying at the scene. It is worthy to note that both these young men were on the left hand side of the vehicle at the time of the accident and this is the side of the vehicle that sustained the most significant damage during the crash.

25. Mr Jackie Bara, who had been travelling in the load space, stated in his statutory declaration that he was ejected from the vehicle during the crash. He miraculously sustained only minor injuries. I find it difficult to accept that he was simply able to “jump out” of the vehicle as he alleged, however I accept that he got out of the vehicle either very shortly before or after the vehicle finally came to rest.
26. The driver, Travis Mamarika, was also able to get himself out of the vehicle. I find that after removing themselves from the vehicle, Jackie Bara and Travis Mamarika began walking away from the crash site towards Angurugu. I note that during the course of his Electronic Record of Interview (“EROI”) Travis Mamarika claimed that he was going to get some help.
27. Loranissa Wanambi, who was previously the front middle passenger of the vehicle, was also thrown from the vehicle during the course of the accident. Ms Wanambi awoke to find herself on her stomach approximately 5 or 6 meters from the car. Despite sustaining serious injuries during the crash, Ms Wanambi began walking back towards Angurugu. Fortunately for Ms Wanambi a couple, namely Bryonie and Ben Hegerty, who were driving in their vehicle with their infant child, came across the accident site and Ms Wanambi very shortly after it occurred. The couple stated in their statutory declarations that Ms Wanambi told them that her husband was dead, and complained to them of her own injuries. Mr Hegerty quickly checked the accident site and the other persons for life, and then told his wife, Bryonie, to take Ms Wanambi into the clinic.

28. Mrs Hegerty and Ms Wanambi then travelled back towards Angurugu. On the way it appears more likely than not that they came across Travis Mamarika and Jackie Bara walking on the road. Mrs Hegerty says in her statutory declaration that the two men were about 1km away from the crash site when she first saw them. Mrs Hegerty was very concerned about Ms Wanambi's injuries and refused to take the two males into town, but told them that help was coming. In the meantime Mrs Hegerty was raising the alarm with authorities by her 2-way radio. It was as a result of Mrs Hegerty's quick thinking actions that authorities were directed to the accident site, and the remaining occupants, relatively quickly.
29. Along the way Mrs Hegerty met with an ambulance and Ms Wanambi was placed inside. Mrs Hegerty then returned to her husband at the crash site. Whilst she had been gone, Mr Hegerty had been providing medical assistance to the remaining occupants as best he could and checked on each. It is clear that Mr Hegerty took swift and helpful action to try and assist those remaining at, or in, the vehicle and for this he should be commended.
30. A short time after Mrs Hegerty returned to the scene, an ambulance arrived, then police and a fire truck. At this time Jaross Amagula and Francene Huddleston remained trapped in the vehicle. Upon the arrival of the ambulance, and emergency response members, Jaross Amagula and Francene Huddleston were removed from the vehicle and then taken by ambulance to the Angurugu Clinic.
31. It is clear from the statutory declarations of the Nurses and Doctors at the Clinic that immediately upon his arrival Jaross Amagula was critically unwell and unstable. He was unconscious and had copious amounts of blood draining from his left ear and nose, signifying a very severe head injury with a fractured skull base. Despite the great efforts made by the clinic staff to keep him alive his condition did not improve and his family were brought in

to be with him and to say goodbye. At 5.20pm his heart ceased to beat and he was declared dead.

32. At the same time, Francene Huddleston was also being treated at the clinic. I find, as a result of the statutory declarations of the staff at the clinic that upon her arrival Francene Huddleston's condition was also assessed as extremely serious. She was immediately noted to have suffered a fractured right humerus and fractured clavicle and was only responding to painful stimuli. She also had blood coming from her left ear. Because of her condition, arrangements were made for Francene Huddleston to be evacuated by air to Darwin. This occurred at 6pm that evening. Despite significant efforts made by Royal Darwin Hospital staff to try and keep Francene Huddleston alive, she unfortunately passed away in the Intensive Care Unit at the Royal Darwin Hospital at approximately 9.08am on 12 October 2008. Some five days after the accident.
33. Francene Huddleston's evacuation was not the first medical evacuation in relation to this matter. When Loranissa Wanambi was brought in by ambulance, it was noted by clinic staff that although she was conscious she too was in a serious condition. She was therefore subsequently flown to Darwin later that evening and continued her treatment at the Royal Darwin Hospital.
34. In amongst all of this, Travis Mamarika also came into the clinic. Staff attempted to assess him and provide him with some treatment, however he subsequently left the clinic and staff were unable to locate him.

