



Australian Government
Department of Defence



**DEFENCE SUBMISSION
TO THE JOINT SELECT COMMITTEE
ON THE 15 DECEMBER 2010
CHRISTMAS ISLAND TRAGEDY**



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PART 1

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Overview

The Defence Submission Relative to the Commonwealth Posture

1. The Australian Customs & Border Protection Service (ACBPS) is the responsible Commonwealth agency for border protection. As such, it has the lead on matters related to the tragedy at Christmas Island on 15 December 2010. This Defence Submission therefore supports the broader Customs & Border Protection Service Submission and attempts to further articulate only those Defence specific matters as they relate both to border protection generally, and the events of 15 December specifically. The Defence submission must therefore be read in conjunction with the Customs & Border Protection Service Joint Select Committee Submission and the Customs & Border Protection Services Internal Review into the Christmas Island tragedy.

Border Protection, People Smuggling and the Government Response

2. The Australian Defence Force and the Department of Defence more generally, are active elements of the whole-of-Government effort covering maritime enforcement and border security. This effort involves Customs, the Department of Immigration and Citizenship, the Australian Federal Police, the Australian Fisheries Management Agency and others. Defence, along with these other Commonwealth agencies, continues to also work with regional countries in an effort to overcome the wide range of maritime security threats confronting us all, including people smuggling.
3. The nation's border protection arrangements are flexible and responsive, and must meet this wide range of threats to our borders and national interests. Currently that list includes eight major threats and includes:
 - Irregular Maritime Arrivals.
 - Maritime terrorism.
 - Piracy, robbery and violence at sea.
 - Compromise to bio-security.
 - Illegal activity in protected areas.
 - Illegal exploitation of natural resources (eg. Illegal fishing).
 - Marine pollution.
 - Prohibited imports and exports.
4. With these multiple threats in mind, the border protection arrangements are a balance of available capability against threat analysis, with a tactical surveillance program in operation that includes a range of targeted aerial, sea and land patrols

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to safeguard, detect and respond to maritime threats in Australian waters. The practical management and application of this process is affected on a day-to-day basis by Border Protection Command on behalf of Customs. This includes actions on or around 15 December 2010.

Defence Intelligence Support

5. Defence is an element of the Customs and Border Protection Services led and managed, whole of government intelligence hub that supports border protection arrangements. This hub includes various Commonwealth inputs that focus on strategic, operational, and tactical intelligence. This support includes specialist Defence intelligence capabilities. The Customs & Boarder Protection Services systematic approach to the fusion and the practical application of various intelligence agencies, of which Defence is just one, is articulated in their Internal Review.

Australian Defence Force (ADF) Support

6. Defence assigns ADF assets in direct support of the Commonwealth border protection effort through its standing Joint Task Force 639 with operates as the key element of the ADF's Operation RESOLUTE. This Joint Task Force is allocated in support of Border Protection Command's mission. Operation RESOLUTE is further articulated later in this submission. Those ADF elements that make up the Joint Task Force and that are directly relevant to the events of December 2010 are also detailed later in this submission.

