

JOINT SELECT COMMITTEE ON THE CHRISTMAS ISLAND TRAGEDY
AUSTRALIAN FEDERAL POLICE
6 JUNE 2011

Question No. 1

The Chair asked the following question at the hearing on 6 June 2011:

CHAIR: Thank you for the invitation. The committee will give some consideration to that and we will let you know shortly. Is there someone who can outline to us terms of reference (b), which is communication mechanisms, including communications between Commonwealth and state agencies on the day? Is there someone who can take us through the first point of contact made with the vessel and then what actually happened in terms of bringing each agency in and when each agency got involved in the course of the rescue effort?

Mr Watson: I might ask Superintendent Ryan, who is the AFP member who took the overall responsibility for the post-incident activities, including the investigations, to see if he can assist the committee.

Supt Ryan: I have prepared a report for the Western Australian coroner. I can read that out to you. About a page of that report goes through in sequence what actually happened.

CHAIR: Has that report already been tendered in evidence to this committee?

Supt Ryan: Not that I am aware of.

CHAIR: Is it able to be?

Supt Ryan: Here?

CHAIR: Yes. Are you able to table the report you prepared for the coroner to this committee?

Supt Ryan: I will just check with the coroner, but I see no reason why you cannot have it.

CHAIR: If you could take that on notice, thank you.

Supt Ryan: The first notification of the incident occurred at about 0540 in the morning from off-duty Customs officers et cetera. Then there was a chain of phone calls that occurred between various people that led to a number of people attending to the site of the tragedy. At about 0600 hours Sergeant Peter Swann, who is the sergeant behind me, received a number of telephone calls from his members advising him that a SIEV was near the rocks off Christmas Island. Sergeant Swann then had a conversation with Les Jardine, a Customs on-call officer who advised that the Navy were being contacted to attend. At approximately 0625 hours Sergeant Swann telephoned Christmas Island hospital and advised that there was a SIEV in the water and requested that the staff be on standby. At 0629 Sergeant Swann had a further phone call with Les Jardine about the attendance of the Navy, and he advised that they were on their way from the Ethel Beach side of the island. At approximately 0630 Sergeant Swann advised that he had arrived at Golden Bosun, which you will see today. There were a number of other police already in attendance as well as a lot of local volunteers from the volunteer marine rescue and just passers-by who came down to help.

Sergeant Swann contacted the Navy Northern Command centre and advised that SIEV221 was foundering. There is a log in existence that goes through each particular of who contacted whom, which we can make available, I am sure. It goes through it in a time sequence. It is a combined log of AFP, Customs and anyone else that rang in on the day.

CHAIR: The committee would appreciate that, if it has not already been tendered into our evidence.

Supt Ryan: No, it has not. I should be able to download it tonight.

CHAIR: That is all right. As long as you can get it to the secretariat in due course, that will be fine.

The answer to the Chair's question is as follows:

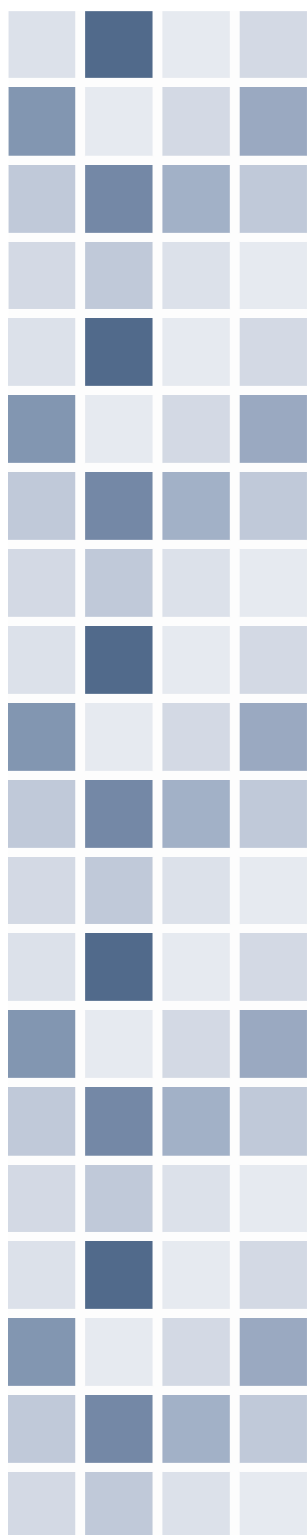
The WA State Coroner has approved the release of the attached Australian Federal Police (AFP) Report to the Coroner. The AFP Report addresses the Chair's question in relation to term of reference b). The AFP Report (which has been provided to the Committee) is suitable for publication.

