



Joint Select Committee on the Christmas Island Tragedy of 15 December 2010

Report

June 2011

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Preface

The prevailing weather conditions on and around Christmas Island in the early hours of 15 December 2010 were nothing short of atrocious. The region was experiencing 40 knot winds, thunderstorms, and a wave height of 3–4 metres. Visibility was as low as 150 metres. It was, according to locals, amongst the worst weather ever experienced on the island.¹

At about 5:40am a vessel now known as SIEV 221 was sighted some distance from Rocky Point, off the coast of Christmas Island. The vessel seemed to be under its own power as it moved towards Rocky Point in treacherous seas.

Residents witnessing the tragedy unfolding before them, hampered by the rain, wind and mist, called authorities and began to throw life jackets into the sea in a desperate bid to help. Exactly how many people were on the boat remains unknown, but rescuers recovered the bodies of 30 men, women and children. Forty two passengers survived the incident – 22 men, nine women, seven male and four female children.² Up to 20 others are still missing, presumed dead.³ Eight family groups were identified in total. Three of the survivors are orphans.

The search and rescue effort was remarkable for its bravery and selflessness. The committee walked around Rocky Point during its visit to Christmas Island, and could not help but conclude that, even in good weather, it is a dangerous, steep and slippery sheer rock face offering no opportunity to land a vessel, nor launch an effective rescue operation. Indeed, the committee stands in awe of those from the Australian Customs and Border Protection, the Australian Federal Police and the Australian Defence Force and the Christmas Island community who provided assistance on the rocks that day. Their courage in the face of very real personal risk certainly increased the number of survivors. Their actions were nothing short of heroic.

The committee was also deeply impressed by the care offered to survivors after their rescue. Triage facilities including clothing and expert medical care were provided as soon as survivors were brought ashore and it is clear that coordination between relevant government agencies was smooth, professional and timely.

While the treacherous weather continued, rescuers turned their attention to recovering the bodies of those who had perished. The process of finding victims and bringing to shore was extremely harrowing, and obviously exacted a heavy toll on the brave men and women who took part.

1 Sergeant Peter Swann, Officer in Charge Christmas Island, AFP, *Proof Committee Hansard*, 6 June 2011, p. 17.

2 Department of Immigration and Citizenship, *Submission 9*, p. 2.

3 Australian Federal Police, *Submission 7*, p. 3.

All the while, coordination continued with those on the mainland, and resources such as additional staff and supplies were deployed within hours. Mental health professionals counted among those who arrived to help, and the committee was encouraged by evidence that psychological support to those involved in the search, rescue, recovery and care of survivors has been of a very high standard. Likewise, it is clear that survivors have received the best possible support following the disaster, and the loss of many of their loved ones. That care and support continues today.

Following its establishment in March 2011, the committee received written submissions from a range of affected parties, including survivors and their representatives, government agencies, and members of the community. The committee agreed to accept submissions from survivors on a confidential basis, but they have nonetheless played an important role in the committee's deliberations. With minor exceptions, other submissions were published and can be viewed online. These include the contributions of government agencies such as the Department of Regional Australia, Australian Federal Police, the Australian Defence Force, the Department of Immigration and Citizenship, and the Australian Customs and Border Protection Service. These agencies collectively provided the Commonwealth response to the tragedy as it unfolded, and their comprehensive submissions serve as an important record of the circumstances surrounding the tragedy, and the remarkable response to it.

The committee thanks all those who submitted to the inquiry. We acknowledge that the feelings of trauma from the incident remain acute, and that reliving 15 December 2010 and the days which followed can still cause significant distress. We appreciate your generosity and patience in dealing with our requests for information, and for answers to our questions.

Finally, the committee notes media reports in recent days suggesting that a detainee on Christmas Island may have alerted Serco guards of SIEV 221's impending arrival three hours before the boat was first sighted. Given that these media reports have emerged at such a late stage, the committee did not take evidence on the issue during the course of its inquiry, and it notes that the veracity of the claims remains untested. The committee wrote to the Secretary of the Department of Immigration and Citizenship seeking further details of the claims and the Department's knowledge of them, and was told that it learned of them only the day before they were published in the *Australian*, and that further details were not yet at hand. It is apparent that the claims will be dealt with by both the West Australian Coroner and the Joint Select Committee on Australia's Immigration Detention Network.