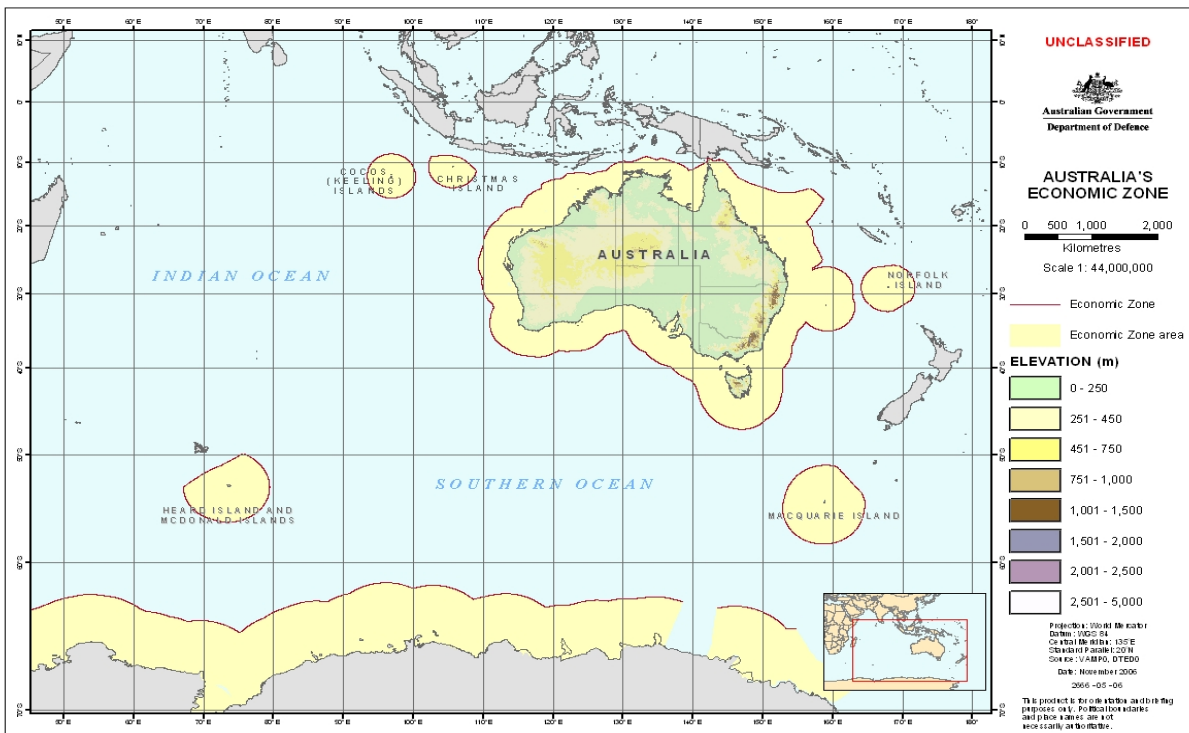
Surveillance Relative to Threat

7. Suspected Illegal Entry Vessel 221 (SIEV 221) arrived off Christmas Island unaltered on the morning of 15 December 2010. Considerations related to the possible early warning of such arrivals is therefore germane to the Commission's considerations. The Australia's Maritime Domain, for which Border Protection Command has responsibility, covers 10 to 11 percent of the area of the earth. Surveillance of this very broad area is prioritised based on the perceived threat and the likely approaches of that threat.
8. The intelligence led methodology by which Customs & Border Protection Services and thus Border Protection Command balances risk in relation to the number of potential threats across this vast potential surveillance area is articulated in the Customs & Border Protection Services Joint Select Committee submission. This description includes the prioritisation model used to decide on the allocation of assets to identified threats including over the period of December 2010.

PART 2

**Border Protection Command
& ADF Operation RESOLUTE**

9. As indicated, Defence works in support of Border Protection Command to assist in protecting Australia's borders. These Defence efforts are coordinated under the auspices of Operation RESOLUTE, which is the ADF's contribution to the broader Commonwealth effort. This operation is prosecuted by Joint Task Force 639, and is aimed at assisting the safeguarding of Australia's national interests by assisting Border Protection Command's mission of surveillance and maritime interception in Australia's territorial waters and Exclusive Economic Zone. As an element of the Commonwealth approach to people smuggling, Defence Force assets then hand over any apprehended potential irregular immigrants to the appropriate civil authorities. These agencies ensure that people are processed and cases administered according to Australian law.



10. **The Operation RESOLUTE Area of Operations.** The Operation RESOLUTE Area of Operations reflects that of Border Protection Command and includes Australia's Exclusive Economic Zone which extends up to 200nm around the mainland, Christmas, Cocos, Keeling, Norfolk, Heard, Macquarie and Lord Howe Islands.

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11. **Operational History.** Operation RESOLUTE commenced on 17 July 2006 and consolidated previous ADF operations including Operation RELEX II (SIEVs), Operation CRANBERRY (illegal fishing and smuggling), Operation CELESTE and MISTRAL (patrols of Australia's southern ocean), and patrols protecting Australia's gas and oil infrastructure.

12. **Command & Control.** Commander Border Protection Command, Rear Admiral Tim Barrett, AM, CSC, RAN, is the overarching operational authority that coordinates and controls both Defence and Customs assets out of his headquarters in Canberra. He is dual appointed by the Chief of the Defence Force and the CEO Customs as the Commander Border Protection Command. From a purely Defence point of view, he is also appointed as the Commander Joint Task Force 639 by the Chief of Joint Operations to command the Defence contribution to the border protection mission. Located in Darwin, the Deputy Commander of Joint Task Force 639 is responsible to Rear Admiral Barrett at the frontline for ADF assets operating under Operation RESOLUTE. He does that through Headquarters Joint Task Force 639 which is located in Darwin. These arrangements were in place in December 2010.

