

N.B. Copyright in this transcript is the property of the Crown. If this transcript is copied without the authority of the Attorney-General of the Northern Territory, proceedings for infringement will be taken.

NORTHERN TERRITORY OF AUSTRALIA
CORONERS COURT

AN INQUEST INTO THE DEATH
OF SKELETAL REMAINS
AT CARTIER. ISLAND

ON 1 APRIL ;2000

MR S. BROWN, Assistant Coroner

,**

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON WEDNESDAY 10 OCTOBER 2001

Certified true transcript of a
record produced out of the
custody of the Clerk of Courts

f

Transcribed by:
Court Recording Services (NT) Pty Ltd

("zln~~~

THE CORONER: Yes, good morning, Ms Lade.

MS LADE: Good morning, Your Worship. I intend to just give you some facts in relation to this inquest and then hand up some documents if that's - -

THE CORONER: Yes, Ms Lade.

MS LADE: Okay. Briefly, on 28 March 2000 a boarding party from the patrol boat HMAS Geraldton came across two Indonesian fishing boats which were anchored close to Cartier Island. As a result of this, it was decided that a search would be made of Cartier Island as crew members of the fishing boats had been seen on the island earlier.

Whilst conducting their search, a grave site was located near the centre of the island and so further inquiries were made of the crew of the fishing vessels. The master of one of the vessels, the Surya Omega, stated that on either 25 or 26 March he was told by the master of another fishing vessel, the Kota Dinar, that a crew member had died on board the Kota Dinar a couple of days earlier and they had decided to bury him on the island.

The master of the Kota Dinar stated that the crew member had become ill after diving in about 30 metres of water about seven miles from Carrier Island. He had been diving for trepang. The master did not give the name of the deceased at any time.

The HMAS Geraldton subsequently reported this to the Customs Service and on 29 March 2000 Customs advised NT police. On 1 April 2000, NT police officers, CIB, Forensic and TRG members travelled to Cartier Island with the then Deputy Coroner, Elizabeth Morris.

The remains were exhumed and returned to Darwin and, on 4 April, an autopsy was performed by Doctor Zillman. Doctor Zillman stated that a cause of death could not be determined due to decomposition, but there were no obvious injuries. He confirmed the deceased was of Asian origin and was an adult male of small stature.

Doctor John Hirst, a dentist, examined the teeth of the deceased and indicated the deceased was aged between 25 and 35 years old. He does not give any evidence as to the race, but stated that the scale of mandible were not of those of a person of big build.

The Indonesian Consulate here in Darwin and Mr Paul Clarke, the curator of the Maritime Museum, were contacted about assisting in identifying the deceased. To date they have been unable to identify the deceased and the Vice-Consul of the consulate advised me yesterday that they would not be able to identify him.

I now hand up these documents, Your Worship, which is a covering report of Detective Sergeant John Nixon, statements from crew members of HMAS Geraldton, the autopsy report, and the report of Doctor Hirst.

THE CORONER: Yes. So the covering report from Detective Nixon will be exhibit A; the statements of Lieutenant Melanie Anne Verhoe will be exhibit B; the autopsy report of Doctor Michael Zillman will be exhibit C; and the report of Doctor John Hirst will be exhibit D.

EXHIBIT A Report Detective Nixon.

EXHIBIT B Statement of Lieutenant M.A. Verhoe.

EXHIBIT C Autopsy report of Dr M. Zillman.

EXHIBIT D Report of Dr J. Hirst.

THE CORONER: So these are matters you wish to be - - -

MS LADE: They are, Your Worship. It appears that, from the evidence before you, that the deceased is a male of Asian origin, aged between 25 .and 35 years, died between 22 and 24 March, on my calculations, of an unknown cause of death.

THE CORONER: So Asian origin - - -

MS LADE: Aged between 25 and 35 years.

THE **CORONER:** Yes,,

MS LADE: And died between about 22 and 24 March 2000.

THE CORONER: Yes,, thank you, Ms Lade.

I'll give the findings now.

At some time during the morning of Tuesday 28 March of :?000, the patrol vessel HMAS Geraldton was in the vicinity of Cartier Island, which I understand is a small island in the Indian Ocean, several hundreds of nautical miles off the north-west coast of Australia. However, it is part of the Commonwealth of Australia.

