

**ATTORNEY-GENERAL ACT 1999**  
**SECTION 11**

**Report of the Attorney General to the Legislative Assembly**

Section 11 of the *Attorney-General Act 1999* requires that if the Attorney-General presents an indictment against a person and the matter is finalised, the Attorney-General must table in the Legislative Assembly within three sitting days, a report outlining the circumstances and reasons for the Attorney-General's decision to present the indictment.

I, Kerry Shine, Attorney-General and Minister for Justice for the State of Queensland hereby report to the Legislative Assembly in accordance with that provision.

1. On 19 November 2004 Mr Cameron Doomadgee (hereafter referred to by his tribal name "Mulrunji") died while in police custody on Palm Island.
2. An inquest was held into the death.
3. On 27 September 2006 the Acting State Coroner handed down her findings about the circumstances of the death of Mulrunji. In her Findings of Inquest she stated "I find that Senior Sergeant Hurley hit Mulrunji whilst he was on the floor a number of times..." and further stated that "I conclude that these actions of Senior Sergeant Hurley caused the fatal injuries." That same day the then Attorney-General, the Honourable Ms Linda Lavarch MP, referred the matter to the Director of Public Prosecutions ("the DPP") for consideration whether any criminal proceedings should be instituted against any person.
4. On 14 December 2006, the DPP announced the decision that no criminal proceedings would be instituted by her office against any person in relation to the death. On 21 December 2006, the DPP made her file on the matter available to my office.
5. I instructed the Acting Crown Solicitor to commission an opinion in relation to matters arising from the death of Mulrunji. On 5 January 2007, Sir Laurence Street AC KCMG QC was formally retained to provide that opinion with the

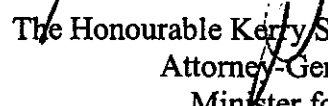
assistance of Mr Peter Davis SC and Mr Jonathon Horton of Counsel. The questions Sir Laurence was asked to consider were:

- (a) Does sufficient admissible evidence exist to support the institution of criminal proceedings against any person with respect to this matter; and
- (b) Assuming the presence and availability of such evidence, in the event a prosecution is brought, does a reasonable prospect of conviction before a reasonable jury exist.

- 6. On 26 January 2007, I announced that I had received Sir Laurence's opinion. Sir Laurence advised that there was sufficient admissible evidence to institute criminal proceedings against Senior Sergeant Christopher James Hurley and that there was sufficient evidence upon which a reasonable jury, properly instructed, might conclude that the fatal injuries were not accidentally inflicted but were the result of a deliberate application of force by Senior Sergeant Hurley.
- 7. In light of Sir Laurence's opinion, and having given very careful consideration to the matter, I decided that it was in the public interest for the matter to be resolved in Court, before a jury. I instructed the Crown Solicitor to take the necessary steps to initiate a prosecution against Senior Sergeant Hurley.
- 8. In view of the decision of the DPP that no criminal prosecution would be brought by her Office in relation to this matter it was necessary to appoint counsel from the private Bar to conduct the matter on my behalf.
- 9. On 30 January 2007, Her Excellency the Governor, acting by and with the advice of the Executive Council, duly commissioned Mr Davis SC, Mr Horton and another member of the private Bar, Mr David Kent, as Crown Prosecutors.
- 10. On 5 February 2007, in the Supreme Court of Queensland at Brisbane, Mr Davis SC presented an indictment charging Senior Sergeant Hurley with unlawful assault and manslaughter in relation to the death of Mulrunji.

11. The trial of Senior Sergeant Hurley commenced on 12 June 2007 in the Supreme Court at Townsville before the Honourable Justice Dutney and a jury.
12. During the trial the defence conceded that the physical contact of Senior Sergeant Hurley and Mulrunji had led to the death of Mulrunji. The defence case was that the relevant contact was accidental.
13. On 15 June 2007 the Crown case was closed. The defence made a submission to the trial judge that there was no case for Senior Sergeant Hurley to answer. That application was rejected. The trial judge decided that there was sufficient evidence upon which the jury could conclude that Mulrunji suffered the fatal injuries as a result of a deliberate application of force to him by Senior Sergeant Hurley.
14. After that ruling, Senior Sergeant Hurley elected to give evidence in support of his defence.
15. The central question left to the jury by the trial judge was whether the jury was satisfied beyond reasonable doubt that the fatal injuries were inflicted by a deliberate application of force.
16. On 20 June 2007, the jury delivered its verdict of "not guilty" in respect of both counts on the indictment and Senior Sergeant Hurley was discharged.

Dated this 18th day of July 2007.

  
The Honourable Kerry Shine MP  
Attorney-General and  
Minister for Justice