### **Involvement of the Northern Territory Police**

35. As set out previously, Northern Territory Police were also called to the accident scene. I find that at approximately 2.05pm police first arrived upon the scene. Already in attendance were members of the emergency response team who were providing medical assistance. After Jaross Amagula and

Francene Huddleston were removed from the vehicle, police immediately began marking various areas upon the road for the purposes of an accident investigation.

36. By this time, the Officer in Charge of the Alyangula Police Station, Senior Sergeant Lee Morgan, had contacted his Superintendent and Deputy Superintendent and advised them of the situation. As a result of that contact communication was made with the accident investigation unit and major crime. Detective Sergeant Karl Day from the Major Crime Unit and Senior Constables Serge Bouma and Andrew Jamieson of the Accident Investigation Unit were called on duty. All three officers then travelled to Alyangula arriving at about 6.30pm.
37. Upon their arrival, Senior Constables Bouma and Jamieson conducted an assessment of the scene and an inspection of the vehicle. That assessment and inspection ended at approximately 12 midday on 8 October 2008. It was as a result of inspecting the vehicle that Senior Constable Bouma determined, and I find, that none of the occupants of the vehicle had been wearing seatbelts at the time of the crash.
38. There was no evidence found at the scene by Senior Constable Bouma to enable police to identify independently who the driver of the vehicle was. However, at about 10.45am on 8 October 2008 Travis Mamarika attended at the Alyangula Police Station to provide a statutory declaration. Just as the statutory declaration was about to begin, Travis Mamarika was asked where in the vehicle he was, at this point he advised the police that he was the driver. Thereafter an EROI occurred, during the course of which Travis Mamarika confirmed that he was the driver of the motor vehicle at the time of the accident.
39. I note that as a result of this accident Travis Mamarika was charged, and pleaded guilty, to the following offences:

1. Drive unlicensed.
2. Drive without due care.
3. Fail to wear a seatbelt.

As a result of pleading guilty Travis Mamarika received a total of \$1,200 in fines and \$120 in victims levies.

40. As previously noted, Senior Constable Bouma conducted an inspection of the vehicle and found that all the tyres of the vehicle were in good condition and showed no indication of tyre fatigue. I note that both left side tyres were deflated however I heard evidence that this was due to the bead breaking in the tyres during the initial stages of the rollover. There were also two nuts missing from the front right tyre of the vehicle.
41. Although an experienced and qualified crash investigator, Senior Constable Bouma also arranged for the motor vehicle to be inspected by a transport inspector from the Registrar of Motor Vehicles. That report has been produced and forms part of exhibit 1.
42. It was found from that inspection that at the time of the accident the motor vehicle was in an unroadworthy condition due to having an oil leak at the left hand rear axle and missing the wheel nuts as previously referred to. I note, however, the evidence I received from Senior Constable Bouma that neither of these defects was considered by him to have had any causal effect on the accident. I accept this evidence.
43. I note that it was also discovered during the course of the investigation that Travis Mamarika suffers from Ehlers-Danlos Syndrome (EDS) and mild congenital neuro muscular disease. I received medical documents and reports outlining that EDS presents as hyper elasticity of the skin and hyper mobility of the joints. As a result, the joints are unstable and prone to dislocation. I heard that because of this condition, Travis Mamarika suffers

from chronic pain and early onset arthritis. His growth is stunted, he has a protruding breastbone, slight scoliosis, flattened feet and is bow legged in one leg. The condition significantly retards his gross motor skills, which are obviously an important factor in motor vehicle control. These conditions would no doubt have been exercising upon Travis Mamarika in a negative way at the time of the accident.

