

**THE TERRITORY INQUISTION(S) INTO THE DEATH OF AZARIA CHANTELE LO
CHAMBERLAIN (AND THE PRESUMPTION OF INNOCENCE)**

<p><i>Delivered from the side of the Court, with the Magistrate on the Bench and Counsel at the Bar Table in statuo</i></p>	<p>Narrator: Azaria Chantelle Loren Chamberlain went missing at Ayers Rock (Uluru) in the Northern Territory on 17 August 1980, over 30 years ago. Speculation has continued ever since about what happened that night. Over the next eight years two inquests were held, a trial, appeals to the Federal Court and the High Court, a Royal Commission and a reference to the Northern Territory Court of Criminal Appeal before the Chamberlains were ultimately acquitted on September 1988. They were then returned to their status of <i>presumed innocence</i> to which they were entitled before the inquest and trial. In the next hour or so, the fairness of that Northern Territory inquisitorial process will be examined. It needs to be said that such a process could not occur in 2011, the relevant legislation by which the Coroner conducts his enquiry having been amended. The first inquest was conducted by Magistrate Denis Barritt in Alice Springs commencing in December 1980 and concluded in February 1981</p>
	<p>Orderly/ Narrator All Stand (Counsel at the Bar Table then stand) Inquest into the death of Azaria Chantelle Loren Chamberlain</p>
	<p>Ashley Macknay: I appear to assist your Worship</p>
	<p>Barritt: Yes, Mr Macknay</p>
	<p>Peter Dean: If your Worship pleases, my name is Peter Dean and I seek leave to appear on behalf of Mr and Mrs Chamberlain</p>
	<p>Barritt: Yes, Mr Dean, leave is granted.</p>
	<p>Macknay: Your Worship, an inquest, as you know, is an enquiry into a death and you ought first determine that Azaria Chamberlain was dead and that her remains have been destroyed or are in a place from which they cannot be recovered. There are three bases on which you can draw conclusions sufficient to establish jurisdiction. Firstly, the deceased was removed from her clothing by a person rather than by a dog or a dingo. Secondly, again on the evidence, the damage to the clothing was more consistent with having been caused by a person rather than a dingo. Thirdly, the state of the clothes suggests that the clothes were put in the place in which they were found, by a person rather than</p>

	being dragged there by a dog or a dingo.
	Barritt: I find on the question of jurisdiction, bearing in mind the three points that you have made Mr Macknay, that death has occurred. On those grounds, I find that I do have jurisdiction.
<i>Noise in Court (Rhubarb, rhubarb, rhubarb)</i>	
	Barritt: Quiet ,please, ladies and gentlemen, so we can proceed.
	Macknay: I call Alice Lynne Chamberlain
	Narrator: Macknay then took Lindy Chamberlain through her account of the disappearance and read to her the scientific reports.
	Macknay: You see all these reports show the damage to the baby clothing was not caused by a dingo
	ALC: Yes, I've seen that.
	Macknay: You see, the dentist Brown says that the damage to the baby's clothing was not caused by a dingo. He based his interpretations on the finding he made that the singlet was <i>inside out</i> .
	ALC: I beg your pardon?
	Macknay: <i>Inside out</i>
	ALC: Did you say the singlet was <i>inside out</i> ?
	Macknay: Yes, assuming it was.
	ALC: Well it wasn't
	Macknay: You are absolutely certain about that are you?
	ALC: Yes, I'm absolutely certain about that. I never put my childrens clothes on inside out.
	Macknay: You have never on any occasion put a child's singlet on inside out?
	ALC: Yes, I can say that with certainty. It is one thing that extremely annoys me.
	Macknay: You dressed the baby in the ladies toilet did you not?

	ALC:	I'm not quite sure where I dressed her that evening.
	Macknay:	You can remember that you put the singlet on the right way around but you cannot tell me where you put it on?
	ALC:	That is correct.
	Macknay:	You were in such a hurry that you went straight from the changing to watch the sunset. Is that right?
	ALC:	That's correct but that was after I bathed the boys. I did her first.
	Macknay:	So you can remember that can you? But you can't remember where you dressed her. Is that your evidence?
	ALC:	That's correct.
	Macknay:	If I suggested to you this singlet was found inside out, among the clothing when it was located, what would you say about that? That the dingo had turned it inside out?
	ALC:	I would only be surmising what had happened to it.
	Macknay:	What is your supposition about it?
	ALC: only	I don't know that I have one at the moment and it would be a supposition. I prefer to deal in facts.
	Macknay:	Would you accept that the damage to the clothing at Ayers Rock was not caused by a dog or a dingo.
	ALC:	I would like to question what difference there are between domesticated dingoes and wild dingoes.
	Macknay:	If the forensic dentist told you that there were no significant differences between wild dingoes, tamed dingoes and dogs, insofar as the present purposes are concerned?
	ALC:	Have tests been done on wild dingoes?
	Macknay:	(Ignoring her question) If we hypothesise that the forensic dentist knows what he is talking about.
	ALC:	You are still hypothesising. I was just asking, "had there been any tests done on wild dingoes?"
	Macknay:	Is it not the case that you did some sort of thesis on dingoes?
	ALC:	No, it is not the case. That is a press invention.

	Macknay:	It arose out of the Women's Day article?
	ALC:	I wouldn't have any idea.
	Macknay:	Was the Women's Day article an accurate one?
	ALC:	No it was an extremely inaccurate one. In fact it was the most inaccurate article of reporting perhaps there has been. There were two or three small paragraphs that were accurate. In actual fact there are only about five reporters who actually write exactly what you say. The rest of them use a little bit of licence.
	Macknay:	I want to read this bit to you. I was cuddling Azaria (pronounced A Z A I R A) all the time, kissing her toes.
	ALC:	Excuse me would you mind calling my daughter Azaria. It does annoy me when you call her the wrong name.
	Macknay:	I'm sorry. I want to take you back to the dentist Brown's report. Does the fact that he concluded there was no evidence of tooth marks on the baby's blanket cause you any concern at all?
	ALC:	It does cause me concern the fact is that they cannot tell what it was done by. And if they can be so accurate in one thing, why can they not be accurate in stating it?
	Macknay:	I see. So you are not prepared to accept the fact that he may be able to exclude some cause, but not necessarily pinpoint a particular cause?
	ALC:	I am prepared to accept that he knows, in a certain field, what has happened, yes.
	Macknay:	You are not prepared to accept his expertise in saying that there were no tooth marks?
	ALC:	I'm not saying that at all. I'm saying that I would like a full answer, not a partial answer. I would like to know more, perhaps then anyone else, what happened to my daughter.
	Macknay:	I call Michael Chamberlain to give evidence. Now Mr Chamberlain, you heard the evidence given by your wife in these proceedings. What do you say about it.
<i>Wears short-sleeved collared shirt with tie, shortish shorts and long socks. Hair parted conservatively</i>	MLC:	Yes. Well, I agree with it. She has told the Court the truth.