As a result of information that members of the crew of the HMAS Geraldton received, they decided 'to land on Cartier Island. Whilst examining the island, they discovered a grave site on high ground near the centre of the island. The reason the boarding party went to Cartier Island is that there were two Indonesian fishing vessels in the vicinity at the time, and the master of one had indicated that somebody had been burried on Cartier Island.

On 28 March members of the crew did locate a grave and, as a result, they informed the Customs authorities and then, at a later stage, the Northern Territory police were informed. That was about 29 March 2000. As a result of that, on 1 April 2000 detectives from Darwin, including Detective Sergeant Nixon and members of the TRG, and the Deputy Coroner Ms Morris, travelled in a Customs vessel, the

Botany Bay, to Cartier Island. They arrived there at about 10 am on Saturday 1 April 2000 and located a grave site.

The grave was marked with a rusted metal pole and there was sand, rock, and wooden plank, covering the grave site. As a result of discovering this grave site, a body was exhumed. It's in respect of that body that this inquest is being held.

Pursuant to section 12 of the Coroners Act, a death is reportable to the Coroner where the death is unexpected, unnatural, or violent, or is of a person whose identity is unknown.

It was the case on 1 April that the identity of the deceased person was not known. That is still the case today, and it is the reason why this public inquest is being held.

Pursuant to section 15(1) of the Coroners Act, it is mandatory that a public inquest be held where the identity of the deceased person is not known.

Although at this stage the identify of the deceased person is not known - and I'll come in a moment to what attempts have been made to identify the person something is known of the circumstances in which the deceased met his death.

When the Geraldton was in the vicinity of Cartier Island, another Indonesian vessel, the Surya Omega, was also in the vicinity. The master of that vessel, a person called Leke, was spoken to and indicated that another vessel had been also in the vicinity of the Cartier Island one or two days before. That was another Indonesian vessel, the Kota Dinar. The master of that vessel indicated that one of its crew members had become ill after diving in about 30 metres of water, some seven miles from Cartier Island, for trepang.

At that time, the master and crew of the Kota Dinar did not think it was practical to repatriate the body to their home island. Obviously there were no refrigeration facilities, or very primitive refrigeration facilities, on board the vessel and they were relying on wind power to get home and the wind was slight at the time. Obviously there were grave difficulties with preserving the body.

I also understand that it is Islamic custom that deceased should be buried as quickly as possible. It was for that reason that they decided to bury the body on Cartier Island. I've already indicated how notice of the burial came to be received by police in Darwin and the body to be exhumed and brought here.

At the time this information was obtained, obviously some secondhand from those who had it at firsthand, the identify of the deceased person was not known. That remains the position to this day.

As it was required to ascertain a cause of death, a post-mortem was conducted by Doctor Michael Zillman on 4 April 2000. Doctor Zillman found a body that was in an advanced state of decomposition but he was able to ascertain that there were

.
.....

no evidences of any physical injury to the body. However, he was not able to determine a cause of death.

A dentist, Doctor Hirst, also inspected the teeth of the deceased. He was able to give an opinion that the deceased was of an age between 25 and 35.

Since the body was recovered, Ms Lade, of the Coroner's Office, and other members of the Northern Territory police have liaised with both the Indonesian Consul in Darwin and Mr Paul Clarke, who is Director of the maritime section of the Northern Territory Museum. He's apparently an expert on matters to do with Indonesian fishing vessels and fishermen and things of that nature. To date neither the Indonesian Consul nor Mr Clarke have been able to find any evidence or clues as to the identity of the man who was buried on Cartier Island.

I'm told by Ms Lade, who appears to assist me this morning, that it is not anticipated that any further information will be forthcoming. It seems to me appropriate that the matter be concluded as quickly as possible and the remains of the deceased be re-interred.

For that reason, I will make the following formal findings.

I find that the identify of the person who was buried at the centre of Cartier Island cannot be ascertained. The person was a male of Asiatic origin and, most probably, was aged somewhere between 25 and 35 years. The cause of his death cannot be determined. The deceased died at sea, approximately seven miles off Cartier Island in the Indian Ocean off the north-west coast of Western Australia. The deceased died at ;some time between 22 and 24 March 2000.

Ms Lade, is there anything more I need do or find?

MS LADE: No, I don't believe so, Your Worship.

THE **CORONER:** Thank you, Ms Lade. I'll direct that a copy of these findings be placed on the file.

ADJOURNED