Australian Government

Australian Customs and Border Protection Service

Submission to the Joint Select Committee on the Christmas Island Tragedy

AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

SUBMISSION TO THE JOINT SELECT COMMITTEE ON THE CHRISTMAS ISLAND TRAGEDY

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Preamble

This submission addresses the Joint Select Committee on the Christmas Island Tragedy Terms of Reference relevant to the Australian Customs and Border Protection Service (Customs and Border Protection); our operational responses are described in Part 2 and after-incident support provided to our officers and their families and the effectiveness of relevant administrative procedures and arrangements in Parts 2 and 3.

A further Confidential Supplementary Submission to the Joint Select Committee on the Christmas Island Tragedy has also been provided, which pictorially displays Border Protection Command (BPC) asset disposition on 14 and 15 December 2010.

CUSTOMS AND BORDER PROTECTION SUBMISSION TO THE JOINT SELECT COMMITTEE ON THE CHRISTMAS ISLAND TRAGEDY.

Part 1 – Overview

1. On the morning of 15 December 2010 Border Protection Command had two surface assets, the HMAS Pirie and the ACV Triton, at Christmas Island. HMAS Pirie was deployed as the Operational Response Vessel (ORV) for Christmas Island and ACV Triton was at Christmas Island to deliver 108 Potential Irregular Immigrants (PII) and crew from Suspected Irregular Entry Vessel (SIEV) 218 and 219 to the Christmas Island immigration detention centre.

2. Conditions on the day were treacherous to the point where all commercial vessels and BPC assigned assets ensured they were away from the weather side of the island. The Harbour Master at Christmas Island had closed the port facilities on the day.

3. Typically the ORV would be deployed to the North of Christmas Island to undertake surveillance, investigate and intercept any vessel engaged in illegal activity in the Christmas Island Contiguous Zone.

4. ACV Triton had been in the vicinity of Christmas Island for some three days awaiting calmer weather to disembark its PIIs. In the normal course of events vessels such as the ACV Triton redeploy to their normal area of operation once the PIIs have been disembarked.

5. The severe weather at Christmas Island from 12 to 14 December 2010, which was the result of a low pressure system that was generating West to North Westerly winds up to 25 knots with seas up to and including sea state 5 with swells of 3-4 metres, meant that both vessels on the morning of 15 December 2010 were sheltering on the eastern side of the island.

6. It should be noted that in similar conditions one of the BPC assigned Armidale Class Patrol Boats (ACPB) in early January 2011 incurred damage as a result of the sea conditions while attempting to transit to Christmas Island to take over surveillance and response duties. The vessel had to return to Darwin for repairs.

7. Although HMAS Pirie was the Christmas Island maritime surveillance asset, as a result of the severe weather and with no intelligence of any immediate arrivals, her Commanding Officer (CO) made the reasonable and responsible decision to seek shelter for the safety of all onboard and for the steaming party on board the hulk of a recently arrived SIEV which HMAS Pirie had to hold in custody overnight. ACV Triton was also sheltering for the same reason.

8. Given the weather and that there was no intelligence to indicate that SIEV 221 had departed Indonesia or was likely to arrive at Christmas Island around this time it would have been unreasonable and potentially hazardous to develop an alternative posture which removed HMAS Pirie and ACV Triton from the shelter on the eastern side of Christmas Island.

9. It was from this position that the vessels responded to what was initially reported as a contact of interest travelling under its own power.

10. A detailed account of the Customs and Border Protection (including Border Protection Command) response is contained in the published report SIEV 221 INTERNAL REVIEW (The Review) (see Part 2 of this submission).

11. The Review concluded that all personnel acted appropriately and exercised good judgement. The Review also noted that all persons involved acted in accordance with policies, processes and procedures relevant to the exercise of their duties. They did this in the face of the inevitable pressures and difficulties that accompany an unfolding tragedy.

12. This includes officers in the Customs National Operations Centre (CNOC), the Australian Maritime Security Operations Centre (AMSOC) and the Joint Taskforce 639 (JTF639) watch floor who responded to the incident in a timely and professional manner to ensure that all information was passed to the BPC assigned vessels and other relevant authorities, including the Australian Federal Police (AFP) and the Australian Maritime Safety Authority (AMSA).

13. It also includes the Customs and Border Protection officers on Christmas Island who reported on the incident in a timely manner, assisted to coordinate response activities both on the island and with the BPC assigned vessels and directly participated in the land rescue effort. They also participated in the transfer of the survivors to shore and the recovery of the deceased.

14. Special mention should be made of the men and women of ACV Triton and HMAS Pirie who responded to the incident quickly and with great bravery, rescuing 41 people and recovering 30 bodies from the treacherous seas off Christmas Island.

15. Further the response vessels launched tenders in conditions beyond their normal approved operating limits and then responded in those tenders in seas which had driven SIEV 221 onto rocks.

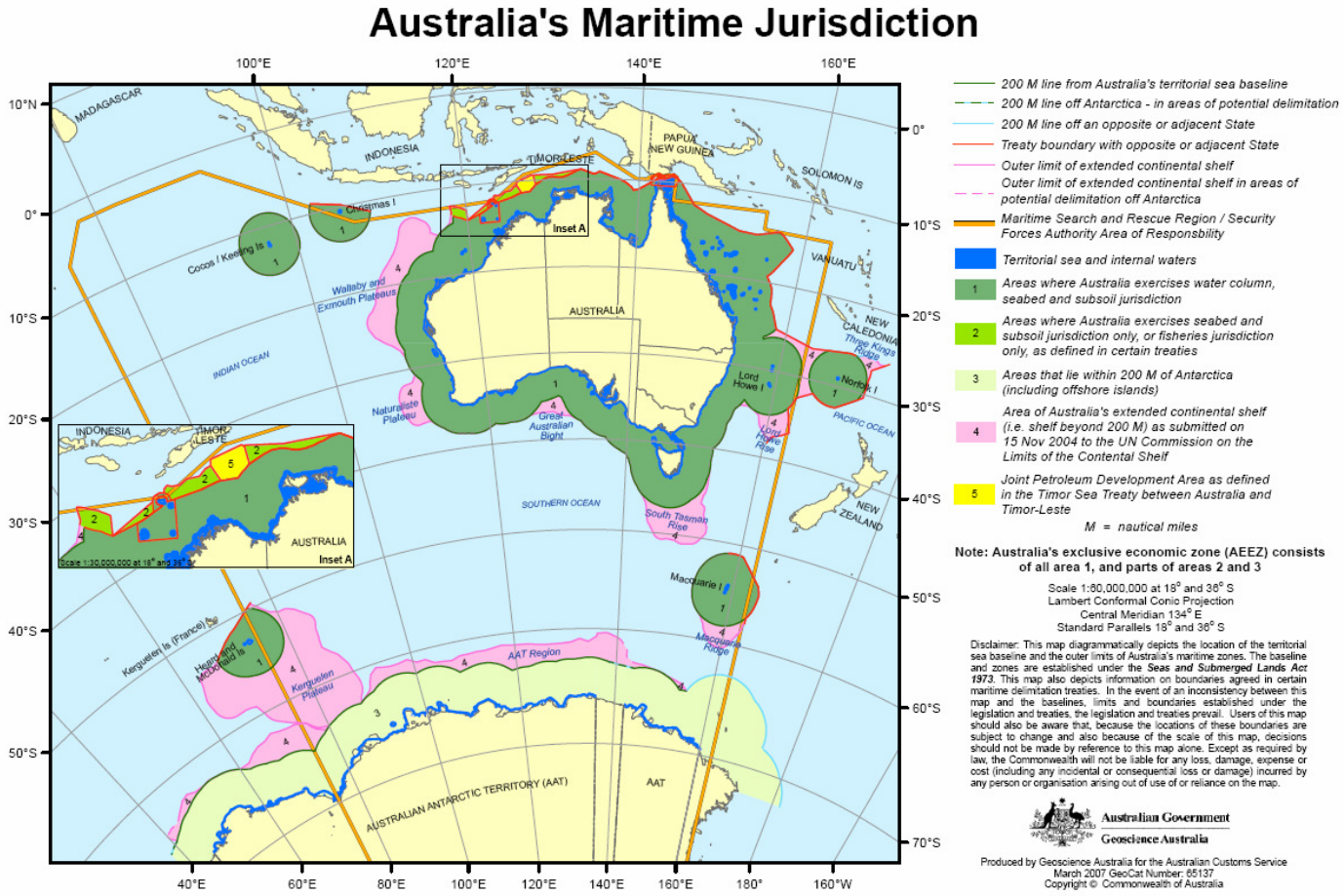
Surveillance and Response Planning.

16. BPC's role is to detect, deter and intercept illegal activity in the maritime domain. Border Protection Command is responsible for coordinating and controlling operations to protect Australia's national interests against eight civil maritime security threats:

    a. illegal exploitation of natural resources;
    b. illegal activity in protected areas;
    c. irregular maritime arrivals;
    d. prohibited imports/exports;
    e. maritime terrorism;
    f. piracy;
    g. compromise to Bio-security;
    h. marine pollution.

17. BPC is not a Search and Rescue organisation but its assets, like those of any private and commercial organisation, can be called upon to respond to emergencies at sea in accordance with international obligations.

18. The Australian maritime domain, including the Security Forces Authority Area for which BPC has responsibility, covers an area of 11 million square nautical miles (sqnm) and equates to around 11% of the Earth's oceans. The Australian northern waters area which BPC patrols for all eight maritime threats, but most commonly encountering irregular maritime arrivals and illegal foreign fishing, is approximately 1.1 million sqnm (see following diagram).



19. The sheer size of Australia's maritime domain does not allow for the persistent surveillance of all areas and threat axes all the time, rather BPC uses an intelligence led risk based model which provides the most effective utilisation of its available resources against known threats. The Customs and Border Protection Internal Review on SIEV 221 (Part 2) provides further details on the Intelligence process.

20. No country is capable of providing continuous impenetrable surveillance coverage. By way of example the United States of America, with significantly more resources and a similar maritime zone, has not been able to prevent incursions into its mainland. However BPC has achieved and reported a 94.9% SIEV detection rate over the last financial year despite increased arrivals.

21. This reality is acknowledged by Government in that continuous surveillance of the Australian maritime domain is neither expected nor required from BPC. The Government's expectation, outlined in the *Portfolio Budget Statements 2010-11 Budget Related Paper No. 1.2 Attorney-General's Portfolio,* is that BPC will deliver 145 million sqnm of surveillance output for the year. Clearly this statement of deliverables does not contemplate a 24 hour a day 7 day a week coverage of the maritime domain.

Surveillance and response asset deployment

22. BPC assets are finite. BPC asset disposition is informed by the BPC mandate to respond to, mitigate or eliminate risk posed by eight civil maritime security threats across the entire Australian maritime domain.

23. Asset disposition is a risk based intelligence led decision which also needs to take account of operational realities. This involves consideration of the two dimensions of risk – consequence and likelihood. BPC assets are not deployed on the basis of a search and rescue mandate but rather to meet the requirements of a civil maritime security law enforcement mandate.

24. The interception of irregular maritime arrivals is one priority in the context of a range of maritime security responsibilities within the BPC mandate. For example, positioning assets concurrently on all of the high threat axes in addition to BPC other maritime security activities, such as maintaining response vessels in Torres Strait, fully engages BPC's assets.

25. The operational priority with regards to irregular maritime arrivals was and remains the prevention of mainland arrivals over possible arrivals at an offshore excised place (see Diagram below).

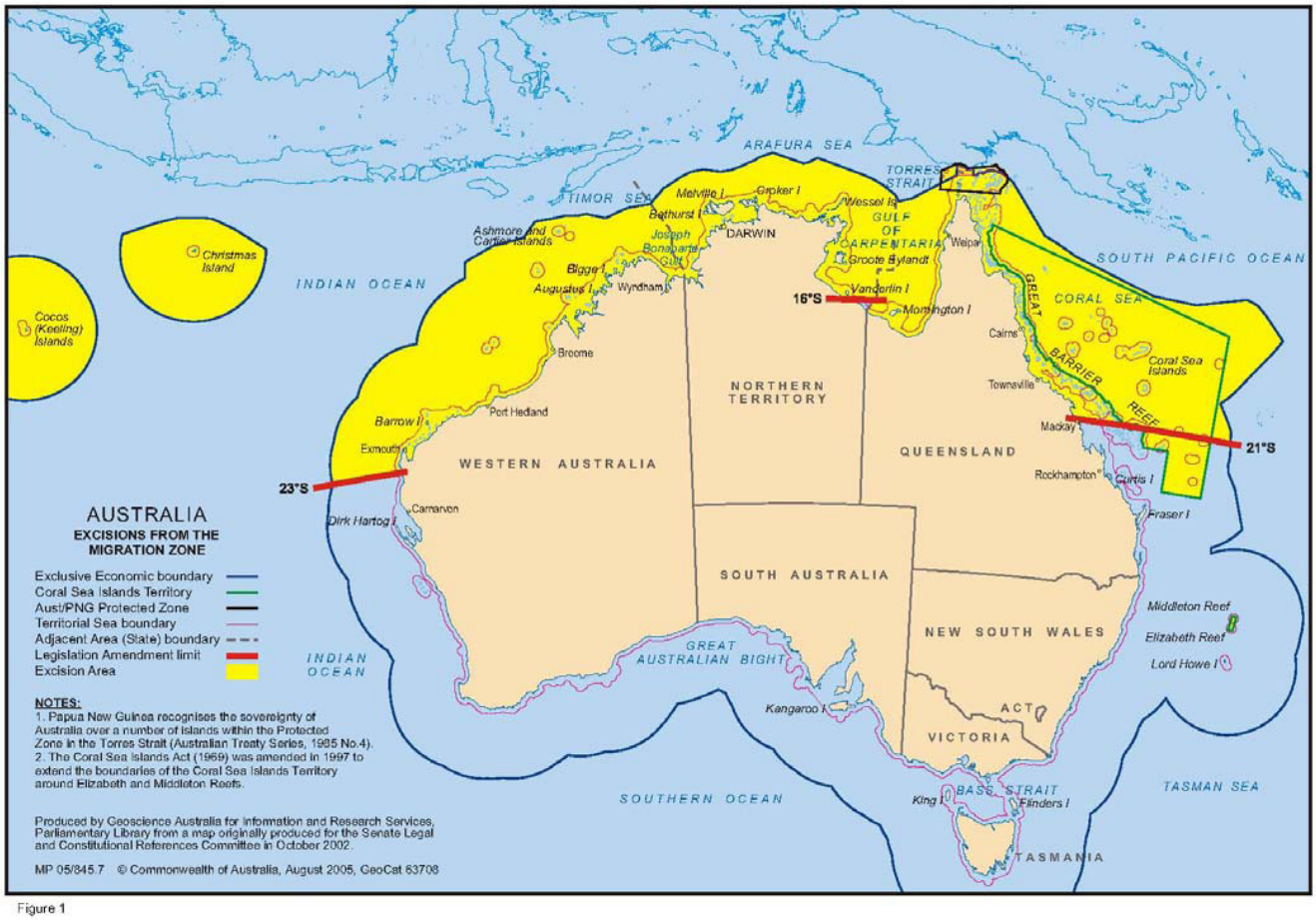


Figure 1

Operational Capability

26. BPC in the normal course of events has assigned to it eight Bay Class Customs and Border Protection vessels, seven Royal Australian Navy (RAN) Armidale Class Patrol Boats and three contracted vessels, which provide a good mix of capability. However not all vessels are capable of being deployed to the outer limits of the area of operation. In particular, the Bay Class are restricted from operating out to Christmas Island, particularly during the cyclone season, because of their limited range and fuel holding requirements.

27. In terms of general sea going capabilities these assets are flexible and capable of responding to most threats in the maritime domain. However, the area they need to cover involves large distances and water craft of the size required for off-shore patrols have relatively low speeds of advance. The ACPB has a maximum speed of 25 knots which equates to 50 kilometres per hour (km/hr) and an economical operational speed of 12 knots which equates to 24 km/hr. This is the fastest vessel assigned to BPC. At its maximum speed it takes an ACPB approximately 16 hours to get from its base in Darwin to Ashmore Islands. However at this speed the vessel's endurance (time at sea), as for all BPC assigned vessels, is severely reduced. As such, to maximise their endurance at sea ACPBs transit and patrol at the economical operational speed of 12 knots which takes 34 hours for the journey from Darwin to Ashmore Islands.

28. Similarly while the aircraft assigned to BPC provide a good mix of capability, the fuel that can be carried by an aircraft and mandatory air crew rest periods can affect deployment. As a deployment location, Christmas Island is at the outer limits of the capabilities of the Dash-8. In instances where weather related fuel holdings (which there were on and around 15 December 2010) are in force at Christmas Island aerodrome, Dash-8s are not capable of operating to or from mainland airfields. Typically, that precludes deployments to Christmas Island during the months of the year associated with monsoonal weather conditions.

29. Where deployments are possible they typically consist of five day duration, with the first and last days devoted to the relocation (transit) of the aircraft, but advance notice is required for these operations.

30. The Royal Australian Air Force provides three AP-3C for tasking by BPC. These aircraft are designed for long-range surveillance and therefore are often used for longer endurance flights and have a maximum endurance of approximately 15 hours in favourable conditions and general mission planning allows 10-12 hours endurance.

31. As such the AP-3C can be used to undertake surveillance from their operational base in Darwin out to Christmas Island undertaking approximately a three hours surveillance program in the Christmas Island approaches and then recover to Cocos/Keeling Islands.

32. Fuel availability and runway issues at both Christmas Island and Cocos/Keeling Islands have an impact on the ability to maintain sustained surveillance activities in the area.

BPC Asset Disposition – 14 and 15 December

33. On 14 and 15 December 2010, BPC assets were postured in line with the known intelligence and in regard to historical patterns of illegal incursions into Australia's maritime domain as described below and displayed in the Customs and Border Protection Confidential Supplementary Submission.

34. It is also important to note that in addition to the predicted maritime people smuggling ventures BPC was also preparing a response, based on provided intelligence, to an unauthorised movement of up to 400 Papua New Guinea (PNG) nationals by small craft between Daru Island, PNG, and Cape York, Queensland.

35. On 14 December 2010, BPC had seven ACPBs, eight Bay Class ACVs, ACV Triton, ACV Ocean Protector and ACV Ashmore Guardian under its operational control. These vessels were positioned to respond to known threat axis around the Torres Straits, the approach to the Tiwi Islands (and Darwin), the Ashmore Islands area, with ACV Triton and HMAS Pirie at Christmas Island and two other vessels transiting to/from Christmas Island. Five vessels were in port on this day. One vessel was on patrol in the Southern Ocean. Actual vessel disposition on 14 December 2010 is displayed in the Customs and Border Protection Confidential Supplementary Submission - Diagram 1.

36. The planned BPC aerial surveillance flights on 14 December 2010 were scheduled to undertake surveillance in the critical mainland approaches, including in response to known threats around the Torres Straits based on intelligence. In addition flights were scheduled for the Great Barrier Reef to enable BPC to meets its obligations to the Great Barrier Reef Marine Park Authority and one flight was tasked to undertake surveillance off the Western Australian coast for client taskings. Actual aircraft disposition on 14 December 2010 is displayed in the Customs and Border Protection Confidential Supplementary Submission - Diagram 2.

37. On 15 December 2010 (as for 14 December 2010), BPC had seven ACPBs, eight Bay Class ACVs, ACV Triton, ACV Ocean Protector and ACV Ashmore Guardian under its operational control. As for 14 December 2010 these vessels were positioned to respond to known threat axis around the Torres Straits, the approach to the Tiwi Islands (and Darwin), the Ashmore Islands area, with ACV Triton and HMAS Pirie at Christmas Island and two other vessels transiting to/from Christmas Island. Two vessels were in port on this day and one vessel was undertaking client taskings on the Australian east coast. One vessel

was on patrol in the Southern Ocean. Actual vessel disposition on 15 December 2010 is displayed in the Customs and Border Protection Confidential Supplementary Submission - Diagram 3.

38. The planned BPC aerial surveillance flights on 15 December 2010 were scheduled to undertake surveillance in the critical mainland approaches, including in response to known threats around the Torres Straits. In addition flights were again scheduled for the Great Barrier Reef to enable BPC to meets its obligations to the Great Barrier Reef Marine Park Authority and one flight was tasked to undertake surveillance off the Western Australian coast for client taskings. Actual aircraft disposition on 15 December 2010 is displayed in the Customs and Border Protection Confidential Supplementary Submission Diagram - 4.

39. The disposition of these assets also needs to take account of the broader risks to the PII. Arrivals at Ashmore Islands are at higher levels of risk due to the complete lack of facilities. Arrivals at Ashmore Islands also require additional vessels to manage the transfer of PIIs to Christmas Island.

40. Irregular Maritime Arrivals (IMA) approach Australia along a number of threat axes. BPC must posture against these and a number of other threat axes – including to enable a response against, for example, illegal fishing and illegal movements and activity in the Torres Strait.

41. For example in the case of illegal foreign fishing, there were 2,457 foreign fishing vessel (Type 3 and Type 4) sightings within the northern Australian Exclusive Economic Zone (AEEZ) between July 2010 and 31 January 2011. While the majority of these sightings (around 95%) were north of the Provisional Fisheries Surveillance Enforcement Line which is a line delineating an area where Australia exercises jurisdiction over the seabed and Indonesia exercises jurisdiction over the water column, the only deterrent to these vessels undertaking illegal incursions into the Australian fishing zone is persistent maritime surveillance and patrol activity.

42. The deterrent effect of enforcement efforts in recent years has seen illegal fishing activity in Australia's northern waters retreat from within the AEEZ to the point where large concentrations of vessels sit just beyond the AEEZ boundary.

43. Any reduction of border protection in this area is likely to see a return to large scale illegal foreign fishing vessel incursions in our fishing zones.

44. While the normal disposition of vessels would allow for one response asset to be positioned at Christmas Island, on 15 December 2010 two vessels were in position as ACV Triton had arrived at Christmas Island on 13 December 2010 to off load PIIs previously intercepted near Ashmore Islands.

45. Aerial surveillance is undertaken against intelligence led planning. On 15 December 2010 aerial surveillance was undertaken to cover all the likely threat approaches identified from the available intelligence.

46. Effective aerial surveillance options at Christmas Island are impacted by its geographical remoteness and on 15 December 2010 the options were further significantly impacted by weather conditions and the absence of any specific cuing data or intelligence. The remoteness of Christmas Island means that an AP-3C surveillance aircraft departing from Darwin, once reaching the area is only capable of approximately three hours of surveillance before having to depart the surveillance area to land at Cocos/Keeling Islands. In simple terms, without intelligence cuing, any aircraft would be effectively hampered in its efforts – not knowing when to fly, where to fly, and with degraded detection capability caused by the weather. The DASH-8 aircraft would not have been able to patrol out to Christmas Island on these days due to weather restrictions.

47. While there was some general knowledge of possible SIEV activity from Indonesia, including information about possible activities which later (after their arrival) was attributed to SIEVs 220 and 227, there was no intelligence to indicate that SIEV 221 had departed Indonesia or was likely to arrive at Christmas Island and the information was not sufficient to enable effective cueing of aerial surveillance for 15 December 2010. For example SIEV 220 had arrived on 14 December 2010 and SIEV 227 arrived some 23 day later on 7 January 2011. It is not possible within the assigned resources to provide aerial surveillance at Christmas Island for such lengthy periods against every piece of general intelligence about possible arrivals.

48. Flying in poor weather conditions to remote areas with limited landing and maintenance infrastructure of its own carries significant risk, both in terms of maintaining continuous BPC rate of effort and in terms of the individual crew.

49. Flying hours are a finite resource which must be attributed across the full range of maritime security threats and the spectrum of time. A decision to utilise flying hours in the circumstances described above – i.e. with a remote chance of detection – needs to be weighed against the resultant diminished capacity to operate other surveillance missions, for example in response to a known venture which may also be conducted in perilous conditions.

50. Surveillance capability at Christmas Island is usually by way of utilising the vessel's radar. HMAS Pirie was the ORV on duty as the surveillance asset on 15 December 2010.

51. However, due to weather and related safety concerns, HMAS Pirie and ACV Triton sheltered in the lee of Christmas Island. Their radars continued to operate, providing a primary means of detecting SIEVs,

noting that a total surface picture could not be obtained due to the weather, sea state and shadow of Christmas Island

52. Since the SIEV 221 incident, weather permitting, BPC has undertaken increased AP-3C surveillance in the northern maritime approaches to Christmas Island to enable improved cueing of the Christmas Island ORV. However, such adjustments have been made by accepting greater risk of undetected illegal activity elsewhere in the maritime domain (see commentary in Part 3, recommendation 1). The ORV is typically an ACPB that BPC routinely places at Christmas Island to provide a surveillance patrol and response capability for SIEV arrivals.

53. Additionally, the completion of the trial of a land-based radar surveillance system to cover the northern approaches to Christmas Island was identified as a priority by the Customs and Border Protection SIEV 221 Internal Review. Accordingly, this trial is being progressed and is on schedule for completion by June 2011.

Responsibility for safety at sea

54. The responsibility for the safety of the vessel and its passengers lies with the Master of the vessel. The Master carries the obligation to ensure the safe passage of the vessel.

55. The Master's obligation to safety also includes making an informed assessment of weather conditions and the impact of weather on the safety of his/her vessel.

56. Both the COs of HMAS Pirie and ACV Triton fulfilled their obligations by sheltering in the lee of Christmas Island, to ensure the safety and wellbeing of their embarked crews and passengers.

57. It appears that SIEV 221 was ill prepared for the conditions it faced, as evidenced by its overcrowding, a critical lack of safety equipment and one SIEV 221 member of crew disembarking to a smaller boat and returning to Indonesia.