<i>in early 1980 style.</i>	
	Narrator: Michael Chamberlain gave evidence for some time and the matter was then temporarily adjourned. When the court resumed.....
	Barritt: Pastor..... , you have already been sworn and are still on oath.
	MLC: (Bowing his head and covering his face and tearful)
	Macknay: I want to take you back to the question I asked you before the break about your wife's evidence.
	MLC: I am sorry. I have had a lapse. If you would just like to repeat the question for me.
<i>There was a further adjournment (following the passing of a note to the Counsel Peter Dean) On resumption</i>	
	Dean: If Your Worship pleases, the reason I sought that adjournment is that it has come to my attention that there has been a number of phone calls made to the Government switchboard of a threatening nature towards my clients. I ask your Worship to do what you can to protect my clients.
	Barritt: Yes, I understand steps have already been taken to ensure that the situation will be kept under control. The nature of the phone calls has been brought to my notice I think it is appropriate to point out that an inquiry such as this is a judicial inquiry. It is one of the cardinal principles of such an inquiry that the person making the inquiry maintains objectivity through all the evidence. It may be, Mr Dean, that suspicion or innuendo relates to your clients and of course in other parts of evidence that have been called there will be countering and significant pieces of evidence. It is not my role to make any judgment until all the evidence is in. I would ask the public to adopt the same attitude and reserve judgment until the evidence is in. It is very difficult for the public to give a proper judgment and at the conclusion of the inquisition I will give as detailed a judgment on the evidence as I can so that the public at large, some of them irrationally concerned apparently, might properly appreciate all the facts of the case.
	Dean: I now call Winmatti who will give his evidence with the assistance of Mrs Pamela Harmer (an interpreter)

	Macknay:	Do you speak some English but your first language is Arrente?
<i>Wears open-necked shirt with pale shorts.</i>	Winmatti:	Yes
	Macknay:	Did you do some tracking that night that the little girl went missing at Ayers Rock?
	Winmatti:	Yes.
	Macknay:	Tell us about that.
	Winmatti:	I found some dingo prints beside that tent. I followed them east to climb the dune. I saw some smudges or a small bundle on the sand where that dingo put it down. I then went up to the ridge where the tracks were all covered up because too many have gone there at night time. I picked up a track which went over towards the east in flat Spinifex country but it was the wrong one. I came back and picked up the other trail. It was an animal hungry and thirsty with same paw as the one I had followed from the tent.
	Barritt:	Do you know of any aboriginal children having been taken from that camp near the Rock, where you live?
	Winmatti:	No, I don't know of any and I have not heard of any.
	Barritt:	Using Luritju dreaming, could you tell the court the Luritju dreaming of dingoes and children.
	Winmatti:	For an aboriginal to have twins, who both die, that is taboo. So they keep one baby, the strongest one. And the Dream time story is that children who leave the camp, the dingo spirit will get them. So they leave the weaker twin out bush for the dingoes.
BREAK IN INQUEST	Narrator:	The inquest continued in February 1981
	Clive Rice QC:	Your Worship I now appear with Mr Dean for the Chamberlains and seek leave accordingly.
	Barritt:	Yes, granted.
	Macknay:	Call Dr Newsome Dr Newsome you are an expert ethnologist and have studied wolves and coyotes in America?
	Newsome:	Yes.

	Macknay:	Wolves and Coyotes do bear some relationship at least to the Australian dingo?
	Newsome:	They all belong to the same canis, as do domestic dogs.
	Macknay:	We've heard from Mr and Mrs West that they heard a growl near the Chamberlain's tent. Could you tell us whether dingoes growl and, if so, under what circumstances.
	Newsome:	Yes. They do growl. We'd expect growling mostly as a warning signal to other dingoes. That would be the most usual circumstance.
	Macknay:	So you think that the growl, if it was from a dingo, most likely came from a second dingo.
	Newsome:	Yes.
	Macknay:	You consider there was some significance in the growl and the fact that a dingo was seen so close to the tent but standing still and not fleeing?
	Newsome:	That it was not the animal which came out of the tent was my first response on reading that information.
	Macknay:	What are the chances of a dingo removing a child from a tent, having disposed of the remains in some way, and disposing the clothing somewhere?
	Newsome:	Anyone of those parts has to be a long shot but there is no way of demonstrating it could not happen.
XXM	Rice:	You know that the digestive juices of a dingo are similar to those of domestic dogs?
	Newsome:	I have assumed that to be so.
	Rice:	And you know that they are exceedingly strong and capable of digesting bones?
	Newsome:	Not all bones, parts of them.
	Rice:	But postulating for a moment that the bones of a ten week old baby of course would still be in a supple state relatively speaking and would be capable of being digested relatively easily by an adult dingo would they not?
	Newsome:	One is inclined to be merciful in not saying very much about that in front of the parents.
Magistrate: Any Re-	Macknay:	Yes, Your Worship. Part of the problem, Dr. Newsome, you

examination?	see at Ayers Rock, is that their dingoes are half tame and half wild.
	Newsome: Yes the tame obey but the wild dingoes stayed away as a general rule. But Ayers Rock dingoes did neither and people were being bitten. The feasible solution is to begin a fresh generation of dingoes and keep them wild. This will involve shooting all existing dingoes at Ayers Rock.
	Macknay: These difficulties were present in your mind before this matter came to your attention?
	Newsome: Yes they did.
	Macknay: I call the next witness Dr Irene Milne Dr Milne you are a medical practitioner and an obstetrician practising at Mt Isa Queensland is that so?
	Milne: Yes.
	Macknay: Can you tell us your involvement with the child Azaria.
	Milne: Yes, I delivered the baby on 11 June 1980. I last saw her on 23 July 1980 when she presented for her 6 weeks check up. She was a perfectly natural and normal baby girl. There was nothing at all wrong with her. It had been a normal pregnancy and birth.
<i>Hands up news article</i>	Macknay: That concludes the evidence Your Worship. I noticed in a local newspaper this morning an article which is unfortunate in my opinion to say the least. The general tenure of it is to give apparent credence to a rumour circulating in the town which attributed the baby's abduction to a Kadaitcha Man, an Aboriginal executioner who vanishes leaving behind him only the tracks of a wild animal. Here is the article.
<i>Having read the article</i>	Barritt: Someone has a fertile sense of imagination.
	Narrator: The Magistrate reserved his decision just for a day or so. He decided to announce it on National Television because of the degree of interest that had been shown in the case throughout the nation. He analysed the evidence carefully.
HERE SHOW THE FOOTAGE OF TV COVERAGE OF ANNOUNCEMENT	Barritt: In accepting a number of inconsistencies, it would appear there are two alternatives. Either Azaria met her death by a cause other than a dingo attack, or else the dingo's possession of the child ended abruptly before it had time to

