

Chapter 2

Chronology of events

2.1 This chapter summarises the events which immediately preceded the breaking-up of SIEV 221 at Rocky Point early in the morning of 15 December 2010, and the rescue response which was mobilised before, during and after the boat foundered. The chapter also addresses the committee's findings in relation to surveillance of the waters north of the island, and the development of land-based radar capacity. Detailed qualitative analysis of the response, from the perspectives of both survivors and others, is contained in chapter 3. The following is largely drawn from government agency submissions to the inquiry, in particular the submission from Customs and Border Protection (Customs).

Christmas Island

2.2 Christmas Island is a remote Australian Territory which lies in the Indian Ocean approximately 300 nautical miles (nm) south of Jakarta and 1500 nm west of Darwin. The island is a rocky outcrop surrounded by deep water. There are a number of areas of water around the coast that are uncharted, including Rocky Point and Ethel Beach, which preclude the safe use by larger vessels. The major settlement is on the north-west coast where limited port facilities are provided at Flying Fish Cove. The port is exposed to significant winds and swells during the monsoon season from November to April each year and port closures are common.

2.3 The eastern shore of Christmas Island is rocky and is exposed to the south easterly trade winds that are prominent during the winter and autumn months. Ethel Beach lies on the eastern side of the island and provides a small boat ramp that can be used in suitable sea conditions, although the rocky conditions heavily restrict its use.

Weather

2.4 The weather played an important role in the tragedy. In the days preceding the incident Christmas Island experienced a monsoonal low pressure system to the south-west generating west to north-westerly winds up to 30 knots¹, seas up to and including sea state 5 with a swell of 3–4 metres from the north-west. The forecast for the period also included the strong possibility of rain squalls which would severely reduce visibility.

1 Bureau of Meteorology, *Submission 20*, p. 5.

2.5 The weather impacted on shipping in Flying Fish Cove, restricting activity in the harbour. The Marine Pilot at Christmas Island advised Customs officers at Christmas Island that he had received reports that the weather would continue to deteriorate for the next 5 days.

Intelligence

2.6 As at 14 December 2010, Customs were aware of two imminent maritime arrivals, one being a likely arrival to the Ashmore Islands and the other likely to arrive at Christmas Island. SIEV 220, which arrived at Christmas Island on 14 December 2010, was attributed to one of the likely arrivals. SIEV 222 was intercepted at the Ashmore Islands on 16 December 2010, accounting for the other likely arrival. At the time of its arrival, SIEV 221 was unexpected:

The weather and sea conditions...severely restricted the effectiveness of HMAS *Pirie's* radar and visual lookout during the night of 14-15 December. Consequently, and without any intelligence of its arrival, SIEV 221 approached Christmas Island undetected, in atrocious conditions and without appropriate safety equipment.²

2.7 The committee heard that Customs acts on intelligence provided through a variety of sources, including law enforcement agencies in Australia and abroad. Information, ranging from open source to highly classified material, is brought together on a daily basis by a People Smuggling Intelligence Analysis Team (PSIAT) working within Customs. The resulting information is analysed to assess potential ventures. This process:

...is not a science by any means. We have pieces of information that could indicate perhaps a venture is being formed...that never eventuate[s] into anything that we see as an arrival. We have to make assessments as to whether it is disinformation in a sense for the intelligence-collecting communities, whether it is marketing material by the people smugglers. So even though we get a piece of information it does not actually indicate that that is a fact, and intelligence analysts try and put as many different pieces of information as they can together to form a view of what may occur.³

2.8 The AFP advised the committee that subsequent investigations reveal the SIEV 221 originated from Muara Angke, a harbour in north Jakarta.⁴ The AFP described the SIEV 221's journey to the committee:

The vessel was navigated to the western end of Java where it collected the three crew members who later survived the incident at Christmas Island. A 4th crew member was already aboard. The vessel then continued travelling

2 Mrs Marion Grant, Deputy Chief Executive Officer, Customs, *Proof Committee Hansard*, 27 May 2011, p. 42.

3 Mrs Marion Grant, Deputy Chief Executive Officer, Customs, *Proof Committee Hansard*, 27 May 2011, p. 42.

4 AFP, *Submission 7*, p. 8.

in a south westerly direction and when it was near Palau Panaitan, an island situated off the south west coast of Java, passengers were embarked from smaller boats during the night of 12 December 2010. SIEV221 was then navigated to a point some 10 hours from Christmas Island where the 4th crew members disembarked to a smaller boat and returned to Indonesia.⁵

Surveillance

2.9 The committee took evidence on the management and deployment of Australia's surveillance capacity, and heard that surveillance is prioritised based on the perceived threat and the approaches most likely to be used.