The AFP has considered the log entries for 15 December 2010 referred to by Superintendent Ryan. The log is a classified document that contains information from the AFP and the other agencies involved which could only be declassified to the level of in-confidence and is therefore not suitable for publication. The AFP could provide the Committee a copy of the log on an in confidence basis if required.



AFP

AUSTRALIAN FEDERAL POLICE



Operation Pallarenda

Australian Federal Police Report for
State Coroner of Western Australia

Superintendent Gavan Ryan

21 May 2011

1. Executive Summary

The State Coroner of Western Australia has requested a report be prepared by the Australian Federal Police (**AFP**) in respect of the Christmas Island tragedy and AFP involvement in the incident.

A Suspected Irregular Entrant Vessel (SIEV) 221, which had departed from Indonesia, foundered on the rocky north-east coast of Christmas Island on Wednesday 15 December 2010. SIEV 221 was carrying an estimated 92 persons aboard. There were 42 survivors including 3 Indonesian crew members rescued. 30 deceased bodies were recovered and subsequently identified. No further bodies were found during the rescue and recovery efforts. The AFP response to this incident was called Operation PALLARENDA.

In response to the incident, 55 specialist AFP staff were deployed to Christmas Island to assist the on-island AFP members. The AFP conducted a Disaster Victim Identification (DVI) process with the deceased, and was involved in the burial and repatriation process of same.

An investigation into the people smuggling aspects of the incident was also conducted resulting in three Indonesian crew members being charged with one offence of Aggravated People Smuggling. The alleged organiser of the incident was arrested on 12 May 2011 and charged on 17 May 2011 with four Aggravated People Smuggling offences and eighty-five People Smuggling (single person) offences pursuant to the *Migration Act 1958* (Cth) (**Migration Act**).

2. Time / Date of Incident

The incident occurred between 0540 and 0700 hours, on Wednesday, 15 December 2010. The vessel was first sighted at approximately 0545 hours and was observed crashing onto rocks at approximately 0645 hrs.

3. Location of incident

- ***Geographical area of island***

Christmas Island is about 19 kilometres (km) long and 14.5 km in width, with an area of 135 square kms. It is located in the north-eastern Indian Ocean, south of the Indonesian archipelago. It is 2,600 kms north-west of Perth and about 350 kms south of the Indonesian island of Java. It is only about 500 kms south of the Indonesian capital, Jakarta.

The incident occurred in an area known as Bosun's located at latitude 100 25.0 South and longitude 1050 40.4 East.

- ***Oceanography of Christmas Island***

Weather conditions on the island vary from calm to extreme throughout the year.

Due to the contours of the island reef line there is no continental shelf to break down the open sea, nor a flat beach area to absorb the impact of the swell. Therefore a deep sea ocean swell hits the cliffs on the island and back washes out to sea. A combination of the back wash and an oncoming swell create a washing machine effect making this water very hard to navigate and very unpredictable.

(refer paragraph 4 of Const. S ADAMS's statement)

- ***Weather conditions at the time of the incident***

The weather on this day came from the West NorWest to North West. The swell ran at about three (3) metres with a significant wave height of four (4) metres. The wind was gusting to thirty (30) plus knot winds, and the rain was heavy.

(refer paragraph 12 – David Robertson (Harbour Master) statement made on 22 January 2011).

- ***Status of the Port at the time of the incident***

The Port had been closed by the Harbourmaster on 14 and 15 December 2010 due to the weather conditions deemed as not being safe to off load vessels on Christmas Island.

(refer paragraph 20 – David Robertson (Harbour Master) statement made on 8 March 2011).

- ***Why did the asylum boat come so close to the rocks in heavy weather? (Coroners letter dated 17/12/2010)***

Witness statements indicate that SIEV 221 had drifted close to the rocks after losing engine power. A 44 gallon drum rolled off the stern of the vessel into the water leaving a brown 40mm hose lying on the transom with a strong smell of diesel which was believed to be the fuel supply. Several attempts to restart the engine were heard from the shore for a period of approximately 2 minutes when it finally sounded like the battery had gone flat. The vessel was approximately 75 metres from the cliffs at this time.

Without apparent power or steerage, the vessel was then forced in further by the action of the waves and eventually foundered on the cliffs.

