

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

**Question No. 4**

**Senator Humphries asked the following question at the hearing on 12 February 2013:**

**Senator HUMPHRIES:** In January, the minister made a statement to the press about an incident: ACV *Ocean Protector*, operating under the control of Border Protection Command, has worked with Oil and Gas Installation (OGI) support vessel *Offshore Quest*, approximately 92 nautical miles east-south-east of Ashmore Islands, to transfer eleven suspected asylum seekers into Australian Government custody.

Yesterday the *Offshore Quest* contacted the Australian Maritime Safety Authority's Rescue Coordination Centre (RCC Australia) to report that passengers from a small Indonesian fishing vessel had boarded the vessel. That is, the *Offshore Quest*. Can you tell us what happened in that incident exactly?

**Rear Adm. Johnston:** Yes, I can. If I step through the time line of events, that will give you an indication of that particular incident. The advice I have is that, at about 5.15 pm on 23 January, the *Offshore Quest* was approached and boarded by a small Indonesian fishing vessel with about 11 people on board. At that time the *Offshore Quest* was about three nautical miles away from an offshore oil and gas installation. To give you a sense of the geography, it was around 90 miles east of the Ashmore Island group. At 5.32 on that day the Rescue Coordination Centre advised my command of the incident, and we had advice from the *Offshore Quest* that was relayed to us that the people who had boarded were calm, they displayed no intent to harm the crew at all, but due to language problems it was not clear to the crew on board the *Offshore Quest* what assistance the people who had embarked required. Border Protection Command, working both with the shipping company and the vessel itself, made arrangements for one of our vessels to rendezvous with the *Offshore Quest*, which we did that night, at 11.45. We then boarded the *Offshore Quest* and tried to determine what the circumstances of the people were. We understood that they wished to come to Australia, and they were then transferred from the *Offshore Quest* onto the *Ocean Protector* for that transportation. We were subsequently able, through some questioning, to better understand what the circumstances of the 11 people were. In essence, they had a lack of food, water and fuel and they were seeking assistance. That was provided to them in terms of the embarkation onto the *Ocean Protector*.

**Senator HUMPHRIES:** The minister's media release uses the language that passengers from a small vessel had boarded the Australian vessel, the *Offshore Quest*. Normally they refer to taking people off a boat—taking them rather than them actively boarding the vessel. There was no implication in that statement that there had been active boarding by these people without invitation—they had not tried to board the *Offshore Quest* without the permission of the people on board *Offshore Quest*?

**Rear Adm. Johnston:** The boarding means that the people had come on board the vessel, which is accurate. The circumstances at that time, why they had done so, were not entirely clear. I think 'boarding' is a reasonable representation of the 11 people coming on board the *Offshore Quest*.

**Senator HUMPHRIES:** Do you think that the crew of the *Offshore Quest* felt threatened or unsafe in the way that this boarding occurred?

**Rear Adm. Johnston:** The advice to me is no, because there was no indication of harm or any intent for harm displayed by the 11 people. But the crew took a precaution, which was to secure themselves within the bridge area of the ship so that they had no immediate contact with the 11 people.

**Senator HUMPHRIES:** How does that work? The crew were on the bridge, so who was assisting the people from the fishing vessel onto the boat?

**Rear Adm. Johnston:** I believe the people from the fishing vessel boarded themselves. Typically, the offshore oil and gas support ships have a very low point of entry—the freeboard is low so it is easy for people to climb on board. I understand that, once boarded, they just sat on the deck and waited until the *Ocean Protector* rendezvoused with them.

**Senator HUMPHRIES:** So it is not entirely clear to you whether these people were asked to come on board or whether they simply, because the boats were close, took the opportunity to board?

**Rear Adm. Johnston:** My understanding is they took the opportunity. They needed food and water, they saw a larger vessel there that potentially could provide that, and they then boarded the vessel seeking that assistance.

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**Senator HUMPHRIES:** Did Customs have any involvement in the aftermath of this incident? Did they subsequently intercept the boat and take the passengers off it?

**Rear Adm. Johnston:** Once the *Ocean Protector*, which is a Customs vessel, rendezvoused with the *Offshore Quest*, the 11 people were embarked in the *Ocean Protector* and taken to Christmas Island, yes.

**Senator HUMPHRIES:** Was an investigation undertaken into this incident afterwards?

**Rear Adm. Johnston:** We have an ongoing dialogue with the shipping companies around the circumstances of it, but our view is that it was opportunistic, that they were seeking assistance and that that is the nature of the incident that we were dealing with.

**Senator HUMPHRIES:** If there is any other information you can provide us about what happened there, I would appreciate your taking that on notice. It just seems like a strange and slightly disturbing development when vessels are boarded apparently without people actively inviting the passengers on board.

**The answer to the honourable senator's question is as follows:**

There is no further information that can be provided by Border Protection Command. The Australian Federal Police is responsible for investigating if an offence has occurred. The Australian Federal Police was kept apprised of this incident as it unfolded. Following receipt of information related to the boarding of *Offshore Quest*, the Australian Federal Police determined the incident did not require further investigation.