PART 2 THE AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE SIEV 221 INTERNAL REVIEW (PUBLIC VERSION).

Australian Government
Australian Customs and Border Protection Service

SIEV 221
Internal review

Internal review relating to Customs and Border Protection (including Border Protection Command) actions relating to SIEV 221

Australian Government
Australian Customs and Border Protection Service

MINUTE PAPER

Central Office

Chief Executive Officer

Internal Review relating to Customs and Border Protection (including Border Protection Command) Actions Relating to SIEV 221

In accordance with your Minute of Direction dated 17 December 2010, I am pleased to present to you my report on the Internal Review of SIEV 221 in accordance with the Terms of Reference attached to that Minute.

This version of the report is unclassified and suitable for public release if considered appropriate.

Sharon Nyakuengama
Acting National Director
Enforcement and Investigations

10 January 2011

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Executive Summary

Overview

1. At 05:40am (G) (Christmas Island local time) on 15 December 2010, a Customs and Border Protection officer staying at The Mango Tree Lodge near Rocky Point at Christmas Island sighted a vessel, later known as Suspect Irregular Entry Vessel (SIEV) 221. The vessel was initially recorded as approximately 500-600 metres (m) offshore from his position at Mango Tree Lodge and under its own power. This officer reported the sighting to the Customs and Border Protection duty officer on Christmas Island.
2. The weather conditions in the vicinity were poor with prevailing wind and swells from the north-west causing sea state 4-5 with a wave height of 3-4 m, winds gusting up to 40 knots, occasional thunderstorms and rain squalls reducing visibility to 150 m. It was low tide.
3. There were two vessels operating in the area under the control of Border Protection Command (BPC). HMAS *Pirie* was in the vicinity of sheltered waters near Ethel Beach on the east side of the island, approximately 5-6 nautical miles (nm) steaming distance from Rocky Point. The HMAS *Pirie* was with the hulk of SIEV 220, which she had intercepted the day before, and some crew from the HMAS *Pirie* were on board the SIEV 220. ACV *Triton* was approximately 4.5 nm further south of HMAS *Pirie*. Onboard were 108 people from the SIEV 218 and 219, intercepted on 9 December 2010. The usual authorised carrying capacity of the ACV *Triton*, in addition to crew, is 63.
4. Both vessels were steaming on one engine to conserve fuel. At 05:40 (G) the majority of the crew on both vessels had not yet woken for the day.
5. Notification of the sighting was actioned by Customs and Border Protection and the ACV *Triton* was advised that a Contact of Interest (COI) had been sighted. ACV *Triton* and HMAS *Pirie* agreed that the HMAS *Pirie* would respond. By 06:10 (G) HMAS *Pirie* had altered course to the North and commenced preparations to intercept the vessel.
6. At 06:10 (G) the Australian Maritime Security Operations Centre (AMSOC) within BPC was advised of a report from the Western Australian Police Operations that two 000 calls had been received. Details of the calls included that a vessel was between Ashmore Islands and Christmas Island and that it was on fire. Staff initiated an investigation of approaches to Ashmore Island for a vessel matching that description.
7. At 06:16 (G) Customs and Border Protection at Christmas Island updated Customs National Operational Centre by phone, stating that the Contact of Interest had broken down, was 100m offshore and that a major catastrophe was unfolding.

8. At 06:22 (G) when HMAS *Pirie* was already underway to investigate the COI, Headquarters Joint Task Force 639 was advised that the COI had lost its engines and was drifting towards the rocks. By 06:25 (G) the HMAS *Pirie* had been directed to proceed at full power to the scene. En route, the HMAS *Pirie* experienced an engineering fault in the port main engine and despatched her Rigid Hull Inflatable Boats (RHIBs) ahead. ACV *Triton* was at this time proceeding north to take custody of the SIEV 220. At 06:40 (G) she was advised of HMAS *Pirie's* problems and increased speed and commenced preparations to launch tenders.

9. During this time reports were received that the SIEV 221 had impacted the rocks in the vicinity of Rocky Point and that people were in the water. Both RHIBs from the HMAS *Pirie* arrived on scene at 07:05 (G) and the ACV *Triton's* tenders were closing on the scene by 07:14 (G). A rescue effort was carried out in difficult conditions. The sea state meant that people could not be easily transferred directly to the HMAS *Pirie* and ACV *Triton*, so a life-raft was launched as a staging point. Visibility was reduced to 200 yards. The RHIBs and tenders suffered mechanical breakdowns due to ingestion of kelp or debris. 41 survivors were recovered from the water.

10. As is now well known, despite these efforts, the incident involved a significant loss of life.

11. This review examines:

    » Prior knowledge of the existence of the vessel and its voyage

    » The Posture of BPC assets on the morning of 15 December 2010

    » The following aspects of the operational response to the sighting of the vessel and its subsequent distress:
    - Notification of a Contact of Interest (COI) and of distress
    - Command and Control
    - Equipment Availability and Training

    » Critical incident support for officers.

12. Neither Customs and Border Protection, nor BPC appear to have had any actionable intelligence that would indicate that the vessel that foundered at Christmas Island on 15 December 2010 had departed Indonesia or was likely to arrive at Christmas around that time.

13. The posture of BPC assets on the morning of 15 December 2010 was in accordance with the relevant policies, processes and procedures.

14. Notifications relating to SIEV 221, first as a COI and then as a vessel in distress, were on the whole made and dealt with in accordance with the relevant policies, processes and procedures. A number of additional notifications not required by the relevant policies, processes and procedures were also made. While not required, they were understandable given the rapid progression of this incident from a sighting of a COI to a safety of life at sea (SOLAS) and the individual work areas appear to have acted in an appropriate manner demonstrating good judgement.

15. The Command and Control structure within BPC is structured to respond to security threats in Australia's maritime domain (including the detection and interception of SIEVs), not as an emergency search and rescue (SAR) operation. The incident therefore presented some challenges, however, the individual work areas appear to have acted in an appropriate manner demonstrating good judgement.

16. Safety equipment held onboard HMAS *Pirie* was in accordance with Navy requirements and that held onboard ACV *Triton* was in accordance with her certification. All equipment was serviceable and crew were appropriately trained in its operation.
HMAS *Pirie's* RHIBs and *ACV Triton's* tenders were deployed in seas states above certification for normal operations. This deployment was in accordance with relevant policies, processes and procedures for emergency circumstances. The RHIBs and tenders experienced engine difficulties due to intake of kelp and debris from SIEV 221 but the crews appear to have acted appropriately to quickly rectify problems and return to the SAR effort as soon as practicable.

17. It was not possible to launch the Christmas Island Customs Response Tenders from Flying Fish Cove due to the severe weather conditions.

18. A variety of communications equipment was used at Christmas Island to coordinate activities, including mobile telephones, very high frequency (VHF) marine radio and ultra high frequency (UHF) radios. The reported success rate of these communications devices was varied.

19. Critical Incident Guidelines, the Occupational Health and Safety Risk Management Practice Statement, and associated Counselling and Employee Assistance Program Instruction and Guidelines were applied to provide support to officers involved in the incident at the earliest opportunity given the remote location of the incident.

20. The terms of reference for this review specifically direct that I am not to make any finding in relation to whether any person has or has not committed a criminal offence and if at any stage I form the view that a person is likely to have committed a criminal or disciplinary offence or a breach of the Australian Public Service Code of Conduct then I am to seek advice from the Chief Executive Officer of Customs and Border Protection. I have come across nothing in the course of undertaking this review that would lead me to form such a view. To the contrary, the material available to me has indicated that all persons involved have acted in accordance policies, processes and procedures relevant to the exercise of their duties and, where there was not a specific policy, process or procedure in place due to the unprecedented nature of this tragic event, have acted appropriately and exercised good judgement. In particular, the crews of HMAS *Pirie* and ACV *Triton* have put their own lives at risk in extremely dangerous circumstances to undertake to rescue 41 survivors in the waters off Rocky Point. All are deserving of praise.

Recommendations

Recommendation 1

That, as part of the normal BPC operational planning cycle, the operational polices, processes and procedures informing the posture of assets be reviewed in light of the current number of irregular maritime arrivals.

Recommendation 2

That the trial of a land based radar surveillance system of the northern maritime approaches to Christmas Island be completed and considered as a priority.

Recommendation 3

That the current arrangements for reporting of incidents (including sightings of COIs other than by BPC assets) to the Customs National Operations Centre (CNOC), and CNOC's responsibilities for transferring information of relevance to AMSOC's responsibilities, be confirmed and reinforced.

Recommendation 4

That, in collaboration with relevant agencies, specific procedures be developed, documented and exercised for dealing with SIEVs arriving directly at Christmas Island in severe weather conditions.

Recommendation 5

That both an officer level de-brief of this incident and ongoing desktop activities be conducted to further enhance interagency command and control capabilities relevant to such an incident.

Recommendation 6

That the procedural documentation for tender operations in ACV *Triton* be revised.

Recommendation 7

That communication protocols and procedures between Customs and Border Protection at Christmas Island and BPC response vessels should be reviewed

Recommendation 8

That critical incident support follow-up activity continues to monitor the ongoing safety, health and wellbeing of officers directly involved in the incident.

INTRODUCTION

Terms of Reference

21. By a Minute Paper dated 17 December 2010 the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection), Mr Michael Carmody, directed me to conduct an internal review into the actions of Customs and Border Protection, including Border Protection Command (BPC), relating to the incident on 15 December 2010 when a vessel now known as Suspected Irregular Entry Vessel (SIEV) 221 foundered on rocks at Rocky Point, near Flying Fish Cove, Christmas Island (the incident), with resulting loss of life.

22. The Minute of Direction states that this internal review is not intended to be a substitute for any detailed external investigation or coronial inquiry. The CEO requested a final report be provided to him on or before Friday 24 December 2010. The full Terms of Reference for the review are attached to the Minute Paper, and copies of the Minute Paper and Terms of Reference are at **Annex 01** to this report.

23. The Minute of Direction also states that, if in the course of the review it becomes apparent that meeting the timeframe would compromise the integrity of the report, an amendment to the timeframe could be sought. On 22 December 2010, an extension until Friday 7 January 2011 for submission of the final report was requested and granted. A further extension of time until 9.00 am (AEDST) Monday 10 January 2011 was granted on 6 January 2011.

Constraints and Limitations

24. This report is an initial response to the incident and has been conducted, in a short timeframe, as a review rather than an in-depth inquiry. Broadly, it is intended to provide a narrative of the events from 24 hours prior to the first sighting of SIEV 221 until the search and rescue (SAR) operations ceased, and to identify and comment upon the Customs and Border Protection and BPC internal policies, processes and procedures relevant to the response to the incident. The terms of reference do not include consideration of matters outside the role of Customs and Border Protection, such as SAR functions or infrastructure on Christmas Island.

25. As such, the review necessarily draws only from verified documentary material available internally to Customs and Border Protection, including BPC. The review team did not undertake any broader investigative procedure and did not seek or have witness statements available to it. The narrative drafted for this review outlines those events that are relevant to the review, which can be drawn from the documentary material. This is considered sufficient for the purposes of this review and is not intended to be an exhaustive nor conclusive finding of facts.

26. In addition, the review takes into account that the events will be the subject of a coronial investigation. The report therefore makes no findings about the conduct of individuals and has not been distributed to individuals for comment, other than for verification as outlined below in paragraph 31. The report identifies only issues surrounding the response to the incident which can be identified from the documentary material available to Customs and Border Protection.

Methodology

27. Given the constraints and limitations detailed above, the following approach has been taken to develop this report against the Terms of Reference.

28. A review team comprising a total of eight officers from BPC, Maritime Operations Support Division (MOSD) and Enforcement and Investigations Division (E&I) was established on Saturday, 18 December 2010 and commenced work immediately. Some or all team members have worked on the review tasks each day (other than the period 25 to 28 December 2010 and 1 to 2 January 2011). It should be noted that during this period, with lower than usual staffing levels, all members of the review team continued to undertake their normal operational duties, including responding to other SIEV arrivals, in addition to the work of this review.

Development of the narrative

29. A consolidated chronology of events, communications and actions was compiled from the following source documents and records:

    » Customs National Operations Centre (CNOC) Operations Log
    » CNOC Voice Recordings
    » Australian Maritime Security Operations Centre (AMSOC) Files
    » AMSOC Voice Recordings
    » Headquarters Joint Task Force 639 (HQJTF639) Watchkeeper Narrative (operations log)
    » Wyvern Log
    » ACV *Triton* Ship's Log
    » HMAS *Pirie* Ship's Log
    » Excerpts from the Australian Maritime Safety Authority's (AMSA) Rescue Coordination Centre (RCC) Log
    » Contemporaneous notes from officers' note books and running sheets
    » E-mail communications

30. Senior officers from relevant areas were provided a draft of the chronology and asked to verify the accuracy of entries and if necessary to forward additional source documents supporting any additions to the chronology. The final verified chronology (the Chronology) appears at security classified **Annex 02** of this Report. All source documents on which the Chronology was based have been registered, allocated a reference number and stored in a secure location in BPC offices.

31. A draft version of the narrative of events set out in Chapters 2 and 3 of this Report was developed based on the events detailed in the Chronology. The draft narrative was also provided to senior officers to further verify the accuracy of the descriptions of events, decisions and actions.

32. All time references are to Christmas Island time (Coordinated Universal Time + 7 = "G"). Many of the events, notifications and communications referred to in the narrative of events are based on more than one source record. For example, the time of a single phone call may have been

recorded and logged by the maker of the call, the receiver of the call and by electronic means. The recorded times of some calls vary by up to two minutes due to differences in time pieces, whether the time noted was at the beginning or end of a call and the duration of the call. For the purposes of developing the narrative of events, a single indicative time has been specified for any communication to best reflect the overall sequence of events.

Assessment against relevant policies, processes and procedures

33. Paragraph 4.c of the Terms of Reference required the identification of 'the relevant policies, processes and procedures applicable to Customs and Border Protection and BPC response to the incident'. The review team identified a number of documents considered to be of relevance to the review and Senior Executives of relevant work areas were requested to provide those documents, along with any others considered applicable. A copy of that request is at **Annex 03.1**.

34. Paragraphs 4.d, 4.e and 4.f of the Terms of Reference require the review to consider, respectively, whether relevant policies, processes and procedures were applied during the incident, whether they were effective in responding to the incident and to identify whether any immediate remedial changes should be considered to improve the response to similar occurrences.

35. There were many decisions and actions taken in several areas of Customs and Border Protection over the four day period the subject of the review and many policies, processes and procedures which it may be said have some possible connection to the response to the incident. The relevant and applicable policies, processes and procedures have been grouped into four aspects of the Customs and Border Protection response to the incident which will be considered in detail against paragraphs 4.d, 4.e and 4.f of the Terms of Reference. Those four aspects are:

    - Prior knowledge of the existence of the vessel and its voyage
    - The posture of BPC assets on the morning of 15 December 2010
    - The following aspects of the operational response to the sighting of the vessel and its subsequent distress:
        - Notification of Contact of Interest (COI) and of distress
        - Command and Control
        - Equipment Availability and Training
    - Critical incident support for officers.

36. All policies, process and procedures relevant to the review have been registered, allocated a reference number and stored in a secure location in BPC offices. A list of relevant non-national security classified policies, processes and procedures considered in the Assessment is set out at **Annex 03.2**. A list of the national security classified policies, processes and procedures considered in the Assessment is at classified **Annex 03.3**.

Organisational Arrangements – Roles, Responsibilities and Relationships

37. To provide context to the actions of various agencies at the time of the incident, an understanding of the role and functions of key agencies and organisational elements involved in the incident, and the relationships between those agencies and elements, is necessary.

Customs and Border Protection

38. Customs and Border Protection's mission is to provide effective border protection for the Australian community designed in such a way as to best support legitimate trade and travel. Customs and Border Protection is not a SAR organisation but its assets do respond to emergencies at sea in accordance with international obligations.

Customs and Border Protection arrangements at Christmas Island

39. Customs and Border Protection delivers on this mission at Christmas Island through the Indian Ocean Territories Customs Service (referred to in this Report as Customs and Border Protection at Christmas Island) which covers both Christmas and Cocos (Keeling) Islands. Customs and Border Protection has three tenured staff on Christmas Island, led by the Level 3 District Manager, Indian Ocean Territories (DM), with a Level 2 officer and Level 1 officer also on the Island on two year fixed term assignments. There are also nine locally engaged Acting Officers of Customs (AOCs) employed on a casual basis, who reside permanently on Christmas Island. Officers from Fremantle fly to the Island to provide assistance as required. Customs and Border Protection has no officers on the Cocos (Keeling) Islands and services are delivered by the Australian Federal Police (AFP) on a contract basis, under general direction of the DM.

40. Customs and Border Protection at Christmas Island processes commercial vessels that arrive at Christmas Island and Cocos (Keeling) Island, which are predominately phosphate carriers, fuel tankers and supply vessels, along with regular small craft arrivals during the sailing season. In addition, Customs and Border Protection at Christmas Island also processes a weekly international passenger flight arrival from Malaysia, and monitors flights from the Australian mainland, including four Virgin Airlines flights per week, and numerous charter flights. All cargo arriving by air and sea is assessed and also dealt with on a risk-assessment basis. Christmas Island has an international mail exchange, which is attended by Customs and Border Protection at Christmas Island on a weekly basis for processing.

41. Customs and Border Protection at Christmas Island works closely with the Department of Immigration and Citizenship, Australian Quarantine and Inspection Service (AQIS), AFP and other agencies with regards to the reception and processing associated with Irregular Maritime Arrivals (IMAs). Customs and Border Protection officers undertake the transfer of IMAs from the Navy or Customs vessel (or the SIEV itself) and the initial search on arrival at the island. Each arrival has subtle differences in terms of prevailing sea conditions for the transfer,

numbers of IMAs, on shore logistics etc – procedures are regularly reviewed to ensure the overall operation is effective and streamlined as possible. Following the transfer to shore the IMAs are subject to baggage examination and scrutiny in the same way as any other arriving international passenger.

42. The DM on Christmas Island reports to the Customs and Border Protection Manager Enforcement Operations (EOPs) North-West, located in Broome, who in turn reports to the Director EOPs Western Region located in Fremantle, Western Australia. The DM's management of operational matters is co-ordinated through CNOC.

Customs National Operations Centre (CNOC)

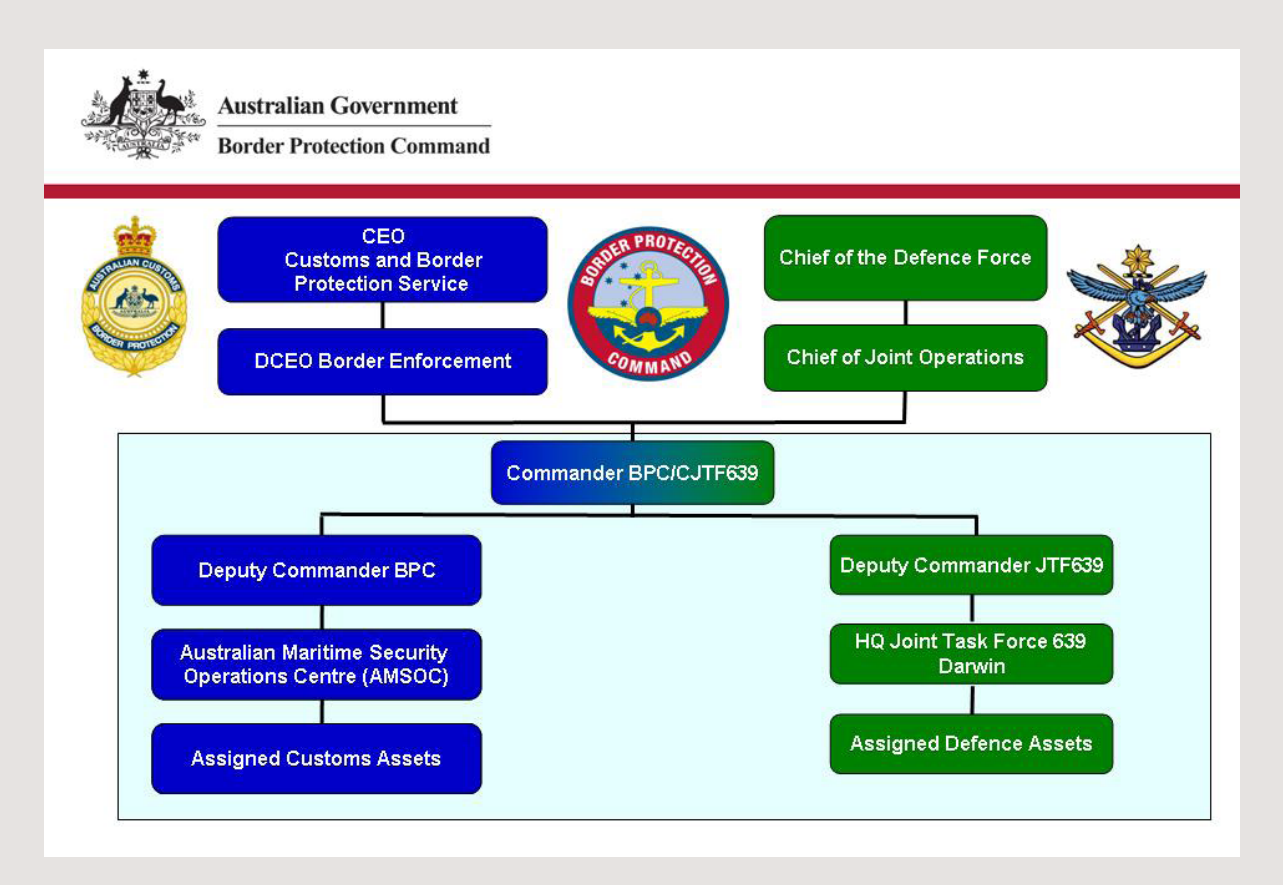
43. The CNOC is located in Customs and Border Protection premises in Canberra. The role of CNOC is to strengthen, standardise and centralise reporting and coordination of operational activity within the Customs and Border Protection. CNOC provides direct operational support to all Divisions and Branches and specifically the EOPs Branch Regional and District Office network and Targeted Operations. Its interest covers all aspects of reporting that affect border security, both onshore and inshore areas.

44. The CNOC watch-floor is adjacent to the AMSOC in Canberra and has two full time EOPs officers seated in the AMSOC to facilitate the rapid dissemination of information within each watch-floor.

Border Protection Command (BPC)

45. BPC is the operational authority which, in concert with other government agencies, protects Australia's national interests in Australia's maritime domain by generating awareness of activity and by responding to mitigate or eliminate the risks posed by security threats. BPC is a multi-agency command which directly controls the assigned Australian Defence Force (ADF), Customs and Border Protection (including contracted) maritime aerial surveillance aircraft and maritime surface response vessels. It is the primary government law enforcement organisation in the maritime domain, which is predominantly the offshore areas within Australia's Exclusive Economic Zone (EEZ) but extends to the area bounded by Australia's SAR zone. BPC is not a SAR organisation but its assets do respond to emergencies at sea in accordance with international obligations. Given Customs and Border Protection's primary responsibility for border protection, BPC is administered on a day to day basis under Customs and Border Protection.

46. BPC is commanded by a Rear Admiral seconded from Defence who, as Commander BPC, has operational control of both ADF and Customs and Border Protection assets. He exercises this command through deputies located in two headquarters – principally through BPC Headquarters in Canberra which coordinates Customs and Border Protection assets via AMSOC and through HQJTF639 in Darwin which coordinates the ADF assigned assets. This structure is illustrated below.



Australian Maritime Security Operations Centre (AMSOC)

47. The AMSOC coordinates the planning and delivery of current operational activity for all Customs and Border Protection assets assigned to BPC. This includes deploying aerial surveillance and surface response assets, in collaboration with HQJTF639, to respond to maritime security threats. To facilitate its operations and cross management between agencies, the AMSOC has embedded liaison officers from the Australian Fisheries Management Authority (AFMA), AQIS, CNOC and, on occasion AMSA.

48. Located in Canberra, within BPC Headquarters, the AMSOC is the primary focus for BPC operations when incidents arise.

Headquarters Joint Task Force 639 (HQJTF639)

49. HQJTF639 coordinates Operation RESOLUTE, which is the ADF contribution to the whole of government approach to protect Australia's borders and offshore maritime interests. Commander BPC is also Commander Joint Task Force 639. The task force has operational control of the Armidale Class Patrol Boats, AP-3C aircraft and land elements assigned to border protection duties. The Deputy Commander JTF639, based in HQJTF639 in Darwin, is responsible for routine day to day operations, command and control of JTF639 on behalf of Commander BPC. This includes synchronising Operation RESOLUTE assets with Customs and Border Protection assets to meet BPC's operational requirements. As such HQJTF639 issues tactical level operational, administrative orders and instructions as required.

Australian Maritime Safety Authority (AMSA)

Rescue Coordination Centre (RCC)

50. Australia's maritime and aviation SAR operations are coordinated by the RCC within AMSA. AMSA is responsible for the promotion of maritime safety, protection of the environment from ship-sourced pollution and other environmental damage caused by shipping, and provision of a national maritime and aviation SAR service. Also, Australia is signatory to several international agreements governing SAR, pollution response and emergency response to shipping incidents. AMSA fulfils Australia's obligations for the maritime aspect of these arrangements through the RCC. The RCC is the watch-floor that manages SAR incidents.