2.10 Surveillance at Christmas Island is usually conducted by the response vessels on patrol at the island using shipboard radar, electro-optical devices and visual means. These were the means of surveillance in use on the day preceding the incident, but were of no use in detecting SIEV 221 due to the extreme weather and the position of the vessels relative to the SIEV and the land mass of the island.

2.11 Aerial surveillance of the northern approaches to Christmas Island, using BPC assigned AP-3C or Dash-8 aircraft, is also programmed and conducted on a risk-assessed basis. For example, aerial surveillance may be conducted when there is a high probability of concurrent arrivals and this additional surveillance may assist with response planning. Regular deployment of aerial surveillance assets around Christmas Island is limited by a number of factors including aircraft range and the facilities available on the island, such as limited aviation fuel stocks. Prevailing weather conditions also have a significant impact on the ability to deploy aircraft to Christmas Island with the airfield closed on frequent occasions during the monsoon season. This was evident in the weeks prior to the incident where a number of commercial and contracted flights were unable to land. No aerial surveillance was conducted on 14 December 2010 in the area of Christmas Island and no missions were planned for the area on 15 December 2010.

Radar

2.12 The Jindalee Over the Horizon (JORN) radar was not being used at the time of the tragedy. The committee heard that detection of the SIEV 221 by JORN would have been 'highly improbable' even had it been operating because the system:

...has a threshold of detection with respect to surface vessels, for example, of Armidale class patrol boats, similar to one that was involved in the rescue, and also fighter type aircraft similar to a Hawk—in other words, fast-moving aircraft...It requires either larger targets or targets that are moving either away or towards the radar sites—in other words, slow moving vessels or vessels that are moving tangential to the radar are far more difficult to see.⁶

5 AFP, *Submission 7*, p. 8.

6 Air Commodore Brown, ADF, *Proof Committee Hansard*, 27 May 2011, p. 46

2.13 The committee also noted evidence that JORN:

...Is not a sweeping radar that you might see on a TV screen that does persistent and frequent coverage of an area. It might sit and dwell and look at an area. You must know where you want to look. It is not a search radar. It needs other vectors to tell you, 'Look in this area' and you dwell on that area. It does not scan; it reflects off the ionosphere, bounces down and gives you a constant picture of what is happening in that spot.⁷

2.14 At the time of the tragedy there was no surface surveillance radar on Christmas Island. Work on a radar trial for the island began in July 2010 with the aim of evaluating the operational contribution of a remotely operated marine surveillance radar to the effective management of illegal maritime activity. This requires the system to identify small wooden boats in the waters surrounding Christmas Island, particularly in very heavy seas when visual means of detection are unable to be used.

2.15 The committee was provided with extensive details of the trial, and learned that it was first commissioned in January 2011. The system's success hinges on the effectiveness of sophisticated software which it is hoped will identify material gathered on the radar as being a vessel. Analysis, evaluation and improvement of the trial system continues, and the committee is hopeful of its speedy and fruitful evolution.⁸

Responding vessels

2.16 Two vessels under the command of the Australian Government were in the vicinity of Christmas Island on 15 December 2010: ACV *Triton* and HMAS *Pirie*. ACV *Triton* departed Broome on the 7 December 2010 to commence a long haul task transferring potential irregular immigrants (PII) from the vicinity of Ashmore Islands to Christmas Island, a distance of approximately 1,050 nm. ACV *Triton* carried 20 Customs Marine Enforcement Officers (MEO), 13 contracted crew and one contracted paramedic onboard.