<p>OF DECISION [WITHOUT SOUND]</p>	<p>set about devouring the child. I conclude from a number of matters that the dingo's possession of Azaria was interrupted by human intervention on the night of 17 August 1980.</p> <p>This inquest has demonstrated very clearly the resourcefulness, initiative and determination of members and officers of the Northern Territory Police Force in the field to intelligently organise every resource conceivable to achieve successful in such a complex investigation. Unfortunately the non-observation or non-reporting of the sprayed blood stains on the exterior of the tent resulted in the investigation being diverted in the wrong direction and added trauma to each member of the Chamberlain family.</p> <p>No meaningful liaison appears to exist between the members of the forensic science section and the police officer in the field. I recommend that consideration be given to the forensic section being re-established on a proper scientific basis.</p> <p>To you Pastor and Mrs Chamberlain and through you to Aiden and Reagan may I extend my deepest sympathy. You have not only suffered the loss of your beloved child in the most tragic circumstances but you have all been subjected to months of innuendos, suspicion and probably the most malicious gossip ever witnessed in this country.</p> <p>I have taken the unusual step of permitting these proceedings to be televised today in the hope that by direct and accurate communication such innuendos, suspicion and gossip may cease.</p> <p>I find that Azaria met her death when attacked by a wild dingo whilst asleep in her family's tent at Ayers Rock on 17 August 1980. I further find that neither the parents of the child nor either of their remaining children were in any degree whatsoever responsible for this death.</p> <p>I find that the name Azaria does not mean, and never has meant, <i>sacrifice in the wilderness</i>. I find that after her death the body of Azaria was taken from the position of the dingo and disposed of by an unknown method, by a person or persons name unknown.</p>
<p>TV FOOTAGE IS CONTINUED TO SHOW CHAMBERLAINS ON STEPS OF COURT WITH PHOTO OF</p>	<p>Narrator: So the Coroner found that the dingo had done it but with some human intervention subsequently.</p> <p>In an unrelated Victorian case on 8 August 1981, Justice Gray was asked to protect potential witnesses from incriminating themselves in a coronial inquest. He found that the privilege against self-incrimination applied to proceedings there in a</p>

AZARIA	coroner's court (following a longstanding precedent set in 1863). He said
Gray J	<i>I am somewhat surprised with the course of events in this case because, to my knowledge, there has been a longstanding practice in the Coroner's Court not to call a witness who is likely to be implicated in a serious crime. It is in my opinion a wise practice and one which might profitably had been followed in this case particularly in view of the grave nature of the allegations levelled at the applicant.</i>
DURING THIS PAUSE, COUNSEL AND MAGISTRATES RE-ARRANGE THEMSELVES	<p>Narrator: In the meantime, Police had re-opened their investigations (following what was an obviously criticism of their work by the Coroner) and this investigation (both in the Territory, interstate and overseas) enabled them to assemble further evidence although none of it was revealed to the Chamberlains.</p> <p>On 19 November 1981 an application was made to Justice Toohey of the Supreme Court to set aside the Barritt findings and order a new inquest. This was done ex parte (without any notice or material provided to the Chamberlains) and resulted in a new inquest being held before Mr Gerry Galvin CSM which commenced in Alice Springs on 14 December 1981.</p> <p>It seemed as if little notice was given to the Chamberlains of the resumption of the proceedings against them. As will be seen, neither were their lawyers alerted to the additional material which was now to be used against them.</p>
FURTHER INQUEST COMMENCES	<p>Orderly/ Narrator All stand. This further inquest into the death Azaria Chamberlain is now open.</p>
	<p>Des Sturgess: May I please Your Worship I appear to assist. I wish to tell your Worship that I am instructed by the Crown Solicitor.</p>
	<p>Rice: If Your Worship pleases I am now seeking leave to appear with Mr Andrew Kirkham of the Victorian Bar.</p>
<i>Coroner</i>	<p>Galvin: Leave is granted Mr Rice.</p>
	<p>Sturgess: Your Worship I commence by tendering the order made by His Honour Mr Justice Toohey in November 1981.</p>
	<p>Galvin: That will be Exhibit 1</p>
	<p>Rice: If I can interrupt my learned friend, not unduly I hope, but merely mention that the order was made ex parte in the strict sense insofar as my clients were concerned. Of course, they were not parties as such, but they were persons involved in the previous finding and I intimate that at the outset.</p>

	<p>Although that order was made I was neither invited to attend nor were they given notice of the proceedings to quash despite their exoneration made by the earlier finding. Thank you.</p>
	<p>Galvin: (ignoring Rice): Yes, Mr Sturgess</p>
	<p>Sturgess: Your Worship I propose to commence by putting before Your Worship the evidence that was given at those previous proceedings. To this end I shall be tendering a large number of documents.</p> <p>Narrator: A great number of documents were then tendered and analysed</p> <p>Sturgess:</p> <p>Now, having tendered all those documents I wish to tender the baby's jumpsuit. The mother said that the baby was dressed thus:</p> <p>She had on a disposable napkin, she had the singlet which you have just seen. She then had booties on and then she had this jumpsuit on. It was sealed at the hands - apparently you can button the flaps down - and over this she had a matinee jacket. Now, all that clothing has been recovered and I am in the process of tendering it, with the exception of the matinee jacket. That has never been recovered.</p> <p>Call Mrs Sally Lowe.</p> <p>Mrs Lowe you have made a further statement since the first inquest. Is it true and correct?</p>
	<p>Lowe: Yes, I haven't read every word but yes.</p>
	<p>Sturgess: Do you want to read it again?</p>
	<p>Lowe: No, at the time I read it through quite carefully and signed it then so that would be right.</p>
	<p>Rice: I will make this observation that might help the general conduct of the proceedings before your Worship. This case is proceeding on the basis of counsel assisting your Worship going through the old inquest. To date we have not received any list of witnesses. We haven't received any statements, including the apparently long statement that has been made by Mrs Lowe since the first inquest. We've just been handed a copy of it this moment for Mr Kirkham and I to share. There's been no opening or summary of evidence or any indication of the further material. It is difficult to know - we are shadow sparring - in the sense that we really do not</p>

	know what witnesses are going to say. With this in mind we will need time when witnesses are called so that we can prepare for them properly.	
	Galvin: Yes Mr Sturgess?	
	Sturgess: I'll bear that in mind if your Worship pleases and see what I can do. In relation to the absence of an opening - this of course is not a trial. There are no parties here. This is a Coronial Inquiry and my function is to put this evidence before your Worship.	
	Sturgess: In the circumstances I will ask Mrs Lowe to come back at 2:00pm this afternoon and in the meantime I now call Michael Leigh Chamberlain.	Stur
	Kirkham: Your Worship at this stage we object to the calling of Mr Chamberlain. Your Worship will appreciate that Mr and Mrs Chamberlain in certain circumstances have rights in these proceedings to whether or not to give evidence I speak in general court terms and I am doing so deliberately of course Your Worship. I will be in a position to put authorities before you in that regard, I believe this afternoon. It is a Victorian case. As Mr Rice has already indicated your Worship we don't know the nature or extent of the fresh evidence which is going to be put before you and are not in a position to effectively exercise the clients' right in relation to that evidence. In our submission the fairer course would be in the circumstances to call the evidence and then at the conclusion of that evidence call the Chamberlains and allow them to make an election or to make submissions as to their rights but on the basis of what has gone before.	
	Galvin: What is your position Mr Sturgess?	
	Sturgess: Your Worship my intentions are to call Mr Chamberlain at this stage and following him to call Mrs Chamberlain. I wish them to look at a number of documents and identify those that they observed had blood staining upon them. Following that there will be technical evidence dealing with those and other matters. I submit this is a totally unparalleled application. They have been summonsed to give evidence. They are here in the roles of witnesses and it is thought that they be free really to choose the time when they give evidence. They are not parties and a witness is not given that right. I am subject of course to your Worship's direction but I control who shall be called and when they shall be called and the order in which the evidence is presented - not the witnesses themselves. Your Worship with the greatest respect of my learned friends	