Senator Gavin Marshall
Chair

Mr Michael Keenan MP
Deputy Chair

Abbreviations

| | |
|---------|--|
| ACPB | Armidale Class Patrol Boats |
| ACV | Australian Customs Vessel |
| ADF | Australian Defence Force |
| AFP | Australian Federal Police |
| AMSA | Australian Maritime Safety Authority |
| AMSOC | Australian Maritime Security Operations Centre |
| ASCI | Asylum Seekers Christmas Island |
| BPC | Border Protection Command |
| CARAD | Coalition for Asylum Seekers, Refugees and Detainees |
| CAT | Crisis Action Team |
| CI | Christmas Island |
| CKI | Cocos (Keeling) Islands |
| CNOC | Customs National Operations Centre |
| COI | Contact of Interest |
| COMPLAN | Command Communications Plan |
| Customs | Australian Customs and Border Protection Service |
| Defence | Department of Defence |
| DIAC | Department of Immigration and Citizenship |
| DVI | Disaster Victim Identification |
| EAP | Employment Assistance Provider |
| EMC | Emergency Management Committee |
| I&G | Instruction and Guidelines |
| IHMS | International Health and Medical Services |
| IMAs | Irregular Maritime Arrivals |
| IOPA | Indian Ocean Territories Power Authority |
| IOTAS | Indian Ocean Territories Administration Service |
| IOTHS | Indian Ocean Territories Health Services |
| JORN | Jindalee Over the Horizon Radar Network |
| MEO | Marine Enforcement Officers |
| ORV | Operational Response Vessel |
| PII | Potential Irregular Immigrants |
| PSIAT | People Smuggling Intelligence Analysis Team |
| RCC | Rescue Coordination Centre |
| RHIBs | Small Rigid Hull Inflatable Boat |
| SAR | Search and Rescue |
| SDAs | Service Delivery Arrangements |
| SIEV | Suspected Irregular Entry Vessel |
| SOLAS | Safety of Life at Sea |

| | |
|-------|---------------------------|
| sqnm | Square Nautical Miles |
| UHF | Ultra High Frequency |
| VHF | Very High Frequency |
| VMR | Volunteer Marine Rescue |
| WA | Western Australia |
| WAPOL | Western Australian Police |

Recommendations

Recommendation 1

4.83 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.

Recommendation 2

4.109 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.

Recommendation 3

4.135 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.

Chapter 1

Introduction

1.1 On 2 March 2011 the Parliament established the Joint Select Committee on the Christmas Island Tragedy to inquire into the incident on 15 December 2010 in which a suspected irregular entry vessel (SIEV) foundered on rocks at Rocky Point on Christmas Island (CI)¹.

1.2 The committee was asked to examine:

- operational responses of all Commonwealth agencies involved in the response, relevant agency procedures, and inter-agency coordination;
- communication mechanisms, including between Commonwealth and State agencies;
- relevant onshore emergency response capabilities on Christmas Island;
- the after-incident support provided to survivors;
- the after-incident support provided to affected Christmas Island community members, Customs, Defence and other personnel;
- having regard to the above, the effectiveness of the relevant administrative and operational procedures and arrangements of Commonwealth agencies in relation to the SIEV 221 incidence and its management; and
- being mindful of ongoing national security, disruption and law enforcements efforts and the investigations taking place, and considering appropriate information from the Australian Federal Police (AFP) and the Australian Customs and Border Protection Service (including Border Protection Command) to determine, to the extent that is possible, the likely point of origin of the vessel.

1.3 The committee was also asked to consider the findings and recommendations of the Australian Customs and Border Protection Service (Customs) (including Border Protection Command) internal review of actions relating to SIEV221, and the work being undertaken by the Christmas Island Emergency Management Committee.

Structure of the report

1.4 This report is divided into three chapters. Chapter 1 (this chapter) sets out the administrative arrangements for the inquiry, and summarises the findings of other inquiries into the incident. Chapter 2 sets out the chronology of events which preceded

¹ *House of Representatives Votes and Proceedings*, No. 29, 2 March 2011, pp 380–381; *Journals of the Senate*, No. 22 March 2011, pp 652–653.

the tragedy. Chapters 3 and 4 examine the physical response to the tragedy, and the physical and emotional care and support offered to survivors, workers and community members after the tragedy occurred. Chapter 5 forms the conclusion to the report.

Roles of agencies involved

Department of Regional Australia, Regional Development and Local Government

1.5 The Department is responsible for the provision of all State-type services to the non-self governing Territories of Christmas Island and the Cocos (Keeling) Islands.

1.6 Most State-type services are provided through Service Delivery Arrangements (SDAs) between the Commonwealth and Western Australian (WA) Government. The WA Government manages the provision of State-type services such as schools, water, sewerage and courts. As of April 2011 there were 41 WA agencies providing services to the Commonwealth for the Territories under SDAs.

1.7 The cost of providing these services is completely funded by the Commonwealth and is cost-neutral to WA. The SDAs with the agencies are premised on the communities of Christmas Island and the Cocos (Keeling) Islands receiving services equivalent to those of comparable mainland communities.

1.8 In addition to the SDAs, the Department also maintains 28 contracts for the provision of services in the Indian Ocean Territories, including for port and airport management. Certain services are delivered by the Department directly, e.g. health and power services by the Indian Ocean Territories Health Service (IOTHS) and the Indian Ocean Territories Power Authority (IOPA) respectively – which are business units based on the islands. These services are managed by the Indian Ocean Territories Administration located on Christmas Island.²

Department of Immigration and Citizenship (DIAC)

1.9 DIAC's role on Christmas Island centres on the processing and care of irregular maritime arrivals (IMAs), the term used to describe people who arrive without authority by boat. DIAC's two key contractors are Serco and International Health and Medical Services (IHMS).

1.10 Soon after their arrival on Christmas Island, IMAs are provided with the opportunity to contact their family/close friends to tell them that they are safe, and the opportunity to access consular assistance. IMAs then undergo a comprehensive and thorough assessment process, including security checking, to establish if they have a legitimate reason for staying in Australia. IMAs are interviewed to establish their

2 Department of Regional Australia, Regional Development and Local Government, *Submission 4*, p. 4.

identity, where they are from, their reasons for being in Australia, and any reasons why they may not be able to return to their home country.