13. **ADF Assets in Support of the Commonwealth Effort.** At any one time, as many as 400 plus ADF personnel at sea, in the air, and on the land, are working to assist in the protection of Australia's borders and offshore maritime interests. They clearly work alongside personnel from Customs and other agencies. Specific ADF resources normally allocated to Operation RESOLUTE comprise:
 - Air Force AP-3C Orion maritime patrol aircraft that provide aerial surveillance of Australia's north-west and northern approaches.
 - At least seven Navy Armidale Class Patrol Boats (ACPBs) operating daily throughout Australia's northern offshore maritime areas.
 - Australian Army Regional Force Surveillance Unit (RFSU) patrols which conduct land based security operations.
 - A Transit Security Element (TSE) of approximately 37 personnel from either Army or Air Force who embark in the ACPBs.
 - A standby Navy Major Fleet Unit (MFU) for northern waters response.

14. **ADF Assets in Support of the 15 December Response.** As indicated, the previously outlined Command & Control arrangements for, and broad ADF support to, the Customs lead effort were in place over December 2010. The ADF assets of direct interest to the Committee as they had direct involvement in the response on 15 December are: the Armidale Class Patrol Boats (ACPB); the ACPB embarked Rigid Hull Inflatable Boats [RHIBs]); and the P3

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Orion, Maritime Patrol Aircraft. These ADF capabilities are further detailed later in this submission.



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PART 3

The Response on 15 December 2010

The Dynamic Nature of the Incident

15. It is important to understand that the nature of this incident changed as it moved through several phases, each with a slightly different mix of formal Commonwealth agency jurisdiction, standing coordination and control arrangements, and international agreements. It was initially reported and responded to as a standard border protection interception task then quickly moved into a Safety of Lives at Sea (SOLAS) incident. It became a shipwreck then merged into a Search and Rescue (SAR) operation. While the ADF was not the lead agency for any of these major components of the SIEV 221 incident, it is appropriate to articulate ADF factors that relate to all.

ADF asset Dispositions Relative to SIEV 221

16. The detailed Border Protection Command ADF and Customs ship, aircraft, and other asset dispositions on 14 and 15 December are well articulated in the Customs & Border Protection Services Joint Select Committee Submission. This description also details the rationale for those dispositions relative to known threats.
17. Over the period in question in December of 2010, there were seven Armidale Class Patrol Boats (ACPB) assigned to Operation RESOLUTE. These were HMA Ships *Pirie, Childers, Glenelg, Launceston, Maitland, Maryborough, and Wollongong*. The Standby Major Fleet Unit was HMAS *Ballarat* alongside in Sydney.
18. HMAS *Pirie* was located at Christmas Island as the Operational Response Vessel over the period in question. She had on board her normal ship's company and an embarked Transit Security Element. On the morning of 15 December she was holding the hulk of SIEV 220 in the vicinity of Ethel Beach, Christmas Island following the interception of this SIEV the previous day. She was to be the main ADF force element involved in the events of 15 December at Christmas Island. During 15, 16, and 17 December P3 Orion Maritime Patrol Aircraft were to be engaged in the Search and Rescue efforts. A RAAF C-17 was used to support the AFP victim identification efforts.

Environmental Conditions

19. The prevailing conditions were to have a major impact on the posture of ADF assets and the command decisions of key personnel before, during and after the events of 15 December 2010. The conditions were to also impact on ship and other asset

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system performance during the operation. The men and women of the ADF, like their Customs colleagues, had to operate in what can only be described as atrocious conditions. The prevailing wind and swells from the north-west were 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 also a low tide.

20. In a number of cases those embarked in rescue efforts were, themselves at great risk. Those personnel operating the Rigid Hull Inflatable Boats (RHIB) sea boats and Customs tenders, in particular, were in harms way from the time of their launch. The Committee might like to remember the contemporary images and vision shown at the time to be reminded of the prevailing conditions. If it is possible, viewing of vision of the conditions of the rescue by the Committee, while harrowing, is the most effective way to appreciate the environmental impacts on the day.

