

GOVERNMENT RESPONSE TO THE REPORT
OF THE JOINT SELECT COMMITTEE ON
THE CHRISTMAS ISLAND TRAGEDY

AUGUST 2011

INTRODUCTION

On 2 March 2011 the Parliament established the Joint Select Committee on the Christmas Island Tragedy of 15 December 2010 to inquire into the incident in which an irregular entry vessel foundered on rocks at Rocky Point on Christmas Island. The Committee examined the Commonwealth's management of the incident, its operational response, and the adequacy of subsequent support provided to survivors and others.

The Committee tabled its report on 4 July 2011 which contained three recommendations. The report also contained two additional recommendations from Senator Crossin and seven additional recommendations from Senator Hanson-Young.

The Government welcomes the report prepared by the Joint Select Committee on the Christmas Island Tragedy of 15 December 2011 and recognises the significant amount of work and consideration that has gone into providing these recommendations.

The Government's official responses to the Committee's recommendations are provided below.

Table 1 – Summary of Government Response to Recommendations

Recommendation	Government Response
<p>Committee Recommendation 1: The Committee recommends that DIAC and its relevant contractors continue to monitor the wellbeing of the survivors and that counselling and support services should be provided for as long as is necessary.</p>	Agreed
<p>Committee Recommendation 2: The Committee recommends that the Department of Regional Australia and DIAC liaise with the Christmas Island community to explore options for a permanent memorial to be erected on the island, at a site of the residents' choosing, for the victims of the tragedy.</p>	Agreed
<p>Committee Recommendation 3 The Committee recommends that relevant Commonwealth agencies continue to monitor the wellbeing of their personnel and that counselling and support services should be provided for as long as necessary.</p>	Agreed
<p>Senator Crossin Recommendation 1: That, in addition to the implementation of the recommendations of the Emergency Management Committee in its January 2011 report, the Department of Regional Australia, Regional Development and Local Government take all necessary steps to ensure reliable radio coverage is available on all parts of Christmas Island before the end of 2011.</p>	Agreed in part
<p>Senator Crossin Recommendation 2: That the Department of Regional Australia immediately establish a full time Community Emergency Management Officer on Christmas island, to serve both Christmas and Cocos Islands.</p>	Agreed
<p>Senator Hanson-Young Recommendation 1: The Australian Greens recommend that as matter of urgency an independent review into Australia's border protection surveillance is established.</p>	Not agreed
<p>Senator Hanson-Young Recommendation 2: The Australian Greens recommend that Commonwealth funding be directed to establish a full-time emergency services volunteer coordinator on Christmas Island</p>	Agreed
<p>Senator Hanson-Young Recommendation 3: The Australian Greens recommend that a permanent mental health team, funded through the Department of Regional Australia, Regional Development and Local Government, is established on Christmas Island, as part of the Christmas Island health service, to provide services for all members of the community.</p>	Agreed
<p>Senator Hanson-Young Recommendation 4: The Australian Greens recommend that the Department of Regional Australia, Regional Development and Local Government, implement all recommendations from the Christmas Island emergency management report.</p>	Agreed in part
<p>Senator Hanson-Young Recommendation 5: The Australian Greens further recommend that the Department of Regional Australia, Regional Development and Local Government, conduct an infrastructure audit on the standards and conditions of facilities on Christmas Island.</p>	Agreed
<p>Senator Hanson-Young Recommendation 6: The Australian Greens recommend that as a matter of urgency, a review into the protocols by which decisions are made to transfer asylum seekers with special needs to the mainland, is established.</p>	Not agreed
<p>Senator Hanson-Young Recommendation 7: The Australian Greens recommend that the role of community liaison officer, funded through the Department of Immigration and Citizenship, continue to be funded.</p>	Agreed

RECOMMENDATIONS

Recommendation 1

The Committee recommends that DIAC and its relevant contractors continue to monitor the wellbeing of the survivors and that counselling and support services should be provided for as long as is necessary.

Response

The Government agrees to Recommendation 1.

The Department of Immigration and Citizenship and its contracted Detention Service Providers work to ensure that all persons in immigration detention have access to appropriate health and support services. The Department is particularly sensitive to the trauma experienced and consequent needs of survivors of the December 15 Christmas Island tragedy.

Contractors and Departmental staff adhere to strict protocols to monitor the wellbeing of all people in detention, with a particular emphasis on those who have experienced extreme stress and trauma.

All survivors from the SIEV 221 boat tragedy who have not been granted a visa are currently accommodated in community detention arrangements on the Australian mainland. The Department of Immigration and Citizenship will ensure that appropriate care and support arrangements remain in place while these people continue to be in immigration detention.

The Humanitarian Settlement Services program provides a range of initial settlement services for clients who are granted a protection visa. This includes a strong case management approach to assessing each individual client's needs.