	<p>it is difficult to understand the sense of this application. Mr Chamberlain will be asked to deal with matters that are within his knowledge. He is going to be asked about things that he saw and things that he heard and that is what the evidence will relate to. I submit consequently that it is not for the prospective witness to dictate when that witness will give evidence. That witness may claim privilege but he cannot be heard in an inquiry such as this to say <i>look I'll not give evidence until I know a great deal more about what other people may say</i> and this seems to be the situation that is contended for. I would ask your Worship to direct in this circumstance that Mr Chamberlain go into the witness box and that we go ahead as has been planned.</p>
	<p>Galvin: My difficulty is that I am told by Counsel, Mr Sturgess, that there are authorities which are being sent up which deal with these matters. I think I should give the opportunity to raise these further matters. Mr Rice?</p>
	<p>Rice: I am indebted to your Worship. We are waiting, despite the postal strike, for material to be sent up to us. The world knows nothing about what is to be alleged and therefore it will our submissions that it is matter of such importance when there is even a suggestion that the previous finding may in some way be affected materially – then it is only fair they should have knowledge of the nature and extent of the new evidence.</p>
	<p>Galvin: You say your authorities are touching on that point?</p>
	<p>Rice: It is really a question of not so much that. That is innate of the doctrine of fairness because it is not very often that an order is reversed – that a finding is reversed by any order, but that has been done and I will not travel over that territory again.</p>
	<p>Galvin: It seems to me that I am in a new inquiry Mr Rice and that is certainly the way – unless there is authority to the contrary – I will be approaching it.</p>
	<p>Rice: It is not for me of course to tell Mr Sturgess how to assist your Worship in this inquiry. But from the Chamberlains' point of view it is essential that they at least have the opportunity of inquiring what the evidence is that may affect what would otherwise have been declaration of innocence and one of exoneration.</p>
	<p>Sturgess: I recall Sally Coral Lowe for cross-examination.</p>
	<p>Kirkham: Mrs Lowe on the night in question and during that day did you ever see Mrs Chamberlain do anything at all that would</p>

	indicate that she was not a very loving and caring mother to this child?
Lowe:	No.
Kirkham:	Quite the opposite?
Lowe:	Yes.
Kirkham:	You're standing with Mr and Mrs Chamberlain for some time at the barbeque area?
Lowe:	Yes.
Kirkham:	And during that time Mrs Chamberlain had the child cradled in her arms, is that so?
Lowe:	Yes.
Kirkham:	Mrs Chamberlain in fact you say lowered the child so you could get a better look at her. It would be fair to describe what she did as presenting the baby for the inspection of yourself and your husband.
Lowe:	Well obviously.
Kirkham:	Not long after Mrs Chamberlain, went and put the child in the tent.
Lowe:	Well, I would say a short while after.
Kirkham:	Did Mrs Chamberlain then return from the tent?
Lowe:	Yes, sometime... betweenyes, some minutes later.
Kirkham:	Not long after Mrs Chamberlain returned you heard a cry coming from the vicinity of the Chamberlain tent?
Lowe:	Well I am sure it was from the tent. I am pretty 100% - you know really positive about that. That is one of the few things that does stick out my mind that cry and the direction it came from.
Kirkham:	Are you able to describe that cry? What sort of cry was it?
Lowe:	Well it was a serious cry. A serious to a sharp scream of pain you could get.
Sturgess:	Your Worship I call Michael Leigh Chamberlain.
Rice:	Your Worship we repeat of course our earlier submission

	regarding Mr Chamberlain being called at this stage. We have no control over his being called now. We would have thought it far fairer to have had him called after other evidence which the authorities have which they claim changes the aspect of things. I rise in protest, knowing that I am impotent to do anything about it.
	Galvin: Do you wish to make any submissions Mr Sturgess?
Pouting?	Sturgess: I do not.
	Michael Chamberlain sworn.
	Sturgess: You have previously given evidence Mr Chamberlain. You were told at one stage the dingo had run in the opposite direction from the barbeque.
	Chamberlain: Yes.
	Sturgess: It was very dark in the bush area?
	Chamberlain: Yes.
	Sturgess: Your saw very quickly did you not that light was required?
	Chamberlain: Yes.
	Sturgess: Now, your car was never moved until about midnight, is that so?
	Chamberlain: Correct.
	Sturgess: You made no attempt to turn it around and get the lights facing on the area where the dingo had run to?
	Chamberlain: No.
	Sturgess: You made no attempt to use the spotlight?
	Chamberlain: I did.
	Sturgess: Did you use the spotlight?
	Chamberlain: I tried to, but it wouldn't go.
	Sturgess: The spotlight would not go?
	Chamberlain: M'mmm.
	Sturgess: Well, say yes or no rather than nod?

	Chamberlain: The spotlight wouldn't go because I didn't have my keys to my car.
	Sturgess: Can you tell me this, why did you not move the car and turn it around and
	Chamberlain: You can't turn it if you haven't got your keys.
	Sturgess: Your reason for not using the lights in the car on this area was that you did not have the keys to the car?
	Chamberlain: Yes.
	Sturgess: Where were the keys, in fact?
	Chamberlain: I don't know. At the time, I think, they were somewhere, probably, in the car or in some trouser pocket, but I don't recall where they were at the time.
	Sturgess: But you had the keys later when you set off to the motel ?
	Chamberlain: Yes.
	Sturgess: Is that correct?
	Chamberlain: Yes.
	Sturgess: My question relates to this, where did you get them from when you set off back to the motel?
	Chamberlain: I don't recall.
	Sturgess: What was your practice in relation to the keys of your motor car? Did you usually, when you were out camping like that, leave them in the ignition, or do you make it a practice of always removing the keys?
	Chamberlain: Usually, I like to have them in my pocket.
	Sturgess: Now, let us settle this. You had been driving the car that day, is that so, not your wife?
	Chamberlain: Yes, that's correct.
	Sturgess: So, the keys would have been in your possession?
	Chamberlain: Yes.
	Sturgess: For how long did your car remain there facing the opposite direction to where the dingo had allegedly run and no attempt being made to use the lights of it to illuminate that

	area?
Rice:	I object to the use of that reference <i>no attempt being made</i> . There was an attempt in the sense that he tried to find his keys with a view to using it.
Sturgess:	I will not persist with it as my friend objects. Were you aware of this that on the Monday morning around about the time that you were talking to the people from the press that people were still searching the area?
Chamberlain:	Yes.
Sturgess:	Did you make any attempt to join them and assist in that searching?
Chamberlain:	No.
Sturgess:	Can you tell me why not?
Chamberlain:	The reason being was I thought it was best to stay at base, so that I knew what was going on all the time.
Sturgess:	Did you ever attempt any searching after you left the area of the tent to go to the motel?
Chamberlain:	No.
Rice:	This has all been gone through before in the previous sitting, Your Worship. It is all in record and it is taking on the semblance of a very dexterous inquisitorial cross-examination as to why this man did not go out searching, as one would have expected perhaps, by the cross-examiner. Your Worship, this is entirely in Your Worship's hands, but I do not see this as assisting Your Worship. It is more or less to impute some impure motive or at least to impute some sort of guilt to Mr Chamberlain and I object.
Galvin:	On what basis? On the matter that it has been gone into before or.....
Rice:	On all aspects. The fact is that it has been gone into before.
Galvin:	Can we get that one straight, Mr Rice. As far as I am concerned, this is a new matter and I would have thought that I have to see the witness.
Rice:	Yes, that is so, but.....
Galvin:	Obviously, if it comes to the stage.....