(refer paragraph 9, 10, 22 – Const. S. ADAMS's statement).

- ***Was there a safe location where the boat could have docked? (Coroners letter dated 17/12/2010)***

The Christmas Island Port was closed due to inclement weather and no other docking facilities were available. ACV Triton and HMAS Pirie were riding out the inclement weather with SIEV 220 in calmer waters on the lee side of the island. The lee side of the island for this day was on the South East side of the island.

(refer paragraph 13 David Robertson (Harbour Master) statement made on 22 January 2011)

- ***How long had the bad weather conditions been prevailing?***

The bad weather commenced on 12 December 2010. As a result of the inclement weather, the Harbour Master had ordered the cargo ship Princess Mary out of the port and out to sea.

The weather and sea conditions during the evening of 14 December 2010, were observed to be very violent at Flying Fish Cove.

(refer paragraph 4 – Sergeant SWANN’s statement).

The weather had progressively worsened until the morning of the incident, Wednesday 15 December 2010.

- ***Is there a lookout on Christmas Island and was it manned?***

There is no look out on Christmas Island.

Ability to respond in bad weather conditions?

During the course of the response to the SIEV 221 incident on 15 December 2010 the AFP OIC, Sergeant Swann, considered the use of the AFP MV *Colin Winchester*, a 7.5m vessel manufactured by an Australian company LeisureCat. Based on his assessment of the sea conditions at the time, the OIC concluded that any attempt to launch the vessel would be unsuccessful and seriously risk the lives of the crew.

On 15 December 2010, the MV *Colin Winchester* was also the subject of AMSA limited use restrictions due to a number of deficiencies identified by AMSA. Nonetheless, AMSA had no objection to the vessel being used in an emergency situation, to protect life when no other options were available and subject to operating restrictions.

Even if there were no restrictions on the use of the vessel on 15 December 2010, the sea conditions were such that the vessel could not have been utilised without serious risk of danger.

AFP enquiries into the procurement of the LeisureCat rescue vessels in 2008 are continuing. AFP officers from overseas missions have been recalled in order to provide further information to assist.

- ***Weather conditions***

Active monsoonal conditions were experienced in the vicinity of Christmas Island from 10 to 19 December, with periods of rain, showers and thunderstorms present for much of the period. Winds were generally from the northwest, with speeds of 20 to 30 knots at times on 14 and 15 December; potentially stronger during showers or thunderstorms. Significant wave height in the region was driven primarily by the local northwest winds, and most likely peaked at 3.0 to 4.0 m overnight on 14 December.

(Executive Summary - As per prepared weather report by Patrick WARD [BoM – Perth]).

4. Reporting of Incident

- ***How the incident was initially reported***

At approximately 0540 hours on 15 December, there was an initial sighting of the SIEV by an off duty Customs member, Ross Martin and a civilian from the Volunteer Marine Rescue (VMR), from the balcony of their accommodation at the Mango Tree Lodge. Martin reported this sighting to the duty officer for Australian Customs and Border Protection Services, Leslie Jardine.

- ***How/when was the incident reported to the AFP***

At approximately 0545 hours AFP Special Constable Shane Adams, who was based on Christmas Island, heard a transmission on his home-based marine radio. This transmission was from Alan Thornton using call sign 'Christmas Island VMR' attempting to contact call sign 'Australian war ship'. Mr Thornton stated that there was a refugee boat near his house heading towards Rocky Point and close to the rocks.

Refer paragraph 2 & 3 of Const. S. ADAMS's statement

Special Constable Shane Adams walked to the area of the incident (where sometime later he met up with AFP OIC Christmas Island, Sergeant Peter Swann). There was no one else present, however two Christmas Island residents, Ray Murray and Simon Prince were approaching.

At 0556 hours Constable Paul Stewart, the on call AFP member, received a "000" call from Perth switchboard. This call was from a CI resident stating that there was a refugee boat about 20 metres off the cliff edge out front of Sunset Motel. STEWART telephoned his Team Leader Sergeant SWANN to report the incident however Swann was

already aware of the incident by this time. Stewart was the first full time AFP officer on the scene.

At approximately 0558 hours Special Constable Siti KAWI was at home. She was woken by her husband and told that there was a refugee boat out the front of her house. KAWI telephoned Sergeant Swann at approximately 0600 hours.

At approximately 0600 hours Sergeant Peter Swann received a number of telephone calls from his members advising him that a SIEV was near rocks off Christmas Island.