2.17 On 9 December 2010, in the vicinity of Ashmore Islands, the ACV *Triton* embarked 108 persons. This included 41 PII and three crew from SIEV 218, and 61 PII and three crew from SIEV 219. This number exceeded the authorised carrying capacity of 63, and an exemption was obtained from the Australian Maritime Safety Authority (AMSA) to carry all 108 people from SIEV 218 and SIEV 219 to Christmas Island, where the ship arrived on 13 December 2010. The weather conditions meant that it was not possible to disembark the passengers until 16 December 2010, the day after the tragedy. In the intervening period, ACV *Triton* remained in sheltered waters to the east of Christmas Island to provide the PII and SIEV crew onboard some respite from sea sickness pending an improvement in the weather.

7 Lieutenant General Hurley, ADF, *Proof Committee Hansard*, 27 May 2011, p. 46.

8 For further details of the trial currently underway, please refer to paragraphs 1.43 to 1.51.

2.18 Whilst still awaiting this break in the weather, on 14 December 2010 ACV *Triton* assisted HMAS *Pirie*, the other Australian government vessel nearby, with the interception of SIEV 220 in the vicinity of Flying Fish Cove. ACV *Triton* then returned to the east side of the island to take shelter.

2.19 HMAS *Pirie* departed Darwin on 5 December 2010 with 23 crew and 4 transit security personnel onboard to commence its patrol responsibilities. It arrived at Christmas Island on 9 December before commencing barrier patrol to the north of the island. The deteriorating weather conditions to the north of the island and the need for calmer waters to investigate an engineering defect caused HMAS *Pirie* to seek shelter to the east of the island on 14 December. On the same day, HMAS *Pirie* returned to the north of the island to escort the vessel that would become known as SIEV 220 to the vicinity of Ethel Beach where 11 PII were eventually transferred to shore.

2.20 It is normal practice to destroy the hulk of SIEV vessels following the disembarkation of their passengers. Weather conditions meant that SIEV 220 could not be destroyed that evening, which led to four of HMAS *Pirie*'s personnel being transferred into the hulk of SIEV 220 to operate it under its own power and maintain navigational safety while awaiting approval for its destruction.

2.21 Both HMAS *Pirie* and ACV *Triton* sought respite from the weather in the lee of the island in the vicinity of Ethel Beach. Both vessels were steaming on one engine to conserve fuel, noting that the prevailing weather conditions made refuelling at Flying Fish Cove problematic. With the exception of watch keeping personnel and the embarked steaming party, the majority of the crew on both vessels had not yet woken for the day when SIEV 221 was first spotted.

SIEV 221

2.22 A Customs officer staying at The Mango Tree Lodge near Rocky Point at Christmas Island sighted a vessel, later known as SIEV 221, at 5.40am on 15 December 2010. The vessel was initially recorded as approximately 500–600 metres offshore and apparently operating under its own power. This officer reported the sighting to the Customs duty officer on Christmas Island.

Communications

2.23 Mobile telephones, Very High Frequency (VHF) Marine radio and Ultra High Frequency (UHF) radios were used to communicate as the tragedy unfolded.

2.24 Mobile phones were used to respond to the initial sighting and were used substantially by Christmas Island Staff to alert and update the various organisations involved. These devices constituted an appropriate and timely method of communication, although their 'non-ruggedised' nature, and the vulnerability this gives rise to, was noted by Customs in their internal review.⁹

⁹ Customs, *Submission 8*, Part 2, paragraph 214.

2.25 VHF radio was the preferred method to contact vessels or coordinate tactical activity, and the committee heard VHF was used for coordination between HMAS *Pirie* and ACV *Triton*. Likewise, UHF Radio was used to control boats and vector them, where appropriate, to survivors or deceased persons in the water. The committee notes that the findings of Customs internal review that parties experienced some difficulty in reaching each other through both VHF and UHF means, and recommended that communication protocols and procedures between Christmas Island and the response vessels be reviewed.¹⁰ The committee further notes Customs' acceptance of the recommendation and that remedial action is scheduled for completion by the time this report is tabled.¹¹

10 Customs, *Submission 8* Part 2, paragraph 219.

11 Customs, *Submission 8*, Part 3, p. 26.