1.11 If the departmental officer undertaking the interview considers the IMA is raising claims which, prima facie, may engage Australia's protection obligations, the IMA will have their claims assessed under a non-statutory process. If a departmental officer finds that an IMA is owed protection obligations, and they also meet health, character and security requirements, a recommendation is made to the Minister to allow the IMA to apply for a Protection Visa. If an officer does not conclude that an IMA is owed protection, the case is referred to an independent assessor. As part of this review stage, the independent assessor will make a recommendation regarding whether the IMA is owed protection under the Refugees Convention.

1.12 IMAs are provided with publicly funded independent advice and assistance during the processing of their refugee claims at both the primary and review stages.

1.13 Any IMA who is found to not be owed protection obligations is subject to removal from Australia, and is removed as soon as practicable.

1.14 IMA clients may be transferred between immigration detention facilities on Christmas Island and the Australian mainland to provide accommodation that is appropriate to their individual circumstances. This includes the use of community detention for vulnerable families and unaccompanied minors.

1.15 IMAs are managed in accordance with the Government's Immigration Detention Values which ensure that all people in immigration detention are treated fairly and humanely.³

Australian Federal Police

1.16 The AFP provides community policing services on Christmas Island.

1.17 Six sworn AFP members, three Special Constables and one unsworn AFP employee who is also a Special Constable, perform a variety of community policing functions including the prevention and control of crime, traffic management and road safety, emergency management coordination and assisting members of the community in times of emergency including land based and maritime search and rescue. The AFP performs the role of Territory Controller in times of declared emergency.

1.18 Regulatory functions include firearm and liquor licensing, regulation/registration of marine vessels and driver/motor vehicle licensing.

1.19 In addition to community policing requirements, the AFP has a People Smuggling Strike Team deployed to Christmas Island that conducts investigations and

3 Department of Immigration and Citizenship, *Submission 9*, pp 1–2.

gathers evidence in support of prosecutions of crew and organisers/facilitators responsible for unauthorised boat arrivals.

1.20 The AFP also delivers additional resources to Christmas Island in response to security and investigations demands such as the sinking of SIEV 221 and the response to rioting at North West Point Immigration Detention Centre in March 2011.

Australian Customs and Border Protection Service (Customs)

1.21 The Customs area relevant to this inquiry is Border Protection Command (BPC), whose role is to detect, deter and intercept illegal activity in the maritime domain. BPC is responsible for coordinating and controlling operations to protect Australia's national interests against eight civil maritime security threats:

- illegal exploitation of natural resources;
- illegal activity in protected areas;
- irregular maritime arrivals;
- prohibited imports/exports;
- maritime terrorism;
- piracy;
- compromise to Bio-security; and
- marine pollution.

1.22 BPC is not a Search and Rescue organisation but its assets, like those of any private and commercial organisation, can be called upon to respond to emergencies at sea in accordance with international obligations.

1.23 The Australian maritime domain, including the Security Forces Authority Area for which BPC has responsibility, covers an area of 11 million square nautical miles (sqnm) and equates to around 11 percent of the Earth's oceans. The Australian northern waters area which BPC patrols for all eight maritime threats, but most commonly encountering irregular maritime arrivals and illegal foreign fishing, is approximately 1.1 million sqnm.

Australian Defence Force (ADF)/Department of Defence (Defence)

1.24 Defence works in support of BPC to assist in protecting Australia's borders, primarily through maritime surveillance and interception in Australia's territorial waters and exclusive economic zone. Assets employed include Orion P3 surveillance aircraft and Armidale-class patrol boats and a number of other patrol and response units. In respect of people smuggling, potential irregular immigrants are transferred to appropriate civilian agencies by Defence personnel after their apprehension.

Conduct of the inquiry

1.25 Notice of the inquiry was posted on the committee's website and in *The Australian* newspaper, calling for submissions by 27 April 2011. The committee also advertised the inquiry in two editions of the Christmas Island newspaper, *The Islander*, in English, Malay and Chinese.

1.26 The committee also directly contacted a number of interested parties, organisations and individuals to notify them of the inquiry and to invite submissions. A total of 22 submissions were received, as listed in Appendix 1.

1.27 The committee held public hearings in Canberra on 27 May and 16 June 2011 and on Christmas Island on 6 and 7 June 2011. A list of witnesses who appeared is at Appendix 2. While visiting Christmas Island, the committee took the opportunity to conduct site visits to Rocky Point, Flying Fish Cove and Ethel Beach. This helped to contextualise the oral and written submissions it received.

Other inquiries

1.28 On 17 December 2010 Customs initiated an internal review into its actions, including BPC, related to the SIEV 221 incident. The internal review was completed on 10 January 2011 as an initial response to the incident rather than an in-depth inquiry.

1.29 The Administrator of Christmas and Cocos (Keeling) Islands and Chair of the Christmas Island Emergency Management Committee (EMC), the Honourable Brian Lacy provided draft report to the Minister on 11 January 2011 concerning the local response to the SIEV 221 incident on 15 December 2010. The draft report was ratified by the EMC at its meeting on 14 January 2011. The Administrator provided the final report to the Minister on 24 January 2011.