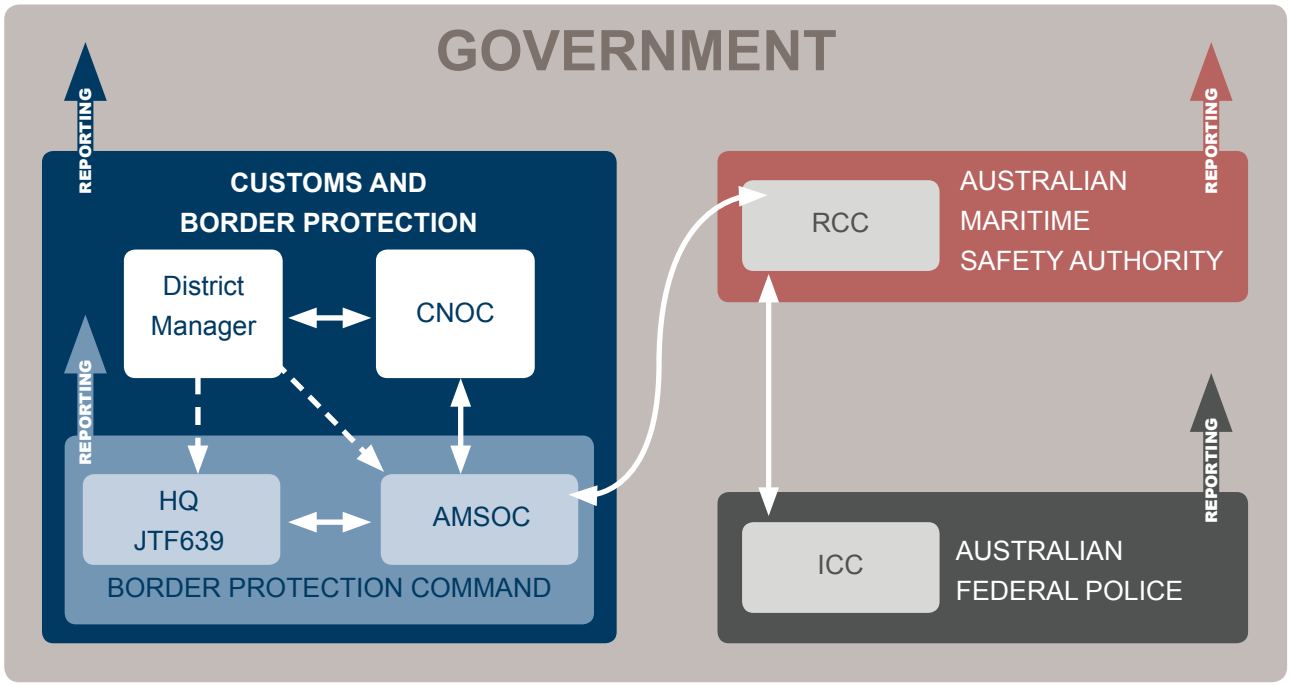
Australian Federal Police (AFP)

Incident Coordination

51. The AFP has an existing presence at Christmas Island and performs a number of roles including local policing and activities in relation to people smuggling operations. The AFP had established an Incident Coordination Centre (ICC) in Canberra. Additionally a forward command post was established at Christmas Island, taking the lead for the ongoing land-based search activity and subsequent recovery of survivors and deceased at Ethel Beach later in the day.

Information flow between agencies

52. The following diagram provides an indicative representation of the relationships between the significant agencies. The arrows demonstrate the flow of information that occurred during this incident.



Christmas Island

53. To provide situational context for the narrative and assessment in later chapters of this report, this section provides a brief description of the geographic features of Christmas Island and its maritime infrastructure.

54. Christmas Island is a remote Australian Territory which lies in the Indian Ocean approximately 300 nm south of Jakarta 1500 nm west of Darwin. The island is a rocky outcrop surrounded by deep water. There are a number of areas of water around the coast that are uncharted, including Rocky Point and Ethel Beach, which preclude the safe use by larger vessels. The major settlement is on the north west coast where limited port facilities are provided at Flying Fish Cove. These facilities have largely been developed to support a phosphate extraction industry which has been the most significant commercial enterprise in the islands history. Whilst the island supports a limited tourism industry, which prompts some recreational diving and fishing activity, there is no significant commercial fleet.

55. The port is serviced by a small jetty which facilitates transfer of personnel in fair weather. The port is exposed to open ocean from the west through to the north east with little shelter afforded by land. There is no breakwater in place and construction of one would be constrained by depth of water offshore. The port is exposed to significant winds and swells during the monsoon season from November to April each year and port closures are common. The major re-supply of the island relies on a regular (monthly) ship visit which is affected by these conditions.

56. The eastern shore of Christmas Island is rocky and is exposed to the south easterly trade winds that are prominent during the winter and autumn months. There is a secondary island re-supply point at Nui Nui which employs a crane and barge to unload vessels but is seldom used due to the difficulties in conducting operations. Ethel Beach lies to the south of Nui Nui and provides a small boat ramp that can be used in suitable sea conditions.

57. The population has increased significantly in recent years due to the transient population associated with the Christmas Island Immigration Detention Centre.

THE PRECEDING 24 HOURS

58. In accordance with the Terms of Reference, this Chapter provides a narrative of events for the 24 hours preceding the first sighting of SIEV 221 on 15 December 2010. In order to provide situational context for that 24 hour period, it has also been necessary to include some additional detail and information relating to activities, events and decisions prior to that period.

Weather

59. The weather played an important role in this incident. During the period 12-14 December 2010 Christmas Island was impacted by a low pressure system to the south-west generating west to north westerly winds up to 25 knots (kn), seas up to and including sea state 5 with a swell of 3-4 metres (m) from the north-west. The forecast for the period also included the strong possibility of rain squalls which would severely reduce visibility. The weather impacted on shipping in Flying Fish Cove, restricting activity in the harbour. For example, while not material to the incident, large swells and high winds necessitated the advanced departure of the Christmas Island supply ship, the Princess Mary, from the harbour on 12 December. The Marine Pilot at Christmas Island advised Customs and Border Protection officers at Christmas Island that he had received reports that the weather would continue to deteriorate for the next 5 days.

60. In his daily operational message at 12:55 (G) on 14 December, the Commanding Officer (CO) of HMAS *Pirie*, on station at Christmas Island, made an evaluation of sea state 4-5 with a 3-4 m swell which he stated precluded boarding operations. Later, at 14:49 (G) he reported a sea state of 4-5, a swell of 4 m and unabated 40 kn wind gusts. He made the observation that the weather was unlikely to clear for another 72 hours. Sunset occurred at approximately 18:14 (G) that night at Christmas Island.

Threat

61. HMAS *Pirie* was in place at Christmas Island in response to a perceived threat of future IMAs. There is a significant management process to determine the risk of IMAs. It is a whole-of-government approach that draws on the resources of relevant law enforcement and intelligence agencies; as such it is classified in nature. A description of the process and the manner in which operational agencies are informed is detailed in the classified **Annex 04** to this report. The People Smuggling Intelligence Analysis Team (PSIAT) is an important part of this process.

62. The PSIAT coordinates the whole-of-government process that assesses daily the maritime people smuggling threat picture to Australia based on all available sources. It considers actions occurring both within and beyond Australia. Individual ventures are assigned a threat status – with “high” threats equating to imminent departures where both passengers and the

vessel are ready and when the venture is believed to be within 72 hours of departure (or has already departed).

63. A classified daily assessment is disseminated to a broad audience including the Prime Minister's Office, designated Ministers' Offices, heads of relevant agencies, Customs and Border Protection executive, and designated overseas diplomatic posts. This product is then drawn upon to develop a separate product that specifically relates to those aspects directly relevant to operations in Australia's maritime approaches to allow BPC to position assets in response.

64. The intelligence product derived from this process helped inform the posture of BPC assets on the morning of 15 December. There were two likely arrivals detailed on the BPC product of 14 December, one being a likely arrival to the Ashmore Islands and the other likely to arrive at Christmas Island. SIEV 220 which arrived at Christmas Island on 14 December was attributed to one of the likely arrivals. SIEV 222 boarded at Ashmore Islands on 16 December, accounted for the other likely arrivals. At the time of its arrival as a result of this process, SIEV 221 was un-alerted and un-attributed.

Surveillance

65. Surveillance is a significant part of BPC operations throughout its area of responsibility. Given the vast areas to be covered (1.5 million square nautical miles (nm) in the northern approaches alone), surveillance is prioritised based on the perceived threat and the likely approaches. With due consideration of this, surveillance at Christmas Island is usually conducted by the response vessels on patrol at the island using its own capabilities such as shipboard radar, electro-optical devices and visual means (details of assets and capabilities are set out at **Annex 05**). Currently there is no surface surveillance radar at Christmas Island and Jindalee Over the Horizon (JORN) radar was not being used to support surface surveillance. As such, in the day preceding the incident, surface surveillance was limited to HMAS *Pirie's* radar, electro-optic device and visual means.

66. Aerial surveillance of the northern approaches to Christmas Island, using BPC assigned AP-3C or Dash-8 aircraft, is also programmed and conducted on a risk-assessed basis. For example, aerial surveillance may be conducted when there is a high probability of concurrent arrivals and this additional surveillance may assist with response planning. Regular deployment of aerial surveillance assets to Christmas Island is limited by a number of factors including aircraft endurance issues (particularly relevant to the Dash-8 aircraft) and the facilities available on the island, such as limited aviation fuel stocks. Prevailing weather conditions also have a significant impact on the ability to deploy aircraft to Christmas Island with the airfield closed on frequent occasions during the monsoon season. This was evident in the weeks prior to the incident where a number of commercial and contracted flights were unable to land. No aerial surveillance was conducted on 14 December in the area of Christmas Island and no missions were planned for the area on 15 December.

Employment of Surface Assets

ACV *Triton*

67. ACV *Triton* departed Broome on the 7 December to commence a long haul task transferring potential irregular immigrants (PII) from the vicinity of Ashmore Islands to Christmas Island, a distance of approximately 1,050 nm. ACV *Triton* carried 20 Customs and Border Protection Marine Enforcement Officers (MEO), 13 contracted crew and one contracted paramedic onboard. On 9 December, in the vicinity of Ashmore Islands, she embarked 108 persons including 41 PII and three crew from SIEV 218 and 61 PII and three crew from SIEV 219. Of note, the authorised carrying capacity is 63 in addition to crew and Customs and Border Protection officers. The necessary exemption from AMSA was obtained to carry all 108 people from SIEV 218 and SIEV 219 to Christmas Island. The 108 people from SIEV 218 and SIEV 219 remained onboard until 10:10 (G) on 16 December, after the incident at Rocky Point.

68. ACV *Triton* arrived at Christmas Island at approximately 08:00 (G) on 13 December. Upon arrival, ACV *Triton* was advised by the other government agencies (OGA) on Christmas Island that it was not safe to attempt a transfer of these people due to the prevailing weather conditions. Consequently, the decision was taken for ACV *Triton* to remain in sheltered waters to the east of Christmas Island to provide the PII and SIEV crew onboard some respite from sea sickness pending an improvement in the weather. Whilst still awaiting this break in the weather, on 14 December ACV *Triton* assisted HMAS *Pirie* with the interception of SIEV 220 in the vicinity of Flying Fish Cove. ACV *Triton* then returned to the East side of the island to take shelter. ACV *Triton's* area of operation in the hours preceding the first sighting is depicted at **Annex 06**.

HMAS *Pirie*

69. HMAS *Pirie* departed Darwin on 5 December with 23 crew and 4 transit security element (TSE) personnel onboard to commence its patrol responsibilities. It arrived at Christmas Island on 9 December at 09:00 (G). On completion of refuelling, HMAS *Pirie* assumed Christmas Island operational response vessel (ORV) duties and commenced a barrier patrol to the north of the island from 11:24 (G) on 9 December. The deteriorating weather conditions to the north of the island and the need for calmer waters to investigate an engineering defect caused HMAS *Pirie* to seek shelter to the east of the island on 14 December at 08:35 (G). The CO reported that he deemed it too risky to conduct the detailed defect investigation in the prevailing weather to the north of the island.

70. At 10:22 (G) on 14 December, in response to advice from HQJTF639, HMAS *Pirie* proceeded to intercept a COI to the north of Christmas Island. At 10:57 (G) that afternoon, HMAS *Pirie* detected the COI 1.1 nm north of Flying Fish Cove. Weather conditions in this vicinity remained unsafe for boarding operations or approaching the harbour. The COI was subsequently instructed to follow HMAS *Pirie* to sheltered waters to enable safe embarkation of a boarding party. The COI, now designated SIEV 220 with 11 people onboard, was then escorted to the vicinity of Ethel Beach (on the east of the island) with the boarding party embarked. The PII and crew of SIEV 220 remained onboard until 18:03 (G) when, after protracted negotiations with the OGA on Christmas Island – including a demonstration of how a safe transfer could be conducted – they were successfully transferred to the Island.

71. In accordance with the current agreement with Christmas Island Authorities, destruction of vessels, where possible, is undertaken in excess of 10 nm from Christmas Island. Due to the prevailing weather conditions destruction of SIEV 220 was not possible on the evening of 14 December. Accordingly, HMAS *Pirie* transferred four personnel, three Navy, one Army, (a steaming party) into the hulk of SIEV 220 to operate it under its own power and maintain navigational safety, and retained custody of the hulk of SIEV 220 while awaiting approval for its destruction. The CO's reported intent was to supplement the steaming party with an additional two personnel in order to destroy the hulk the following morning (15 December).

72. Both HMAS *Pirie* and ACV *Triton* sought respite from the weather in the lee of the island in the vicinity of Ethel Beach. Monitoring fatigue for the crews of both vessels, the PII and SIEV crew onboard, was an important consideration given the tempo of operations in the preceding 24 hours and the sea states and weather conditions endured over the preceding 48 hours or so.

73. HMAS *Pirie's* area of operation in the hours preceding the first sighting is depicted at **Annex 06**.

EVENTS OF 15 DECEMBER 2010

Situation Prior To Sighting

74. The weather conditions in the vicinity of Flying Fish Cove on 15 December remained poor with prevailing wind and swells from the north-west causing sea state 4-5 with a wave height of 3–4 m, winds gusting up to 40 kn, occasional thunderstorms and rain squalls reducing visibility to 150 m. It was low tide at the time of the incident. Sunrise occurred at approximately 05:30 (G).

75. HMAS *Pirie* was in the vicinity of Ethel Beach on the east side of the island, approximately 5–6 nm steaming distance from Rocky Point, providing support to the steaming party embarked in the hulk of SIEV 220. CO HMAS *Pirie* reported that he had been on the bridge since 01:30 (G) due to concerns about the safety of the SIEV and the steaming party. ACV *Triton* was approximately 4.5 nm further south of HMAS *Pirie* with 108 PII and SIEV crew onboard.

76. Both vessels were steaming on one engine to conserve fuel, noting that the prevailing weather conditions made refuelling at Flying Fish Cove problematic. With the exception of watch-keeping personnel and the embarked steaming party, the majority of the crew on both vessels had not yet woken for the day at 05:40 (G).

77. Customs and Border Protection officer representation on Christmas Island on the morning of 15 December, and the preceding 24 hours, comprised the DM and his Level 2, along with eight AOCs. In addition two officers from Fremantle were on Island to assist with IMA support. There were also two officers from PSIAT located in the intelligence cell at the detention centre.

78. Three further officers from Maritime Operations Support in Canberra were on temporary duty at Christmas Island to deliver standardisation training for Christmas Island staff in the operation of their recently delivered Port Class ‘Stabi-Craft’ Response Tender. The prevailing weather conditions made it unsafe to launch or operate the vessel and had prevented the practical elements of the training delivery taking place.

79. At the time of the incident the AMSOC was fully complemented with the exception of the AMSA liaison officer. The Director of Operations was on the watch floor and supervised the actions of the AMSOC during the incident. Commander BPC was airborne from Darwin enroute to Cairns visiting Defence sites that support the BPC activity. His Customs and Border Protection deputy was travelling with him. On arrival in Cairns, they called at Cairns Naval Base and the regional BPC office. At both these sites they had access to communications and staff in order to oversee the ongoing response to the incident.

Detection

Initial Sighting of Vessel – 05:40 (G)

80. The first sighting of SIEV 221 appears to have been made at 05:40 (G), on 15 December, by a Customs and Border Protection officer staying at The Mango Tree Lodge at Christmas Island (approximately 1,000 m east of Rocky Point) while on temporary duty. The vessel was initially recorded as approximately 500–600 m offshore from his position at Mango Tree Lodge and under its own power. This officer reported the sighting to the Customs and Border Protection duty officer on Christmas Island at 05:43 (G). This report did not indicate the vessel was in distress. Subsequent communication at 05:47 (G) between Customs and Border Protection on Christmas Island, CNOC and AMSOC relayed the report and indicated the vessel was now situated approximately 200 m offshore near Mango Tree Lodge. A diagram depicting the vessels movements, as reported by the officer who made the original sighting, is at **Annex 06**.

Notification

Headquarters

81. Notification of the sighting was passed by AMSOC to HQJTF639 at 05:47 (G). From this point further communication occurred between various Customs and Border Protection work areas to confirm the location of the vessel and clarify the reported sighting. The communication logs indicate that there was some initial uncertainty, which persisted for several minutes, as to whether the sighting related to the hulk of SIEV 220. At 06:03 (G), Customs and Border Protection on Christmas Island advised HQJTF639 that the COI was now 250m off Rocky Point. At this point it appears that CNOC, AMSOC and HQJTF639 all had a consistent appreciation of the sighting.

82. In accordance with normal COI notification procedures, by 06:13 (G) AMSOC had provided telephone notification of the reported sighting of the COI off Rocky Point to the BPC Executive, the Customs and Border Protection Executive and the Office of the Minister for Home Affairs.

ACV *Triton* and HMAS *Pirie* – 06:00 (G) – 06:25 (G)

83. At 06:00 (G), AMSOC advised ACV *Triton* by phone and email that there was a COI sighted off Rocky Point. ACV *Triton* informed AMSOC that the hulk of SIEV 220 was not in the vicinity of Rocky Point and indicated they would advise HMAS *Pirie* of the COI and request them to investigate. Concurrently, HQJTF639 advised AMSOC that HMAS *Pirie* would be tasked to investigate. At this same time HMAS *Pirie* had received a report from the steaming party that the SIEV 220 hulk's steering had failed and they had stopped the vessel. As a consequence, the hulk was drifting south to within 100 yards of an unsurveyed area and to within 400 yards of rocks south-west of Ethel Beach due to the strong winds and swell. HMAS *Pirie* had already commenced preparations to launch its starboard Rigid Hull Inflatable Boat (RHIB) to supplement the steaming party by 06:00 (G) and an engineering sailor was already in the RHIB as part of the party embarking in the SIEV with a view to its later destruction.

84. Shortly thereafter at 06:01 (G), ACV *Triton* and HMAS *Pirie* discussed the sighting and agreed that HMAS *Pirie* would respond due to the large number of PII already onboard ACV *Triton* and HMAS *Pirie*'s closer proximity to the location of the reported sighting. ACV *Triton* advised that she would remain to support the SIEV 220 hulk (with HMAS *Pirie*'s steaming party embarked). At 06:05 (G), HQJTF639 telephoned the CO of HMAS *Pirie* and informed him of the COI. The CO of HMAS *Pirie* advised that he would proceed to intercept, and also reported on the engineering issue associated with the SIEV 220 hulk. Activity commenced immediately onboard HMAS *Pirie* to prepare the ship to intercept the COI and the crew to go to boarding stations. This included waking the entire ship's company, starting the second engine, altering course to the north (at 06:10 (G)) and, once underway, recovering the RHIB with two personnel from the hulk of SIEV 220 (completed by 06:30 (G)). Three Navy and one Army personnel remained onboard the SIEV 220 hulk. HMAS *Pirie* was at this time still approximately 5nm steaming distance from Rocky Point.

85. At 06:25 (G) when Acting Deputy Commander JTF639 directed HMAS *Pirie* to proceed at full power to the scene, HMAS *Pirie* already was preparing to investigate and board the reported COI as a possible SIEV and ACV *Triton* was proceeding north to take custody of the SIEV 220 hulk in the vicinity of Ethel Beach.

RCC Advice of a Possible Vessel in Distress

86. As HMAS *Pirie* was preparing to respond to the COI, the AMSA RCC rang AMSOC at 06:10 (G) and advised of a report from the Western Australian Police Operations (WAPOL) that two (2) 000 calls had been received from a person claiming to be onboard a timber vessel between Christmas Island and Ashmore Island with approximately 80 persons on board, however in sight of land, and that the vessel was on fire and the boat was in danger near a beach. In response to this call, AMSOC and HQJTF639 staff began initiating an investigation of approaches to Ashmore Island for a vessel matching the description, including the re-tasking of aerial surveillance assets. The RCC was advised of the COI at Christmas Island and informed that BPC assets were investigating. AMSOC updated the RCC with information available at 06:26 (G) that there was no report of a vessel in the vicinity of Ashmore Island. Additionally, the RCC was advised that HMAS *Pirie* was responding to the reported vessel off Christmas Island and there did not appear to be any smoke or fire onboard the COI at Christmas Island.

87. At 06:30 (G) the RCC received a further call from WAPOL, indicating that the 000 caller had made mention of being near a 'big rock' and that the vessel was on fire. In an attempt to confirm whether the COI at Christmas Island was the vessel responsible for initiating the 000 distress calls, the RCC subsequently contacted AMSOC requesting advice as to whether the COI at Christmas Island was in the vicinity of a 'big rock'. AMSOC advised HQJTF639 of the additional information from the RCC and requested that the boarding party conduct enquiries once onboard to confirm if distress calls were made from the COI. Subsequent to this request, HQJTF639 advised the RCC that the Ashmore Island ORV had reported that there was no sighting of a COI at Ashmore Island. Later that morning at 06:55 (G) AMSOC advised the RCC that the two distress calls received from WAPOL appear to relate to the COI at Christmas Island.

Notifications from Authorities on Christmas Island

88. Documents record that Customs and Border Protection at Christmas Island reports telephoning ACV *Triton* directly at 06:15 (G), while the HMAS *Pirie* was underway, to advise of the unfolding situation. However, telephone records presently available do not show that such a call was received by ACV *Triton*[1]. Customs and Border Protection at Christmas Island updated CNOC by phone with the situation regarding the COI at 06:16 (G), stating that the COI had broken down, was 100m offshore in sea state 5 with approximately 70 to 100 persons onboard (POB) and that a 'major catastrophe was unfolding'. This was the first indication evident in the documents that the COI off Christmas Island was in fact in distress. Additionally, Customs and Border Protection at Christmas Island requested that ACV *Triton* get to Rocky Point as soon as possible. This advice was immediately relayed verbally to the AMSOC and they advised that due to the location of HMAS *Pirie* it would be 30 minutes before she would be on-scene. At the same time that this information was passed, as reported in paragraphs 86 to 87, AMSOC was still talking to HQJTF639 in order to reconcile the RCC's 06:10 (G) report of a vessel in distress between Christmas Island and Ashmore Island, with the COI being reported off Rocky Point and was reassigning aerial surveillance.

89. At 06:22 (G) Customs and Border Protection on Christmas Island reported to HQJTF639 that the COI was 50m off Rocky Point, had lost its engines and was drifting towards the rocks. This advice was then passed directly to HMAS *Pirie* by HQJTF639. On the material available this was the first indication to HQJTF639 and HMAS *Pirie* that the COI was in distress.

90. Between 06:29 (G) and 06:35 (G) there were numerous reports received from authorities on Christmas Island (including the Christmas Island Chief of Police and Customs and Border Protection personnel) stating that the COI had impacted the rocks in the vicinity of Rocky Point. Customs and Border Protection Christmas Island officers report that around this time one passenger managed to jump off the vessel and scramble to safety on the rocks.

91. At 06:46 (G) Customs and Border Protection at Christmas Island further advised CNOC that the COI had severely impacted the rocks and women and children were in the water and could be heard screaming. Attempts were being made to throw life jackets over the cliff to approximately 60 people in the water. Photographs taken of the COI near its point of impact indicate that the vessel was approximately 800m west of the original sighting position.

1 On the records currently available it is not possible to determine conclusively where this call went or its contents. However, it is not necessary to do so for the purposes of examining the relevant policies, processes and procedures.

Response

92. With notification of a distress, at 06:25 (G) Acting Deputy Commander JTF639 directed HMAS *Pirie* to proceed at best speed to the scene. At this time, HMAS *Pirie* was already proceeding north whilst still changing out its steaming party from SIEV 220 and recovering the RHIB. At 06:32 (G) it stated it was proceeding with all despatch at 24 kn. Three minutes later at 06:35 (G), HMAS *Pirie* experienced an engineering fault in the port main engine which resulted in a system initiated emergency shutdown. As a result HMAS *Pirie's* speed was temporarily reduced to 11 kn whilst the fault was rectified and the engine restarted. It is evident a decision was made at this time that RHIBs would be despatched ahead of HMAS *Pirie* as a priority (launching was completed by 06:43 (G)). At the same time (06:35 (G)), HMAS *Pirie* advised ACV *Triton* that the COI has no engine power and is on the rocks and requested ACV *Triton*'s assistance with the hulk of SIEV 220. In response to this ACV *Triton* immediately started her second engine. At 06:40 (G) HMAS *Pirie* further advised ACV *Triton* that HMAS *Pirie* had an engineering defect and that potential speed limitations were unclear at that point. In response to this request ACV *Triton* immediately increased speed to 12 kn and commenced preparations to launch tenders.

93. At 06:39 (G) HQJTF639 declared a mass Safety of Life at Sea (SOLAS) incident and advised HQ Joint Operations Command, AMSOC and HMAS *Pirie* by signal. A short time later, at 06:46 (G) HMAS *Pirie* reported that she was proceeding to the scene at up to 16 kn. CO HMAS *Pirie* reports he had assumed the role as on-scene commander for the BPC assets conducting the rescue at 06:50 (G).