If a person required trauma counselling, they would be referred and assisted with access to the appropriate service provider.

Recommendation 2

The Committee recommends that the Department of Regional Australia and DIAC liaise with the Christmas Island community to explore options for a permanent memorial to be erected on the island, at a site of the residents' choosing, for the victims of the tragedy.

Response

The Government agrees to Recommendation 2.

The Department of Regional Australia, Regional Development and Local Government is liaising with the Department of Immigration and Citizenship and the Christmas Island Shire regarding appropriate locations upon which to erect a permanent memorial. The Department of Immigration and Citizenship will, as appropriate, provide the necessary support to the Department of Regional Australia, Regional Development and Local Government and the local community in this process.

Recommendation 3

The Committee recommends that relevant Commonwealth agencies continue to monitor the wellbeing of their personnel and that counselling and support services should be provided for as long as necessary.

Response

The Government agrees to Recommendation 3.

Each affected Commonwealth agency has employee assistance arrangements in place. Immediate steps were taken to provide such support to Commonwealth personnel on the day of the tragedy and

agencies will continue to monitor the wellbeing of personnel involved in the response to SIEV 221 and provide appropriate counselling and support for as long as necessary.

ADDITIONAL RECOMMENDATIONS - Senator Crossin

Senator Crossin - Recommendation 1

That, in addition to the implementation of the recommendations of the Emergency Management Committee in its January 2011 report, the Department of Regional Australia, Regional Development and Local Government take all necessary steps to ensure reliable radio coverage is available on all parts of Christmas Island before the end of 2011.

Response

The Government agrees in part to Senator Crossin's Recommendation 1.

In relation to radio coverage, the Department of Regional Australia, Regional Development and Local Government notes that 100 per cent coverage of Christmas Island will be difficult to achieve due to the Island's topography. The Department of Regional Australia, Regional Development and Local Government is liaising with the Australian Customs and Border Protection Service and the Australian Federal Police regarding implementation of this Recommendation and progressing radio communication improvements to provide more extensive radio coverage of Christmas Island.

In support of this work and as part of the Australian Customs and Border Protection Service SIEV 221 Internal Review recommendations, an audit of the technical capabilities and limitations of communications equipment currently held on Christmas Island by the Australian Customs and Border Protection Service has been undertaken. This was followed by a gap analysis which recommended the procurement of dual UHF/VHF hand held radios as an improvement for the Australian Customs and Border Protection Service officers (by negating the need to carry two radios). It was also identified that the installation of additional repeater infrastructure on Christmas Island would further improve radio coverage. Planning regards system design is currently underway.

An aspect of this issue was also raised in the report of the Christmas Island Emergency Management Committee with the Department of Regional Australia, Regional Development and Local Government procuring five marine VHF hand held radios for use by emergency personnel. Additional communications equipment is also part of the trailer of emergency equipment currently being built under the auspices of Western Australia Fire and Emergency Services Authority.

The Government has agreed in part to the implementation of the recommendations of the Emergency Management Committee report. This report was presented to, and considered by, the Minister for Regional Australia, Regional Development and Local Government who is monitoring its implementation.

Senator Crossin - Recommendation 2

That the Department of Regional Australia immediately establish a full time Community Emergency Management Officer on Christmas island, to serve both Christmas and Cocos Islands.

Response

The Government agrees to Senator Crossin's Recommendation 2.

The Department of Regional Australia, Regional Development and Local Government is consulting with Emergency Management Australia, Western Australia Fire and Emergency Services Authority and the Administrator of the Indian Ocean Territories on how best to implement this

recommendation. The Community Emergency Management Officer would be part of the Department's Indian Ocean Territories Administration Office.

ADDITIONAL RECOMMENDATIONS - Senator Hanson-Young

Senator Hanson-Young Recommendation 1

The Australian Greens recommend that as matter of urgency an independent review into Australia's border protection surveillance is established.

Response

The civil maritime surveillance function has been regularly reviewed over a number of years through a series of independent and whole-of-government strategic level reviews on national security and border protection issues.

The Australian Customs and Border Protection Service also continues to monitor new and emerging technologies which have the potential to enhance detection and response outcomes. These activities have included a static radar trial at Christmas Island which is still underway.

Further, the last tender process conducted by the Australian Customs and Border Protection Service for wide area surveillance did not reveal the existence of commercially viable surveillance options beyond those currently employed in the layered surveillance response.

The sheer size of Australia's maritime domain does not allow for the persistent surveillance of all areas and threat axes all the time, rather Australian Customs and Border Protection Service uses an intelligence led risk based model which provides the most effective utilisation of its available resources and surveillance capabilities against known threats.

Accordingly, the Government does not agree to Senator Hanson-Young's Recommendation 1.

Senator Hanson-Young Recommendation 2

The Australian Greens recommend that Commonwealth funding be directed to establish a full-time emergency services volunteer coordinator on Christmas Island.

