

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

**Question No. 38**

**Senators Brandis and Humphries asked the following questions at the hearing on 18 October 2011:**

**Senator BRANDIS:** As you said before—or perhaps it was Mr Pezzullo—a log is kept. That log would tell us how many hours or minutes—or even seconds potentially—elapsed between the making of the call or the declaration that there may be a distress situation, to conveying it to the watch-keeping officer and the watch-keeping officer conveying the message to AMSA and AMSA in its turn conveying the message, as in a case like this, to the Indonesian search and rescue authorities.

**Ms Grant:** The log, in the terms you are probably envisaging, is kept in the Border Protection Command, so they would log in the time they receive the information from the intelligence officer, and they would log the time they made the call to AMSA. Once it gets to AMSA, they have their own log records.

**Senator BRANDIS:** Of course, and we can ask AMSA that in another committee. Can those sections of the log from the time the call was made that there was possibly a vessel in distress to the time at which AMSA was contacted—can those parts of the log be produced, please?

**Ms Grant:** We can certainly take it on notice to produce a declassified version.

...

**Senator HUMPHRIES:** I want to follow up something. Earlier today, there was reference to the communication that Customs and Border Protection was likely to have sent to AMSA in relation to that boat of October 2009. Is it possible to have that correspondence tabled?

**Mr Carmody:** We will take that on notice and if it is possible we will provide it.

**Senator HUMPHRIES:** Thank you.

**The answers to the honourable senators' questions are as follows:**

The following table is a declassified summary of relevant communications relating to a potential vessel in distress reported on Saturday 3 October 2009:

<b>Saturday 3 October 2009</b>	
<b>Approximate Time (AEST)</b>	<b>Event</b>
(approx 1200)	<p>Customs and Border Protection (Canberra) received information from the Australian Embassy (Jakarta), regarding a potential vessel in distress. Information received indicated that the vessel was 100 kilometres from Christmas Island and taking on water.</p> <p>A partial coordinate was provided with the information which indicated an alternate vessel location. The partial coordinate indicated an area around 3.43 square kilometres, approximately 200 nautical miles from Christmas Island, approximately 17 nautical miles off the coast of Java and within the Indonesian Search and Rescue Region.</p> <p>The information received was classified, ambiguous, and unverified.</p>
1210	<p>Reports of the potential vessel in distress including the partial coordinate were conveyed to the Border Protection Command (BPC) watch-keeping officer in the Australian Maritime Security Operations Centre (AMSOC).</p>

	<p>Based on this information, staff in the AMSOC (Canberra) in collaboration with the Defence Joint Task Force 639 (Darwin), commenced investigating the location, availability, fuel and logistics status of BPC assigned assets. Concurrently, intelligence areas commenced assessment of the credibility and veracity of the report by reference to existing information holdings regarding potential ventures.</p> <p>AMSOC contacted Australian Customs Vessel <i>Oceanic Viking</i> (1220 AEST) and determined its location was approximately 360 nautical miles south east of the partial coordinate. The crew of the ACV <i>Oceanic Viking</i> were briefed on the reported information. An Armidale Class patrol boat (HMAS <i>Albany</i>) assigned to Border Protection Command was proceeding to the northern approaches to Christmas Island and its capacity to intercept the reported vessel was also assessed.</p> <p>In view of the paucity of information regarding the status, location, course and speed of the reported vessel, assessments were made in relation to the course most likely to locate it.</p>
1319	<p>ACV <i>Oceanic Viking</i> was directed to the partial coordinate 200 nautical miles from Christmas Island. HMAS <i>Albany</i> remained on task in the vicinity of Christmas Island noting the possibility of the alternate location of the reported vessel closer to Christmas Island.</p> <p>During this period, calls were also being made about availability of aircraft to fly from Darwin.</p>
1322	<p>Commander Border Protection Command and the on-call BPC Director discussed the ongoing operational response to the report. As a consequence of this discussion Commander Border Protection Command requested the on-call Duty Director make arrangements to notify AMSA of the potential vessel in distress, pending the approval for release of the information from the originating agency.</p>
	<p>The on-call Director contacted the on-call Intelligence officer to formally progress this request via secure systems used to liaise with the originating agency.</p>
	<p>During this period Customs and Border Protection officers continued to seek further and better particulars regarding the location of the vessel and the nature of its distress to inform any subsequent operational response.</p>
1435	<p>The on-call Intelligence officer followed up telephone discussions with a secure communication to the originating agency requesting positional data on the potential vessel in distress at an unclassified level for passing to AMSA for search and rescue purposes.</p>
1449	<p>The originating agency approved disclosure of the partial coordinates at an unclassified level and sought further discussion on the information and specific text to be disclosed.</p>
1533	<p>The information and set of words were settled and the approved text was emailed to AMSA.</p>

Please see attached correspondence sent from Customs and Border Protection to AMSA in relation to the potential vessel in distress October 2009.

**Attachments:**

A. Email from the AMSOC supervisor to RCC Australia advising of a possible venture in distress.

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[Redacted]

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**From:** [Redacted]  
**Sent:** Saturday, 3 October 2009 15:33  
**To:** RCCAUS  
**Cc:** Border Protection Operations  
**Subject:** Vessel in distress [SEC=UNCLASSIFIED]

**Security Classification:** UNCLASSIFIED

RCC

Information has been received that a vessel in possible location 0655S 10458E is taking on water. The source of the information is classified, and no current course and speed is available. BPC request RCC advise of course of actions.

If you have any question please contact the AMSOC.

Regards

[Redacted]  
Supervisor - Operations  
Australian Maritime Operations Centre  
Australian Customs and Border Protection Service  
[Redacted]  
W: [www.customs.gov.au](http://www.customs.gov.au)