Initial Search and Rescue Effort

94. From 06:46 (G) onwards, Customs and Border Protection at Christmas Island (including AOCs) assisted personnel from other agencies and Christmas Island residents in the attempted rescue efforts from the cliff top above the point of impact. Efforts included throwing lifejackets and attempting to haul people up from the water with ropes attached to life jackets.

95. ACV *Triton* launched both tenders in the lee of Christmas Island by 07:05 (G) and at this time HMAS *Pirie* reported both her RHIBs had arrived on scene and commenced rendering assistance. At 07:08 (G), HQJTF639 advised AMSOC that HMAS *Pirie's* RHIBs were on-scene and had recovered 20 people. At 07:14 (G), HMAS *Pirie* notified HQJTF639, AMSOC and Headquarters Joint Operations Command that it was on scene approximately 800 yards from Rocky Point and both RHIBs continued to provide assistance to the people in the water. Further, the CO of HMAS *Pirie* advised that the adverse weather was causing difficulties in recovering people to the ship from the RHIBs (these difficulties continued throughout the recovery effort), and that ACV *Triton's* tenders were closing the scene to assist with the recovery effort. Reports indicate that ACV *Triton* arrived at the scene at 07:22 (G). It was subsequently reported at 07:39 (G) that ACV *Triton*, assessing the weather conditions and associated difficulty in recovering the tenders, launched a 25 person life-raft to act as a staging point to minimise the time needed to recover survivors to HMAS *Pirie* or ACV *Triton*.

96. Throughout water based rescue Customs and Border Protection at Christmas Island officers continued to assist rescue efforts by acting as spotters from the cliff top, guiding the RHIBs and tenders to possible survivors.

97. Reporting indicates that during the rescue effort both the RHIBs and the tenders suffered various mechanical breakdowns due to ingestion of kelp or debris which necessitated recovery to ships for rectification prior to resuming recovery efforts. The adverse weather conditions continued during this time, and included thunderstorms and rain squalls which reduced visibility to 200 yards.

98. At 08:35 (G) the RCC reported that the AFP was coordinating the rescue effort at Christmas Island.

99. At 08:58 (G) HMAS *Pirie* advised HQJTF639 that 41 survivors had been recovered. This was further detailed at 09:17 (G), when HMAS *Pirie* advised AMSOC that she had recovered 27 people, with ACV *Triton* recovering a further 14 people. Later that morning at 09:54 (G) ACV *Triton* transferred one seriously injured survivor to HMAS *Pirie* who was already proceeding at best speed to Ethel Beach to offload survivors from SIEV 221. ACV *Triton* and her tenders continued to search for survivors. With no further survivors located in the water, the effort changed to recovering deceased and ACV *Triton* tenders recovered 28 bodies. At 13:55 (G) ACV *Triton* reported that it was leaving the search area based on HMAS *Pirie's* return with its RHIBs deployed after completing the transferral of survivors and deceased at Ethel Beach. The transfer of survivors and deceased onboard ACV *Triton* commenced shortly after 14:20 (G), and upon completion at approximately 16:07 (G) ACV *Triton* commenced return passage to the search area. Note that at this time ACV *Triton* continued to be responsible for the safety of the 108 persons embarked from SIEV 218 and SIEV 219.

100. From 11:00 (G) until around 17:00 (G), officers from Customs and Border Protection at Christmas Island, including AOCs, assisted with the offloading of survivors and deceased at Ethel Beach, with the scene under the control of the AFP. Additionally, one of those officers was also concurrently attending Christmas Island International Airport to process arriving aircraft from the mainland.

101. At 12:05 (G) Acting Deputy Commander JTF639 directed a force-assigned AP-3C aircraft located in Darwin to proceed to Christmas Island for SAR tasking. The aircraft was prepared for SAR and scheduled to launch at 14:00 (G). This tasking preceded a formal request from RCC. The aircraft was launched at 14:55 (G). Later that evening at 15:35 (G) the rescue mission was aborted due to reports of smoke in the cabin and the aircraft returned to Darwin. The aircraft subsequently landed safely in Darwin; however it was not expected to be again available until the following morning at 05:30 (G).

102. Both HMAS *Pirie* and ACV *Triton* continued searching the area until last light, with the surface search formally suspended at 19:50 (G). RCC assumed responsibility from the AFP from last light and initially requested one vessel to remain on station within the debris field overnight to monitor drift rate as well as be available to recover any survivors. Earlier that evening at 18:29 (G), AMSOC advised RCC that both vessels would be unable to remain in the debris field during the night due to the high sea states and the fatigue levels onboard both vessels. At the time ACV *Triton* was still managing the 108 PII and SIEV crew on board, and HMAS *Pirie* needed to replace the steaming party and provide navigation and damage control response to the SIEV 220 hulk overnight as it was unsafe to leave without escort. Both vessels repositioned to seek shelter on the lee side of the island overnight and HMAS *Pirie* replaced the steaming party in SIEV 220 hulk.

Subsequent Search and Rescue Effort

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103. At 05:00 (G) approval for the release of ACV *Triton*, HMAS *Pirie* and a AP-3C aircraft to AMSA was by AMSOC for the duration of the search at Christmas Island. The two surface assets resumed the search under RCC direction at first light, after HMAS *Pirie* had launched RHIBs to replace the overnight steaming party at 06:30 (G) and conduct search of cliff face prior to departing for the wider area search.

104. Two further AP-3C missions were launched from Darwin on 16 December. The first AP-3C mission was airborne from Darwin at approximately 05:00 (G) and the 2nd aircraft launched approximately 30 minutes later. The first AP-3C was diverted en route at 05:45 (G) to search for another SIEV in the vicinity of Ashmore Island that had been being tracked but whose location had been lost during bad weather the previous night. At 06:17 (G) this first AP-3C located the lost SIEV near Ashmore Island , handed over to the second AP-3C at 06:23 (G) and continued to the Christmas Island Search area. The second AP-3C aircraft acquired the 'lost SIEV' and handed over to the BPC asset on scene, and proceeded to the Christmas Island search area. Both aircraft landed at Cocos Island after their search tasks that evening.

105. Shortly after midday the RCC sought advice on whether it was possible for a Customs and Border protection Dash-8 aircraft to be deployed to Christmas Island to assist in the SAR. The RCC later withdrew the request upon advice that an aircraft would not be available for SAR tasking at Christmas Island until Saturday 18 December.

106. RCC agreed to release ACV *Triton* from SAR duties in order to offload the 108 people from SIEV 218 and SIEV 219 at Ethel Beach as a priority given the events of the previous 24 hours and the length of time they had already been onboard (a total 7 nights). This also enabled ACV *Triton* to be tasked without restrictions resulting from having additional people embarked. With approval granted, disembarkation commenced at 09:10 (G) that morning and was completed at 10:10 (G).

107. The first AP-3C aircraft was on station in the search area at 11:20 (G). During the course of the search two debris fields were located by a AP-3C and HMAS *Pirie* was tasked to investigate with no survivors or deceased located. ACV *Triton* also reported several large pieces of wooden debris located close to the coast and later that day at 14:08 (G) she advised that two further bodies had been recovered.

108. HMAS *Pirie* was released from SAR duties by the RCC at 18:09 (G). After recovering their steaming party, HMAS *Pirie* remained in the lee of the island until 03:00 (G) 17 December when she relieved ACV *Triton* of patrol duties north of Flying Fish Cove. Upon being relieved, ACV *Triton* took shelter in the lee of Christmas Island until the search recommenced later that morning.

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109. The assigned surface and air assets undertook SAR duties as directed by RCC for the remainder of the day until last light. Whilst some debris was sighted during the day no additional survivors or bodies were located. Specialist medical advice indicated that the chance of survival expired by last light on Friday 17 December and as a result RCC suspended search operations and released surface and air assets and transferred co-ordination for any further matters relating to this incident to the AFP.

Critical incident support for officers

110. At 06:46 (G), on 15 December, Customs and Border Protection at Christmas Island advised CNOC that the COI was on the rocks and that people were in the water (a Critical Incident as defined by Enforcement and Investigations Instructions and Guidelines [I&G] 2008/024058 was occurring). In accordance with the reporting requirements for critical incidents, the CNOC immediately informed the Customs Senior Executive, including the CEO and Deputy CEO (Border Enforcement) of the incident. The CNOC and Western Australian regional management team commenced planning from 07:18 (G) to provide support staff and counsellors to officers at Christmas Island. Efforts were undertaken to establish charter flight options and available relief staff.

111. MOSD formally established a Critical Incident Management (CIM) Organisation in Canberra at 09:00 (G), to support deployed MOSD staff in Christmas Island and ACV *Triton*, in accordance with the draft MOSD CIM Instruction and Guideline. The Manager Marine Workforce (Coordination) was directed to deploy to Christmas Island to provide on-scene critical incident coordination and integrate MOSD support activities with those of EOPs. Director Marine Training and Standards was designated the single point of contact for MOSD CIM issues in Canberra. Contact was also made with Comcare to advise them of unfolding events without providing specific details. People and Place Division (P&P) initiated contact with PPC Worldwide (PPC), the Customs and Border Protection Employee Assistance Provider, and briefed them on the requirement for senior counsellors in Perth to be available to travel to Christmas Island at short notice. PPC were also made aware that demand may increase nationally due to current events. The Industrial Relations team in P&P were alerted in case contact was made by employee organisations.

112. At 01:17 (G) the AFP confirmed that a charter flight was departing from Melbourne that evening with AFP support personnel and seats were available for Customs and Border Protection. Shortly afterwards at 01:30 (G), MOSD commenced contacting the families of ACV *Triton's* embarked Marine Enforcement crew to allay any fears for personnel safety and inform them of the support available from PPC. MOSD also contacted Gardline Australia and Anodyne Medical Services to ensure that similar support was provided to ACV *Triton*'s contracted crew and paramedic.

113. The relief team was confirmed at 13:02 (G), consisting of Director EOPs (WA), two EOPs officers and the MOSD on-scene coordinator. By 14:19 (G), a senior PPC counsellor with extensive trauma experience had been identified to travel with the relief team to provide support for all EOPs and MOSD officers at Christmas Island. The AFP flight routing from Melbourne via Canberra and Fremantle meant the relief team arrived in location at 01:50 (G) 16 December 2010.

114. Throughout 16 December, and concurrently with ongoing response activities, the support team conducted group and individual discussions with staff on Christmas Island to establish their emotional and mental states. The counsellor observed the disembarkation of PII from the ACV *Triton* and transfers at Ethel Beach, providing her an opportunity to understand the environment and to observe officers as they worked. In the early afternoon the counsellor met with the three deployed Marine Standards Officers before visiting the Phosphate Hill detention centre compound.

115. At 03:00 (G) National Manager (NM) Maritime Operations Support (MOS) Branch communicated with the broader Marine Unit to commend the efforts of ACV *Triton* and to address any concerns regarding crew safety. During the meeting, MOSD proposed that Customs Media commence drafting an 'All Staff' message regarding the incident for CEO release at an appropriate time. That evening, during a telephone call with the Enforcement Commander (EC) in ACV *Triton*, NM MOS reiterated his support for their efforts.

116. On 17 December, after the weather had abated to a safe level, the counsellor and MOSD on-scene coordinator attended ACV *Triton* and met with Customs and Border Protection Marine Enforcement Officers, the contracted crew and paramedic for group sessions and some individual contacts. Time and concurrent tasking did not permit a detailed assessment of the well being of all individuals.

117. The counsellor also visited HMAS *Pirie* on 18 December to provide interim support until Australian Defence Force Critical Incident Support staff could attend. The CEO of Customs and Border Protection also used a video conference with ACV *Triton* to commend the actions of the marine enforcement crew and to pass on his support and concern for their ongoing wellbeing.

118. Although the primary focus throughout the CIM intervention was the general observation and monitoring of the safety and wellbeing of Customs and Border Protection officers directly involved in the incident, the counsellor also met the Intelligence officers located at the detention centre, the AFP officers and other officials on the island as well as visiting the homes of some of the AOC.

119. Plans were developed (with the counsellor) to bring in extra support staff on future charter flights and to ensure that staff and families on Christmas Island were monitored and transferred to Fremantle for leave or recuperation as required. MOSD advanced plans to extract ACV *Triton*'s MEO contingent and the Anodyne paramedic on Monday 20 December, at which time the MOSD on-scene coordinator would also return to Canberra.

120. PPC counsellors also provided on site support for Canberra based staff from the CNOC, AMSOC and MOSD. Follow-up services were organised, subject to ongoing monitoring, to provide support to all officers involved in the incident, including Christmas Island staff, ACV *Triton's* embarked MEOs and Marine Standards Officers.

ASSESSMENT AGAINST RELEVANT POLICIES, PROCESSES AND PROCEDURES

Introduction

121. In accordance with paragraphs 4.d, 4.e and 4.f of the Terms of Reference, this Chapter considers, respectively, whether identified policies, processes and procedure were applied during the incident, whether they were effective in responding to the incident and to identify whether any immediate remedial changes should be considered to improve the response to similar occurrences.

122. The relevant and applicable policies, processes and procedures have been grouped into four aspects of the Customs and Border Protection response to the incident as follows:

» Prior knowledge of the existence of the vessel and its voyage

» The Posture of BPC assets on the morning of 15 December 2010

» The following aspects of the operational response to the sighting of the vessel and its subsequent distress:
- Notification of COI and of distress
- Command and Control
- Equipment Availability and Training

» Critical incident support for officers.

Prior knowledge of the existence of the vessel and its voyage

123. Based on the information provided to me, neither Customs and Border Protection, BPC nor its assigned assets, appear to have had any actionable intelligence that would indicate the vessel that foundered at Christmas Island on 15 December had departed Indonesia or was likely to arrive at Christmas around that time.

124. Security classified **Annex 04** sets out the process by which the PSIAT analyses the intelligence available to it from a range of sources. **Annex 04** also sets out how that process was applied to the information available to PSIAT on the days leading up to and including 15 December and the intelligence products produced by that process. I consider that the process was applied to the available information and that it was effective in producing PSIAT intelligence products.

125. I have also considered the process undertaken to develop, from the PSIAT daily assessments, the BPC intelligence products that informed the position of BPC assets on 14 and 15 December. This process, documented in **Annex 04,** was applied to develop the BPC intelligence product relevant to Australia's maritime approaches for the relevant period and was effective in informing the position of BPC assets against the assessed maritime threat.

126. No recommendations are made for any remedial changes to the intelligence analysis policies, processes and procedures applied by PSIAT or BPC Intelligence Centre.

Posture of BPC assets on the morning of 15 December 2010

127. On the morning of 15 December BPC had two surface assets, the HMAS *Pirie* and the ACV *Triton*, at Christmas Island. HMAS *Pirie* was deployed as the ORV for Christmas Island and *ACV Triton* was at Christmas Island to deliver the 108 PII and crew from SIEV 218 and 219 to the Christmas Island Immigration Detention Centre. Both vessels were sheltering from severe weather conditions on the eastern side of the island. No aerial surveillance was conducted on 14 December 2010 in the area of Christmas Island and no missions were planned for the area on 15 December. An assessment of this posture against relevant policies, processes and procedures follows.

Operational Planning Policies, Processes and Procedures

128. The "Guide to Australian Maritime Security Arrangements" (GAMSA) notes that the role of BPC is, in concert with other government agencies and stakeholders, to protect Australia's national interests by generating awareness of activity in Australia's maritime domain, and responding to mitigate or eliminate risks posed by security threats. GAMSA defines the maritime domain, for which BPC has responsibility to enforce Australian laws, as that physical area where certain legal or administrative arrangements apply including Australia's territorial sea, its contiguous zone, the EEZ and Australia's fishing zones.

129. GAMSA details the responsibilities of BPC in managing the government's response to eight distinct maritime threats within Australia's maritime domain. BPC acts on behalf of about 26 different stakeholders to mitigate risks posed by these threats. Given the size of the jurisdiction covered by these threats and the practical limit on resources available to respond to incidents, BPC is required to prioritise its operations and uses a 'threat based, intelligence led' management concept to do so. IMAs are one of eight maritime threats under management by BPC and are currently afforded a high, but not exclusive, priority.

130. The general concept of operations is to intercept all known IMAs within Australia's contiguous zone and, in accordance with government policy, to transfer the potential irregular immigrants to Christmas Island for processing of their claims. The priority is to prevent a mainland arrival over one which would occur on an excised offshore island. BPC's operational planning for IMAs is based on this concept.

131. BPC has a planning process which regularly reviews the eight maritime threats. The planning cycle involves a six monthly review of all eight threats, individual stakeholder/client needs and assets availability which leads to the development of a 'Commander's Statement of Intent' (CSOI). This document provides operational staff with guidance as to where the priority for surveillance and response should be placed in the next 3-6 month period which allows them to manage day to day tasking for assets. This tasking is executed through weekly Maritime Patrol Orders to individual marine assets and further managed through the issue of the weekly Maritime Patrol Directive and daily management through the Patrol Boat Management spreadsheet.

132. At the time of the incident, the BPC planning process had been undertaken and a CSOI covering the relevant period in question has been produced. The CSOI places priority for aerial surveillance on the mainland approaches to Australia covering the north-west coast, through the Arnhem coast, Gulf of Carpentaria into the Torres Strait. Surveillance is sought for coverage of both IMAs and incursions by illegal foreign fishing (IFF) vessels. Priority for response vessels is correlated with surveillance assets.

133. At the tactical level, planning was in place and conformed to the CSOI. Being an excised offshore island, there was no planned aerial surveillance of Christmas Island during the period of the incident. Whilst not specifically directed in the CSOI, the weekly Maritime Patrol Order for the period of the incident directed HMAS *Pirie* as the Christmas Island ORV.

134. On the material available, it appears that the policies, processes and procedures described above were applied in determining the posture of BPC assets on the morning of 15 December.

135. The effectiveness of the application of these policies and processes and procedure is demonstrated by the interception of SIEV 220 on the afternoon of 14 December at Christmas Island. This is further demonstrated by, the interceptions of SIEV 218 and SIEV 219 in the vicinity of Ashmore Island during the week preceding the incident and SIEV 222 and SIEV 223 in the vicinity of Ashmore Island and SIEV 224 during the week following the incident. No SIEV reached the mainland during this period.

136. I make no recommendation for immediate remedial changes to the operational planning policies, processes and procedures.

137. Given the number of IMAs, I recommend that, as part of the normal BPC planning cycle, the operational policies, processes and procedures informing posture be reviewed.

RECOMMENDATION 1

That, as part of the normal BPC operational planning cycle, the operational polices, processes and procedures informing the posture of assets be reviewed in light of the current number of irregular maritime arrivals.

Specific position of HMAS *Pirie* and ACV *Triton*

138. Both vessels were sheltering from severe weather conditions on the eastern side of the island.

139. The specific position of each vessel was determined by the exercise of judgement of the CO of HMAS *Pirie,* and the EC and master of ACV *Triton*, taking into account the following factors:

- The current operational role of each vessel;
- The perceived threat of likely maritime approaches in the Christmas Island; and
- The safety and wellbeing of persons embarked on the vessels.

140. Given the role assigned to ACV *Triton* at the time of the incident, being to safely transport 108 PII and SIEV crew to Christmas Island and the weather conditions and reported sickness on board, the command decision to position to hold the vessel in the lee of Christmas Island would appear an effective and reasonable exercise of judgement.

141. In the case of HMAS *Pirie*, her assigned role was as the Christmas Island ORV. The Intelligence product of 14 December that informed the posture of BPC assets on the morning of 15 December indicated there was one likely arrival to Christmas Island. That arrival was attributed as SIEV 220, intercepted the previous night. Therefore there was no documented assessment to support another likely arrival for the relevant period.

142. HMAS *Pirie* had also taken charge of the hulk of SIEV 220 and had a steaming party embarked. Given the severe weather conditions, the tempo of operations the previous day and the need the to monitor fatigue of the crew, the absence of intelligence of a likely arrival and the responsibility to ensure the safety of the hulk of SIEV 220 and its embarked steaming party, the decision of the CO to position to hold the HMAS *Pirie* in the lee of Christmas Island would appear an effective and reasonable exercise of judgement.

143. I make no recommendation for remedial changes to the policies, processes and procedures that determined the position of the vessels on the morning of 15 December.

Surveillance by BPC assets prior to sighting at 05:40 (G) on 15 December 2010

144. Surface surveillance at Christmas Island is usually conducted by the response vessel on patrol at the island using its own capabilities such as shipboard radar, electro-optical devices and visual means. However, due to the posture taken in consideration of the conditions described in paragraphs 68 and 72, neither HMAS *Pirie* or ACV *Triton* were specifically undertaking a surveillance role.

145. The posture of both HMAS *Pirie* and ACV *Triton* examined in the section above, combined with the time of day and the prevailing weather conditions, is likely to have impacted on the effectiveness of any on board surveillance capabilities. The fitted radar systems and electo-optical devices could not detect a vessel through a land mass. It would be in accordance with common marine practice to prioritise use of this equipment to ensure the safety of the vessels and persons on board given their proximity to land and unchartered waters. In addition, the BPC assigned vessels were sheltering to the east of Christmas Island land mass, which would have prevented a visual detection of SIEV 221 as the SIEV 221 approached Christmas Island near Rocky Point initially before and after sunrise on 15 December. Notwithstanding their position, the weather conditions would also have reduced the effectiveness of visual detection.

146. As the posture of the vessels precluded the use of any onboard surveillance capabilities, an assessment of the application and effectiveness of any relevant policies, processes or procedures is not necessary.

147. I make no recommendations in relation to the policies, processes or procedures relevant to the use of on board surveillance capabilities.

148. Given the absence of surface surveillance radar capability at Christmas Island and the high likelihood of severe weather conditions in the future necessitating any BPC deployed assets to take shelter in the lee of the island, I recommend that the trial of a land based radar surveillance system of the northern maritime approaches be completed and considered as a priority.

RECOMMENDATION 2

That the trial of a land based radar surveillance system of the northern maritime approaches to Christmas Island be completed and considered as a priority.

Operational Response

Notifications

Notification of a COI

149. The first sighting of SIEV 22 from the Mango Tree Lodge at Christmas Island at 05:40 (G) was reported as a possible COI to the Customs and Border Protection on-call officer on Christmas Island at 05:43 (G). At 05:47 (G), after receiving the initial report of the sighting of SIEV 221, Customs and Border Protection at Christmas Island notified CNOC by telephone of the sighting of the COI approximately 200 m offshore near the Mango Tree Lodge.

150. At 06:03 (G) Customs and Border Protection at Christmas Island telephoned HQJTF639 to confirm the sighting of the COI off Rocky Point.

151. There are documented procedures for the notification to AMSOC of the sighting of a COI by BPC assets. There are no documented procedures specifically for Customs and Border Protection at Christmas Island after receiving a report of a sighting of a COI from the island. There are, however, general incident reporting procedures that apply to all areas of Customs and Border Protection that require the reporting of incidents and significant operational matters to CNOC in accordance with its role as the central area for reporting and coordination of operational activity.

152. The initial report by Customs and Border Protection at Christmas Island of the sighting of the COI was in accordance with the incident reporting procedures. CNOC's co-location with AMSOC in Canberra facilitated the immediate transfer of this notification of the sighting of SIEV 221 as a possible COI into BPC's reporting arrangements for COIs. This was an effective application of the two sets of notification procedures to initiate action by BPC assets for the interception of a COI.

153. The notification from Customs and Border Protection at Christmas Island to HQJTF639 at 6:03 (G) was not required by any documented procedures. This information had already been provided to HQJTF 639 at 05:47 (G) by AMSOC following referral from CNOC in accordance with the Command and Control arrangements assessed below. Although not required, the direct notification from Customs and Border Protection at Christmas Island did not trigger any confusion or conflicting action and was effective in providing HQJTF639 with confirmation of the sighting of the COI.

154. I recommend that the current arrangements for reporting of incidents (including sightings COIs other than by BPC assets) to CNOC, and CNOC's responsibilities for transferring information of relevance to AMSOC's responsibilities be confirmed and reinforced.

RECOMMENDATION 3

That the current arrangements for reporting of incidents (including sightings of COIs other than by BPC assets) to CNOC, and CNOC's responsibilities for transferring information of relevance to AMSOC's responsibilities, be confirmed and reinforced.

Notifications of Distress

155. At 06:10 (G) RCC telephoned AMSOC to advise of a report from WAPOL that two '000' calls had been received from a person claiming to be on a wooden vessel between Christmas Island and Ashmore Islands with approximately 80 persons on board, however in sight of land, and that the vessel was on fire and the boat was in danger near a beach.

156. At 06:15 (G) Customs and Border Protection at Christmas Island reports telephoning ACV *Triton* directly to notify what was understood to be 'ready response vessel' of the urgency of the situation[2]. At 06:16 (G), Customs and Border Protection at Christmas Island reported by telephone to CNOC that COI off Rocky Point is experiencing major problems 100 m offshore and that a "major catastrophe is unfolding". This information was immediately passed verbally to AMSOC, who advised a half hour response time.

157. At 06:22 (G), Customs and Border Protection at Christmas Island reported by telephone to HQJTF639 that the COI was now 50 m off Rocky Point, had lost engines and drifting towards the rocks.

158. Between 06:29 (G) and 06:35 (G) several reports were received into CNOC, AMSOC and HQJTF639 from Christmas Island Police and Customs and Border Protection at Christmas Island that the COI was first in imminent danger and getting swamped and ultimately had impacted the rocks.

159. At 06:36 (G) a further call was received by AMSOC from RCC requesting advice as to whether the COI at Christmas Island was in the vicinity of 'a big rock', as a further call had been received from WAPOL indicating that the '000' caller had mentioned being near 'a big rock'.