At 0600 hours, Constable Brett Ford received a call at home from Allan THORNTON (VMR) advising that there was a refugee boat near the rocks by his house.

Shortly after 0600 hours, Constable Brett FORD attempted to call HMAS Pirie which was in the vicinity of Christmas Island utilising police vehicle radio (marine channel). After receiving no response to this transmission, he contacted Customs Officer Les Jardine. Jardine was aware of the incident at this time.

(Refer paragraph 3 & 4 Constable FORD statement)

- ***Reporting of the incident to other agencies by the AFP***

At approximately 0600 hours Sergeant Peter Swann received a number of telephone calls from his members advising him that a SIEV was near rocks off Christmas Island. Sergeant Swann then had a conversation with Mr Les Jardine, Customs On-Call officer who advised that the Navy were being contacted to attend.

At approximately 0625 hours, Sergeant Swann telephoned Christmas Island hospital and advised that there was a SIEV in the water off Settlement and requested that staff be on standby in the event of casualties.

At approximately 0629 hours, Sergeant Swann had a further telephone call with Les Jardine about the attendance of the Navy and he advised that they were on the way from the Ethel Beach side of the island.

At approximately 0630, Sergeant Swann arrived at the Golden Bosun Restaurant and immediately saw a fishing vessel, now known as SIEV 221. There were numerous persons along the rock face and there were life buoys and floatation items such as boogie boards being carried by the crowd. Swan called the Customs on-call number and identified himself to Mr Myles Pickett. At the same time he saw that Pickett was actually at the scene along with several other Customs Officers and Mr Brian Lacy, the Island Administrator.

Sergeant Swann contacted Navy Northern Command Centre (NORCOMM) and advised that the foundering of SIEV 221 was

imminent and Navy assistance was required as soon as possible. The NORCOMM operator advised that the vessels were coming with an estimated arrival of about 15 minutes.

Sergeant Swann spoke with Mr Greg Riley, Commander of the VMR. Mr Riley advised that he had life vests positioned at the rock face and that persons had been organised to carry them to any required place.

(Refer paragraph 3, 6, 9 & 11 Sergeant SWANN statement)

- **Who was advised by the AFP?**

0600 hours – Sergeant Swann advised Mr Les JARDINE - Customs

0625 hours - Sergeant Peter SWANN advised Christmas Island Hospital

Approx 0630 hours - Sergeant Peter SWANN advised Navy Command Centre (NORCOMM)

Approx 0630 hours – Sergeant Swann advised Mr Greg Riley – Commander VMR

Sergeant Peter SWANN advised AFP International Deployment Group HQ

0800 hours – Sergeant Peter SWANN contacted AMSA senior co-ordinator, Mr Peter WELSH

- **What was the reaction of the agency / individual advised?**

AFP – Members attended at Rocky Point cliffs; Ethel Beach, and CI police station.

Customs – Members attended at Rocky Point cliffs & Ethel Beach.

Customs Vessel – ACV Triton commenced moving to the area, with their tenders.

Navy Vessel – HMAS Pirie commenced moving to the area, with their tenders.

AMSA – Co-ordination of air and water-based search and rescue.

CI Hospital – Provision of health facilities, specialist health staff, and the setting up of a temporary mortuary.

- **Were there any means of communication on the asylum boat which could have been used to alert Customs and Navy to the emergency?**

SIEV 221 did not appear to have any form of radio communication equipment.

There may have been a number of personal mobile phones on SIEV 221 however approximately five hours before the incident, the asylum seekers were warned to throw their mobile phones, passports and the GPS in to the water.

(Refer survivor statements)

5. Details of first responders to the Incident

- **Who was the first to respond to the incident**

Upon hearing the marine radio transmission at 0545 hours from call sign 'Christmas Island VMR' attempting to contact call sign 'Australian war ship', AFP Special Constable Shane ADAMS walked to the area of the incident. There was no one else present, however two Christmas Island residents, Ray Murray and Simon Prince were approaching.

(Refer paragraph 2, 3 & 4 Constable ADAMS statement)

At 0556 hours, Constable Paul Stewart received a '000' call from the Perth switchboard stating she had a local resident on the line. The resident advised that a refugee boat was about 20 metres off the cliff edge out the front of the Sunset Motel. Constable Stewart immediately contacted Christmas Island Team Leader Sergeant Peter Swann.

Constable Stewart drove down Murray Road towards the Settlement and location of the incident and was the first full-time AFP member on the scene.