General Narrative

21. At approximately 9:50am (AEDST), 5:50 am local time, on Wednesday 15 December, Border Protection Command was notified that a vessel – a Critical Contact of Interest (CCOI), later designated as **SIEV 221** - had been sighted approximately 200 metres from Rocky Point, Christmas Island. The SIEV was then reported to Headquarters Joint Task Force 639 just before 1000 (AEDST) by several sources.
22. At approximately 10:05 am (AEDST), 6:05 am local time, HMAS *Pirie* was tasked to respond to the sighting. She was at the eastern side of Christmas Island, where she was attending to the hulk of SIEV 220. Importantly, while initial reports were sketchy, there was no indication that what became SIEV 221 was in distress. At approximately 10:30 am (AEDST), 6:30 am local time, officials on Christmas Island reported sighting the vessel being washed onto the shoreline at Rocky Point, causing the people onboard to be thrown into the water. The geography of Rocky Point made it extremely difficult for assistance to be rendered from the shoreline.
23. HMAS *Pirie* was then ordered to abandon the hulk of SIEV 220, on which she still had personnel, and proceed to the scene with 'all dispatch'¹ by Headquarters Joint Task Force 639. Due to the heavy seas and an initial engine problem, *Pirie* could only make good approximately 13 knots, and the Commanding Officer launched his Rigid Hull Inflatable Boats (RHIB). *Pirie's* RHIBs arrived on scene approximately 1108 (AESDT), 0708 am local time, and HMAS *Pirie* arrived on scene approximately 10 minutes after its RHIBs and confirmed approximately 60 personnel in the water.
24. Australian Customs Vessel (ACV) *Triton* also immediately responded and commenced passage to the scene. The tender from ACV *Triton* arrived on the scene, and commenced providing further assistance with the rescue effort.

¹ 'All dispatch' is defined as the authorised maximum continuous seagoing power

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25. The SIEV itself was completely destroyed against the rock face of Rocky Point in the heavy seas. A thorough search of the debris of the SIEV was conducted. By the end of search and rescue operations at last light on Wednesday 15 December, 42 survivors and 28 deceased had been accounted for.
26. The AFP had overall lead agency control for the ongoing management of the immediate incident on Christmas Island itself, and for the reporting of rescued and deceased individuals. The AFP requested Defence assistance to transport a Disaster Victim Identification asset trailer from Darwin to Christmas Island. This occurred as a Defence Aid to the Civil Community (DACC 6) task using a C-17 aircraft from the RAAF.
27. Rescue Coordination Centre (RCC) Australia assumed lead responsibility for the ongoing search and rescue aspects of this incident on 15 December, with Border Protection Command and ADF assets operating in direct support. Search efforts continued throughout 15, 16, and 17 and December using both civil and ADF assets, including RAAF P3 Orion aircraft.
28. The Defence assessment on the day of the rescue was that the Ship's Companies of both vessels were well led and focussed on their ongoing role in the incident. Some of the junior members were understandably shaken, but remained committed through out. A Defence Critical Incident Stress Management (CISM) Team provided counselling and care for all ADF personnel involved in this incident.
29. Above all else, the performance of the men and women who continuously put their own lives at risk in the most difficult of conditions to save the lives of those in great peril must be recognised. Regardless of all other aspects of the SIEV 221 incident, one thing is clear. If not for their efforts on the morning of 15 December, few of the 42 souls whose lives were eventually saved would be alive today.

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PART 4

**Specific Defence Capabilities Directly Relevant
to the events of 15th December 2010**

Armidale Class Patrol Boats (ACPBs)