	<p>Rice: But is my friend alleging the commission of some sort of an offence by Mr Chamberlain? You see, we know nothing. He has gone into the witness box at this early stage without any notice to us at all. Now, we have been very patient, but I do object. If my friend is going to suggest that he has committed some offence, why has he not been charged and the normal processes of justice allowed to proceed, instead of putting him in the witness box and cross-examining him under the guise of an inquest with a view to building up a case when presumably this other evidence, this other undisclosed evidence does not seem to have the fibre.</p>
	<p>Galvin: Yes, Mr Sturgess.</p>
	<p>Sturgess: Your Worship, I seek to examine the conduct of Mr Chamberlain during the hours shortly following the raising of this alarm, what his conduct was on the Monday.</p>
	<p>Galvin: With a view to what?</p>
	<p>Sturgess: With a view, really just to making a full examination of it at this stage.</p>
	<p>Galvin: Would you then say that the objection – that that becomes an inquisitorial matter?</p>
	<p>Sturgess: If Your Worship pleases, a coronial inquiry is an inquisitorial matter.</p>
	<p>Galvin: At this stage, I say that it is relevant to the inquest.</p>
	<p>Rice: Yesterday Mr Chamberlain was subjected to what in neutral terms was cross-examination by my learned friend. Now, I would ask Your Worship to lay down a ground rule in respect of the duties of counsel assisting to not cross-examine witnesses.</p>
	<p>Galvin: I decline to do so, Mr Rice. Can I just say that I am not being bound by rules of evidence and so forth. I certainly do not intend to step outside at all lightly. However, the legislation in my view does not cover this in that a rule of evidence is that your clients are counsel's witnesses. I think counsel assisting, in my view of the law, is entitled to ask leading questions and to conduct an inquiry as such.</p>
	<p>Narrator: Later Michael Chamberlain was asked questions in regard to conversations with the police officer. He concluded.</p>
	<p>Sturgess: I've no further questions of Mr Chamberlain at this stage Your Worship.</p>

	<p>Rice: When my friend says at this stage I understand he doesn't have any present intention of asking anymore questions or he does not want to have him recalled.</p> <p>I really want to know, without binding my friend, whether he has any present intention of having Mr Chamberlain recalled on any particular topic within this present proceeding</p>
	<p>Sturgess: I can answer that. Your Worship. Much further evidence is going to be adduced and I will at all stages, subject to what Your Worship requires me to do, give Mr Chamberlain the very fullest and the most complete opportunity to return to the witness box and discuss any of the further evidence from that position.</p> <p>I do not know whether I shall seek to recall him, but in answer to my learned friend, yes, there is a prospect that he may be recalled to the witness box because I wish to give him every opportunity to say whatever he wants to say concerning any of the evidence which I propose to call.</p>
	<p>Rice: In that event, I do not propose asking any questions at all of Mr Chamberlain at this juncture, if the court pleases. Might it be convenient, Your Worship, for a short break at this stage?</p>
	<p>Galvin: Yes.</p>
	<p>Sturgess: I call Alice Lynne Chamberlain.</p>
	<p>Rice: Your Worship, I repeat the same application or make the same application in respect of this witness that her testimony be deferred until other witnesses are called to at least acquaint both her and her counsel and advisers of what fresh evidence is available which is proposed to be led, and I do so on the basis of principles of natural justice for the reasons I have indicated before.</p>
	<p>Galvin: If I can just indicate that I see no reason to change the ruling, and of the nature of questions, I do not feel that I am doing anything wrong.</p>
	<p>Sturgess: I call Alice Lynne Chamberlain.</p>
	<p>ALICE LYNNE CHAMBERLAIN, sworn</p>
	<p>Sturgess: Mrs Chamberlain, your full name is Alice Lynne Chamberlain, is that correct?</p>
	<p>L Chamberlain: That's correct.</p>

	Sturgess: And you have previously given evidence concerning this matter?
	L Chamberlain: That's correct.
	Sturgess: Let me commence here, in September of this year the police went to your home near Newcastle, is that correct?
	L Chamberlain: At our home in Cooranbong, yes.
	Sturgess: And they there took possession of a number of items, is that so?
	L Chamberlain: That's correct.
	Sturgess: I would like you to look at these, or some of them, and identify them as we go along. I would now like you to look at a pair of scissors, exhibit 147. You were in court this morning when I asked you husband questions about those scissors, is that so?
	L Chamberlain: Yes.
	Sturgess: Don't take them out of the packet. I don't think it is necessary. You understand I am not suggesting they were in that condition, but do you remember those scissors?
	L Chamberlain: We have a number of little pairs of scissors. I would think this is one of them
	Sturgess: You had scissors in the car on 17 August 1980, is that correct?
	L Chamberlain: I would think we did. There should have been a pair of scissors in the first aid kit and there is usually a pair of scissors in the console box of the car although the children quite frequently take them out and it is not always the same pair.
	Sturgess: Do you remember this morning I quoted a passage that came from your evidence?
	L Chamberlain: Yes.
	Sturgess: And spoke of your husband coming down the climb and then cutting his toenails or someone cutting his toenails for him?
	L Chamberlain: That is correct.

	Sturgess: That was your evidence I was quoting?
	L Chamberlain: That is correct.
	Sturgess: Well, there is no doubt about it, is there, the scissors would have been in the car at some time that day at least?
	L Chamberlain: I would not be sure whether the scissors were in the car or not.
	Sturgess: Well, where else would you have got them from?
	L Chamberlain: What for?
	Sturgess: What for? Do you recall that evidence that I referred your husband to - evidence given by you in which you spoke of your husband coming down from the climb?
	L Chamberlain: Yes.
	Sturgess: I will quote it exactly. I will read it again. Your counsel will check me if I misreport you. <i>Michael said he was feeling fairly fresh and Aiden wanted to climb the rock and he said he would climb it again. He would take him back up so we removed his socks because they had been annoying him, cut his toenails and then went back up with the children?</i>
	L Chamberlain: That is correct.
	Sturgess: Well, is there any doubt about it - there were scissors in the car that day at that time?
	L Chamberlain: I don't know whether there were scissors in the car or not. I don't see the connection between scissors and that statement.
	Sturgess: You don't. Well, you have spoken here of the use of scissors?
	L Chamberlain: Excuse me I didn't.
	Rice: There is no reference to use of scissors in that statement, Your Worship.
	L Chamberlain: It just simply says he cut his toenails.
	Sturgess: Well, not with scissors?
	L Chamberlain: No, not with scissors.
	Sturgess: With what?
	L Chamberlain: A nail clipper.

