



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Main Committee

PRIVATE MEMBERS' BUSINESS

Loss of the Malu Sara

SPEECH

Monday, 28 February 2011

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Entsch, Warren, MP

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Mr ENTSCH (Leichhardt) (12.23 pm)—At noon on 14 October 2005, the *Malu Sara* left Sabai Island in the Torres Strait for a four-hour journey to Badu Island. I think it is fair to say that the people on board had no idea of the fate that lay before them. However, I know that there were serious concerns—particularly expressed by the skipper—prior to leaving. In fact, he requested that he be able to stay back until the following day because of weather conditions. Unfortunately, his superior officer on Thursday Island insisted that he leave immediately on that journey; 16 hours later that boat had disappeared completely and the five people on board had drowned. Sadly, only one body has ever been found. It was rightly reported that there was a lot of pressure on him to go at that stage and his knowledge of the area was ignored. In forcing him to do so, there were some serious concerns about the seaworthiness of the vessel and concerns about the certification for its use in open seas.

The Queensland State Coroner, Michael Barnes, stated that the circumstances of the *Malu Sara* were some of the most wretched he had ever been exposed to. The ship had been commissioned without a GPS, a two-way radio or appropriate maps. A marine supplier who was involved asked why the boat that would be used by an Indigenous crew was not fitted with up-to-date equipment, and he was told by a departmental officer, ‘They won’t be needing that. These guys are two generations behind and they won’t be able to use it.’ Comments like this quite frankly make you sick in the stomach.

An experienced boatbuilder who tendered to build the *Malu Sara* and its five sister ships said that the project was certainly not properly funded. He reported that the project was so underfunded from the word go that they could not possibly have vessels that would do the job safely for the price that was allowed by the department of immigration at the time. Ultimately, the watertight compartments built into the craft by another firm were not properly sealed, and there is evidence that it was so unseaworthy that it was completely unsuitable for the purpose, and it was always going to sink. It was only a matter of when.

The tragedy is that these people could have been saved. Right from the beginning, when they first got into trouble at about four o’clock in the afternoon and calls were made to the manager on Thursday Island, they were initially told by the manager to continue on the journey. He then went off to a social engagement and remained there for the greater part of the rest of the evening. Calls were then made to the police station and, instead of going to look for this fellow, the police sergeant at the time decided to defer to the manager. After many calls on the mobile phone, eventually he found the manager late in the evening and the manager basically said, ‘Oh, it’s all right. We always get these sorts of calls.’ He did not even bother to initiate calls until he went into the office at nine o’clock the next morning. By that stage these people were well and truly dead.

You can understand that recently when there was a court hearing on this it was determined that the department was grossly negligent and was subsequently fined the maximum penalty of \$240,000. For five years the families have had to fight to try to get some sort of closure and some sort of compensation. Unfortunately, they have had to go through the legal system, and the value of the lives of these people has been judged on their income from social welfare, from CDEP. Subsequently the payments have been less than adequate. The department, in an effort to, if you like, show their remorse, has named two offices down here in Canberra after the two immigration officers who lost their lives in this tragedy. I have got to tell you that there are no family members in the Torres Strait who are ever going to come to Canberra to have a look at those offices. It is most inappropriate that such a thing has occurred.

We need to start to show that there is genuine remorse. I am proposing that we set up a *Malu Sara* trust fund. We can start by putting in that \$240,000 fine so that it does not just go from one government agency to another. This will be a good start, and it will start to recognise that these lives have not been lost in vain. I have been working with the families of some of those members who, sadly, lost their lives. The community itself has been incredibly generous. Unfortunately, I have to say that government agencies have not followed at the same level. Wilfred Baira; Ted Harry; Flora Enosa and her younger sister, Ethena; and Valorie Saub, the daughter of John and Henrietta Saub from Badu Island, are the victims of this dreadful tragedy. Valorie left behind four children who were aged between three and 11 years old at the time. D-Dow is now 16, Henrietta is 13, Boston is 11 and

Do-Fa, who has learning disabilities, is eight. They desperately need support. If you go to their house and have a look, you will see they have been living in a very difficult situation. Henrietta, the grandmother, has one leg and suffers from diabetes, so it is a great struggle trying to keep these kids on a pension.

The community has been absolutely outstanding. At this stage I would like to make reference to Mark Bousen and his family, who have been providing funding to assist this family to buy food for the kids. Every month he has been putting money into an account in the IGA so that these kids can get a decent feed. It is just overwhelming. We have had others out there. Local businesses have been supplying furniture and bedding and what have you, which again is incredibly generous. A young lawyer there, Jason Briggs, has been giving an amazing amount of his time in helping to try and bring some sort of closure and support for these families. But I think we have an obligation in this place to make this happen. I would like to see this trust fund established and I would like to build on the \$240,000—if we can have that as the start—so that we can have a perpetual fund we can draw on to have something that can possibly support kids, particularly kids in Badu with disabilities, on an ongoing basis so that these lives have not been lost in vain.

On top of that we need to build a memorial on Badu and another one on Thursday Island where these families can go to grieve. It is absolutely critical that we do that. I would like to also make sure that the individuals that were directly responsible for the deaths of these five innocent victims are held accountable. At this stage they have not faced a court of law. So I am also calling on the government to re-evaluate these situations and give these families the opportunity to have at least a day in court with those responsible so that they can have that level of closure. When you think about it, it is a very small ask for these families, but it does give them a chance to have some level of closure. Today we have an opportunity to put politics aside to give the families of these victims the respect and the closure that they deserve.

I am asking the government to seriously consider this motion, which has the full support of the Torres Strait Islander community, and to respond with compassion and with decent heart. These families have suffered now for over five years. It is very much part of their culture that they need somewhere they can go to grieve. They will never be able to go to tombstones because those families are lost forever. They need a place where they can grieve and we owe it to the families first of all to give the orphans of those victims an opportunity to get their best chance in education and afterwards to provide some way of showing remorse. We can be offering support to victims, for the young children of the Badu community. (*Time expired*)