1.30 Summaries of both the Customs and EMC inquiries are set out later in this chapter.

1.31 A coronial inquest into the tragedy is currently underway in Western Australia. The inquest will look at a number of issues surrounding the tragedy, including whether SIEV 221 had been detected or monitored before the incident and whether the rescue effort could have been more effective.

Findings of other inquiries

1.32 While a number of inquiries have been (and continue to be) conducted into the circumstances surrounding the tragedy, the committee has had the benefit of examining the findings of two inquiries in particular. This chapter summarises the findings of those inquiries, and progress implementation of their recommendations.

Report of the Christmas Island Emergency Management Committee

1.33 The underlying finding of Mr Lacy's report was that the response of agencies on the island was excellent, exhibiting close cooperation and good communication, and that the island's Emergency Plan was effective.

1.34 One issue that was identified was the availability and use of radios, primarily due to inadequate number of handsets and knowledge of procedure. Mr Lacy recommended better definition and training in relation to radio frequencies and their use. Suggested measures to improve communication included:

- Marine radio at each agency with dedicated listening officer
- Handheld marine radios
- Use of the community radio network
- Notices on the community blackboard, and
- Use of an air raid siren.

1.35 Mr Lacy also noted that management of the Christmas Island airport was frustrated by a lack of consultation about incoming aircraft, which should have been managed through the Territory Controller. In particular, it was found that agencies on the mainland, seeking to provide assistance, failed to consult with and take account of the community's needs in respect of air movements.

1.36 The report listed the following additional resources on the island:

- Throwable grenade life jackets
- Inflatable life rings
- Hand held radios
- A properly equipped rescue trailer
- Rescue kits
- Mats for people to lie on after their recovery from the sea
- Incident management tabards
- Body bags/coffins
- A dedicated chiller for use as a morgue
- Troop carrier
- Life rings on the shoreline
- Life saving devices, toilet facilities, emergency lighting, secure shelter and improvements to the boat ramp at Ethel Beach
- A jet ski and rigid hull inflatable boat
- Accident/incident familiarisation training for community members, and
- Upgrade of the marine rescue headquarters.

1.37 The Department of Regional Australia, Regional Development and Local Government accepted, and have actioned all of these recommendations, with the exception of the following:

- lighting, toilets and shelter at Ethel Beach, on the basis that the beach should be used only in daylight emergency conditions⁴; and
- the purchase of a rigid hull inflatable boat, on the basis that the planned upgrade of existing boats will render the purchase unnecessary.

1.38 While not declining the recommendation to procure a jet ski outright, the Department undertook to evaluate the suitability of a rescue vessel such as a jet ski for use in the seas around the island.⁵

1.39 The committee has assessed the Department's response to the recommendations, and considers it appropriate.

Customs' internal review

1.40 On 17 December 2010, the Chief Executive Officer of Customs ordered an internal review of the SIEV 221 incident to be conducted by the Acting National Director of Enforcement and Investigations, Ms Sharon Nyakuengama. The Report was delivered on 10 January 2011.

1.41 The report concluded that:

- neither Customs, nor BPC appear to have had any actionable intelligence that would indicate that the vessel that foundered at Christmas Island on 15 December 2010 had departed Indonesia or was likely to arrive at Christmas around that time;
- the positioning of the Customs and ADF vessels on the morning of 15 December 2010 was in accordance with the relevant policies, processes and procedures;
- notifications relating to SIEV 221, first as a Contact of Interest (COI) and then as a vessel in distress, were on the whole made and dealt with in accordance with the relevant policies, processes and procedures, and the individual work areas appear to have acted in an appropriate manner demonstrating good judgement;
- safety equipment held onboard HMAS *Pirie* was in accordance with Navy requirements and that held onboard Australian Customs Vessel (ACV) *Triton*

4 The Emergency Management Committee agreed that Ethel beach should be used only in daylight emergencies.

5 For a full description of the Department's response and current status, refer to the updated attachment B to the Department's submission, tabled as additional information at the committee's hearing on 27 May 2010.

was in accordance with her certification. All equipment was serviceable and crew were appropriately trained in its operation;

- HMAS *Pirie's* small rigid hull inflatable boats (RHIBs) and ACV *Triton's* tenders were deployed in seas states above certification for normal operations. This deployment was in accordance with relevant policies, processes and procedures for emergency circumstances. The RHIBs and tenders experienced engine difficulties due to intake of kelp and debris from SIEV 221 but the crews appear to have acted appropriately to quickly rectify problems and return to the Search and Rescue (SAR) effort as soon as practicable;
- a variety of communications equipment was used at Christmas Island to coordinate activities, and the reported success rate of these communications devices was varied; and
- critical Incident Guidelines, the Occupational Health and Safety Risk Management Practice Statement, and associated Counselling and Employee Assistance Program Instruction and Guidelines were applied to provide support to officers involved in the incident at the earliest opportunity given the remote location of the incident.

1.42 The internal review made eight recommendations, which are set out below together with a summary of the action taken to implement each of them.

