

MEDIA RELEASE—Australian Bar Association expresses serious concerns over remarks of Northern Territory Minister Robyn Cahill

The Australian Bar Association joins the Northern Territory Bar Association and the Criminal Lawyers Association of the Northern Territory in expressing serious concern over recent statements made by Northern Territory Minister Robyn Cahill in response to coronial findings delivered by the Territory Coroner, Judge Elisabeth Armitage. These findings were made in a coronial report following an inquest into the domestic violence-related deaths of four Aboriginal women: Kumarn Rubuntja, Kumanjayi Haywood, Ngeygo Ragurk, and Miss Yunupingu.

In presenting the Northern Territory Government’s response to Judge Armitage’s report, Minister Cahill criticized the findings as “lengthy reports delivered in a manner seeming to lack the humility one might expect from an officer of the court.” She further stated that her Honour was “more focused on the reveal rather than the result,” and, noting that the government took eight months to formulate its response, described the inquest as “protracted” and “uninspiring” and as having “failed so dismally to hit the mark.”

Minister Cahill’s remarks follow upon comments made by Chief Minister Lia Finocchiaro regarding Judge Armitage’s findings in the inquest into the death of Kumanjayi Walker delivered a week or so earlier. In that report, Judge Armitage concluded that Mr Walker’s death resulted from a fatal shooting by a Northern Territory police officer whom she found to be racist and whilst he was with an organisation exhibiting all the hallmarks of systemic racism; findings which were immediately acknowledged by Acting Police Commissioner Martin Dole, as being borne out in the evidence presented at the inquest.

The Northern Territory Government was legally represented at both inquests, and no application has been made by any government agency to have the Supreme Court review or otherwise appeal any of Judge Armitage’s findings in either report.

Judicial officers, especially when conducting coronial investigations, are entrusted with the responsibility of examining complex and often distressing matters with impartiality and care. This process may necessarily, and properly, involve critique of government policy and administration in critical areas such as policing, health, and criminal justice.

The comments made by Minister Cahill and the Chief Minister exceed the bounds of legitimate governmental disagreement with judicial findings or recommendations. They may reasonably be perceived as a coordinated and unfounded personal attack on an independent judicial officer—one who, by convention, is unable to respond publicly.

The Australian Bar Association endorses the recent remarks of the Chief Justice of New South Wales, that “unfounded or inaccurate criticism of courts (...) may be actively

encouraged and eventually invoked to justify a weakening of the administration of justice, including judicial independence.”¹

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¹ *Truth Decay and its implications for the judiciary: an Australian perspective* 4th Judicial Roundtable Durham University 23-26 April 2024, the Hon. A S Bell.