

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

**Question No. 59**

**Senator Barnett asked the following question at the hearing on 19 October 2009:**

Can the Committee be advised of the protocol Customs follows during incidents such as that that occurred on Sunday 18 October 2009, where two boats carrying asylum seekers in Malaysian and Indonesian waters conveyed a distress signal to the Australian Maritime Safety Authority?

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

Australia's obligations for its search and rescue region are outlined in the International Convention for the Safety of Life at Sea (SOLAS), United Nations Convention on the Law of the Sea (UNCLOS) and in particular the International Convention for Search and Rescue 1979 to which Australia is a party.

Australia has a cooperative Search and Rescue (SAR) plan between the Australian Maritime Safety Authority (AMSA), the Australian Defence Force (ADF) and State and Territory Police being the SAR authorities. AMSA is normally the lead SAR authority for coordinating response to a maritime SAR and coordinating with international SAR authorities. AMSA has the lead in the Commonwealth for coordinating a response to a SOLAS situation in the Australian Search and Rescue Region (SRR) and for communicating with other jurisdictions on civil SAR matters. AMSA's responsibilities are legislated in the *Australian Maritime Safety Authority Act 1990*. At all times AMSA is obligated to act in accordance with its legislated responsibilities.

Receipt of a distress alert or information suggesting that a vessel may be in imminent danger is treated as a possible maritime SAR situation and under international convention the responsible jurisdiction is obligated to provide assistance. If any Australian agency, including Customs and Border Protection received information about a vessel in distress, this information will be provided to AMSA. If the information relates to a vessel in another country's maritime search and rescue region, the responsible country has the lead for managing the SOLAS situation.