44. During the course of his investigations Senior Constable Bouma also ascertained the environmental conditions that were in place at the time of the accident. Due to the time of day and the geographic location of the crash scene, Senior Constable Bouma determined, and I find, that the sun was directly upwards and slightly to the right of the vehicle at the time of the accident. Therefore the sun would not have caused any visibility impediment whatsoever. The weather was also fine on the day of the crash.
45. Senior Constable Bouma also told me that there was no evidence that he discovered of any other vehicles being involved in this accident in any way. In particular I note that there was no evidence whatsoever to support the “rumour” that occurred after this accident that the police had been involved in any way. I received evidence from Senior Sergeant Morgan that at the time of the initial notification of the accident, all officers on duty were actually in the station at the time and none were on the road. I find that there was no involvement of police in this accident.

### **Findings and Recommendations**

46. I am satisfied on the basis of the comprehensive and thorough police investigation conducted by Senior Constable Bouma, the exhibits and the oral evidence that I have heard at this inquest, that there were two significant contributors to this accident occurring on 7 October 2008, namely:
  1. The poor condition of the road; and, more significantly,

2. The inexperience and actions taken by the driver, namely Travis Mamarika.
47. In relation to the road conditions, as noted previously Emerald River access road is an unsealed, gravel road of approximately 11 meters in width. That is a condition not unusual for many rural or outback roads in the Northern Territory. It is also not unusual that such a road, as was the case here, is not marked, nor sign posted with speed limit or speed advisory signs.
48. I find that the road was however in poor condition due to a number of large corrugations located in the sweeping left hand bend, just prior to the crash scene. These large corrugations were in direct line with the line of travel of the vehicle being driven by Travis Mamarika. These corrugations caused the vehicle to bounce to the right, which caused significant vehicle instability and resulted in Travis Mamarika responding by overcorrecting the steering.
49. I note that the Registrar of Motor Vehicles inspection report found that the vehicle was unroadworthy due to an oil leak at the left hand rear axle and two missing wheel nuts, however I find that neither of those specific faults had a causal effect on this crash.
50. I find that the driver, Travis Mamarika, contributed to this accident by driving the vehicle at a speed not commensurate with his experience or the road conditions. Travis Mamarika's medical conditions mean that his gross motor skills are significantly retarded. Such skills are extremely important in being able to exercise control over a motor vehicle, particularly in the sorts of circumstances that existed at the time of this crash. Travis Mamarika also did not have a licence. Therefore his driving skills had never been tested to any extent to determine whether they were sufficient. I also note that during the course of his EROI Travis Mamarika stated that he had never driven this stretch of road before the date of the crash.

51. Travis Mamarika then further contributed to the crash by virtue of his reaction to the vehicle's instability. I note that this reaction is not uncommon amongst the majority of drivers, however it is still not the appropriate reaction to the circumstances. As stated in the evidence of Senior Constable Bouma, Travis Mamarika should have attempted to correct the sideways action of the vehicle by steering to the right, however his actions in attempting to correct the shift of the rear of the motor vehicle by violently overcorrecting to the right was not the correct response. Such actions contributed to this accident occurring.
52. I note that Travis Mamarika has already been charged, and dealt with, in the Court of Summary Jurisdiction for offences arising out of this incident and the actions taken by him. I therefore have nothing further to say about his offending in these circumstances.
53. I note that the Anindilyakwa Land Council asked me in their correspondence to consider what steps, if any, can be taken to prevent an accident like this happening again. Unfortunately this is a very difficult question to answer. Quite simply there needs to be an understanding and appreciation by the entire community that driving whilst unlicensed is not lawful and can lead to situations where inexperienced and/or young drivers find themselves in situations that they are incapable of handling and where their actions lead to the serious injury or death of themselves and/or their loved ones.
54. Young people need to understand that they are not indestructible and that there are rules and regulations in place in relation to their licensing for a reason, ie. to prevent these sorts of accidents occurring. I note that Senior Sergeant Morgan also gave some evidence in relation to this issue, and particularly the difficulties faced by police in attempting to monitor this kind of offending when the community itself does not support the actions taken by police. A strong stance needs to be taken in all communities, including Angurugu, to this sort of behaviour by young persons. Even the

most simple of actions, such as reporting unlicensed driving to police and not allowing young people to have the keys to the vehicles in the first place, are the sorts of steps that need to be taken and may mean the difference between life and death.