Response

The Government agrees to Senator Hanson-Young's Recommendation 2, noting the essential similarity with Senator Crossin's Recommendation 2.

The Department of Regional Australia, Regional Development and Local Government is consulting with Emergency Management Australia, Western Australia Fire and Emergency Services Authority and the Administrator of the Indian Ocean Territories on how best to implement the recommendation. The emergency services volunteer coordinator would be part of the Department of Regional Australia, Regional Development and Local Government's Indian Ocean Territories Administration Office.

Senator Hanson-Young Recommendation 3

The Australian Greens recommend that a permanent mental health team, funded through the Department of Regional Australia, Regional Development and Local Government, is established on Christmas Island, as part of the Christmas Island health service, to provide services for all members of the community.

Response

The Government agrees to Senator Hanson-Young's Recommendation 3 and notes that it is currently being met as part of business as usual services provided by the Department of Regional Australia, Regional Development and Local Government.

The Indian Ocean Territories Health Service has a regular establishment of one psychologist, one social worker and four torture and trauma counsellors on Christmas Island. The torture and trauma counsellors are funded by the Department of Immigration and Citizenship on a year-by-year basis. These services are available to the Christmas Island community and are adequate on a day-to-day basis.

In any emergency situation, the Department of Regional Australia, Regional Development and Local Government is able to augment this capacity as required, through a Service Delivery Arrangement with the Western Australian Government. In response to this tragedy and with the assistance of the Western Australian Government, an additional psychologist was deployed to Christmas Island from 23 December 2010 to 19 January 2011 and from 25 January 2011 until 8 February 2011. As school commenced on 9 February 2011, a replacement counsellor was deployed from 8 February 2011 for ten days to provide help to people as they dealt with their experiences.

Commonwealth agencies directly involved in responding to the incident were able to access counselling support through their agencies. Volunteers with, for example, the Volunteer Marine Rescue Service, those who assisted directly in a personal capacity or who had been impacted indirectly by the events were directed to a number of counselling services available on Christmas Island, including the local social worker, the local school psychologist and counsellors engaged with the Torture and Trauma Unit of the Indian Ocean Territories Health Service.

At the Joint Select Committee hearing on Christmas Island, Dr Julie Graham, Director of Public Health and Medicine at the Indian Ocean Territories Health Service, noted that ongoing mental health services are required at the Indian Ocean Territories Health Service. If the Department of Immigration and Citizenship were to stop funding the torture and trauma counsellors, the Department of Regional Australia, Regional Development and Local Government would review the mental health establishment of the Indian Ocean Territories Health Service

Senator Hanson-Young Recommendation 4

The Australian Greens recommend that the Department of Regional Australia, Regional Development and Local Government, implement all recommendations from the Christmas Island emergency management report.

Response

The Government agrees in part to Senator Hanson-Young's Recommendation 4, noting the similarity with Senator Crossin's Recommendation 1.

The Christmas Island Emergency Management Committee report was presented to, and considered by, the Minister for Regional Australia, Regional Development and Local Government, who is monitoring its implementation.

Senator Hanson-Young Recommendation 5

The Australian Greens further recommend that the Department of Regional Australia, Regional Development and Local Government, conduct an infrastructure audit on the standards and conditions of facilities on Christmas Island.

Response

The Government agrees to Senator Hanson-Young's Recommendation 5 and notes that this process is ongoing as part of the Department of Regional Australia, Regional Development and Local Government business as usual processes.

The Department of Regional Australia, Regional Development and Local Government undertakes regular evaluations of its asset portfolio as part of its strategic asset management plan to confirm that its assets continue to be appropriate to meet its program delivery requirements.

This is in line with the ANAO 'Better Practice Guide on the Strategic and Operational Management of Assets by Public Sector Entities', September 2010.

Senator Hanson-Young Recommendation 6

The Australian Greens recommend that as a matter of urgency, a review into the protocols by which decisions are made to transfer asylum seekers with special needs to the mainland, is established.

Response

It is standard practice for the Department of Immigration and Citizenship to transfer clients from Christmas Island should they have special needs which cannot be met on Christmas Island. Protocols already exist to guide decisions on transfer of asylum seekers with serious health, mental and psychological needs to the mainland and these are working well.

The decision to transfer such clients is made on a case-by-case basis, depending on individual clients' needs and availability of suitable accommodation on the mainland.

Accordingly, the Government does not agree to Senator Hanson-Young's Recommendation 6.

Senator Hanson-Young Recommendation 7

The Australian Greens recommend that the role of community liaison officer, funded through the Department of Immigration and Citizenship, continue to be funded.

Response

The Government agrees to Senator Hanson-Young's Recommendation 7.

The Department of Immigration and Citizenship will continue to provide funding for a Community Liaison Officer position on Christmas Island while the operational need exists.