- **What was the overall emergency response?**

Constable Stewart was met by a number of local residents including two Special Members of the AFP, Special Constable Adams and Kawi and a number of local residents.

At this time, Constable Stewart was approached by a representative from Indian Ocean Territory Health Service (IOTHS) asking if Ambulance assistance was required. Constable Stewart advised that it would be beneficial to have the ambulance on location.

At approximately 0625 hours, Sergeant Swann advised Christmas Island Hospital to be on standby in the event of casualties from the SIEV. He also advised the Island Administrator, Brian Lacy, Customs Officer Myles Pickett, VMR staff and Navy Command Centre NORCOMM. A stocktake of available lifejackets was established.

A number of life jackets were brought to the scene by local residents however they were initially not utilised at the request of Constable Stewart as the Navy and Customs vessels were on the way and he thought that it may cause the refugees to panic and jump in the water.

Sergeant Swann requested Constable Stewart to move the life jackets and other floatation devices further up the foreshore to make them ready to deploy in case the boat struck the cliff face. A human chain was formed by local residents to get the life jackets down to the cliff edge.

A land based rescue of victims was attempted with the provision of life jackets however some of the lighter floatation devices were blown back on to the cliff or away from the people in the water by the wind. Lifejackets were then tied to the end of ropes and lowered into the sea in the rescue attempt. These attempts were unsuccessful.

By 0646 RHIBS were deployed by HMAS Pirie and shortly after at approximately 0705 by ACV Triton. The RHIBS attended at the scene of the incident, commencing a water rescue of survivors and later recovery of the deceased utilising personnel onshore to act as lookouts.

A State of Emergency was declared by the Administrator (Brian LACY) in consultation with the Territory Controller, AFP OIC Sgt Peter SWANN. The first Emergency Management meeting was scheduled for 0900 at the Police Station.

Sergeant Swann contacted the AFP International Deployment Group in Canberra to report the incident.

At 0800 hours, Sergeant Swann telephoned AMSA. It was agreed that the rescue would be coordinated by AMSA from Christmas Island and a Dornia search and rescue aircraft would arrive in approximately 7 hours.

Sergeant Swann tasked Constable Ford to attend at Ethel beach to arrange for the receipt of the survivors and deceased and arrange for transport to hospital or mortuary. Ford assumed the role of scene controller at Ethel Beach, responsible for the organisation of assets and management at that location.

AFP Senior Constable Anna Swain was tasked by Sergeant Swann to take photographs of the scene and later she assisted by acting as a spotter to rescue survivors and deceased.

The deceased were transported to the hospital. The AFP were responsible for placing the deceased into body bags before storage in the temporary morgue. Detective Senior Constable Rod Swain, was tasked with the oversight of the temporary mortuary set up.

At 0831 hours, the AFP International Deployment Group in Canberra advised Sergeant Swann that specialist personnel had been identified to assist and would be dispatched to Christmas Island. An Incident Coordination Centre had been set up in Canberra. A Major Incident Room was set up from the Christmas Island Police Station.

At 0900 hours, the First Emergency Management meeting convened at Christmas Island police station. Follow-up meetings were held at 1200 and 1500 hours. At each meeting, emerging issues were discussed including medical assistance to the injured, the recovery of bodies, the establishment of a temporary morgue, the investigation of the incident and the progress of the search. Through this process, a search coordination room was established at the VMR base.

At 1115 hours, Sergeant Swann received advice from the AFP in Canberra that an aircraft would be arriving on Christmas Island at approximately 0050 hours on Thursday 16 December 2010. A Police Forward Commander had been identified as Superintendent Gavan Ryan and 6 AFP Investigators and approximately 40 persons were expected to be on that flight.

6. Summary of Media Attendance at the scene

A documentary film maker, Philip STEWART, working for National Geographic was on Christmas Island for an unrelated matter filming footage for a documentary on the Island's crabs. He attended the Bosun Tavern car park and took video footage and photographs of the incident.

Several CI residents over the last 12 months have been provided with video cameras by media outlets on the mainland. This is for the purposes of filming media-worthy incidents on the island.

One resident, John RICHARDSON (a member of the VMR) had taken footage of the incident, before and after impact of the vessel. He had returned home within a short time after the incident and downloaded the video footage to Channel 7.

The AFP has sourced still and moving footage taken by identified witnesses of the SIEV moving along the coast, at the scene of the crash site and the aftermath of the crash.

7. Details of Australian Federal Police (AFP) attendance, responsibilities and accountabilities at the scene and during the investigation stage.