55. I note that the Anindilyakwa Land Council has also asked me to consider the issue of a police presence in the Angurugu Community. Again Senior Sergeant Morgan gave evidence that as the OIC of the Alyangula Police Station he considered that the resources provided are sufficient to provide a policing service to the Alyangula Communities. There can always be more resources for any police station, however I do not consider that a police presence at Angurugu would have had any impact upon the tragic consequences of this accident. This is particularly so, given the fact that the accident did not occur in the community itself. I do not intend therefore to make any recommendations in this regard.
56. I also note that Senior Constable Bouma has requested that I consider recommendations related to an assessment being conducted of the entire Emerald River access road with a view to the installation of speed advisory signs or speed limit signs being placed upon that road.
57. In this regard I note that counsel assisting obtained further evidence related to the issue of the ownership of/responsibility for, the Emerald River access road. Correspondence was tendered in evidence from Mr Geoff Horni (exhibit 6) confirming that the Northern Territory Government does not own or maintain any road in the area of the Emerald River access road, and the likelihood is that due to the location of the road it is one that has been developed as part of mining activity in the area.
58. Mr Horni also notes that although the default speed limit is 110kph, this should not imply that all roads can, or should, be driven at that speed. I entirely agree with that statement. Mr Horni has recommended that the more appropriate treatment of this area would be to “signpost relative and

relevant hazards, bearing in mind the amount of road traffic and the road alignment”. In this regard I note that the evidence before me is that this is a road that generally carries a minimal volume of traffic, comprising mainly of local traffic.

59. Given the matters outlined by Mr Horni in relation to the assessment of the road, its location, the minimal amount of traffic, the fact that it is not a road owned or maintained by the Northern Territory Government, and the evidence I received as to the lack of previous fatalities in this area, I do not intend to make any recommendations in relation to the signposting of this area.
60. I note the evidence of Ms Kristyne Love, Co-ordinator of the Groote Eylandt and Milyakburra Youth Development Unit (“GEMYDU”). Ms Love gave evidence of the status of driver education and training in Alyangula and attempts she has made to obtain further funding. Ms Love gave evidence that GEMYDU provide programs to assist young people on Groote Eylandt aged between 5 and 25yrs. One of the programs they offer is in relation to driver training, which is a program run in conjunction with the Charles Darwin University (“CDU”). I am told they have operated this program since 2003 and attended at Alyangula on two occasions each year.
61. Ms Love stated that, in approximately, August 2009 she was advised by CDU that they would no longer be operating this program in Alyangula as their funding had “run out”. These attendances also only had space for ten persons per class. Ms Love stated that she had approximately 40 persons on her books waiting to get their learners permits, and approximately 60 people that have their learners and are waiting to get their provisional licences. Clearly, the classes are not able to provide sufficiently for the sheer number of persons wishing to obtain their licences.
62. Ms Love also gave evidence that she had made an application for funding from the Federal Government to the Department of Infrastructure, Transport,

Regional Development and Local Government under their “Indigenous Road Safety Grant” for 2009-2010, in the sum of \$20,900. Funding was sought to train instructors at Alyangula to conduct a drivers licensing program located at Alyangula. This request for funding was refused.

63. I have received evidence at this inquest in relation to the large numbers of young persons wishing to become licensed in the community. I am aware of the reality in remote communities all over the Northern Territory of young people who are bored and have no outlet for their boredom and are unemployed in large numbers. It is not unusual for these youths to seek some excitement with motor vehicles.
64. It is therefore important in these circumstances that there be adequate provision made for such young people to be able to access relevant and necessary programs to enable them to obtain their licences. Such access means they will receive education and training in relation to learning to drive so that they are able to drive lawfully and hopefully gain an education and understanding of the traffic laws, and their necessity, and some experience in driving in difficult conditions.
65. In these circumstances, I recommend that there be further funding considered for programs such as that run by GEMYDU, or CDU, at remote communities such as Alyangula. I consider it is particularly important that a program such as the one proposed by GEMYDU be considered very carefully particularly as the proposed program provides for the training of persons actually located at Alyangula, and will mean that there are persons located and available at the communities to train young men and women to obtain their licences. This would mean that more young people are likely to apply to get their licences, as the training for them will be much more readily accessible to them. I therefore strongly encourage government to support such programs though appropriate levels of funding. In my view,

education and training of young people in relation to driving may mean the difference between life and death.

Dated this 27<sup>th</sup> day of November 2009

---

**GREG CAVANAGH**  
**TERRITORY CORONER**