160. At 06:46 (G) Customs and Border Protection at Christmas Island further advised CNOC that the COI had severely impacted rocks, women and children were in the water and could be heard screaming.

161. The notifications detailed above demonstrate that the incident quickly progressed from a sighting of a COI and investigation of a possible SIEV to a SOLAS incident.

2 On the records currently available it is not possible to determine conclusively where this call went or its contents. However, it is not necessary to do so for the purposes of examining the relevant policies, processes and procedures.

162. There are no documented procedures specifically for Customs and Border Protection at Christmas Island for reporting a SOLAS incident. There are, however, general incident reporting procedures that apply to all areas of Customs and Border Protection that require the reporting of incidents and significant operational matters to CNOC in accordance with it role as the central area for reporting and coordination of operational activity. There are also documented procedures for both AMSOC and CNOC requiring the notification of SOLAS incidents to RCC.

163. The E&I Critical Incident Guidelines apply to any incident in which a Customs and Border Protection Officer is involved during the lawful execution of his/her duty that by its nature or circumstance requires an independent investigation by a law enforcement agency other than Customs and Border Protection. The Critical Incident Guidelines define a critical incident, amongst other things, as "any other event that could attract significant attention, interest or criticism from the Australian Community where the public interest is best served through an investigation conducted independently of Customs". The content of the 06:46 (G) notification to CNOC indicates that a critical incident has occurred, and triggered the requirement of the guidelines to reporting the critical incident to "000" and to CNOC.

164. On the material available it appears that no call was made to "000" from Customs and Border Protection at Christmas Island. All other notification and referral requirements of the policies, processes and procedures detailed in paragraphs 162 to 163 above were met by Customs and Border Protection at Christmas Island, CNOC and AMSOC.

165. The additional notifications made by Customs and Border Protection at Christmas Island directly to ACV *Triton* at 06:15 (G) and HQJTF639 at 06:22 (G) were not required by any documented procedures, but were understandable given the nature of the incident unfolding. On the records currently available it is not possible to determine conclusively where the call from Customs and Border Protection at Christmas Island, and recorded as made to ACV *Triton*, went or its contents. However, as the making of the call was not required, it is not necessary to determine this for the purposes of examining the relevant policies, processes and procedures.

166. Although not required, the direct notification from Customs and Border Protection at Christmas Island to HQJTF639 at 06.22 (G) appears to have been the first notification to HQJTF629 of distress in relation to the COI under investigation at Christmas Island and triggered the 06:25 (G) direction to HMAS *Pirie* to leave the hulk of SIEV 220 and provide assistance to the COI at Rocky Point.

167. The fact that no "000" call was made by Customs and Border Protection at Christmas Island after the occurrence at 06:46 (G) of a critical incident did not have an adverse impact on the SOLAS response as by this time RCC had already contacted AMSOC to investigate the WAPOL "000" referral and was actively reconciling this information with the sighting of the COI at Christmas Island.

168. I make no recommendations for remedial changes to any existing policies, processes and procedures for reporting of critical incidents for onshore operations or offshore SOLAS incidents. However, given the combination of the usual weather conditions at Christmas Island from November to April each year, the continuing likelihood of IMAs at Christmas island and the possibility that the first sighting of a SIEV may occur from the island, I recommend that, in collaboration with other relevant agencies, specific procedures be developed, documented and exercised for dealing with SIEVs arriving directly at Christmas Island in severe weather conditions.

RECOMMENDATION 4

That, in collaboration with relevant agencies, specific procedures be developed, documented and exercised for dealing with SIEVs arriving directly at Christmas Island in severe weather conditions.

Command and Control

Command and Control (C2) policies, processes and procedures

169. The diagram at paragraph 52 provides an indicative representation of the relationships between the significant agencies and demonstrates the flow of information that occurred during the incident.

170. In the normal course of events for any civil maritime security related activity the flow of information between the various agencies is relatively clear. The three main areas where incident management is initiated is either the AMSOC, HQJTF639 and CNOC. Each has a regime in place to provide notification of incidents to each other and to higher authorities. The management of this information flow in this way appears to be routine practice.

171. In the case of a 'routine' SIEV arrival, the information flow is usually limited to that between AMSOC and HQJTF639 with notification of the event by BPC to Customs and Border Protection Executives and subsequently to the office of Minister for Home Affairs and other government agencies (shown by the red arrows in the diagram at paragraph 52). To ensure consistency, this practice has been documented due to the increase of SIEV arrivals. In the case of a SIEV arrival prompting a SAR response, the information flow is usually the same, except for the engagement of the RCC. On these occasions the RCC will normally assume the lead for the response and may seek assistance from agencies beyond BPC, such as Defence or other non-government assets. In the past, the assumption of a lead for the event has usually been a considered decision over a period of time as the situation develops.

C2 policies, processes and procedures in place at the time of the incident

172. On the information available, the usual C2 structure appears to have been in place to manage a 'routine' arrival in the period immediately preceding this incident. However, the SIEV 221 arrival was affected by a number of factors. First, the speed with which the event escalated from a routine sighting and investigation of a COI to a distress phase increased the need for a faster information flow. Second, there was initially a possibility that the vessel sighted was the hulk of SIEV 220, as SIEV 220 was still in the vicinity of Christmas Island (see paragraphs 81 and 83 above). Third, before it became apparent that SIEV 221 was in distress, there was a report of two 000 calls that a boat between Ashmore Islands and Christmas Island and in sight of land was on fire, but that there did not appear to be any smoke or fire on board SIEV 221 (see paragraph 86 above). Finally, the location of the incident prompted an increase in the information flow from a number of additional sources in this event, for example, greater engagement with DM Christmas Island, CNOC and AFP.

173. At the time of the incident Commander BPC was airborne from Darwin enroute to Cairns visiting Defence sites that support the BPC activity. His Customs and Border Protection deputy was travelling with him. On arrival in Cairns, they called at Cairns Naval Base and the regional BPC office. At both these sites they had access to communications and staff in order to oversee the ongoing response to the incident.

174. At the time of the incident the C2 structure for BPC operations as described in paragraph 46 was in place. Defence assets under Operation RESOLUTE were controlled under the auspices of a contemporary Operation Order. Customs and Border Protection assets were controlled in accordance with the BPC concept of operations and given effect through Commander BPC's authorisation as an officer of Customs and Border Protection. An appropriate level of oversight was in place to manage the incident with the Acting Deputy Commander JTF639 (a Navy Captain) in HQJTF639 in Darwin and the Director of Operations (a Customs and Border Protection Level 5 officer) in the AMSOC in Canberra.

From COI Investigation to SAR

175. As the situation unfolded the incident moved quickly from the management of a routine SIEV arrival to a SOLAS incident and finally to a SAR operation. Management of the incident was further complicated by the fact that this was a shipwreck, which prompted some immediate actions from shore concurrent with the activity on water. As a consequence, the lines of responsibility were somewhat blurred during the initial phases. I am not aware of any recent precedent for this type of incident from which an assessment of the effectiveness of the management of the incident could be made. However, it does not appear that the absence of clear delineation adversely impacted the response. For example, it is apparent that BPC retained control over its assets throughout the incident and worked alongside other rescue activity being coordinated onshore by AFP without being the overall lead for the incident.

176. The narrative indicates that the initial call regarding a COI at 05:46 (G) was made to CNOC, who immediately provided this information to AMSOC. From this point, until 06:16 (G) it was being managed as a routine SIEV arrival. At 06:05 (G), HMAS *Pirie* assumed the lead as on-scene commander to investigate the COI sighting. This was based on information passed by both the AMSOC and HQJTF639 and following discussion with ACV *Triton*. As the narrative does not provide evidence of the vessel being in distress at this time, neither HMAS *Pirie* nor ACV *Triton* appeared to assume an on-scene SAR lead.

177. The RCC raised its own concern at 06:10 (G) following advice from WAPOL of two '000' telephone calls. This introduced a second issue being managed by the AMSOC (i.e. the COI at Christmas Island and a second possible distress situation). At this time the investigation of the RCC advice of an emergency appears to have been afforded greater priority by AMSOC and HQJTF639 than the routine SIEV investigation already underway at Christmas Island. The two separate reports were then correlated, over a period of around 16 minutes, in the AMSOC. The time taken to correlate the two reports was exacerbated by the reported location of the vessel the subject of the WAPOL referral (between Christmas Island and Ashmore Islands and near a beach) and advice that the vessel was on fire. The narrative indicates considerable staff effort (including tasking of surveillance aircraft and maritime response assets to investigate) in attempting to clarify firstly, that this sighting was not the hulk of SIEV 220 boarded the previous afternoon, and secondly, that there was not a second vessel in distress somewhere between Christmas Island and the Ashmore Islands. It took until 06:55 (G) to fully resolve this issue.

178. Notwithstanding the time taken to reconcile these two separate reports, action to intercept the COI sighted off Rocky Point was already underway and continued throughout this period.

179. In the period from 06:16 (G) to 06:31 (G), as the SIEV began to founder HMAS *Pirie* retained the role as on-scene commander, but the responsibility had moved from a SIEV investigation to a SAR role upon receiving the direction from HQJTF639 at 06:25 (G). Given the speed with which the incident unfolded and the proximity of event to shore, a clear delineation of responsibilities may still have been unclear to those agencies involved. Regardless, HMAS *Pirie* and ACV *Triton* appear to have coordinated their actions at the scene, keeping the HQJTF639 and AMSOC appraised throughout the SOLAS and search and rescue phase. In turn there is evidence that the AMSOC kept the RCC informed of the response. RCC concurrence of this arrangement was reported at 06:55 (G) and was formally confirmed when it took over the management of the subsequent SAR activity from last light on the evening of 15 December.

Interaction with the AFP

180. AFP on Christmas Island was involved early in the incident with their presence at the cliff top observing the foundering of the SIEV. Reports indicate their involvement in the attempts to provide lifesaving equipment from the cliff top to those in the water. By approximately 07:45 (G), the AFP was coordinating SAR activities on Christmas Island. The narrative reflects that the AFP managed the ongoing land-based search activity and subsequent recovery of survivors and deceased at Ethel Beach later in the day.

Effectiveness of C2 policies, processes and procedures

181. The incident appears to be an event without recent precedent that required the interaction of a number of agencies in response to a serious event which developed in relatively quick time. While not specifically practiced in an incident of this nature the individual work areas within Customs and Border Protection, including BPC appear to have acted in an appropriate manner demonstrating good judgement, albeit not under a clearly delineated single point of coordination at the height of the incident.

182. The fact that the notification went to Customs and Border Protection rather than directly to the RCC or "000" appears to indicate that the initial assessment was that the vessel was not in distress at that time. Notwithstanding, appropriate engagement with the RCC occurred as necessary and in accordance with the policies, processes and procedures in a timely manner.

183. The nature of the event (that is, a shipwreck rather than a vessel sinking at sea) and the speed with which the event unfolded appears to have challenged the ability of AMSOC, HQJTF629 and CNOC to efficiently reconcile multiple streams of information. The unique arrangement within BPC that requires two watch-rooms to manage both Customs and Border Protection and Defence assets appears to demand an extra level of coordination that, while not slowing the information flow, adds to the complexity of the task and introduces some risk to the efficient management of an incident such as this.

184. In taking into account all of the concurrent/simultaneous actions being taken by officers in the AMSOC, HQJTF639, HMAS *Pirie*, ACV *Triton*, Customs and Border Protection at Christmas Island and CNOC, I have not identified any departure from policies, processes or procedures. As identified in the paragraphs above, reconciling the varying information between the report of the sighting of the COI, the possibility that the vessel was the previously intercepted SIEV 220 and the '000' calls indicating a possible search for a different vessel between Christmas Island and Ashmore Islands, took some time. However, the actions to resolve these issues between the AMSOC, HQJTF639 and RCC were necessary and appropriate procedural steps to follow. In any event HMAS *Pirie* was already underway and responding to the reported COI at Rocky Point at that time.

185. On balance, I consider that the application of the policies, process and procedures relating to C2, and in particular relation to working with the RCC, was effective and I make no recommendations for any immediate remedial changes. However, in light of this incident, I recommend both an officer level de-brief of this incident and ongoing desktop activities to further enhance interagency capabilities relevant to such an incident.

RECOMMENDATION 5

That both an officer level de-brief of this incident and ongoing desktop activities be conducted to further enhance interagency command and control capabilities relevant to such an incident.

Equipment Availability & Training

ACV *Triton*

Equipment

186. On 7 December, ACV *Triton* departed Broome, with its full complement of Customs and Border Protection personnel, and safety equipment onboard. Also embarked were one paramedic and the contracted 'Gardline Australia' marine crew (13 persons). ACV *Triton* is certified to carry a total of 98 persons onboard. ACV *Triton* is required to carry the following safety equipment as a matter of course:
    - a range of pyrotechnic and distress signalling devices as mandated by the International Safety Management Code (ISMC);
    - one rescue boat;
    - 12 × 20 Person Life-rafts;
    - 2 × 25 Person Life-rafts;
    - 12 × Life-buoys; and
    - 290 Lifejackets.

187. In addition to the maritime safety equipment held onboard, ACV *Triton* carries two Customs and Border Protection Response Tenders, operated by the Marine Enforcement Officers. Gardline advises that the tenders have also been certified as rescue boats, however this has not yet been reflected in the Safety Equipment Certificates from the ship's classification society Det Norske Veritas (DNV).

188. Gardline is contracted to operate the ACV *Triton* on behalf of Customs and Border Protection. One of the requirements of the contract is to ensure that ACV *Triton* maintains a current Certificate of Compliance and a letter of recognition of this document by AMSA. The provisions of that recognition subject ACV *Triton*, and Gardline Australia, to routine (annual) safety audits and inspections to ascertain the material state and management practices of the vessel to ensure compliance with the ISMC. The safety equipment was mustered and inspected for annual and renewal survey by DNV in October 2010.

Training

189. With the exception of the contracted paramedic, all other personnel onboard are required by AMSA to meet the International Maritime Organisation's convention for Standards of Training and Watchkeeping for Seafarers (STCW) 1995 to varying levels.

190. Gardline Australia retains responsibility for ensuring that the marine crew who operate ACV *Triton* are fully compliant with the convention. Documents available to me indicate that this is the case.

191. Customs and Border Protection trains the Marine Enforcement Officers with components of this convention to ensure the safety of persons under their supervision in ACV *Triton*, who are unfamiliar with the seagoing environment. This training includes a Certificate of Safety Training (CoST), familiarisation with life saving devices and procedures for righting the tender in the event that it is capsized.

192. Customs and Border Protection records available to me show that on 15 December the crew in ACV *Triton* was compliant with the STCW 1995 convention requirements.

HMAS *Pirie*

Equipment

193. On 5 December, HMAS *Pirie* departed Darwin to commence her patrol duties with a full complement of 23 Crew, four Transit Security Element personnel and all safety equipment onboard and serviceable. HMAS *Pirie's* safety equipment and training is regulated by the Royal Australian Navy. As a naval vessel, *Pirie* is not subject to certification by AMSA.

194. Safety Equipment: HMAS *Pirie* is required by the Navy to carry the following safety equipment onboard:

- a range of pyrotechnic and distress signalling devices;
- two RHIBs;
- 4 × 25 Person Life-rafts; and
- 42 PFD Lifejackets (provided for PIIs and SIEV crew)

195. The lifejackets had undergone their six monthly survey on 9 November 2010. The life-rafts were previously changed out 24 December 2009 and subsequently remained within survey. The RHIBs are subjected to Daily Standard Operating Tests in order to establish their ongoing serviceability.

Training

196. Navy personnel undergo training in survival at sea during induction and regularly practice emergency procedures for "Man Overboard" and launching of RHIBs. Each patrol boat crew is routinely assessed on their procedures and safety by the Commander of the Minor War Vessel Sea Training Group.

Procedures for Undertaking Mass SOLAS Rescue

197. As SAR is not a primary responsibility of the Navy or Customs and Border Protection, specific procedures to undertake a mass rescue such as the one that took place on 15 December are not required. However both HMAS *Pirie* and ACV *Triton* have procedures in place and personnel who are comprehensively trained with skills that contributed to successfully rescuing a large number of people from the waters off Rocky Point in extremely challenging conditions. The following procedures are relevant to the type of operations required to effect a Mass SOLAS rescue:

HMAS *Pirie*:

- Armidale Class Patrol Boat Standing Orders
- CJTF639 Operation Order 01/10 (Appendix 11 to Annex I – SOLAS)
- ABR 1977 Safety of Life at Sea Equipment Manual

ACV *Triton*:

» Customs and Border Protection SOPs:

» SOP OHS.002 Critical Incident Management

» SOP OHS.009 OH&S and Medical Aspects

» SOP OP.002 Tactical Boarding Procedures

» SOP OP.008 Death of an IUU Crew Member

» SOP OP.010 Command, Control & Communications

» SOP OPCOMD.006 Command & Control

» SOP TO.001 Tender Operations

Gardline Crew SOPs:

» Emergency Contingency Manual – ACV *Triton*

» Procedures and Guidelines for Masters and Group Commanders

» Shipboard Safety Procedures Manual

Boat Operations

198. HMAS *Pirie's* procedures for operating the RHIBs in adverse conditions for the conduct of rescue operations are well documented and understood. The Navy requires that they are practiced regularly for the purposes of Man Overboard procedures and operational boardings. HMAS *Pirie's* RHIBs are limited to Sea State 4 for normal operations but may be operated up to Sea State 6 in order to perform 'Critical Operations'.

199. ACV *Triton* has well understood procedures, however the documentation is dated and refers to previous tenders. Marine Enforcement Officer Coxswains undertake standardisation training on the NORSAFE 850 Tender and regularly practice launch and recovery procedures to ensure proficiency in man overboard situations and for operational boardings. ACV *Triton*'s tenders are limited to Sea State 4 for normal operations but the Enforcement Commander may make a professional judgement for safety in an emergency.

200. From the material documented in the narrative, it appears that the relevant procedures were applied and HMAS *Pirie's* RHIBs were deployed to perform 'critical operations', and the EC of ACV *Triton* exercise judgement to launch her tenders, in conditions above Sea State 4.

201. Both HMAS *Pirie* and ACV *Triton* reported a number of issues with the RHIB and tender engine intakes through the suction of kelp and debris from SIEV 221. Rectifying these issues required the affected RHIBs and tenders to be recovered to their parent ship (in accordance with procedures) in order to clear the debris before it could be redeployed. This necessarily resulted in less assets being available to undertake SAR duties close to shore and may have limited their effectiveness by introducing delays to recovering survivors from the water.

202. It is possible that diesel jet engines are not ideal for undertaking rescue operations in the circumstances that were encountered on 15 December. However, as the primary function of the Navy RHIBs and Customs and Border Protection tenders is not undertaking SAR activity in sea states, the procurement of the RHIBs and tenders would not have been against specifications for this purpose. Whether this capability should be expanded to include SAR functions should be the subject of separate review, taking into account all of the operational, logistic and engineering factors that would normally drive a capability decision.

203. I make no recommendations for any remedial action to the policies and processes related to the specifications or operations of the RHIBs and tenders used by BPC for its primary functions. I do recommend the revision of the procedural documentation for tender operations in ACV *Triton*.

RECOMMENDATION 6

That the procedural documentation for tender operations in ACV *Triton* be revised.

Customs and Border Protection Response Tenders at Christmas Island

204. On 15 December, three members of the Marine Standards Section, MOSD were present at Christmas Island, to deliver standardisation training to Customs and Border Protection at Christmas Island in the operation of their recently delivered Port Class 'Stabi-Craft' Response Tender. The capabilities of this vessel are provided at Annex 05.

205. In addition to the Port Class Tender, Customs and Border Protection at Christmas Island also had a Wiltrading 'Pursuit' 640, similar to those operated as tenders by the Bay Class ACVs. This vessel has traditionally been used to support the transfer of PIIs ashore to Christmas Island. Less frequently it has been used to intercept SIEVs in the vicinity of Flying Fish Cove when an ORV has not been available. The capabilities of this vessel are outlined at Annex 05.

206. Throughout the week beginning 13 December, Marine Standards Staff had reported that they were unable to safely launch or operate either the Wiltrading '640' or 'Port Class' Vessels to pursue practical training objectives. The prevailing weather conditions had prevented this training from proceeding and were substantially in excess of the survey conditions for either vessel. This factor also precluded the use of these vessels from participating in any rescue activities. Any attempt to launch or utilise these vessels to assist with the rescue effort on 15 December in the vicinity of Flying Fish Cove, may have resulted in further injuries or fatalities and would only have served to further complicate the SAR operation. Any decision not to launch these vessels was in accordance with the survey limitations of the vessels and was effective in ensuring the safety of any officer who may have embarked in the vessel, and others who may have been required to respond to ensure their safety.

207. I make no recommendations about the policies and procedures relating to the vessels stationed in Christmas Island. It is outside the terms of reference of this review to make any recommendations about an enduring ocean going SAR capability at Christmas Island.

Use of Life-rafts

208. Life-rafts are provided for the purpose of evacuating a ship, and AMSA requires that a vessel is designed such that personnel should be able to enter the life-raft directly from a ship without getting wet. A life-raft may also be boarded from the water, in the case that ship sinks rapidly and the life-raft is automatically launched via its hydrostatic release. Life-rafts may be towed by a Ship's rescue boat in order to muster all life-rafts together and clear them from the side of a sinking ship.

209. The use of a life-raft on 15 December to provide a focal point, whilst not its designed purpose, represented an attempt by the Enforcement Commander to minimise the time taken by the tenders and RHIBs to recover live people from the water by reducing the return trip from the vicinity of Rocky Point to a 'safe' point. This procedure is not documented, but appears to be a professional decision made by an experienced Marine Enforcement Officer, to maximise the chance of rescuing the largest possible number of survivors from SIEV 221.

210. I make no recommendations about the policies and procedures relating to the deployment of a life raft during the SAR.

JORN

211. The JORN was not being used to support the surface search in the vicinity of Christmas Island on 15 December. Due to the surveillance posture taken on the basis of perceived threat, BPC did not seek JORN support.

212. I make no recommendations in relation to the policies, processes or procedures relevant to the use of this capability.

Communications Equipment

213. A variety of communications equipment was used at Christmas Island to coordinate activities. These included Mobile Telephones, very high frequency (VHF) Marine Radio and ultra high frequency (UHF) Radios. The reported success rate of these communications devices was varied.

Mobile Telephones

214. Mobile telephones were used to respond to the initial sighting and were used substantially by Christmas Island Staff to alert and update various organisations including CNOC, AMSOC and HQJTF639. These devices constituted an appropriate and timely method of communication. A point of note is the non-ruggedised nature of mobile telephone handsets. A point that was amply demonstrated as the Christmas Island Supervisor's phone became waterlogged as he approached the cliffs to provide assistance, and the handset was subsequently rendered unserviceable.

215. Any attempts to use mobile telephones to contact vessels or coordinate tactical activity, were unreliable at best, and subsequently have the potential to cause confusion in some circumstances. A more reliable method of communication between maritime/shore based tactical assets is VHF marine radio.

Very High Frequency Radio

216. VHF marine radio is in common use in the maritime industry, both by ships at sea and port organisations including volunteer marine rescue. It is common practice for all ships and organisations to monitor the distress and calling channel VHF Marine Channel 16. After 1 February 1999, with the automation of the Global Maritime Distress and Safety System (GMDSS) this practice was no longer considered compulsory. After contact is established on Channel 16, parties would normally organise to switch to another channel for ongoing discussion.

217. This method of communication does appear to have been used for on scene coordination between HMAS *Pirie* and ACV *Triton*, however ACV *Triton* reported some difficulties in raising Christmas Island Marine Rescue. Similarly Customs and Border Protection on Christmas Island reported failed attempts to communicate directly with HMAS *Pirie* and ACV *Triton* via VHF radio.

Ultra High Frequency Radio

218. UHF Radio is provided to varying degrees by organisations such as the Navy or Customs and Border Protection to provide effective tactical communications between boats, boarding parties and the ship. These devices allow a Commander to exercise tactical control over assets in a secure manner. Tactical UHF was used to control boats and vector them, where appropriate, to survivors or deceased persons in the water. Customs and Border Protection in Christmas Island reported difficulties in reaching HMAS *Pirie* and ACV *Triton* by UHF Radio.

219. I make no recommendations about communications between vessels as a result of this incident. I do recommend that communication protocols and procedures between Customs and Border Protection at Christmas Island and BPC response vessels should be reviewed.

RECOMMENDATION 7

That communication protocols and procedures between Customs and Border Protection at Christmas Island and BPC response vessels should be reviewed.

Critical incident support for officers

220. On the information available to me the Critical Incident Guidelines, the OHS Risk Management Practice Statement, and associated Counselling and Employee Assistance Program Instruction and Guidelines appear to have been applied to provide support to officers involved in the incident. They were effective in implementing the support at the earliest opportunity given the remote location of the incident.

221. I make no recommendations for remedial changes to the relevant policies, processes and procedures.

222. Given the nature of this incident and the potential for long term impacts on officers directly involved, I recommend the continuation of follow-up activity to monitor the ongoing safety, health and wellbeing of those officers.

RECOMMENDATION 8

That critical incident support follow-up activity continues to monitor the ongoing safety, health and wellbeing of officers directly involved in the incident.

Annex 1 — Terms of reference

Australian Government
Australian Customs and Border Protection Service

CHIEF EXECUTIVE OFFICER

MINUTE PAPER

Acting National Director, Enforcement and Investigations

cc Deputy Chief Executive Officer (Border Enforcement)
Commander Border Protection Command

Internal Review relating to Customs and Border Protection (including Border Protection Command) Actions Relating to SIEV 221

Pursuant to your appointment as an officer of the Australian Customs and Border Protection Service, you are directed to conduct an internal review into the actions of the Customs and Border Protection Service, including Border Protection Command and its assigned Defence assets, relating to the incident now known as SIEV 221.