That, as part of the normal border command operational planning cycle, the operational policies, processes and procedures informing the posture of assets be reviewed in light of the current number of irregular maritime arrivals.

1.43 The changes made include:

- building in greater flexibility (within contractual limitations) for the planning of aerial surveillance deployments, by making changes to the mix of aircraft undertaking surveillance in some areas to release AP-3C surveillance capability to undertake increased flights to Christmas Island;
- planning through a 'rolling' structure to enable the process to be more responsive to operational feedback;
- improving up front planning by ensuring all guidance is included in the asset planning process; and
- Enhancing the integration of assets to deliver the stated outcomes.

That the trial of a land based radar surveillance system of the northern maritime approaches to Christmas Island be completed and considered as a priority.

1.44 Work on the concept for a radar trial at Christmas Island began in July 2010, as a measure to assess whether a radar on Christmas Island would enable better use of aircraft and vessels in this area. There were fears that radar surveillance may have limited capability, particularly in high seas and bad weather. The trial was established to test assumptions about the benefits and limitations of such an approach to surveillance.

1.45 The field testing phase of the trial began in early February 2011 and was scheduled to conclude with site remediation by 30 June 2011 and the evaluation report by 1 August 2011. During the first Canberra hearing, Customs advised the committee that it planned to extend the radar trial beyond 30 June 2011. The extension will give Customs 'the opportunity to test some different hardware and further develop the software by gathering data from the monsoonal season'.⁶

1.46 Integral to the effectiveness of the system is sophisticated software which can analyse the radar signal and determine if the object is travelling at a constant speed and in a single direction – this is tracking the object. Only by tracking the radar targets over several minutes can small vessels be detected in heavy seas. The software incorporated in the trial radars is being constantly improved.

1.47 The radar picture of the marine environment around Christmas Island is extremely complicated, as it results from a range of objects including waves, clouds and birds, as well as vessels. Simply detecting an object with the radar is not sufficient to identify it as a small boat.

1.48 In calm seas, trial radar has detected a large merchant vessel out to the radar horizon – the theoretical limit of detection for radars at this height which is 35 nautical miles (nm). However it should be noted that this detection involved the radar tracking the vessel from the time it left port at Christmas Island to the limits of the radar capability. This does not necessarily suggest that the radar would have detected the vessel out at 35 nm unalerted.

1.49 As well, the RHIBs used by Armidale Class Patrol Boats (ACPB) have been monitored out to distances greater than 10 nm using the ACPB as a reference point. Again there is no guarantee this could be achieved without being alerted.

1.50 As at the date of Customs' submission, no SIEVs have been detected, but, on two occasions after SIEVs were apprehended, a subsequent analysis of the raw radar data showed that each was seen by the radars even though the detection and tracking software was not able to identify the contacts as a vessel. These sightings occurred in relatively calm seas (low to moderate Sea State and insignificant to low swell) and good weather conditions.

1.51 Radar performance in heavier seas will be assessed in the subsequent test program using calibrated radar targets, which will provide a baseline to assist the performance specification of any follow-on system.

That the current arrangements for reporting of incidents (including sightings of SIEVs by non border command personnel) to the Customs National Operations Centre (CNOc), and CNOc's responsibilities for transferring information of relevance to

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

Australian Maritime Security Operations Centre's (AMSOC) responsibilities, be confirmed and reinforced.

1.52 On 24 January 2011 immediate steps were taken to reinforce to officers existing reporting arrangements for reporting of sightings of COI (other than by BPC assets) to CNOOC, who in turn advise the AMSOC.

1.53 This initial advice was subsequently formalised by an Instruction and Guideline (I&G) on 'CNOOC Operations' which replaced the extant instructions from 2007, which required updating.

1.54 Another I&G on 'Reporting of and response to possible SIEVs including onshore arrivals' has been finalised, and was informed by the debrief noted in a later Recommendation. This I&G includes provision for regional officers to maintain their operational readiness and assist in operational planning. Key responsibilities are outlined in order to assist land based Customs officers with the actions that should be performed in the event of a SIEV arrival. The I&Gs were approved on 21 April 2011.

That, in collaboration with relevant agencies, specific procedures be developed, documented and exercised for dealing with SIEVs arriving directly at Christmas Island in severe weather conditions.

1.55 While Customs already has in place Critical Incident Guidelines which apply to all areas of the agency's business for reporting of incidents and significant operational matters, there is no procedure specifically tailored for reporting among agencies on Christmas Island.

1.56 The Department of Regional Australia, Regional Development and Local Government promulgated a draft Emergency Management Plan for the Territory of Christmas Island, which details the emergency prevention, preparedness and response arrangements for the island. The Plan identifies the AFP as the designated organisation for the management of all incidents in the Indian Ocean Territories.

1.57 Officers on Christmas Island have reviewed these existing arrangements contained within the draft plan and have separately documented a contact list specific to the agencies with responsibilities and capabilities that would support search and rescue responses to a SIEV arriving directly at Christmas Island in severe weather conditions.

1.58 Customs conducted a multi-agency exercise on Christmas Island in May 2011 to assess and validate the contact list and agency responsibilities, to further inform the draft Plan.