- **What are the Standard Operating Procedures (SOPs) for the AFP with regards to an incident of this nature?**

The AFP are the local police for Christmas Island and are therefore responsible for all marine search and rescue as outlined in the National Search and Rescue Manual which is regulated by the Australian Maritime Safety Authority (AMSA).

There are no specific SOPs for the AFP in relation to maritime incidents however there is the AFP National Guideline on Major Incident Co-ordination – Incident Co-ordination Centre.

The AFP OIC Sergeant Peter SWANN had a copy of the following documents:

- Marine Search & Rescue – On-Scene Controller Guidelines (issued by WAPOL, Water Police Branch, dated: January 2006); and
- Western Australian Marine Search & Rescue Manual (issued by WAPOL, version 2.01, dated: October 2004).

- **Details of Federal Agents that first attended the scene?**

Special Constable Shane Anwar Adams
Constable Paul James Stewart
Special Constable Siti Kawi

- **Actions and role of AFP during the investigation stage?**

The various agency responsibilities were set out in the AFP/WAPOL Investigative Agreement and MOU.

After the initial emergency management of the incident, the AFP allocated officers under the control of Forward Commander, Superintendent Gavan RYAN to manage the coronial and people smuggling investigations. The AFP was the lead agency for the Disaster Victim Identification process and people smuggling investigation.

The AFP interviewed 3 Indonesian crew members of SIEV 221, conducted interviews with the survivors and took statements from them.

The joint agency investigation continued for a period of six days when the responsibility for the coronial investigation was handed over to WAPOL.

- **Charges preferred**

To date, three Indonesian crew members have been charged:

Each has been charged with one offence of Aggravated People Smuggling contrary to section 233C of the Migration Act.

was charged with four offences of Aggravated People Smuggling pursuant to section 233C of the Migration Act and eighty-five offences of People Smuggling contrary to section 233A of the Migration Act.

8. Summary of the Emergency Response to the incident by AFP personnel

Operation Pallarenda was established by the AFP in response to the incident at Christmas Island. The following AFP functions were involved in the response:

International Deployment Group (IDG);
The Crime Program - PSST;
AFP Operations Co-ordination Centre (AOCC);
Forensic & Data Services; &
Health & Wellbeing Services.

• *Details of the AFP Commanding Officer at the scene?*

Sergeant Peter SWANN is a member of the Australian Federal Police currently stationed at Christmas Island. He is the Officer in Charge of Christmas Island Police Station and the Territory Controller under the Emergency Management Plan.

• *Name/details of AFP responders at the scene*

Special Constable Shane Anwar Adams
Constable Paul James Stewart
Special Constable Siti Kawi
Detective Senior Constable Rodney Swain
Senior Constable Anna Swain
Constable Brett Jason Eric Ford

• *Actions relating to emergency response?*

An AFP Police Forward Commander, Superintendent Gavan RYAN was appointed. Superintendent Ryan deployed from Canberra to Christmas Island, arriving at 0120 hours on 16 December 2010.

A further 55 AFP members were sent to Christmas Island comprising specialist personnel to conduct the coronial investigation, Disaster Victim Identification (DVI) and people smuggling investigation.

On-going co-operation was established with the following agencies:

- Department of Immigration & Citizenship (DIAC)
- Department of Regional Australia, Regional Development and Local Government
- Christmas Island Administration
- Emergency Management (Christmas Island)
- Volunteer Marine Rescue (VMR).

The following actions were established:

- Search & Rescue – sea & land-based (utilising Border Protection vessel Triton, Australian Navy HMAS Pirie, WAPOL & VMR)
- Interview of SIEV survivors (AFP & WAPOL)
- Disaster Victim Identification (Pathwest, AFP & WAPOL)
- People Smuggling investigation (AFP)
- Interview of witnesses from CI, police response, ACV Triton & HMAS Pirie (AFP & WAPOL).

9. Deceased

There were 30 deceased asylum seekers from SIEV221.