	Sturgess: Oh, a nail clipper. I see. Very well, Mrs Chamberlain. You remember that do you?
	L Chamberlain: Yes.
	Sturgess: They were nail clippers and not scissors?
	L Chamberlain: Yes.
	Sturgess: Do you remember that positively?
	L Chamberlain: Quite distinctly because my husband makes a fuss every time he has to use nail clippers. He does not like them so it is quite a job to get him to persuade that that is the only thing that is available.
	Sturgess: Did a Northern Territory Police Officer visit your house in Newcastle earlier this year?
	L Chamberlain: Yes.
	Sturgess: And the two of you drove together to the Toronto Police Station, is that correct?
	L Chamberlain: That's correct.
	Sturgess: And in the course of that journey, you and he spoke about this matter, did you not, shortly?
	L Chamberlain: We did have some discussion, yes.
	Sturgess: In the course of that discussion, Mr Charlwood mentioned the results of certain work that had been done by a Professor Cameron, is that so?
	L Chamberlain: He did tell me some things, but he said he would deny all knowledge of having the conversation taken place.
	Sturgess: What, he, Mr Charlwood, would deny all knowledge?
	L Chamberlain: That's correct.
	Sturgess: Let me put an account before you and why I am doing this, I want to give you the opportunity of saying whatever you like about the account I put before you. Do you understand?
	L Chamberlain: Yes.
	Sturgess: Did he say this - or something to this effect: <i>the baby's clothing has been examined by a Professor Cameron in London?</i>

	L Chamberlain: That's correct.
	Sturgess: did you say this – or something to this effect – to him: <i>I didn't know there were any dingo experts in London?</i>
	L Chamberlain: That would be correct, probably.
	Sturgess: Did he say this – or something to this effect: <i>He has told us that your child died as a result of having its throat cut?</i>
	L Chamberlain: He told me his tests had been – sorry, I'll rephrase that. He indicated to me that Professor Cameron said that baby had been decapitated.
	Sturgess: Did the police officer say this or something to this effect in the same conversation: <i>Mrs Chamberlain, you haven't answered my question?</i>
	L Chamberlain: I mentioned prior to you that that was only part of the conversation at that time, yes.
	Sturgess: Yes, but did he say that: <i>Mr Chamberlain, you haven't answered my question?</i>
	L Chamberlain: Yes, that's correct.
	Sturgess: Did you say in response to that, <i>No, I never killed my child?</i>
	L Chamberlain: In response to that question I said, <i>No, I haven't, have I? I did at a later stage tell him most certainly that I did not kill her.</i>
	Sturgess: Did you go on and say this or something to this effect, <i>You don't think if I did, I could have carried out this charade all the time? Ask my friends. They'll tell you I can't tell lies. I'm not that smart. Did you say that or something to that effect?</i>
	L Chamberlain: That's a mixture of a couple of things that I said. I told him that I thought he was crediting me with some brains that I didn't have and he told me, <i>Don't sell yourself short</i> and I said to him <i>Oh, come on, you're crediting me with the brains to commit the perfect murder and get away with it</i> and he said <i>Don't you sell yourself short.</i>
	Sturgess: Did the police officer say this or say something to this effect that you were an intelligent woman and he had a different opinion about your ability to carry out a charade?
	L Chamberlain: He simply said, <i>Don't you sell yourself short</i> and he repeated that three times.

	<p>Sturgess: Mrs Chamberlain, would you be prepared to give to the police your palm prints?</p>
	<p>Rice: Before any answer is given, Your Worship, in the light of the previous evidence no suggestion of any – I have not cross-examined in any way at all on the voir dire but Your Worship will well know that whatever was said by Mrs Chamberlain to the police officer on this occasion was against the background of her declining to say anything at all. For my friend to now suggest that she complies with any request of his is to deny a person the rights that they have. They are not here to assert anything one way or the other. They are not here to volunteer any evidence. They have the right at all times – a right she exercised – to decline in the police station and I would have to protest at any demonstration one way or the other. I think the particular answer one way or the other is contrary to the conduct of a fair interview, let alone the examination of a person in the witness box.</p> <p>I don't care for this line of questioning – for this sort of request to be conducted. No-one is obliged to comply with that request and refusal, of course, on advice might be misconstrued. My advice would be not to allow Mrs Chamberlain to respond to that request, irrespective of what her state of mind might be.</p>
	<p>Galvin: That is a different issue as to the question being put though, is it not?</p>
	<p>Rice: Well, in any event I do not think the witness should be asked the question.</p>
	<p>Galvin: Why? I am sorry, I do not think I am quite with your application.</p>
	<p>Rice: Simply on the grounds that a person is entitled at law to decline to answer anything simply on any ground at all. The fact that she is in the witness box does not elevate her in any way to a position different from that of her ordinary rights and entitlement and the advice that any lawyer would give any client would be to decline such a request. Therefore she should not be exposed to the position of embarrassing herself because of the lawyer's advice not to answer the question. And in any event we would have to give her advice before any questions were asked of her.</p>
	<p>Narrator: A short adjournment was then granted so that counsel could advise the Mrs Chamberlain in respect of the matter which had been raised. The court then resumed.</p>

	Rice:	The position is, Your Worship, that we have had the conference with our client, she is perfectly happy for her own part to provide the palm print but on advice from the counsel that request will not be complied with.
	Sturgess:	She must claim the privilege herself, if Your Worship pleases. Well, I propose to ask her unless Your worship stops me, and she has, doubtless, been well advised as to the situation. Are you prepared to provide a copy of your palm prints?
	L Chamberlain:	I told the police officer and I say the same thing again, I would have been quite happy to have provided palm prints to them, providing my lawyers agreed, but they do not agree that I give any palm prints at this stage. They know I'm happy to give my palm prints.
	Sturgess:	You are not prepared to give to the authorities your palm prints, so that they can be compared with - very well. I have no further questions at this stage, if Your Worship pleases. If Your Worship pleases, I call James Raymond Metcalf Is your full name James Raymond Metcalf?
	Metcalf:	Yes.
	Sturgess:	And the two of you, that is you and Joy Kuhl, worked together during the forensic examinations, is that right?
	Metcalf:	Yes
	Sturgess:	And she reported her results to you as she got them?
	Metcalf:	Yes.
	Sturgess:	Would you tell us about the examination and what was uncovered as you proceeded with this, please?
	Metcalf:	Yes, the first day of the examination we looked at the front carpet, the driver's side immediately in front of the driver's seat and Mrs Kuhl conducted some screening tests for blood on the floor area and she told me that.
	Rice:	I would like to see a copy of the report.
	Sturgess:	I can either put this information before the court at this stage or call Mrs Kuhl.
	Rice:	Well, we have been given nothing as I have said to Your

	<p>Worship before, All they need to do, of course, is to provide us with a summary of the evidence. That is satisfactory, but I have never had any intimation, let alone copies of documents.</p>
Sturgess:	<p>I take it that my friend is objecting to this witness giving information about what Mrs Kuhl discovered. In that case, I will not lead it from this witness. I will lead it from Mrs Kuhl.</p>
Rice:	<p>All I am asking for is something that I can look at in order to agree to that very course being adopted, Your Worship. I do not want to delay it in any sense at all and Your Worship does have the absolute discretion anyway to rule me out because the laws of evidence do not apply, but I am sure that with a thing like this – I suppose I should not really be objecting in view of the course adopted by the authorities here. In view of the course adopted by the authorities we have still not heard anything and have been given nothing and told nothing. My clients are put in the witness box right from the start and this is sort of adding insult to injury. I cannot do anything about it and it is just that it is annoying that we are put in the position of having to submit my clients to cross-examination when we know nothing, the advisors know nothing about the weakness or strength of any evidence.</p>
Galvin:	<p>You maintain</p>
Sturgess:	<p>I am sorry, Your Worship. I am not too sure if my friend is objecting to this witness giving hearsay information about the discoveries made in the car or not.</p>
Galvin:	<p>Is that your objection, Mr Rice?</p>
Rice:	<p>Yes, Your Worship.</p>
Sturgess:	<p>Very well. I will not tender the report. I will wait until Mrs Kuhl gives her evidence</p> <p>I call Joy Kuhl.</p> <p>Ms Kuhl are you a biologist with the Health Commission in Sydney?</p>
Kuhl:	<p>Yes I've worked there for four years in the Forensic Science Section.</p>
Sturgess:	<p>When the Northern Territory Police moved the Chamberlains' car to Sydney was it your job to examine it for blood?</p>