This internal review is not intended to be a substitute for any detailed external investigation or coronial inquiry.

The primary purpose of the internal review is to produce a narrative of the events, verified by Senior Officials, from the period 24 hours prior to the first sighting to when Customs and Border Protection, including BPC and its assigned Defence assets, ceased its search and rescue operations. This internal review is to identify the effectiveness of internal policy, processes or procedures used to respond to the incident, with a view to recommending whether any immediate remedial changes are required.

The full Terms of Reference for your review are **attached**.

You are to provide a final report on your review to me on or before Friday 24 December 2010. However, if in the course of the review you form the view that meeting this timeframe would compromise the integrity of your report, you should seek advice from me about an appropriate amendment to the timeframe.

In conducting your review and preparing your report, you should be cognizant of the potential for parallel investigations (including coronial or parliamentary inquiries) to be conducted in relation to the incident and are to take all reasonable measures to ensure that there is no conflict between this, and those inquiries.

Appropriate measures should also be taken to ensure that any privileged or confidential material (including national security or intelligence material) is

appropriately handled, including the preparation of confidential or classified annexures to the final report.

Michael Carmody
Chief Executive Officer

17 December 2010

TERMS OF REFERENCE

Introduction

1. On 15 December 2010 a vessel carrying a number of PII foundered on rocks at Rocky Point, near Flying Fish Cove, on Christmas Island. Australian Customs and Border Protection Service (Customs and Border Protection) staff, together with other government officials and civilians acted to rescue personnel from the stricken vessel ('the incident'). Despite best attempts, a large number of fatalities ensued.

2. Under the Minute of Direction, you are directed to conduct an internal review into the actions of Customs and Border Protection including Border Protection Command (BPC) during the incident to identify lessons learned and any immediate remedial actions that need to be made to policy, process or procedures that were used to respond to the incident.

Review Task

3. You are to investigate the facts and circumstances surrounding the response to the incident from the period 24 hours prior to the first sighting to when the Search and Rescue period ceased ('the period'). The review is limited to issues which are within the sole purview of Customs and Border Protection and BPC.

4. You are to:

   a. establish a suitable team from within Customs and Border Protection and BPC, supported where necessary by suitable external personnel;

   b. produce a narrative of events drawn from all available sources for the period, appropriately verified by relevant Senior Officials;

   c. identify the relevant policies, processes and procedures applicable to Customs and Border Protection and BPC response to the incident;

   d. ascertain whether the relevant Customs and Border Protection and BPC policies, processes and procedures were applied during the incident;

   e. ascertain whether the relevant Customs and Border Protection and BPC policies, processes and procedures were effective in responding to the incident;

   f. identify whether any immediate remedial changes to policies, processes and procedures should be considered to improve the response to similar occurrences; and

   g. identify issues that require further investigation or analysis.

5. In conducting your review and preparing your report, you should be cognizant of the potential for parallel investigations (including coronial or parliamentary

inquiries) to be conducted in relation to the incident and are to take all reasonable measures to ensure that there is no conflict between this, and those inquiries. In particular, no finding is to be made in relation to whether any person has or has not committed a criminal offence. If at any stage during the course of your inquiry you or your investigating team form the view that a person is likely to have committed a criminal or disciplinary offence or a breach of the APS Code of Conduct, further advice should be sought from me.

Documentation

6. The following are to accompany your report:

   a. my Minute of Direction;

   b. all source documents used to compile the narrative of events; and

   c. copies of relevant policies, processes and procedures applicable to the response to the incident.

Annex 2 — Consolidated chronology of events, decisions and actions

Annex 2 includes security classified information and is NOT INCLUDED IN THIS VERSION OF THE REPORT.

Annex 3 — Applicable policies, processes and procedures

3.1 Request for submission of relevant policies, processes and procedures

3.2 List of relevant non-national security classified policies, processes and procedures

3.3 List of relevant national security classified policies, processes and procedures.
NOT INCLUDED IN THIS REPORT

Australian Government
Australian Customs and
Border Protection Service

MINUTE

To: Commander, Border Protection Command
National Director, Maritime Operations Support Division
A/g National Director Intelligence and Targeting
A/g National Manager Enforcement Operations

Cc: Chief Executive Officer
Deputy Chief Executive Officer, Border and Enforcement

Internal review relating to Customs and Border Protection Actions relating to SIEV 221

I have been directed by the Chief Executive Officer (CEO) to conduct an internal review into the actions of the Customs and Border Protection Service, including Border Protection Command, relating to the incident now known as SIEV 221. At Attachment A I have included a copy of the Terms of Reference for the review.

The review is to cover the events from the period 24 hours prior to the first sighting to when Customs and Border Protection ceased its search and rescue operations. It is to identify the effectiveness of internal policy, processes or procedures used to respond to the incident, with a view to recommending whether any immediate remedial changes are required. A final report is to be provided to the CEO by Friday 24 December 2010.

In order to complete the review in the required timeframe you are required to provide me with copies of or access to all relevant policies, processes and procedures applicable to the Customs and Border Protection response to the incident by midday Monday 20 December 2010. Please note that appropriate measures will be taken to ensure that any privileged or confidential material, including national security or intelligence material, is appropriately handled.

At Attachment B, I have identified a number of documents which I consider to be of relevance to the review and you are requested to provide these along with any other policies and procedures you consider are applicable.

Sharon Nyakuengama
Acting National Director, Enforcement and Investigations
Australian Customs and Border Protection Service

18 December, 2010

Australian Government
Australian Customs and Border Protection Service

CHIEF EXECUTIVE OFFICER

MINUTE PAPER

Acting National Director, Enforcement and Investigations

cc Deputy Chief Executive Officer (Border Enforcement)
Commander Border Protection Command

Internal Review relating to Customs and Border Protection (including Border Protection Command) Actions Relating to SIEV 221

Pursuant to your appointment as an officer of the Australian Customs and Border Protection Service, you are directed to conduct an internal review into the actions of the Customs and Border Protection Service, including Border Protection Command and its assigned Defence assets, relating to the incident now known as SIEV 221.

This internal review is not intended to be a substitute for any detailed external investigation or coronial inquiry.

The primary purpose of the internal review is to produce a narrative of the events, verified by Senior Officials, from the period 24 hours prior to the first sighting to when Customs and Border Protection, including BPC and its assigned Defence assets, ceased its search and rescue operations. This internal review is to identify the effectiveness of internal policy, processes or procedures used to respond to the incident, with a view to recommending whether any immediate remedial changes are required.

The full Terms of Reference for your review are **attached**.

You are to provide a final report on your review to me on or before Friday 24 December 2010. However, if in the course of the review you form the view that meeting this timeframe would compromise the integrity of your report, you should seek advice from me about an appropriate amendment to the timeframe.

In conducting your review and preparing your report, you should be cognizant of the potential for parallel investigations (including coronial or parliamentary inquiries) to be conducted in relation to the incident and are to take all reasonable measures to ensure that there is no conflict between this, and those inquiries.

Appropriate measures should also be taken to ensure that any privileged or confidential material (including national security or intelligence material) is

appropriately handled, including the preparation of confidential or classified annexures to the final report.

Michael Carmody
Chief Executive Officer

17 December 2010

TERMS OF REFERENCE

Introduction

1. On 15 December 2010 a vessel carrying a number of PII foundered on rocks at Rocky Point, near Flying Fish Cove, on Christmas Island. Australian Customs and Border Protection Service (Customs and Border Protection) staff, together with other government officials and civilians acted to rescue personnel from the stricken vessel ('the incident'). Despite best attempts, a large number of fatalities ensued.

2. Under the Minute of Direction, you are directed to conduct an internal review into the actions of Customs and Border Protection including Border Protection Command (BPC) during the incident to identify lessons learned and any immediate remedial actions that need to be made to policy, process or procedures that were used to respond to the incident.

Review Task

3. You are to investigate the facts and circumstances surrounding the response to the incident from the period 24 hours prior to the first sighting to when the Search and Rescue period ceased ('the period'). The review is limited to issues which are within the sole purview of Customs and Border Protection and BPC.

4. You are to:

   a. establish a suitable team from within Customs and Border Protection and BPC, supported where necessary by suitable external personnel;

   b. produce a narrative of events drawn from all available sources for the period, appropriately verified by relevant Senior Officials;

   c. identify the relevant policies, processes and procedures applicable to Customs and Border Protection and BPC response to the incident;

   d. ascertain whether the relevant Customs and Border Protection and BPC policies, processes and procedures were applied during the incident;

   e. ascertain whether the relevant Customs and Border Protection and BPC policies, processes and procedures were effective in responding to the incident;

   f. identify whether any immediate remedial changes to policies, processes and procedures should be considered to improve the response to similar occurrences; and

   g. identify issues that require further investigation or analysis.

5. In conducting your review and preparing your report, you should be cognizant of the potential for parallel investigations (including coronial or parliamentary

OBJECT ID - AF945075

inquiries) to be conducted in relation to the incident and are to take all reasonable measures to ensure that there is no conflict between this, and those inquiries. In particular, no finding is to be made in relation to whether any person has or has not committed a criminal offence. If at any stage during the course of your inquiry you or your investigating team form the view that a person is likely to have committed a criminal or disciplinary offence or a breach of the APS Code of Conduct, further advice should be sought from me.

Documentation

6. The following are to accompany your report:

   a. my Minute of Direction;

   b. all source documents used to compile the narrative of events; and

   c. copies of relevant policies, processes and procedures applicable to the response to the incident.

OBJECT ID - AF945075

Attachment B: Required documentation to assist with SIEV 221 Internal Review

The following documentation has been identified as necessary for the purposes of the Internal Review by the Reviewing Officer. This list is not intended to be exhaustive and other documentation should be identified and provided where relevant:

Defence

- Boarding procedures (as per ABR 1920);
- Maritime patrol directives;
- OPSTAT unit;
- OPREPS and OPSUM Feeders for the period 24 hours prior to the first sighting to when search and rescue operations were ceased;
- OPREP for SIEV 220 and SIEV 221;
- PII REP for SIEV 220;
- Report detailing vessel position for period 24 hours prior to the first sighting to when search and rescue operations were ceased, and a separate report focussed on period from 0500-1000 (local time) 15 Dec 2010, including screen captures from the Navigational Data System;
- Any specific documentation (policies, processes and procedures) pertaining to steaming party composition;
- Any specific documentation (policies, processes and procedures) pertaining to management of sea dumping at Christmas Island;
- Any specific documentation (policies, processes and procedures) pertaining to collection and quarantine of evidence for SIEV boarding;
- Any specific documentation (policies, processes and procedures) pertaining to ACPB operations in heavy sea states;
- Marine link report detailing machinery status and alert indications for period;
- Any specific documentation (policies, processes and procedures) pertaining to management and rectification of equipment malfunctions or breakdowns;
- Any specific documentation (policies, processes and procedures) pertaining to the SAR tasking of P3 aircraft and aircraft flight plans;
- Any specific documentation (policies, processes and procedures) pertaining to the use of ship's radars, including capability documentation if relevant; and
- Any specific documentation (policies, processes and procedures) pertaining to patrol posture.

Customs and Border Protection – Maritime Operations Support Division

- Relevant chapters of Southern Ocean Maritime Patrol and Response Standard Operating Procedures, including but not limited to:
    - Operations Logs;
    - Critical Incident Management;
    - Seized Vessel Logistics;
    - Physical and Personal Security Policy;
    - Command, Control and Communications;
    - Death of IUU Crew Member;
    - Custodial Facility on board the CCV;
    - Intel Support;
    - Communications;

    - Security;
    - Command and Control; and
    - Tender Operations.
- Any specific documentation (policies, processes and procedures) pertaining to management of sea dumping at Christmas Island;
- Any specific documentation (policies, processes and procedures) pertaining to collection and quarantine of evidence for SIEV boarding;
- Any specific documentation (policies, processes and procedures) pertaining to operations in heavy sea states;
- Any specific documentation (policies, processes and procedures) pertaining to the use of ship's radars, including capability documentation if relevant;
- Any specific documentation (policies, processes and procedures) pertaining to management and rectification of equipment malfunctions or breakdowns;
- Any specific documentation (policies, processes and procedures) pertaining to regarding patrol posture;
- Any documentation pertaining to capability limitations in relation to AMSA certification, particularly where relevant to the carriage of transportees and subsequent limitations to the operational environment;
- Any relevant Marine Unit Notices;
- Any specific documentation pertaining to ACV *Triton* tender operations;
- Any specific documentation pertaining to operating procedures for managing the safety and security of PII onboard;
- Report detailing vessel position for period 24 hours prior to the first sighting to when search and rescue operations were ceased, and separate report focussed on period from 0500-1000 (local time) 15 Dec 2010, including screen captures from any electronic navigational systems if available.

<u>Customs and Border Protection – Intelligence and Targeting Division</u>

- Any specific documentation (policies, processes and procedures) pertaining to the collection, collation, analysis, assessment and dissemination of intelligence information regarding people smuggling ventures during the period identified in the Internal Review Terms of Reference.
- The Daily Maritime People Smuggling Threat Status reports for 14 and 15 December 2010.

<u>Customs and Border Protection – Customs National Operating Centre</u>

- Any specific documentation (policies, processes and procedures) pertaining to critical incident management guidelines, including:
    - Critical incident record sheets;
    - Critical incident response supporting document;
    - Checklist;
    - Contacts List; and
    - Running Sheet.
- CNOC SMS protocols advice;
- Any specific documentation (policies, processes and procedures) pertaining to Customs operational command principles.

Customs and Border Protection – District Office Christmas Island

- Any specific documentation (policies, processes and procedures) pertaining to reporting of SIEV arrivals at Christmas Island to Customs and Border Protection;
- Any specific documentation (policies, processes and procedures) pertaining to transfer of custody of PII at Christmas Island;
- Any specific documentation (policies, processes and procedures) pertaining to Christmas Island harbour procedures, with particular reference to authority and procedures for closing the harbour in heavy sea states; and
- Any specific documentation (policies, processes and procedures) pertaining to intra-agency communication of SIEV arrivals at Christmas Island.

Border Protection Command

- OP RESOLUTE OP ORDER and any relevant FRAGOs;
- Any specific documentation (policies, processes and procedures) pertaining to command and control of assets assigned to BPC;
- Any specific documentation (policies, processes and procedures) pertaining to coordination and content of in chop, out chop briefs with RTS elements;
- Any specific documentation (policies, processes and procedures) pertaining to the deployment of BPC surveillance and response assets;
- Any specific documentation (policies, processes and procedures) pertaining to notification and reporting of contacts of interest and SIEV arrivals internally and externally to other government agencies;
- Any specific documentation (policies, processes and procedures) pertaining to command and control arrangements between BPC and AMSA in the event of a maritime search and rescue operation;
- Any specific documentation (policies, processes and procedures) pertaining to the collection, collation, analysis, assessment and dissemination of intelligence information regarding maritime security threats during the period identified in the Internal Review Terms of Reference;
- Any specific documentation (policies, processes and procedures) pertaining to the destruction of SIEVs at sea;
- Any specific documentation relating to AMSOC operations, including:
    - Conduct of surveillance operations;
    - AMSOC briefing regime;
    - Retrieval of NOTAMS and weather;
    - Surface response vessel update messages SOP;
    - CWCSS and Wyvern log entries SOP;
    - Standard Format Missions briefs I&G;
    - BPC Planning and operational responsibilities while an ACV is under BPC OPCON I&G;
    - Vessel of interest I&G;
    - Defence messaging;
- Any specific documentation relating to Operations Section operations, including:
    - Crew hours I&G;
    - Minimum crew requirements I&G;

- SIEV/COI actions I&G;
- Release of ACVs for SAR I&G;
- ACV Tasking I&G;
- Surface Response Vessel Update Messages I&G.

List of relevant non-national security classified policies, processes and procedures

CATALOGUE REFERENCE	DOCUMENT
BPC003	Deployment of BPC Surveillance and Response Assets
BPC004	Procedure for notification and reporting of COI's
BPC005	C2 between AMSA and BPC for maritime SAR (DRAFT)
BPC007	Destruction of SIEVs at sea
BPC019	SIEV/COI actions
BPC020	Release of ACVs for SAR
BPC021	ACV tasking
BPC022	Surface response vessel message SOP
BPC026	Commander Statement of Intent
BPC027	SIEV Notification Flowchart
BPC028	COI Notification Flowchart
CI02	Joint Letter Of Agreement (JLA) Concerning Procedures Relating To The Reception and Transfer of Irregular Maritime Arrivals at Christmas Island
CNOC01	CNOC Critical Incident Response I&G
CNOC02	CNOC Critical Incident Checklist
CNOC05	July 2008 Critical Incident Guidelines
CNOC06	MOSD Critical Incident Guidelines
CNOC10	Principles Governing Customs Operations
CNOC22	Referral Contacts for Information Dissemination
D069	ABR 1977 – Safety of life at sea equipment manual
DEF016	Customs Marine Unit Notice 02-2008: Customs C2 framework
MOSD01	AMSA Exemption
MOSD02	Email - Supporting material for exemption to carry 108 persons in Triton
MOSD03	Record of Triton Safety Equipment
MOSD16	SOMPRU – Critical Incident Management
MOSD26	SOMPRU – OH&S Medical Aspects
MOSD28	SOMPRU – Sothern Ocean Tactical Boarding Procedures
MOSD34	SOMPRU – Death of IUU Crew Member
MOSD36	SOMPRU – Command, Control and Communications
MOSD43	SOMPRU – Command and Control
MOSD55	SOMPRU – Southern Ocean Tender Operations
MOSD62	TRITON – Shipboard Safety Procedures Manual
MOSD65	TRITON – Emergency Contingency Manual
MOSD71	Procedures and Guidelines for Masters and Group Commanders
MOSD82	Email: CSO PB Group – HMAS Pirie Safety Equipment
MOSD83	MOSD Critical Incident Management Committee Minutes
MOSD84	Record of STCW training for Marine Enforcement Officers
MOSD85	Record of STCW training for Gardline crew

Annex 4 — The Intelligence process

National Security classified documents relevant to assessment of prior knowledge of the existence of the vessel and and its voyage. NOT INCLUDED IN THIS VERSION OF THE REPORT

Annex 5 — Assets and capability

HMAS PIRIE CAPABILITY AND LIMITATIONS

SHIP

- Length: 56.8m
- Beam: 9.5m
- Displacement: 305 tonnes
- Maximum Speed:
  - 2 Engines: 25 knots
  - 1 Engine: 15 knots
- Ecomomical Speed: 12-16 knots
- PII capacity: 35 (normal operating conditions)
- Crew Size: 21
- Max Operational Sea State: Sea State 4
- Surveillance Sensors:
  - Radar: Bridgemaster X-Band Surface Search & Navigation Radar
  - Toplite Electro Optical Surveillance System
  - Prism III Radar Warning System
  - Warrlock Direction Finding Electronic Support System

Rigid Hull Inflatable Boats (RHIB)

- No of RHIBs 2 x Zodiac 733 Hurricane
- Size of RHIB: 7.2m
- Propulsion: Diesel - Jet propelled
- Maximum capacity:
  - Normal conditions: 16
  - Rough weather: 10
  - Emergency: 25

- Maximum Speed: 25 knots fully loaded in Sea state 4
- Maximum Speed for launch: 10 knots
- Maximum Sea State for launch:
  - Normal Operations: Sea State 4
  - Critical Operations: Sea State 6
- Maximum Sea State for operations:
  - Normal Operations: Sea State 4
  - Critical Operations: Sea State 6

ACV TRITON CAPABILITY AND LIMITATIONS

SHIP

- Length: 98m
- Beam: 22.5m
- Displacement: 2236 tonnes
- Maximum Speed:
  - 2 Engines: 20 knots
  - 1 Engine: 12 knots
- Ecomomical Speed: 10-14.5 knots
- PII capacity: 68 (normal operating conditions)
- Crew Size:
  - 14 Gardline Crew for ship operation
  - 20 Marine Enforcement Officers for Law enforcement
- Max Operational Sea State: Sea State 4 (Survivable to Sea State 8)
- Surveillance Sensor:
  - Radar: Bridgemaster X-Band Surface Search & Navigation Radar

Customs Response Tenders (CRT)

- No of RHIBs 2 x Norsafe 850
- Size of RHIB: 8.5m
- Propulsion: Twin 233hp diesel - Jet propelled
- Maximum capacity:
  - Normal conditions: 12 (Coxswain, Bowman + 10 BP)
- Maximum Speed: 38 knots 3 personnel embarked
- Maximum Speed for launch: 6 knots
- Maximum Sea State for launch: Sea State 4
- Maximum Sea State for operations: Sea State 4

Port Class TV13 CAPABILITY AND LIMITATIONS

SHIP

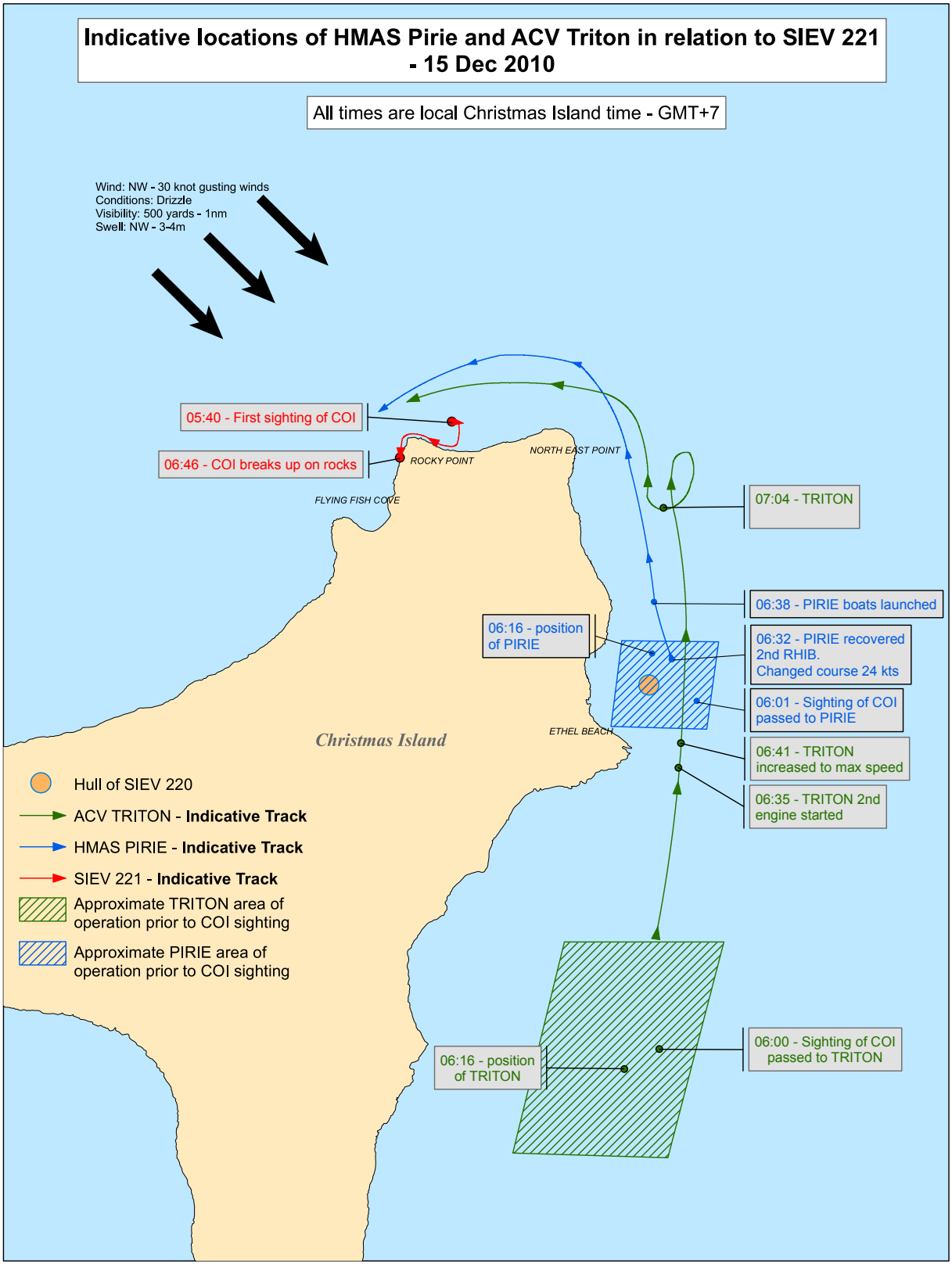
- Length: 6.59m
- Beam: 2.50m
- Displacement: 1,630kg
- Maximum Speed:
  - 2 Engines: 200hp
- Economical Speed: 37.3 knots
- PII capacity: 4 (normal operating conditions)
- Crew Size: 6 (including a minimum of 2 crew)
- Max Operational Sea State: Smooth and partially smooth waters operations as defined in Part B of the NSCV, with no more than 6 people on board, whilst operated by a Commonwealth Authority.
- Definitions
  - **smooth waters—** waters where the significant wave height does not exceed 0.5 m from trough to crest for at least 90 per cent of the time.
  - **partially smooth waters**— waters where the significant wave height does not exceed 1.5 m from trough to crest for at least 90 per cent of the time.