That both an officer level de-brief of this incident and ongoing desktop activities be conducted to further enhance interagency command and control capabilities relevant to such an incident.

1.59 This has been implemented, with debriefs completed and the program of ongoing desktop activities commencing on 13 May 2011. Following is a summary of the outcomes of the de-briefs, which took place in Darwin and Canberra.

- **Command and control**, and in particular uncertainty about the when an activity ceases to be a border protection operation and becomes a search and rescue operation, and the command and control structure once a safety of life at sea (SOLAS) event is underway. Two actions were identified to enhance command and control which aim to ensure the transition of command responsibility in such incidents is clearly identified and communicated to all relevant parties. These were:
 - The formalisation of on-scene commander arrangements for Customs assets through the production and distribution of a Customs Marine Unit Notice, a draft of which was under consideration at the time of Customs' submission;
 - Preparation of an I&G regarding operational interaction with AMSA, including SIEV SOLAS incidents, which was due to be implemented in April 2011; and
 - The production and distribution of an Operational Notice to make Customs staff aware of the need to keep calls to the AMSOC to a minimum during times of high workload.
- **Communications**, in particular the confusion arising from the 000 calls, challenges in radio communications at the scene, and the importance of recording calls to AMSOC. These issues were addressed and responded to through the implementation of other recommendations in the review.
- **Systems**, in particular the refinement of guidelines and instructions on the keeping of logs, and the possibility of providing real-time chat facilities between Customs vessels.
- **Staffing**, the conclusion being that employee assistance provided in the period after the tragedy was beneficial and well utilised, and that further ability to provide short-term 'surge' staffing in AMSOC during busy periods would be beneficial. Participants also supported the introduction of a Crisis Action Team (CAT) in AMSOC to manage one-off critical incidents, freeing up other staff to manage normal border protection operations. A feasibility study for a CAT is in train.

That the procedural documentation for tender operations in ACV Triton be revised.

1.60 ACV Triton's extant procedures were subsequently reviewed, amended and trialled at sea in conjunction with the new response tenders. These trials incurred some

delays due to poor weather and high operational tempo, however they were finalised and promulgated on 31 March 2011.

That communication protocols and procedures between Customs and Border Protection at Christmas Island and BPC response vessels should be reviewed.

1.61 The BPC Communications Plan (COMPLAN) was amended to cover communication channels with Customs officers on Christmas Island, and further amendment is expected. In addition, a new I&G was developed detailing existing communication equipment, channels and radio call signs, as well as the specific circumstances for communication between officers on Christmas Island and BPC assigned vessels.

1.62 Further principles based instructions, that allow for flexibility in emergencies, and provide guidance as to how to establish emergency communications networks locally when necessary, will be developed to complement this I&G.

1.63 Officers on Christmas Island have undertaken an audit and identified the technical capabilities and limitations of communications equipment currently held on Christmas Island. Additional work has now commenced on documenting clear business requirements which will inform a technical capability gap analysis between what is currently available and the specified business requirements.

1.64 As an interim measure to address equipment availability issues, four Ultra High Frequency (UHF) handsets have been deployed to Christmas Island. Deployment of the handsets is being accompanied by appropriate instruction in technical use and procedures.

That critical incident support follow-up activity continues to monitor the ongoing safety, health and wellbeing of officers directly involved in the incident.

1.65 Support was offered to officers and their families immediately after the tragedy. This included provision of numerous support staff and counsellors on Christmas Island from 15 December 2010 to 20 December 2010, and follow up support in Fremantle, to where officers involved in the tragedy had returned. Wellbeing interviews commenced early in January, and all staff were cleared for re-deployment.

1.66 A psychologist returned to Christmas Island over 6–8 February 2011 following a request for additional support on the Island for employees and families. A further visit occurred over 3–8 March 2011, to provide support and to attend the Memorial Service for the deceased from SIEV 221. During the visit, counselling support was provided to employees and their families on the island and to marine staff from ACV *Triton* then embarked in the ACV *Ocean Protector*, which was at Christmas Island at the time.

1.67 In addition, a coordinated legal support effort is being made available to those officers required to give evidence at formal proceedings to ensure they are informed,

prepared and supported during this phase. Additional strategies are also being implemented for remaining staff who had involvement in the incident due the anticipated heightened media attention generated by the WA Coroner's Inquest hearings.

Acknowledgements

1.68 The committee thanks all those who contributed to the inquiry by making submissions, providing additional information or appearing before it to give evidence.

Note on references

1.69 References in this report to the Hansard for the public hearings are to the proof Hansard. Please note that page numbers may vary between the proof and the official transcripts.

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.

Chapter 3

The response to the tragedy

3.1 This chapter looks at the immediate response to the tragedy from those on and around the island, including by the community of Christmas Island and government agencies both on shore and waterborne, and the after-incident search and rescue effort that was mounted.

Rescue efforts by Christmas Island residents

3.2 Unfamiliar with the conditions and unaware that relative respite from the strong wind could be found on the east side of the island, SIEV 221 battled large swells in a bid to reach the nearest part of the island, Rocky Point. When its engine failed shortly after 5.40am and the boat began drifting toward the rocks, residents heard screams for help and gathered on the lower base of the cliff. While gesturing in vain for the boat to stay away from the rocks, residents began to throw life jackets into the water. There was nothing anyone present on the shore or the boat could do to prevent the vessel, by now completely at the mercy of the ocean, from hitting the rocks. The committee received deeply disturbing evidence of what transpired as the boat, crammed full of men, women and children, was repeatedly smashed against Christmas Island's jagged rocks by powerful waves.