	Kuhl: Yes I worked along with Police Officer Metcalfe. He gave me nail scissors, a camera bag and various other items.
	Sturgess: And what did you do with the car?
	Kuhl: We swabbed the inside of the car and parts of the outside. Metcalfe dismantled the seats. We examined the seats and the carpets. Wherever the stains were sufficient we tested it for human character, for foetal haemoglobin and made an attempt at grouping.
	Sturgess: Yes, and what were the results?
	Kuhl: I identified traces of blood in both inner compartments and a zipper of the camera bag. I found none on the hats and the stains on those (which had been identified apparently by Mrs Chamberlain) were of something else.
	Sturgess: What did you find on the floor of the car?
	Kuhl: On the driver's side the carpet showed the presence of blood but also the presence of soap disqualifying it for further testing.
	Sturgess: What about on the passenger side?
	Kuhl: Beneath the passenger seat and on a ten cent coin found there, there was blood which was human and foetal. There was enough volume here for an attempt at grouping. I was able in a test to dribble blood from that seat on to the mounting producing the pattern I had found earlier.
	Sturgess: Do you offer an opinion in respect of that pattern?
	Kuhl: Yes, I regarded it as consistent with an arterial spray.
	Sturgess: I have no more questions of this witness at the moment and now call Professor Cameron . Professor Cameron are you a Forensic Pathologist with an International Practice and reputation.
	Cameron: Yes. I am a Professor of Forensic Medicine at the University of London and I have been a consultant almost everywhere.
	Sturgess: On 8 June 1981 at the London Hospital Medical College did you receive from a Mr Brown of Adelaide a Forensic Odontologist certain items?
	Cameron: I did.

	Sturgess: Now as I proceed you will wish to refer to notes and reports you have made and also photographs which you have taken. Is that correct?
	Cameron: I would like to, yes.
	Rice: Your Worship, I have seen nothing at all, as usual in this case, by way of reports. I know my friend's stance on this. He is under instructions not to reveal anything to me. But I now reiterate my former requests that I be, at least at this stage, apprised of the reports on which the witness proposes to rely.
	Galvin: Yes Mr Sturgess.
	Sturgess: Mr Rice will have everything made available to him at the appropriate time. As Your Worship well knows, in a coronial enquiry the information is revealed to the Court. The very proper practises of the Court will be strictly adhered.
	Galvin: (to Rice) Do you want to take the matter any further?
	Rice: I do not wish to do so but I must ask that if the witness is going to refresh his memory by reference to notes may I have the opportunity of looking at the notes to determine what my attitude will be.
	Galvin: Mr Sturgess we are going to have to meet this at some stage.
	Sturgess: Yes if Your Worship pleases.
	Galvin: I agree that I do not have the power to interfere but I think we are coming to a stage where surely something should be made available. Otherwise I'm going to be forced to run it technically correct of course.
	Sturgess: Your Worship, all these reports will be made available to my friend's inspection. I will give him a copy of the report, but the complaint is that he has not received these reports days, or weeks, beforehand.
	Galvin: What is going to happen now?
	Sturgess: [Reluctantly] He can have a copy of the report.
	Narrator: Cameron gave evidence about the examination he made of Azaria Chamberlain's jump suit and then films were shown in Court of smudge marks on the jump suit.
	Cameron: There are marks on the back of the cloth here, consistent with

	fingerprints. Four fingerprints of a young adult. The young adult's right hand on the underneath, or over, the length shoulder blade.
	Sturgess: You said a young adult?
	Cameron: I'm differentiating that from a child.
	Sturgess: A child of four or six?
	Cameron: It's far too big a print.
	Cameron: (handing the print to the Magistrate) You can see the superimposed position yourself.
	Galvin: I'm sorry I can't see it at all now.
	Cameron: Work principally, I would suggest on the middle finger.
	Galvin: I still can't see it.
	Cameron: (with some exasperation) It is not an exact fit, because it is of another handprint.
	Sturgess: What do you say as to the possible causes of death?
	Cameron: As to the possible causes of death, in the absence of a body, one must assume an unascertainable cause of death. Having said that, in the presence of the bleeding on the jump suit and from its amount, and various other findings at that moment in time it would be reasonable to assume that she met her death by unnatural causes and that the mode of death had been caused by a cutting instrument, possibly encircling of the neck, certainly cutting the vital blood vessels.
	Sturgess: Yes thank you Professor Cameron.
XXM	Rice: Professor Cameron you were instructed to retain absolute confidentiality in all respects so far as your examination of the material submitted to you was concerned.
	Cameron: Yes.
	Rice: And you have maintained that of course without question.
	Cameron: Indeed.
	Rice: You knew that you would be cross-examined on matters relating to your examination of the material?

	Cameron:	I was led to believe that, yes.
	Rice:	I just want to put this in the right setting if I may. You have been cross-examined time and time again in your career I suppose.
	Cameron:	Indeed yes.
	Rice:	Is it true to say that before you have been cross-examined in all those occasions, someone else has had an opportunity of examining the material as well as yourself? So that opposing counsel is at least acquainted with what is been examined by you.
	Cameron:	That has been the normal practice.
	Rice:	And you can understand the fact that in my position here I have not for whatever reason had that opportunity.
	Cameron:	[Sarcastically] I sympathise.
	Sturgess:	I recall Joy Kuhl . After you had concluded your previous evidence the other day you were given a black vinyl camera case is that so?
	Kuhl:	Yes.
	Sturgess:	And that was provided by Michael Chamberlain to the Police?
	Kuhl:	The camera bag was turned inside out and the screening test for blood was performed over all the services.
	Sturgess:	How long did these examinations occupy you?
	Kuhl:	Four days. An extract was prepared from the middle zippered compartment which showed a reaction as human haemoglobin. Another extract identified the presence of human foetal blood.
XXM	Kirkham:	Would you agree first of all that the screening test for blood, namely orthotolidine, can give a similar reaction to substance other than blood?
	Kuhl:	Not the same reaction. The colour development from a blood type reaction is very, very distinctive, particularly in the hands of an experienced operator. And I consider myself an experience operator.

