

Response from Christopher Walsh, Editor, NT Independent:

Were you aware that non-publication orders cover the contents of the Inquest Brief?

Apparently there was a non-publication order issued on August 12 that the court has conceded was not sent to media, meaning we and every other media outlet remained uninformed of the ban. Another non-publication order came into effect on Sept 5 that was emailed to all media and put on the inquest website. There is still no record of the first non-publication order that we can find online. We ran our six-part series before the Sept 5 order was in effect.

If not, why not, given that the latest order on 5 September 2022 is published on the inquest website and specifically itemises the Pollock drafts, and given that (according to counsel assisting) similar non-publication orders relating to the inquest brief have been in force since at least April 2022?

As mentioned above, the court did not inform the media of the August 12 order. There may well have been orders issued in April as well, but those, the Aug 12, and Sept 5 orders do not include the source document that informed our six-part series. The order issued on Sept 5 includes a long list of annexed items that fall under the order. The title of our source document is not included in that list and the court should be concerned why.

On what basis do you claim in an editorial today that the NT Independent has not breached any non-publication orders?

We have a responsibility as journalists to report information in the public interest, including information that those in positions of power do not want released, and this case is very much in the public interest.

The NT Independent's reports, based on source material not covered by the publication ban, highlights the failures of police in the death of Kumanjayi Walker and many more issues they were aware of before the shooting incident. The document we have is not listed under the annexure of items falling under the publication ban.

The NT Police and the courts had six days to notify us of any potential breach of a court order – instead Freckleton waited for a national audience to voice his grievances about the NT Independent on behalf of Chalker.

The NT Independent believes it should be concerning for everyone that the inquest lists numerous documents relating to draft coronial reports by police into this death and that the report we have obtained is not on that list. This is the bigger issue at

play here and Freckelton is clearly attempting to shift the focus from this glaring maladministration, if not outright corruption, the police executive has engaged in to deflect from their shortcomings, including that their use-of-force witness was the man who trained all NT Police recruits despite not being aware of current laws around police use of force. The NT Independent won an NT Media Award for Best News Coverage last year for our coverage exploring the failings of the NT Police college, the failings of which have gone unaddressed by the police executive.

Do you believe that the Coroner will not properly address the allegations the Pollock report raises?

It is our belief as journalists that the public has a right to know what has occurred in this matter, including the findings by a senior NT Police officer (or officers), that the police investigation may have been corrupted and witness testimony tainted (which is outside of the scope of the coronial inquest). It goes to the heart of our justice system and our democracy to report on these matters. We have no way of ascertaining the details outlined in the list of suppressed inquest reports, so we do not know if the information we reported would be made public through the inquest (and we already know that a big part of it falls outside the scope of the Coroner to investigate).

We also need to make this clear: The NT Independent respects the coronial inquest process. Should the court raise an issue with us at any time about our reporting on this matter, we will address those concerns without delay. We all want to get to the bottom of what led to Kumanjayi Walker's death and that includes digging into the bigger issues of wide-spread systemic problems in the NT Police force that may not fall within the scope of the inquest, including that the police and DPP used evidence that had been found to be compromised to secure a murder trial.

We continue to call on the rest of the country to take notice of what is happening up here. A federal inquiry is needed into the corrupt processes at play in the Northern Territory that affect our government, our public service and now our justice system. The rest of the country is paying for this place at the end of the day.

Again, in this matter, there's a simple question everyone should be asking: why are there so many different versions of the NT Police's report to the Coroner, a report that was suppressed by the police executive before the murder trial?

Ian Freckelton accuses us of gutter journalism, we reckon he might be engaging in gutter lawyer-ism.