3.3 Photographs taken at the time indicate that the vessel impacted rocks approximately 800 metres west of its original position when first sighted.¹ Eight Australian Federal Police (AFP) officers were stationed on Christmas Island at the time of the tragedy, and all responded. Together with officers from other agencies, on duty and off, and residents who volunteered, up to 60 people gathered on the rocks and tried their best to haul people out of the water with ropes tied to life jackets on those struggling to survive a few metres away.² Conditions were such that only one person, a man, managed to grab hold of the rock and scramble to safety.³ Efforts to pull others out of the water over the rocks were unsuccessful, notwithstanding the clearly herculean efforts made by those trying to assist. Other, lighter, floatation devices thrown into the water were blown back onto the rocks, away from the people in the water, by strong winds.⁴

3.4 Jutting out from the Settlement area of Christmas Island, Rocky Point is overlooked by a number of houses and hotels. It is not an isolated spot, so it is not

1 Customs, SIEV 221 Internal Review, *Submission 8*, p. 21.

2 Superintendent Gavan Ryan, International Deployment Group, Australian Federal Police, *Proof Committee Hansard*, 6 June 2011, p. 4.

3 Customs, SIEV 221 Internal Review, *Submission 8*, p. 21.

4 AFP correspondence to Committee Secretary, received 20 June 2011.

surprising that SIEV 221 could be seen from shore in the early hours of the morning of 15 December 2010.

3.5 Mr Raymond Murray, a resident of Rocky Point and the first person to arrive at the scene, told the committee of the powerlessness felt by those witnessing the tragedy unfolding before their eyes:

[T]here was this overwhelming feeling of helplessness. Standing right out on the edge of the rocks, there were times when that the boat was closer than you are to me now. I will never forget seeing a woman holding up a baby, obviously wanting me to take it, and not being able to do anything. It was just a feeling of absolute hopelessness. It was like it was happening in slow motion. A wave would pick the boat up and almost hit the rocks and then go back again, and then finally it was like it exploded.⁵

3.6 Mr Murray saw the boat when it was approximately 50 metres from shore. As others arrived at the scene, they grabbed as many life jackets as they could—from their own boats, parked nearby, and from local dive operators—and hurled them as far as they could into the water.⁶ The committee heard that none would have escaped with their lives had it not been for the life jackets thrown from the rocks above.⁷

3.7 Many residents wanted to do more. Mr Murray articulated the particular frustration he felt as a member of the local Volunteer Marine Rescue (VMR):

I am a member of the VMR and, again, sort of feeling ridiculous that I am a member of this group that is called Volunteer Marine Rescue, and we had nothing we could do. The boat was not capable of being launched in that weather, we had no equipment or no nothing. We were a volunteer rescue group by name only.⁸

3.8 As volunteer and professional rescuers did what they could from shore, it became abundantly clear that throwing big, bulky life jackets into the water against strong winds was immensely difficult.

3.9 The committee notes that the availability of grenade life rings may have assisted those attempting to get immediate support to people in the water. The following description of grenade life rings was provided for the committee by the Department of Regional Australia, Regional Development and Local Government:

The best way I can describe them is this way: think of an old German potato masher grenade. It has got a bulbous thing, a bit of a handle on it. You throw it, it hits the water and it has a mechanism that says, 'I am in water', and it then explodes up into a life ring. It seemed a very good idea.

5 Mr Raymond Murray, *Proof Committee Hansard*, 7 June 2011, p. 35.

6 Mr Raymond Murray, *Proof Committee Hansard*, 7 June 2011, p. 35.

7 Mr Gordon Thomson, Shire President, Shire of Christmas Island and Union of Christmas Island Workers, *Proof Committee Hansard*, 7 June 2011, p. 10.

8 Mr Raymond Murray, *Proof Committee Hansard*, 7 June 2011, p. 35.

We had not encountered them as a concept until some of the locals from the volunteer marine rescue said: 'These have come on the market. They are a good idea'—this is after the event—'We should get some'.⁹

3.10 Although it is impossible to know whether grenade life jackets would have resulted in a different outcome on the day, the committee notes that the Department has accepted advice to acquire the equipment.¹⁰ The committee strongly supports this decision.