30. HMAS *Pirie* is an Armidale Class Patrol Boat (ACPB). The Navy operates 14 ACPBs, of which at least seven are engaged in Operation RESOLUTE at any one time. The vessels work closely with other Government agencies and each year they provide up to 3000 patrol days as part of the Border Protection Command coordinated national surveillance effort.
31. After an aerial surveillance or other report is received, an ACPB may be directed to the location of a vessel of interest to conduct an investigative boarding. Of note, between July 2009 and May 2010, ACPBs conducted more than 270 investigative boardings on fishing vessels and Suspected Irregular Entry Vessels (SIEVs), resulting in more than 100 apprehensions.
32. ACPBs have a range of 3000 nautical miles at 12 knots and a maximum speed of about 25 knots. They are equipped with high-definition navigational radar, high, very high and ultra high frequency communications equipment, gyro compasses and an echo sounder. ACPBs are also fitted with a satellite navigation system that enables the ship's position to be determined with great accuracy.
33. **ACPB Data:**
- Length: 56.8m
 - Beam: 9.5m
 - Displacement: 305 tonnes
 - Maximum Speed:
 - Two Engines: 25 knots
 - One Engine: 15 knots
 - Economical Speed: 12-16 knots
 - PII capacity: 35 (normal conditions)
 - Crew Size: 21
 - Max Operational Sea State: Sea State 4

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- Rigid Hull Inflatable Boats (RHIB)
Hurricanes

2x Zodiac 733



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Rigid Hull Inflatable Boats (RHIB)

34. HMAS Pirie had two Rigid Hull Inflatable Boats (RHIB) embarked. Both were deployed in extremely difficult conditions on 15 December 2010.

35. **RHIB Data:**

- Size of RHIBs 7.2m
- Propulsion Diesel- Jet propelled
- Maximum Capacity
 - Normal conditions: 16 pers
 - Rough weather: 10 pers
 - Emergency: 25 pers
- Maximum speed: 25 knots fully loaded
in Sea State 4
- 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



Transit Security Element (TSE)

36. The TSE consists of approximately 37 security-trained Army or Air Force personnel who embark in the seven Navy ACPBs assigned to Operation RESOLUTE. Their role is to supplement the existing Navy Boarding Party team by providing additional security onboard apprehended vessels. HMAS *Pirie* had a TSE element of four (normal complement) embarked on 15 December 2010.

37. This task is shared between the Army and Air Force with each TSE conducting a three-month rotational deployment to Operation RESOLUTE.



AP-3C Orion Maritime Patrol Aircraft (MPA)

38. P3 Orion MPA were used both during the response and Search and Rescue (SAR) phases of this incident.
39. Located at RAAF Base Edinburgh near Adelaide, the Orion is the workhorse of No 92 Wing. RAAF aircrew and maintenance staffs assigned to Operation RESOLUTE are typically deployed to RAAF Base Darwin, from RAAF Base Edinburgh, for rotational periods of approximately three weeks and two weeks respectively. Additionally, there is 15 permanent staff in Darwin.
40. The Orions are employed to conduct long-range surveillance missions within Australia's Exclusive Economic Zone and provide early warning of maritime security threats. They provide approximately 2000 hours of aerial surveillance to Operation RESOLUTE per year.
41. The Orions are fitted with a variety of sensors, including digital multi-mode radar, electronic support measures, electro-optics detector (infra-red and visual), magnetic anomaly detector, identification friend or foe systems and deployable acoustic detectors.



PART 5

Defence Review Actions

Customs & Border Protection Services Internal Review

42. Defence were engaged in the broader Internal Review by Customs & Border Protection Services and supports all eight recommendations from that Review. Of note, Defence has already commenced efforts in conjunction with Border Protection Command and the Border Protection Command Steering Group, that support Recommendations 1,2 and 5 specifically.

Internal Review: Recommendations 1 and 5.

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

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

43. **Defence Actions.** Headquarters Joint Task Force 639 has commenced detailed planning and review of its overall Operation RESOLUTE Campaign Plan. While these plans are routinely reviewed, this is a complete first principles review and will look at all aspects of the current operational posture and procedures. It will, by definition, also review interagency procedures. This detailed work is due to be complete in June 2011.
44. Joint Task Force 639 were involved in interagency de-briefs in Darwin on 16 March 2011 and in Canberra on 18 Mar 2011. These de-briefs largely focussed on:
- command & control,
 - communications,
 - intelligence, and
 - Standard Operating Procedures.

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The key observations flowing from these series of de-briefs are articulated in the Customs & Border Protection Services Joint Select Committee Submission.

Internal Review: Recommendation 2.

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

45. **Defence Actions.** The Defence Science and Technology Organisation (DSTO) have been fully engaged in this initiative. A detailed account of the DSTO progress so far is articulated in the Customs and Border Protection Services Joint Select Committee Submission.

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