17 bodies were transported to Sydney on 12 February 2011 with the following action coordinated by the AFP:

- 2 x bodies were repatriated to Baghdad, Iraq on 04 March 2011
- 5 x bodies were repatriated to Baghdad, Iraq on 11 March 2011
- 2 x bodies were repatriated to Tehran, Iran on 23 February 2011
- 8 x bodies were interred in Sydney on 15 February 2011

Sydney interment locations:

Rookwood - Islamic Sector

Castlebrook - General Christian Protestant Sector

13 bodies were transported to Perth with the following action coordinated by the AFP:

- 7 x bodies repatriated to Tehran, Iran on 15 March 2011
- 6 x bodies repatriated to Tehran, Iran on 16 March 2011

10. A summary of the Emergency Response Capacity at Christmas Island

- ***What is in place to respond to this type of incident?***

An Emergency Management Committee (EMC) exists on Christmas Island. The EMC is a whole-of-island approach, utilising government agencies, non-government organisations, volunteers, and private enterprise to provide a rapid and effective response to major incidents.

It focuses on community safety, with a strong interest from the community in promoting ownership of the response. Monthly meetings are held along with regular desk top and field exercises.

Emergency Management Committee comprises representatives from all agencies on-island, including: The Administrator (Chairperson), AFP, Customs, AQIS, CI Airport Manager, CI FESA (volunteer), District High School, CI Phosphates, Ports, Red Cross, DIAC, IHMS, Serco, DORA, IOTHS, IOTPA, Parks Australia, CI Shire, Social Worker, St Johns Ambulance, VMR, & Water Corporation.

The AFP OIC is the appointed Territory Controller for all Emergency Incidents.

The EMC produces the Emergency Management Plan (EMP) for the Island. The current version of the EMP is dated October 2010.

The EMP contains a resource list of equipment that can be utilised from on-island sources. This includes vessels, vehicles, heavy plant and machinery and ancillary rescue equipment (i.e. water supplies, generators, oxygen supplies, lighting and lifting equipment).

There are other sub-plans produced under the EMP, which are the responsibility of the appropriate agency. Examples are Cyclone Plan and Rock Fall Risk Management Plan. The Indian Ocean Health Service has an External Emergency Disaster Plan to plan and cope for large numbers of seriously injured persons.

- ***Are there Standard Operating Procedures (SOPs) in place?***

In October 2009, the Federal Government commissioned the Parsons Brinckerhoff review of Emergency Management for the Indian Ocean Territories (CI & Cocos Islands). One of the review's recommendations was the production of a Risk Register, which was acted upon by the EMC.

EMC produces a Risk Register that was in place at the time of the incident. Included in it (at page 24 of 55) was a Marine accident, at point 10.1, which describes a multiple loss of life, and at point 10.2, which describes large numbers of seriously injured.

There are no actual SOPs written for incidents by the EMC, but the reactions for them are planned, discussed and exercised at the regular desktop and field activities. In 2009 there was an actual field exercise conducted for the scenario of a sinking vessel. In 2010 there were

three desktops and two field exercises involving other major incidents (airport disaster and bus crash).

- ***Who is aware of these procedures?***

The majority of the Island's residents are aware of the procedures through their involvement in the practical field exercises, and from their own agency's or organisation's role in the EMC and planning etc. The procedures are filtered down from the EMC, via the respective agency head/representative to their own members.

Within the EMC, most of the sub-groups do their own specialised training. These include: CI Phosphates, FESA volunteers, VMR, AFP sub-units, Customs, SERCO, DIAC, CI Airports, IOTHS, and St Johns Ambulance.

- ***Who is trained in these procedures and is training on-going?***

Again the majority of the Island's residents are involved in some aspect of Emergency procedures either through their employment, volunteering etc. Each Agency has its own specialised training, i.e. Fire, VMR, AFP, Customs, St Johns etc. Most Agencies conduct their own in-house training on a regular basis. This training complements the Emergency Management procedures.

- ***What equipment and physical resources are available?***

The issue of the AFP vessel the MV *Colin Winchester* has been addressed briefly above. The AFP is making further enquiries about this and will provide documents to the Coroner on this issue.

The Colin Winchester was fully equipped with life jackets and other marine safety equipment (i.e. life rings, flares, EPIRBS, marine radios)

AFP vehicles – 7 x 4WD
(1 x Landcruiser, 1 x Troop Carrier, 5 x twin cab utilities)

Additional life jackets (approximately 20) were stored in the CI Police boat shed, and were utilised on the day of the incident.

All other heavy equipment, heavy plant, and ancillary machinery availability was as per the Emergency Management Plan.

- ***Were the SOPs put in place and acted upon?***

The Emergency Management Plan was enacted and the responses were appropriate to the Plan. This was co-ordinated by the Emergency Management Committee meetings held over the next few days.