Wiltrading 640 (Hull ID 68) CAPABILITY AND LIMITATIONS

SHIP – Customs Response Tender (CRT)

- Length: 6.4m
- Beam: 2.2m
- Displacement: 1450kg
- Maximum Speed:
  - 2 Engines: 35 knots
- Crew Size: 8 (including a minimum of 2 crew)
- Max Operational Sea State: Sea State 3

Annex 6 — Indicative locations of HMAS *Pirie* and ACV *Triton* in relation to SIEV 221 – 15 December 2010



Annex 7 — Definitions and terms

Time

G	Golf Time (local time at Christmas Island)	UTC + 7 Hours
AEDST	Australian East Daylight Saving Time	UTC + 11 Hours

Yards to Metres Conversion

YARDS	METRES
1 yard	0.9144m
100 yards	91.4400m
200 yards	182.8800m
400 yards	365.7600m
800 yards	731.5200m

Glossary

ACV	Australian Customs Vessel
ADF	Australian Defence Force
AFMA	Australian Fisheries Management Authority
AFP	Australian Federal Police
AMSA	Australian Maritime Safety Authority
AMSOC	Australian Maritime Security Operations Centre
AOC	Acting Officer of Customs
AQIS	Australian Quarantine and Inspection Service
BPC	Border Protection Command
CIM	Critical Incident Management
CNOC	Customs National Operations Centre
CO	Commanding Officer
COI	Contact of Interest
CoST	Certificate of Safety Training
DM	District Manager
DNV	Det Norske Veritas
E&I	Enforcement and Investigations Division
EEZ	Exclusive Economic Zone
EOP	Enforcement Operations Officer
GAMSA	Guide to Australian Maritime Security Arrangements
GMOSS	Global Maritime Distress and Safety System
HMAS	Her Majesty's Australian Ship
HQJOC	Headquarters Joint Operations Command
HQJTF	Headquarters Joint Task Force
I&G	Instructions and guidelines
ICC	Incident Coordination Centre
IFF	Illegal Foreign Fishing
IMA	Irregular Maritime Arrival
ISMC	International Safety Management Code
JORN	Jindalee Operational Radar Network
MEO	Maritime Enforcement Officer

Glossary *(continued)*

MOSD	Maritime Operations Support Division
NMC	National Monitoring Centre
OGA	other government agencies
OH&S	Occupational Health and Safety
ORV	Operational Response Vessel
PII	Potential Irregular Immigrants
P&P	People and Place
POB	Persons on Board
PSIAT	People Smuggling Intelligence Analysis Team
RCC	Rescue Coordination Centre
RHIB	Rigid Hull Inflatable Boat
SAR	Search and Rescue
SIEV	Suspected Irregular Entry Vessel
SOLAS	Safety of Life at Sea
STCW	Standards of Training and Watchmaking for Seafarers
TSE	Transit Security Element
UHF	Ultra High Frequency
VHF	Very High Frequency
WAPOL	Western Australia Police

PART 3 PROGRESS OF THE RECOMMENDATIONS OF THE AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE INTERNAL REVIEW OF SIEV 221

1. Work commenced on the implementation of the Customs and Border Protection SIEV 221 Internal Review's eight recommendations immediately following its release on 24 January 2011. The recommendations broadly formalise lessons learnt from actions taken in response to the events of 15 December 2010. Table 1 contains a list of the eight recommendations contained in the Review.

2. A SIEV 221 Internal Review Implementation Task Force is overseeing implementation of the recommendations to ensure that all necessary actions are implemented by 30 June 2011. In the case of Recommendation 2 the report on the radar trial will extend beyond this deadline as the field testing continues until 30 June 2011.

3. A report on the status and progress achieved against the recommendations follows.

Recommendations

Recommendation 1
That, as part of the normal BPC operational planning cycle, the operational polices, processes and procedures informing the posture of assets be reviewed in light of the current number of irregular maritime arrivals.

Recommendation 2
That the trial of a land based radar surveillance system of the northern maritime approaches to Christmas Island be completed and considered as a priority.

Recommendation 3
That the current arrangements for reporting of incidents (including sightings of COIs other than by BPC assets) to the Customs National Operations Centre (CNOC), and CNOC's responsibilities for transferring information of relevance to AMSOC's responsibilities, be confirmed and reinforced.

Recommendation 4
That, in collaboration with relevant agencies, specific procedures be developed, documented and exercised for dealing with SIEVs arriving directly at Christmas Island in severe weather conditions.

Recommendation 5
That both an officer level de-brief of this incident and ongoing desktop activities be conducted to further enhance interagency command and control capabilities relevant to such an incident.

Recommendation 6
That the procedural documentation for tender operations in ACV *Triton* be revised.

Recommendation 7
That communication protocols and procedures between Customs and Border Protection at Christmas Island and BPC response vessels should be reviewed.

Recommendation 8
That critical incident support follow-up activity continues to monitor the ongoing safety, health and wellbeing of officers directly involved in the incident.

TABLE 1

RECOMMENDATION 1

That, as part of normal BPC operational planning cycle, the operational policies, processes and procedures informing the posture of assets be reviewed in light of the current number of irregular maritime arrivals.

Status – implemented

Background

1. BPC has a range of policies, processes and procedures which are regularly reviewed and updated. These reviews and updates occur as part of the normal business cycle and are informed by post mission reports and experiences with surveillance and interdiction across all threats.

Normal Operational Planning Cycle

2. To provide context, it is worth considering the current planning for the posture of assets which occurs through the Operational Planning Cycle.

3. In order to achieve the optimal usage of BPC's finite assets, BPC maintains a structured operations planning process. Planning is a quarterly process set against the backdrop of available intelligence, strategic guidance (derived from capability development processes, Government priorities and broader threats) as well as being linked to the available surveillance and response assets.

4. Central to the planning process, a quarterly surface asset response and aerial surveillance programme is developed, which commences three months in advance of intended operations.

5. Once developed the quarterly surface asset response and aerial surveillance programme is reviewed as the operational date gets closer to ensure changes to the above factors are considered.

6. It is through this current planning process that BPC fine tuned asset deployment to facilitate the additional aerial surveillance around Christmas Island.

Immediate Response

7. In response to the incident at Christmas Island and the Customs and Border Protection Internal Review, BPC revised its current quarterly asset disposition plan and made a number of changes. These were also taken forward and encapsulated in later quarterly disposition plans.

8. The changes made through the normal Operational Planning Cycle included building in greater flexibility (within contractual limitations) for the planning of aerial surveillance deployments, by making changes to the mix of aircraft undertaking surveillance in some areas to release

AP-3C surveillance capability to undertake increased flights to Christmas Island.

9. These changes remain subject to the available assets as outlined in the Internal Review and are made by accepting greater risk of undetected illegal activity elsewhere in the maritime domain.

Future Planning Process (Review of current Operational Planning Cycle)

10. The intent of this recommendation was to give consideration to reviewing the posture of assets in the normal BPC planning process, which has been done, and changes were made to asset posture.

11. However, additional work to enhance the planning process had already commenced as part of a process of regular business improvement undertaken by BPC.

12. This work will further enhance and refine the overall planning context and process, outlined in paragraphs 2 to 6 above. The refinements will build on lessons learnt by BPC and on contemporary practices and information. This consolidation will deliver a planning process that will:

    a. provide a rolling structure to planning to enable the process to be more responsive to operational feedback;
    b. improve up front planning by ensuring all guidance is included in the asset planning process; and
    c. further enhance the integration of assets to deliver the stated outcomes.

RECOMMENDATION 2

That the trial of a land based radar surveillance system of the northern maritime approaches to Christmas Island be completed and considered as a priority.

Status – the field testing phase of the trial and site remediation will be completed by 30 June 2011, with completion of the evaluation report extending beyond this deadline (scheduled for 1 August 2011).

Background

1. Work on the concept for a radar trial at Christmas Island began in July 2010, as a measure to assess whether a radar on Christmas Island would enable Border Protection Command to better manage its asset disposition in this area.

2. It was considered however, that radar surveillance may have limited capability, particularly in high seas and bad weather. The trial was established to test assumptions about the benefits and limitations of such an approach to surveillance.

3. The field testing phase of the trial began in early February 2011 and will conclude with site remediation by 30 June 2011.

Aim

4. The Christmas Island radar trial is to evaluate the operational contribution of a marine surveillance radar, sited on Christmas Island and remotely operated and monitored, to enable the effective management of illegal maritime activity, in particular IMAs. This involves identifying small wooden boats in the waters surrounding Christmas Island, particularly in very heavy seas.

DSTO Engagement

5. As part of the Defence Science and Technology Organisation's (DSTO) standing commitment to provide analysis and direct technical support to ongoing Defence operations, Commander BPC was able to access support from DSTO to assess the utility of a microwave radar on Christmas Island.

6. Following discussions with DSTO specialists from 12 August 2010, a formal Operational Science and Technology Support Request was raised on 31 August 2010 to determine the feasibility of a microwave radar on Christmas Island.

7. The Electronic Warfare and Radar Division of DSTO Edinburgh undertook a feasibility review and provided a report which recommended that:

   a. a representative trial undertaken to valid detection parameters may be the most cost effective way ahead;

   b. of the two radar frequencies (S and X band) used commercially there were strengths and weaknesses for each and neither was conclusively better; and

   c. to obtain a better understanding of the environment on Christmas Island it may be possible to use an existing DSTO navigation radar as part of the trial.

8. DSTO was able to loan existing equipment to BPC for the purposes of the trial, utilising two radars: one radar being a 30kW, S band (3050 MHz) Furuno marine radar and the other a 25kW, X band (9410 MHz) Furuno marine radar. Both these radars are indicative of any commercially available radar which could be installed permanently and, as such, all results obtained on detection characteristics could be scaled accordingly to assess the utility of other systems.

Comparison between S and X Band Radars

X Band Marine Surveillance Radars operate at a frequency of 9410 MHz (a wavelength of 3.2 cm), and S Band Marine Surveillance Radars operate at a frequency of 3050 MHz (a wavelength of 9.8 cm).

As a result for the same length antenna, the beam width for S band is three times that of X band (a 1 degree beam requires a 2.3m antenna for X and a 6.9 m antenna for S). This also means that S band antennae are bulkier and heavier than X band ones.

As X band has a smaller wavelength than S band, any object will return more energy for X than S – it is as if objects “appear bigger” the smaller the wavelength.

On the other hand X band is much more attenuated in rain than S band. So in bad weather, S band will give longer propagation distances. As Christmas Island is prone to lengthy spells of rain, this is a significant disadvantage for long range detections.

9. The information from the radars needs to be made available to operational staff to seek feedback of the utility of the data. As well, the process of including the radar data into the current maritime information management system would need to be examined.

Aspects of Trial Preparation

10. The two key areas of concern that needed further investigation were the selection of a suitable site to erect the radars and the extent of the communications infrastructure on the island to allow transfer of radar data to and from the mainland.

11. In planning for this trial, a conscious decision was taken to use the current island infrastructure as much as possible (to ensure maximum local support for any follow on installation). This has had significant issues for data communication, as the local internet service provider has a very low bandwidth communication uplink – which is used for radar data transfer to the mainland.

12. Depending on the outcomes of the radar trial, a business case would then be developed to address the establishment of a permanent radar installation on Christmas Island.

Site Selection

13. Technically qualified representatives from Customs and Border Protection and DSTO undertook a visit to Christmas Island 22-29 September 2010 to assess possible sites for the radar trial.

14. The following criteria were used for site selection:

    a. height above Sea Level (greater than 180m, for radar horizon greater than 30nm);

    b. unobstructed view of +/- 90 degrees facing North;

    c. availability of power; and

    d. available road access to allow site preparation and radar installation.

15. Following consultations with the Administrator, Indian Ocean Territories; the Chief Executive Officer, Shire of Christmas Island; Manager – Indian Ocean Territories Power Authority; and other Government officials on Christmas Island, eight sites were assessed, some of which had existing communications antennae present, while others were bare land.

16. The final position of the site is shown in Attachment 2 figure 1. This site:

    a. is 240 m above sea level (radar horizon of 35 nm);

    b. has a reasonable view West to Flying Fish Cove and East to North East Point, with a radar elevation of 6 metres above the ground (Attachment 2 figure 2);

    c. had a power line about 70 metres from the site; and

    d. the site is bounded by an access road.

Shire Council Approval

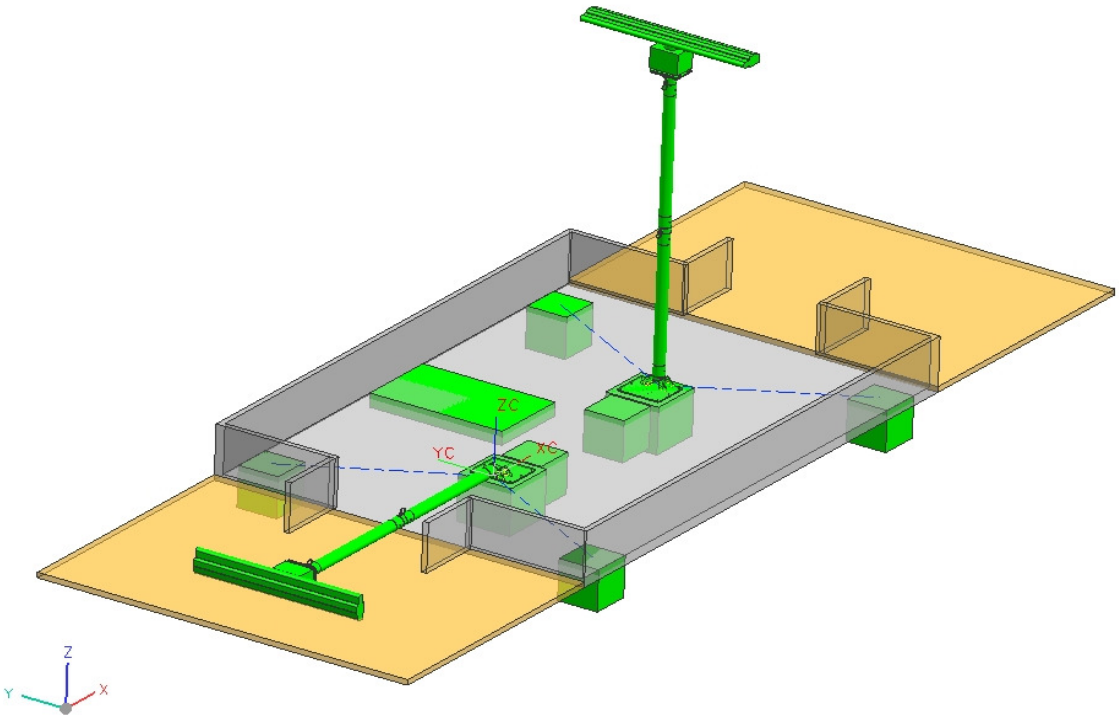
17. Although initial discussions with Council staff on 27 September 2010 indicated that approval would be obtained quickly, formal permission to undertake the trial on Shire land was not agreed by the Shire Council until their meeting of 23 November 2010. It was agreed that the radars used for the trial and all equipment would be removed by 30 June 2011.

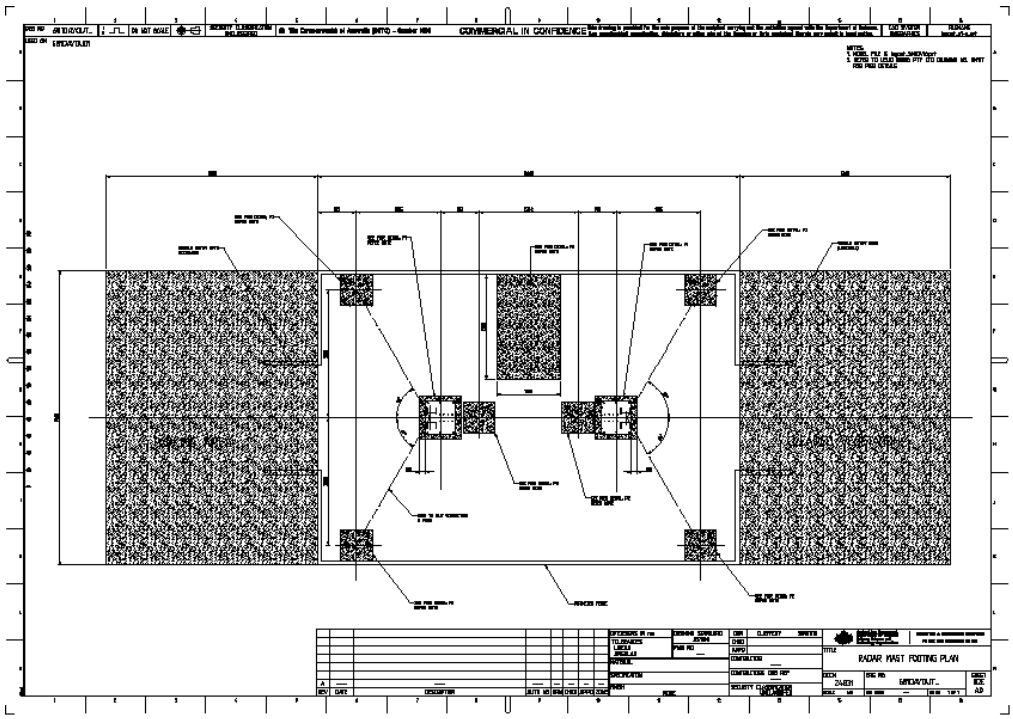
ACMA Licences

18. The Australian Communications and Media Authority (ACMA) approved two licenses (1930098 and 1930099) on 20 October 2010 for the operation of each radar to transmit from the northern point of Christmas Island.

Construction of Masts

19. The Scientific and Engineering Services of DSTO Edinburgh have managed the technical design and manufacture of all aspects of the physical structure of the radar installation. They also contracted a civil engineering firm to design the concrete footings and calculate the loadings. The following diagrams outline the designs:





Trial Site Preparations

20. The excellent support of the then Attorney-General's Department (AGD) (now Department of Regional Australia, Regional Development and Local Government) administration staff facilitated a number of tasks to be carried out at the trial site:

    a. the removal of low scrub over the site to allow access and ease of movement;

    b. the digging and pouring of reinforced footings (to specifications provided by DSTO) for each mast base and for the bases of each of the six guy wires maintaining stability in high winds;

    c. the Power Authority originally planned to install three power poles and run a single 240 volt line to the radar site. In the end they, installed two poles, ran a three phase, 11Kilovolt line and used a $20,000 transformer to provide the site with power.

Transporting the Radars to Christmas Island

21. The heaviest radar component weighed 140Kg and the longest radar piece was 3 metres. The following is the inventory of components:

Item	Description	Weight (Kg)	L x W x H (m)	Volume (m3)	Comments
1	Pallet of Masts	450	3 x 1.5 x 0.7	3.15	Consolidation of 50 parts
2	Box of Electronics	60	0.9 x 0.55 x 0.4	0.20	Electronics – do not twist
3	Box of Electronics	60	0.9 x 0.55 x 0.4	0.20	Electronics – do not twist
4	Box of Electronics	60	1.1 x 0.55 x 0.4	0.28	Electronics – do not twist
5	Box of Electronics	50	0.82 x 0.65 x 0.4	0.24	Electronics – do not twist
6	Rack Unit	120	2.0 x 0.9 x 0.6	1.10	Big and Heavy
7*	Radar Gearbox (S)	140	1.05 x 0.45 x 1.0	0.48	Lift off pallet by central lug
8*	Radar Gearbox (X)	55	0.55 x 0.45 x 1.0	0.25	Lift off pallet by central lug
9	Radar Antenna (S)	20	3.1 x 0.25 x 0.5	0.40	Long and Fragile
10	Radar Antenna (X)	10	2.1 x 0.15 x 0.3	0.10	Long and Fragile
11*	Box of Trial Equipment	40	0.84 x 0.57 x 0.38	0.20	Not Fragile
12*	Component for Rack	16	0.8 x 0.5 x 0.2	0.08	Small and Heavy
Total		**1095 Kg**		**6.68 m3**	

22. The initial aim was to transport all the components by commercial cargo, but the shipping service was not regular and would have required the goods to be moved to Perth within two days to make the next sailing. The cargo contract with AGD was changed in late November to make shipments more regularly, but the new arrangements required all items to weigh less than 50kg and be shorter than 2m. Thus the original shipping schedule of 6 December 2010 was no longer possible. Revised arrangements were put in place when Defence's Joint Movement Group was able to organise (over the Christmas break) a charter flight which moved all radar equipment to Christmas Island on 12 January 2011.

Radar Commissioning

23. A team of four people over 11 days, from Thursday 27 January to Tuesday 8 February 2011, installed and commissioned both radars, the computer systems, the signal processing software and the internet network.

Radiation Hazard (Radhaz) measurement

24. As part of the legal requirements for commissioning any system which transmits electromagnetic radiation, a Radhaz measurement must be undertaken on the site. The interim Radhaz report is at Attachment 1.

Connecting internet

25. So the radar could be monitored on a continual basis in BPC Headquarters in Canberra there was a need to put the radar data on a web page, and a link to the local internet service provider (ISP) had to be established. This required a significant effort on behalf of the ISP staff to rig up antennae and cabling to help the radar team establish a reliable virtual private network. A reliable communication link through the Christmas Island internet service has been established, but this still suffers from the limited bandwidth of the communication up link back to the mainland. To date this link has been acceptable, however the message traffic has been made purposely small.

Radar Measurements to Date

26. The radar picture of the marine environment around Christmas Island is extremely complicated, as it results from a range of objects including waves, clouds and birds, as well as vessels. Simply detecting an object with the radar is not sufficient to identify it as a small boat. Sophisticated software is necessary to analyse the radar signal and determine if the object is travelling at a constant speed and in a single direction – this is tracking the object. Only by tracking the radar targets over several minutes can small vessels be detected in heavy seas.

27. In calm seas, both radars have detected a large merchant vessel out to the radar horizon – the theoretical limit of detection for radars at this height which is 35 nautical miles (nm). However it should be noted that this detection involved the radar tracking the vessel from the time it left port at Christmas Island to the limits of the radar capability. This does not necessarily suggest that the radar would have detected the vessel out at 35 nm unalerted.

28. As well, the small rigid hull inflatable boats (RHIB) used by Armidale Class Patrol Boats have been monitored out to distances greater than 10 nm using the ACPB as a reference point. Again there is no guarantee this could be achieved without being alerted.

29. To date (early April 2011), no SIEVs have been detected, but, on two occasions after SIEVs were apprehended, a subsequent analysis of the raw radar data showed that each was seen by the radars even though the detection and tracking software was not able to identify the contacts as a vessel. These sightings occurred in relatively calm seas (low to moderate Sea State and insignificant to low swell) and good weather conditions. The effectiveness of this software is a critical aspect of any remotely operated radar. The software incorporated in the trial radars is being constantly improved and will be updated during a visit to Christmas Island in late April.

30. Radar performance in heavier seas will be assessed in a subsequent test program using calibrated radar targets. This will commence in late May and will provide a baseline to assist the performance specification of any follow-on system.

Future Trial Activity

Radar System Update

31. The DSTO team of five people updated the system from 9-16 April 2011. They made changes to the computer systems, the signal digitizers, the radar electronics and the software. As well, they recorded all the data stored on the system hard drives.

32. These changes should allow more reliable analysis of the raw radar data and improve the speed of the tracking algorithm. The data web site should become more reliable, with fewer update problems.

Radar Operational Test

33. In the second half of May, BPC will undertake a detection and tracking evaluation of the radars over the course of 10 days. Using calibrated radar targets, a series of planned measurements (both static and towed) will be undertaken.

34. These measurements will provide a performance baseline for a range of environmental conditions. This can be used to assess the effectiveness (of detection and tracking software performance) of different radar systems.

Attachment 1 – Radiation Statement

Interim Statement of Radiation Safety

Site: Christmas Island, BPC Radar trial site, Quarry Road, (10 deg, 25.484' S, 105 deg 41.415' E).
Date: 8th Feb, 2011
Author: David Merrett
This document provides an initial statement of radiation safety and description of measurements made at the site. It is intended to provide an immediate validation of the radiation safety at the radar site, prior to a more comprehensive report.

Site:

The site that was measured has recently had 2 Furuno radars installed by the Dept. of Defence, operating at frequencies of 3.05 GigaHertz ('S-Band'), and 9.41 GigaHertz ('X-Band').

The safety standard applied is that created by the Australian Radiation Protection And Nuclear Safety Authority. (ARPANSA). This states that for average-limited radars at given operating frequencies, the maximum allowed average Radio frequency (RF) power exposure level is $10 W/m^2$.

Equipment:

- NARDA Broadband field meter. Model NO. NBM500.Calibration Date: 24/9/2009
- Measurement probe: EF1891, calibration date: 22/9/2009

Person conducting measurement :

David Merrett. (Certified Radio Frequency Radiation Safety Officer, DSTO, Department of Defence).

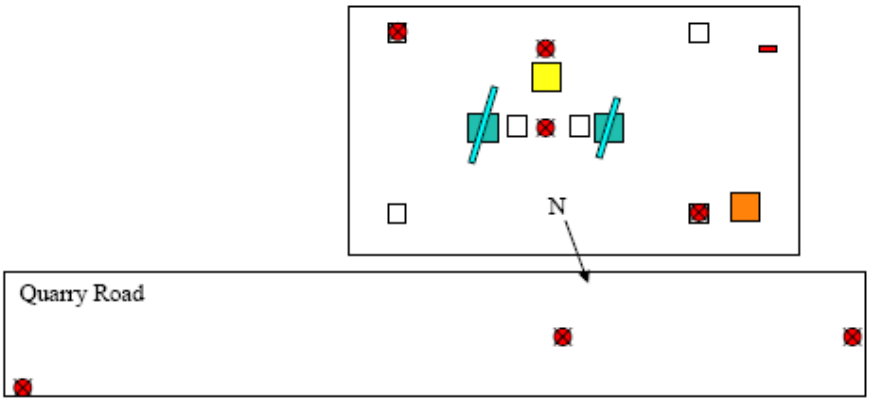


Figure 1 Approximate Layout of site

Summary of measurements:

- Seven measurements were made at the locations indicated by red, crossed circles.
- ALL measurements were under 0.6 W/m^2. This represents 6% of the ARPANSA maximum allowed public safe limit.
- In other words, the radiation levels are safe. The maximum public safe limit is approximately 16 times more than radiation produced at the radar site.