	Kirkham: May you get a positive reaction from milk?
	Kuhl: Yes occasionally.
	Kirkham: Child's vomit?
	Kuhl: Yes. But vomit would also contain traces of blood.
	Kirkham: And therefore what? Give blood reactions.
	Kuhl: Yes.
	Kirkham: Did you do any tests to exclude the presence of child vomit in the orthotolidine test that you did on the bag?
	Kuhl: I am sorry there was not enough matter present to do any sort of test like that.
	Kirkham: So in the circumstances you are prepared to assume that it must have been blood.
	Kuhl: I've not assumed.
	Kirkham: Despite the fact that you could not exclude by way of testing that it was the other agents. Is that correct?
	Kuhl: I've not assumed. I have not assumed that it is blood. I have reported that a blood reaction was obtained. However, attempts to prove the presence of blood, and determine the species, were unsuccessful. I have written that in my report.
	Kirkham: I have not seen your report yet and I am going to in due course have a look at that. Are you conceding then, that what was on the bag, may not have been blood?
	Kuhl: I have stated that. Yes.
	Sturgess: That concludes the evidence Your Worship.
	Narrator: Sturgess then presented written submissions to the Court (which were not released to the Press) and then summarised those in short terms in the inquest itself.
	Sturgess: Clearly the child Azaria Chamberlain came to her death at the camping area that or near the camping area or at Ayers Rock on 17 August 1980. The cause of her death is revealed by the condition of her clothing, discovered a week after her death. She must have suffered an extensive, and a fatal, wound or wounds to her neck or her head. Your Worship has to consider the manner of death. Here

there are only two possibilities:

- that she was killed by a dingo that also took her away, or
- or that it was a case of homicide.

I have submitted to you that reviewing all the evidence, Your Worship will conclude that this was a case of homicide. The dingo theory cannot be supported by the evidence produced in this inquiry.

I have submitted to Your Worship, in my written submissions, that in view of all the evidence that has been called here, Your Worship will place Mrs Chamberlain on trial on the charge of murder, and that Your Worship will place Mr Chamberlain on trial on a charge of being an accessory after the fact to that murder.

Rice:

I am quoting here from Mr Sturgess' written submissions Your Worship. He says *So far as Reagan, Mr Chamberlain, and Aiden are concerned, not only is there no evidence that either, or any, was responsible, there is positive evidence that each was not responsible.*

So there is a clear and unequivocal assertion as to the lack of participation at all of these people. So all the rumour and speculation - which are rife - about some child having something to do with this is are put at rest by the assertion of Mr Sturgess himself. Who better to make a comment such as that?

Galvin:

Thank you, I have had the opportunity of considering the matters that have been put to me. I have examined the evidence in regard to certain propositions, from which inferences can properly be drawn and the evidence which may weaken such inferences. The evidence is, to a large degree, circumstantial. It is my view, having considered all that evidence, that a jury properly instructed could arrive at a verdict. I therefore consider that it is a proper matter for a jury to consider on the two matters that are argued for by the Crown, and I propose to proceed on those two suggested charges.

I do not propose to make public my findings on the evidence. These will be made available privately to the parties, but my full findings will not be published until after any trial. My reason for this is to not add material for further speculation, as I consider I have a very real obligation to attempt to prevent any prejudice to any jury trial which will take place in the future.

	<p>Sturgess: Your Worship just before we conclude, there is a matter that I would like to mention to Your Worship. I would ask the ladies and gentlemen of the press be reminded that this matter is now before the Courts. I would ask Your Worship to remind those ladies and gentlemen that the laws of contempt exist to protect the citizen's right to a fair trial. I can tell them for Your Worship that I will be quick to advise the Solicitor-General to institute proceedings for contempt if the bounds are overstepped in the reporting of this matter or in the course of any discussion upon it.</p>
	<p>Galvin: I do not intend to come into that Mr Sturgess. That completes the matters thank you.</p>
	<p>Narrator: The trial that followed and the subsequent results are well known. Lindy Chamberlain was convicted at trial on 29 October 1982. There were appeals to the Full Court of the Federal Court and to the High Court which were unsuccessful. It was not until the finding of the matinee jacket at Ayers Rock on 2 February 1986 that Lindy Chamberlain was to be released. There was then the announcement of the Royal Commission which was conducted by Justice Trevor Morling which reported in June 1987. In October of that year an amendment was passed to the <i>Criminal Code</i> by the introduction of Section 433A which enabled the Attorney-General to refer a case to the Court of Criminal Appeal. This in fact was an amendment to allow the Chamberlain case to be so referred. On 15 September 1988 the Court of Criminal Appeal published its findings. The leading judgment was given by Justice Nader (with whom Chief Justice Asche and Justice Kearney agreed). He said:</p> <p><i>In my opinion, upon consideration of the adopted findings, there is a real possibility Mrs Chamberlain did not murder Azaria and, therefore, the convictions of the Chamberlains ought to be quashed and verdicts and judgments of acquittal entered. Not to do so would be unsafe and would allow an unacceptable risk of perpetuating a miscarriage of justice.</i></p> <p><i>Having said so much, I would like to touch on a matter peripheral to this Reference. It maybe thought that the mere acknowledgement of a doubt about the guilt of Alice Lynne Chamberlain is a half-hearted way for the matter to end. I would like to examine that sentiment for a moment. It is rarely that a criminal trial positively establishes the innocence of an accused person. If it does so, it does so by accident. The task of a criminal court is to ask and answer the question whether it is satisfied beyond reasonable doubt that the accused is guilty of the crime charged. If it is not so satisfied, the verdict should be one of not guilty: that is, a verdict of acquittal. From the point of view of a criminal court, a verdict of not guilty signifies that the jury is not satisfied beyond a reasonable doubt of</i></p>

	<p><i>the guilt of the accused; it does not formally signify a positive jury finding upon the evidence that the accused is innocent. Such a positive finding is not the role of a criminal court, nor of this Court. That is because under the criminal law a person is presumed innocent until the contrary is proved. It is not the court's function to establish innocence because, in the absence of a conviction, innocence is presumed: no finding is required. If the accused is not found guilty the presumption of innocence continues. So it is here. I have expressed the opinion that doubt exists as to the guilt of Mrs Chamberlain. I would categorise that doubt as a grave doubt. The doubt has arisen as a result of considering fresh evidence, in particular, the findings of the Commission. It is the existence of that doubt that demands the quashing of the convictions and the verdicts and judgments I propose. The convictions having been wiped away, the law of the land holds the Chamberlains to be innocent.</i></p> <p><i>Accordingly, I would quash the convictions of Alice Lynne Chamberlain and Michael Leigh Chamberlain and enter verdicts and judgments of acquittal.</i></p>
	<p>Narrator: There was a third inquest conducted by Dr John Lowndes. It was conducted on the papers on 29 November 1995 (with written submissions on behalf of the Chamberlains) and a decision was handed down on 13 December 1995. To the extent that such further inquest was said to be justified by the need for finality, unfortunately the open finding made by the Coroner does not provide any such finality. That decision was stated in these terms:</p>
	<p>Lowndes: <i>Azaria Chantelle Loren Chamberlain died at Ayers Rock on the 17th day of August 1980. As to the cause of her death and the manner in which she died the evidence adduced does not enable me to say. I therefore return an open finding and record the manner of death as unknown.</i></p>
	<p>Narrator: For the purpose of writing his history of the Supreme Court, Justice Mildren interviewed on 2 March 2009 Mr Ian Barker QC the principal prosecutor at the Chamberlain trial. He was told by Mr Barker:</p>
	<p>Barker: <i>If I had known at the time of the original trial what I now know, I would have advised the Government not to proceed with the trial.</i></p>