11. Summary of any known intelligence that may have provided forewarning of the arrival of SIEV221 on Christmas Island.

- ***Were any agencies in possession of intelligence that may have provided forewarning of the arrival of SIEV221?***

The AFP had no actionable intelligence of the arrival of SIEV 221.

- ***Was this acted upon?***

Not applicable.

- ***If not, why not?***

Not applicable.

12. Conclusion

There are numerous factors that contributed to the tragedy of SIEV 221. In particular, the SIEV 221 was not suited to the extremely rough sea conditions and due to the loss of power, was unable to navigate away from the rocks. This inevitably led to the vessel crashing on to the rocks and foundering. There were also insufficient life jackets for the passengers and rescue attempts by Navy and Customs vessel were hindered by the sea conditions.

In response to the incident, the AFP set up an Incident Coordination Centre in Canberra and specialist AFP personnel were deployed to Christmas Island to assist the on-island members. The appointed Police Forward Commander and AFP personnel arrived on Christmas Island at approximately 0050 on Thursday 16 December.

The AFP conducted a DVI process with the deceased and was in-charge in the burial and repatriation process of same.

The investigation into the people smuggling aspects of the incident was also conducted resulting in 3 Indonesian crew members being charged with Aggravated People Smuggling and on 17 May 2011 one person being charged with 89 people smuggling offences.

Many personnel from Customs and Navy vessels together with those on shore including Australian Federal Police members were amongst those who risked their lives in an attempt to save as many people as possible from the SIEV 221. A total of 42 people were rescued from the vessel.

JOINT SELECT COMMITTEE ON THE CHRISTMAS ISLAND TRAGEDY
AUSTRALIAN FEDERAL POLICE
6 JUNE 2011

Question No. 3

The Committee asked the following question at the hearing on 6 June 2011:

Senator HANSON-YOUNG: Where did the divers who were able to retrieve the bodies that could be brought out come from?

Supt Ryan: The two bodies that were found the next day after the tragedy? Is that what you are referring to?

CHAIR: I think it is in relation to your evidence earlier about looking for the missing persons. I think you did refer to divers looking in a cave.

Supt Ryan: They were local divers hired by us. WAPOL was sending others but we wanted to get people in straight away.

Senator HANSON-YOUNG: My understanding was that they were local divers. I just wanted that confirmed. We will speak to the department of regional services about this as well, but what kind of support has been given to those divers since this incident? The men and women on both *Pirie* and *Triton* are trained for dealing with situations of high stress, dealing with casualties. It must have been a pretty unusual request for local divers, and I would imagine it would have been a hard thing for them to do to retrieve bodies.

Supt Ryan: It is a little unusual. We could not get the Western Australian divers there until the next day, and we wanted to start the process as quickly as we could. In answer to your question about counselling, I honestly do not know the answer to that in relation to those people. I know they were profusely thanked by the minister, Mr O'Connor, personally. He met them and thanked them. I can endeavour to find out if they received any counselling, but off the top of my head I cannot answer that.

Senator HANSON-YOUNG: Who would be the best person to ask that question of?

Mrs Grant: I think the Administrator of the island might be in the best position to know what services were provided to the community.

Senator HANSON-YOUNG: The reason I am asking you, though, is that you contracted them to do this work.

Supt Ryan: Correct—through the harbourmaster.

CHAIR: Would they have been specifically asked to do it or would they have been aware of the need for divers and made contact themselves? Maybe you can take that on notice.

Supt Ryan: I will take it on notice. They knew what they were doing, though.

CHAIR: Was it a formal contractual arrangement, or just 'you will do this, working for us'. Again, I am not suggesting we should hold up important things because of public sector bureaucracy, because we lose both ways when we do that. I feel for the public sector in those circumstances, which we put them in more often than not. But I would not mind understanding the actual nature of the contractual arrangement, if you are prepared to take that on notice.

Supt Ryan: I would have to take that on notice. We had a Western Australian search and rescue coordinator come out on the plane with us, Sergeant Mack. He came to me and told me what he wanted to do, and I said, 'Yes, make it happen'. I will have to get back and find out the mechanics behind that

The answer to the Senator's question is as follows:

During the recovery operation, the divers were asked through the Christmas Island Harbourmaster to assist. There was no formal contract. In effect they were asked and readily agreed and went out to help. Counselling services for the two local divers were provided immediately after the incident and on an ongoing basis by the Indian Ocean Territories Health Service. Dr Graham, in her evidence to the Committee on 7 June 2011, addressed their counselling services in some detail.