A comprehensive RADHAZ report for this site shall be produced on or before March 15th 2011.

Signed_____
David Merrett
Radio Frequency Radiation Safety Officer,
EWRD, Defence Science and Technology Organisation.
Ph: (08) 7389 5622

Friday, 11th Feb , 2011.

Attachment 2 – Trial Site location

Figure 1: Detailed View of Preferred Site

Figure 1

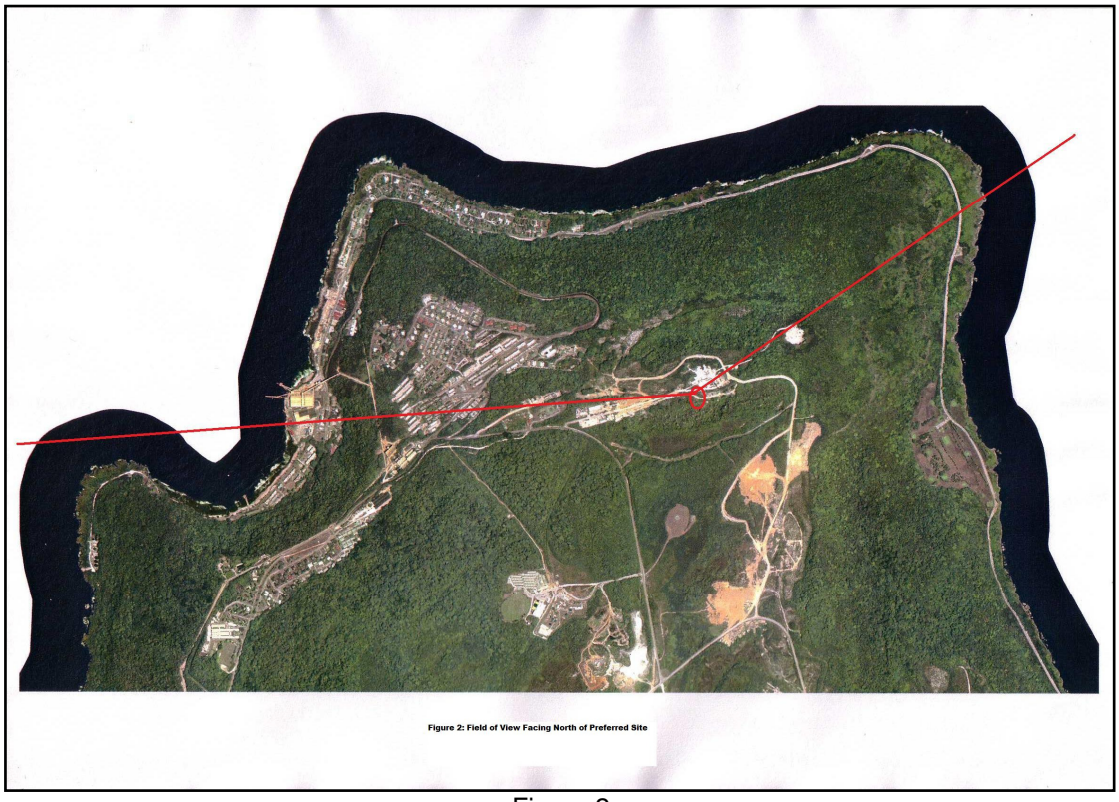


Figure 2: Field of View Facing North of Preferred Site

Figure 2

RECOMMENDATION 3

That the current arrangements for reporting of incidents (including sightings of Contact of Interest other than by BPC assets) to the Customs National Operations Centre (CNOC), and CNOC's responsibilities for transferring information of relevance to AMSOC's responsibilities, be confirmed and reinforced.

Status – implemented.

Actions Taken

1. On 24 January 2011 immediate steps were taken to reinforce to officers existing reporting arrangements for reporting of sightings of Contacts of Interest [other than by Border Protection Command assets] to CNOC, who in turn advise the Australian Maritime Security Operations Centre.

2. This initial advice was subsequently formalised by an Instruction and Guideline (I&G) on "CNOC Operations" which includes the requirement to report certain incidents. This I&G replaced the extant instructions from 2007, which required updating. An Associated Document attached to this I&G details which agencies should be contacted on receipt of the reported incidents and includes reference to Contacts of Interest and SIEVs.

3. Additionally, an I&G on "Reporting of and response to possible Suspected Irregular Entry Vessels (SIEVs) including onshore arrivals" has been finalised. The development of this I&G was informed by the BPC debrief (noted at Recommendation 5) conducted 18 March 2011.

4. This I&G includes provision for regional officers to maintain their operational readiness and assist in operational planning. Key responsibilities are outlined in order to assist land based Customs and Border Protection officers with the actions that should be performed in the event of a SIEV arrival.

5. Recognising that while I&Gs provide officers with guidance and direction, not all operational eventualities can be anticipated. Accordingly, the importance of operational readiness is emphasised in the I&G. It is important that officers maintain the capability to react to unexpected situations with professionalism and effectiveness as was witnessed during the Christmas Island tragedy.

6. The I&G addresses Recommendation 3, through the inclusion of the following paragraphs:

   Any information pertaining to a possible SOLAS situation is to be immediately reported to the AMSA Rescue Coordination Centre (RCC) in Canberra on 1800 641 792 (Maritime), or 1800 815 257 (Aviation), or +612 6230 6811 (Maritime), +612 6230 6899 (Aviation). CNOC should be advised immediately following this reporting to RCC. CNOC will in turn immediately pass this information to AMSOC. (3.3)

   Any information pertaining to possible SIEV arrivals, such as sighting of unidentified vessels by officers, including on Christmas Island, is to be immediately reported to CNOC on 02 6275 6413 or 1800 06 1800. (4.1)

   On receipt of any information about possible SIEV arrivals, CNOC is to immediately pass this information to AMSOC. CNOC will then immediately advise Customs and Border Protection Senior Executive and associated Government agencies and clients of the information received. (4.2)

7. In addition to the BPC debrief, the development of this I&G was also guided by a series of desktop exercises conducted in key Customs and Border Protection Regional and District Offices in northern Australia including:

   a. Darwin on 7 February 2011;

   b. Karratha on 9 February 2011;

   c. Cairns on 8 March 2011; and

   d. Thursday Island on 10 March 2011.

8. The desktop exercises focussed on our response to a direct arrival of PIIs in a remote part of the Australian mainland. In conducting such desktop exercises, Customs and Border Protection recognises that a situation such as occurred in the case of the Christmas Island tragedy, will first and foremost be dealt with as a Safety of Life At Sea (SOLAS) situation and the information provided in response to Recommendation 4 details actions taken in this regard.

9. The desktop exercises' objectives included:

   a. clarification of the roles and responsibilities of Customs and Border Protection in any response scenario and other agencies likely to be in support;

   b. discussion of contingencies for a safe operational response; and

   c. validation of the content of the draft I&G.

10. Customs and Border Protection officers from neighbouring District Offices and from Christmas Island participated in the exercises as well as Border Protection Command officers. Senior operational representatives from Australian Federal Police, State and Territory Police Services, Department of Immigration and Citizenship, Australian Quarantine and Inspection Service and SERCO also participated in the desktop exercises.

11. The I&Gs were approved by the National Director Enforcement and Investigations on 21 April 2011and are in operation.

RECOMMENDATION 4

That, in collaboration with relevant agencies, specific procedures be developed, documented and exercised for dealing with SIEVs arriving directly at Christmas Island in severe weather conditions.

Status – on track for completion by 30 June 2011.

Background

1. Customs and Border Protection has in place Critical Incident Guidelines which apply to all areas of the agency's business for reporting of incidents and significant operational matters. There was no procedure specifically tailored for reporting among agencies on Christmas Island.

2. This recommendation is intended to cover circumstances where a direct arrival at Christmas Island in severe weather conditions gives rise to a heightened risk of a safety of life at sea incident. It is intended that the documented procedures identity all relevant agencies which would be involved in a search and rescue effort, including contact details and responsibilities and hand off points where relevant. Officer readiness and appropriateness of the procedures are to be tested by the recommended exercising.

Actions Taken

3. The Department of Regional Australia, Regional Development and Local Government had promulgated a draft Emergency Management Plan for the Territory of Christmas Island, which details the emergency prevention, preparedness and response arrangements for the island. The Plan identifies the Australian Federal Police as the designated organisation for the management of all incidents in the Indian Ocean Territory.

4. Officers on Christmas Island have reviewed these existing arrangements contained within the draft plan and have separately documented a contact list specific to the agencies with responsibilities and capabilities that would support search and rescue responses to a SIEV arriving directly at Christmas Island in severe weather conditions.

5. We note that the ability to deploy search and rescue capabilities will always need to take into account the prevailing weather conditions and safety of search and rescue personnel.

6. Customs and Border Protection is planning a multi-agency exercise to be conducted on Christmas Island in May 2011 to assess and validate the contact list and agency responsibilities, to further inform the draft Plan.

RECOMMENDATION 5

That both an officer level de-brief of this incident and ongoing desktop activities be conducted to further enhance interagency command and control capabilities relevant to such an incident.

Status – implemented, with debriefs completed and the program of ongoing desktop activities commencing on 13 May 2011.

Background

1. To address this recommendation, an officer-level debrief in relation to the SIEV 221 incident was held in Canberra on Friday 18 March 2011 with officers from the Customs National Operations Centre (Enforcement Operations) and officers from the Australian Maritime Security Operations Centre (Border Protection Command) participating. Officers from JTF639, based in Darwin, held a debrief on Tuesday 15 March 2011 in Darwin and the findings were considered in the subsequent Canberra debrief.

2. Additionally, a separate officer-level debrief was conducted for the Customs and Border Protection officers onboard ACV Triton on 18 February 2011.

3. To ensure completeness of the debrief, feedback was sought from all of the CNOC and AMSOC staff that were on duty on and around 15 December 2010 and this feedback was considered as part of the debrief process.

Conduct of the Debriefs

4. Five key discussion areas were identified for review by the Darwin and Canberra debriefs:

    a. command and control;

    b. communications;

    c. systems;

    d. intelligence; and

    e. Instructions and Guidelines / Standard Operating Procedures.

5. The debrief identified a number of ‘lessons learnt’ from the SIEV 221 incident, further to the Internal review, and discussion of these outcomes and response actions follows.

Command and Control

6. The JTF639 debrief reported that command and control doctrine is adequate but needs to be supported by orders and instructions which make it clearer when a particular activity ceases to be a border protection operation and becomes a Search and Rescue event (SAR). In this particular instance there was some uncertainty about who held responsibility; Police at Christmas Island (CI), Customs and Border Protection at CI, Australian Defence Force, BPC, RCC, or the Joint Operations Command.

7. While there was a lack of clarity over the exact command and control arrangements as the SOLAS incident emerged, this did not have a detrimental effect on the response by HMAS Pirie and ACV Triton to the SOLAS incident. As the incident changed to a potential, then actual, safety of life at sea incident, HMAS Pirie and ACV Triton commenced their SOLAS obligations without the need for direction from AMSOC / JTF639, or the Australian Maritime Safety Authority directly exercising its SAR authority.

8. Two actions were identified to enhance command and control which basically are directed at ensuring that the transition of command responsibility in such incidents is clearly identified and communicated to all relevant parties.

a. BPC On-Scene Commander

The Operation RESOLUTE Operation Order details that the first BPC-assigned surface asset on the scene is to assume the duties of the on-scene commander and all other subsequent assets are to report for duty and remain in support unless otherwise directed by Headquarters. Such arrangements have, and on this occasion continued to work for SIEV operations where Customs and Border Protection and RAN surface assets have worked side-by-side. However it is recognised that more formal guidance should be developed for Customs and Border Protection surface assets which enhances consistency and alignment. To formalise these on-scene commander arrangements for Customs and Border Protection assets, a Customs Marine Unit Notice is to be produced and disseminated to all response assets. A draft has been completed and is currently under consideration for an implementation date of end of April 2011.

b. Access to AMSOC / CNOC

When dealing with the SIEV 221 incident, the AMSOC received a number of non-mission critical requests for information, as well as people entering the AMSOC for non-mission critical tasks. While the SIEV 221 incident was extraordinary in terms of operational activity, procedures and notifications are required to make other BPC staff aware that the AMSOC is dealing with increased operational activity, and that calls to the AMSOC or people in the AMSOC should be kept to a minimum level. An Operational Notice has been prepared and will be issued by end of April 2011.

Communications

Referral of Western Australian Police 000 Calls

9. For both JTF639 and AMSOC debriefs, the referral of the Western Australian Police 000 calls by AMSA led to uncertainty about a second vessel in distress at the time of the response to the initial SIEV 221 sighting. JTF639 and AMSOC contacted BPC-assigned surface assets in the Ashmore Islands area, and commenced planning of aerial surveillance to cover the existence of a possible second vessel near Ashmore Islands. The actions undertaken by both JTF639 and AMSOC in relation to the reported second vessel were appropriate.

On-scene communications

10. There were issues associated with communications between Customs and Border Protection officers based on CI, and HMAS Pirie and ACV Triton. Customs and Border Protection officers based on CI reported issues with contacting ACV Triton on its SATPHONE. AMSOC did not experience similar issues. Later, Customs and Border Protection officers based on CI reported that their mobile phones were unserviceable following water ingress associated with the land-based rescue efforts.

11. BPC assets are fitted with Customs UHF and marine VHF radios, SATPHONE and mobile phones. For the SOLAS incident, CNOC and AMSOC assess that marine VHF broadcast would have been the best common communications circuit between HMAS Pirie, ACV Triton, Customs and Border Protection officers based on CI, the Christmas Island Volunteer Marine Rescue and the AFP (as local search and rescue authority).

12. The internal review reported the officers on Christmas Island experienced difficulties in using both VHS and UHF radio equipment. These issues are being addressed in response to Recommendation 7 of the Internal Review.

13. The BPC Communications Plan has also been reviewed to include details of the communications arrangements for BPC surface assets operating at Christmas Island. Further changes to this Plan will accommodate any future changes to the communications systems available to Customs and Border Protection officers based on CI.

AMSOC / CNOC Telephone Systems

14. The SIEV 221 incident displayed the valuable benefit of having calls into AMSOC and CNOC recorded, including for post mission evaluation and analysis activities. The current AMSOC / CNOC call recording system is limited to recording twelve telephone extensions. During the SIEV 221 incident, almost all relevant calls were captured by the recording system, with the exception of those made or received by Manager AMSOC, as his extension was not recorded at the time. This, and other extensions, is now recorded.

15. Additionally, the AMSOC Current Operations extensions are not set to cascade in the case where any one extension is engaged or in use. This functionality is being introduced.

16. During the incident, Manager AMSOC did receive calls from ACV Triton to his work mobile phone, rather than to the AMSOC Current Operations area. As best as possible, Manager AMSOC will direct all calls during incidents to either his AMSOC extension or the AMSOC Current Operations extension.

Systems

Log-keeping issues

17. The Defence WYVERN Log proved its value as the shared log-keeping system between AMSOC and JTF639. To assist with timely updates of WYVERN, an issue is that both the AMSOC and JTF639 should be on the same WYVERN Server where possible. This issue will be resolved by changing the Instruction and Guideline for AMSOC staff operations to outline which server is to be used. The draft has been completed and will be implemented by 30 April 2011.

18. Manager AMSOC will review AMSOC Instructions & Guidelines on log-keeping to include the retention of written notes, even after inclusion in electronic logs.

19. The debrief concluded that it would be beneficial if CNOC log entries could, when the circumstances require, be exported to e-mail and sent to AMSOC for inclusion into WYVERN.

Same time Chat facilities – Log-keeping

20. The ‘same-time chat’ facility that is used for timely communications between JTF639 and the ACPBs should be examined for its feasibility as a capability for replacement Customs and Border Protection surface assets. This requirement has been referred for consideration in the context of next generation Customs and Border Protection vessels.

Intelligence

21. The officer level debrief had no significant issues to report regarding intelligence.

Instructions and Guidelines / Standard Operating Procedures

Maritime Search and Rescue

22. The debrief found that there needs to be greater clarity in our operational orders regarding incidents that transition from border protection to SOLAS. In BPC, there is an Instruction and Guideline being prepared regarding operational interaction with AMSA, including SIEV SOLAS incidents. When these arrangements are confirmed, the Multi-Agency Taskforce Operation Order should incorporate SIEV SOLAS incident management. A draft Instruction and Guideline has been prepared and is currently under consideration by relevant parties with the aim of implementation by end of April 2011.

Critical Incident Stress Management

23. The CNOC / AMSOC debrief participants felt that the employee assistance that was provided for our staff in the days and weeks after the SIEV 221 incident was beneficial and well utilised.

Other Issues

Staffing

24. The ability to bring extra staff into the AMSOC to provide a log-keeping function and other administrative tasks, like answering phones, was very beneficial. This ability to surge for increased operational activity could be enhanced by providing staff from relevant BPC Operations and Operations Planning sections with a formal structure of continuation training. The feasibility of establishing a short-term surge capacity, including relevant training considerations, will be examined.

25. Additionally, the debrief considered the need for a BPC crisis action team (CAT) to be stood up in the event of a significant incident like SIEV 221. This team could utilise one of the Multi-Purpose Rooms (MPR) and could manage the significant incident, allowing the AMSOC to continue with normal BPC operations. This would require the development of an operating concept and associated appropriate training. The MPRs already have sufficient information communication technology connectivity to support equipment to be used. The feasibility of a CAT, staffed from across BPC, will be examined to allow for significant incidents to be handled off the AMSOC floor, so that AMSOC can continue to manage normal BPC operations. This is in progress to be completed by 30 July 2011.

Ongoing Desktop Exercise Activities

26. The second part of Recommendation 5 of the Internal Review called for ongoing desktop activities to be conducted that further enhance interagency command and control capabilities relevant to such an incident.

Proposed Desktop Exercise Regime

27. It is proposed that desktop exercises will be held on a monthly basis, and involve officer-level staff from AMSOC, CNOC and JTF639, with other Australian Government agencies invited where there is relevance to the desktop exercise theme.

28. While the desktop exercises for the first 3-4 months will consider SIEV-related situations, in the following months, the desktop exercises will consider situations across the eight maritime security threats (e.g. counter-terrorism, anti-piracy) where BPC is involved.

29. With each desktop exercise, outcomes will be captured to ensure that the related BPC policy, instructions and guidelines and other documentation is updated with 'lessons learned' from the exercise.

30. The first desktop exercise is scheduled for Friday 13 May 2011, and will consider a SIEV SAR situation.

RECOMMENDATION 6

That the procedural documentation for tender operations in ACV Triton be revised.

Status – implemented.

Background

1. This recommendation identified that the procedural documentation for conducting tender operations from ACV Triton was out of date.

2. This stemmed from the recent procurement of new response tenders for ACV Triton and ACV Ocean Protector, rendering the extant procedures out of date, in so far as they referred to the previous model of response tender.

Actions Taken

3. The new response tenders were delivered to ACV Triton and ACV Ocean Protector in the latter half of 2010, timed to meet the acceptance of ACV Ocean Protector into service. As a new vessel in service with Customs and Border Protection, ACV Ocean Protector had no extant procedures in place and a more complex boat davit system, and was therefore chosen as the trial vessel for developing procedures for operating the new tenders. The sea trials (in both southern and northern waters) were completed and associated procedures for tender operations in ACV Ocean Protector compiled, by mid-January 2011.

4. ACV Triton*'s* extant procedures were subsequently reviewed, amended and trialled at sea in conjunction with the new response tenders. These trials incurred some delays due to poor weather and high operational tempo, however they were finalised and promulgated on 31 March 2011.

5. In the interim, tender standardisation training had been provided to Marine Enforcement Officer Coxswains, following the arrival of the new response tenders in order to assure crew safety throughout. The physical procedures for launch and recovery of tenders from ACV Triton had not changed, as the davit (launch and recovery) systems remain the same.

RECOMMENDATION 7

That communication protocols and procedures between Customs and Border Protection at Christmas Island and BPC response vessels should be reviewed.

Status – on track for completion by 30 June 2011.

This recommendation has been addressed in terms of reviewing protocols for use of and business requirements for equipment and identifying and installing any further infrastructure required to support communication protocols.

Actions Taken

1. Customs and Border Protection has taken a number of immediate steps to review communication protocols and procedures covering both equipment and the human element of these communications.

2. As an immediate procedural response, the Border Protection Command Communications Plan (COMPLAN) has been amended to cover communication channels with Customs and Border Protection officers on Christmas Island. Once any technical and infrastructure issues have been remedied, further amendment to the BPC COMPLAN is anticipated to cover additional communication channels that may be made available.

3. From the procedural perspective, a new Instruction and Guideline has been developed, which details existing communication equipment, channels and radio call signs, as well as the specific circumstances for communication between officers on Christmas Island and BPC assigned vessels.

4. Further principles based instructions, that allow for flexibility in emergencies, and provide guidance as to how to establish emergency communications networks locally when necessary, will be developed to complement this I&G.

5. Officers on Christmas Island have undertaken an audit and identified the technical capabilities and limitations of communications equipment currently held on Christmas Island. Additional work has now commenced on documenting clear business requirements which will inform a technical capability gap analysis between what is currently available and the specified business requirements.

6. As an interim measure to address equipment availability issues, four UHF handsets have been deployed to Christmas Island. Deployment of the handsets is being accompanied by appropriate instruction in technical use and procedures.

RECOMMENDATION 8

That critical incident support follow-up activity continues to monitor the ongoing safety, health and wellbeing of officers directly involved in the incident.

Status – implemented, noting ongoing requirement for officers utilising professional assistance.

Initial Interventions:

1. Action to provide support to our officers and their families began immediately it was apparent that a tragedy had occurred on 15 December 2010. The Customs National Operations Centre and Western Australian regional management team commenced planning from 07.18 (Christmas Island, local time) to provide support staff and counsellors to officers at Christmas Island.
2. The Maritime Operations Support Division (MOSD) in Canberra also established a Critical Incident Management Organisation at 09:00 (Christmas Island, local time) to support divisional staff deployed to Christmas Island and the crew of ACV Triton.
3. At 1300hrs AEDST on 15 December 2010, a representative from People and Place Division was requested to participate in a critical incident meeting of MOSD staff following advice of an incident at Christmas Island. This was the first of many meetings that were convened at regular intervals in the ensuing days.
4. Following the initial meeting, the Customs and Border Protection Employee Assistance Provider (EAP) – PPC Worldwide, was tasked to provide preliminary advice of the event and a counsellor to travel to Christmas Island as soon as a charter flight could be secured.
5. MOSD commenced contacting the families of ACV Triton's crew to allay any fears for personnel safety and inform them of the support available from PPC Worldwide.
6. A registered psychologist and trauma counselling specialist was identified and confirmed as the preferred resource to be deployed to Christmas Island. The psychologist departed Perth on the charter flight on the evening of Wednesday 15 December 2010, and arrived in the early hours of Thursday 16 December 2010, accompanied by critical incident support staff from Customs and Border Protection.
7. The psychologist spent that day, 16 December 2010, providing support to the Customs and Border Protection staff from the Christmas Island District Office and their families, and also to the Canberra based marine training staff, who were visiting the island to provide training to District Office staff.

8. On Friday 17 December 2010 in Canberra, counsellors from PPC Worldwide provided on-site support to Border Protection Command, Customs National Operations Centre and MOSD staff. At Christmas Island the psychologist visited the ACV Triton and provided counselling to each of the crew and contractors. The following day, 18 December 2010, the psychologist attended HMAS Pirie and met with all of the crew following a request from the RAN.

9. The psychologist provided ongoing support to staff and their families until the arrival of another counsellor and their departure on 20 December 2010.

Follow up Actions:

10. On Tuesday 21 December 2010, follow-up support was provided by the psychologist to staff in Fremantle. These officers had been deployed on Christmas Island at the time of the SIEV 221 tragedy but had since returned to Fremantle. During 21 – 24 December 2010, follow-up contact was also made by the psychologist with all of the involved MOSD staff.

11. On 7 January 2011 wellbeing check interviews commenced for all staff that had been on board the ACV Triton. The wellbeing check interviews were customised to reflect the challenges of the incident and to assess the crew's readiness for further deployment. Psychologists and clinical social workers were selected to conduct the interviews and crew were contacted by PPC Worldwide's Head of Clinical Services in advance to explain the purpose of the interview. These were conducted in locations close to the MOSD staff home towns. All staff were cleared for redeployment.

12. The Customs and Border Protection internal investigation report was released on 24 January 2011 and contact was made by EAP with all officers potentially affected.

13. A debrief was provided to the members of ACV Triton's crew on 18 February 2011 by the psychologist prior to their next deployment and individual sessions were also held with each officer.

14. The psychologist returned to Christmas Island on 6-8 February 2011 following a request for additional support on the Island for employees and families. A further visit occurred on 3-8 March 2011, to provide in-person support and to attend the Memorial Service for the deceased from SIEV 221. During the visit, counselling support was provided to employees and their families on the island and to marine staff from ACV Triton then embarked in the ACV Ocean Protector, which was at Christmas Island at the time.

15. The psychologist has also been consulted regards advice on the level and type of support to employees required to provide evidence and witness statements at the Coronial hearings scheduled to commence on 9 May 2011 in Perth.

16. In addition, a coordinated Legal support effort is being made available to those officers required to give evidence at formal proceedings to ensure they are informed, prepared and supported during this phase.

17. Additional strategies are also being implemented for remaining staff who had involvement in the incident due the anticipated heightened media attention the Western Australian State Coroner's Inquest hearings will generate.