3.11 Although some resident volunteers described feelings of powerlessness, the critical contribution made by local residents in trying to pull people from the water was nonetheless described to the committee as nothing short of heroic:

Everyone stepped up. I had a situation where we almost had too many people wanting to help. Between Myles [Mr Miles Pickett, District Manager, Customs] and myself, once they saw us take a lead on the front groups they jumped in behind us to assist. There was certainly no shortage of people on the shoreline that day and people volunteering and wanting to know what they could do to assist...there were a couple of people who we pulled back from the edge of the rocks.¹¹

3.12 A statement from a survivor, read aloud at a memorial service for the deceased, echoed this poignantly:

I don't know how to bring forward my feelings and thoughts to you. It's amazing that people who live together here have such a big heart and that everyone tried their best to help other humans. This is not just me saying this to you. It's my family, my relatives over there in Iran and here in the camp. Here on Christmas Island we have met the kindest people on Earth...From my heart I appreciate all your help. I hope this never happens again.¹²

3.13 Although Rocky Point claimed so many lives, the committee heard that more might have perished had the boat crashed at a more remote location on the island, or at a different time:

If SIEV 221 had made it to the island one hour earlier that day, one kilometre further up the coast, all hands would have been lost because there would not have been anybody there to hear people cry for help. If there were somebody there, one kilometre up is a dead zone for cell phones. It is

9 Mr Julian Yates, First Assistant Secretary, Territories, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 27 May 2011, p. 26.

10 Mr Julian Yates, First Assistant Secretary, Territories, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 27 May 2011, p. 24. See also Department of Regional Australia, Regional Development and Local Government, *Submission 4, Attachment*.

11 Sergeant Peter Swann, Officer in Charge, Christmas Island, Australian Federal Police, *Proof Committee Hansard*, 6 June 2011, p. 25.

12 Statement reprinted in *Submission 20*, pp 5–6.

almost fortunate that it happened where it happened because it got the greatest amount of people who could have possibly been helped on that day. If it had happened one week later, most of the residents on that part of the island would have been gone and there may not have been anywhere near as much help.¹³

3.14 The community's trauma is still apparent, and living so close to the sea makes it hard to escape reminders of the tragedy and the threat of a recurrence:

Every time there is a boat out there you worry if the weather is rough. If the weather is really rough you think, 'Is there a boat out there?' because we do not want to see this happen again.¹⁴

Committee view

3.15 The committee recognises the courage and selfless efforts of local residents on the day of the tragedy. The committee particularly notes the residents' quick thinking in gathering life jackets to throw into the water. Without these, many more lives would undoubtedly have been lost. The committee notes from its time on Christmas Island and evidence taken that many people who chose not to make submissions to this inquiry were nevertheless impacted deeply by this tragedy. The efforts and sacrifice of those who chose not to speak to the committee are nonetheless remembered.

3.16 Of particular note to the committee was the importance of volunteers in responding to the tragedy, but also to the daily lives of Christmas Islanders. In addition to a significant number of other actions being taken in response to the tragedy, the committee is aware that the training of volunteers in emergency management is now under active consideration by the Department of Regional Australia, Regional Development and Local Government and supports this initiative.¹⁵

Rescue response from government agencies

3.17 The rescue response from government agencies, including the AFP, Australian Customs and Border Protection (Customs) and the ADF, went through a number of phases. The sighting initiated a move to intercept the SIEV, which increased in tempo once it was known the SIEV had lost power. Once the vessel was reached, a search, rescue and recovery operation took place. Once survivors had been rescued, there followed a disaster victim identification process and repatriation and burial of the deceased.

13 Mr Zhong Xiong (Chris) Su, *Proof Committee Hansard*, 7 June 2011, p. 33.

14 Dr Ling Yoong, Area Medical Director, International Health and Medical Services, Christmas Island, *Proof Committee Hansard*, 7 June 2011, p. 17.

15 Mr Brian Lacy, Administrator, Indian Ocean Territories, *Proof Committee Hansard*, 7 June 2011, p. 8.

3.18 The AFP takes lead responsibility for emergencies on Christmas Island. Alerts are issued through a variety of means, including VHF radio, mobile radio, and emergency locator beacons. A response appropriate to the level of urgency and weather conditions is then coordinated.¹⁶

3.19 The committee heard that events unfolded quickly on the day and the situation evolved rapidly from being a routine interception of a SIEV, to a distress and then a mass Safety of Life at Sea (SOLAS) situation:

We initially prepared for a boarding of the SIEV. The information we got at 0605 was were we aware of another SIEV to the north of Flying Fish Cove. We were not at that stage. So we simply made all the preparations. If they can see it, if it is in Flying Fish Cove, we obviously needed to be there for the boarding itself. As it unfolded, 20 minutes later it then became a distress, then mass SOLAS situation. Our response does not change. We always [go] into a boarding with a SOLAS in mind as the worst-case scenario. So preparations... and speed of response does not change whether it is a vessel in that position or if it is a vessel foundering. If it is 10 miles out our response will change, our tactics will change, but it is that close to the rocks, 500 yards to the coast I guess is a better term, Australian territory, that sort of concept, our response to a boarding or a SOLAS is unchanged.¹⁷

3.20 The committee notes that SIEV 221 moved in heavy seas towards the cliff for over 40 minutes after it was first sighted, before impacting on the rocks somewhere between 6.25am and 6.35am.¹⁸ Authorities on Christmas Island (including the Christmas Island Chief of Police and Customs personnel) issued numerous reports of the impact between 6:29am and 6:35am, stating that the SIEV had impacted the rocks in the vicinity of Rocky Point.¹⁹

3.21 The Christmas Island Emergency Management Plan was activated at 6:20am following consultation between the Administrator and the AFP officer in charge on the island, Sergeant Peter Swann. The plan's activation meant that all those involved in the rescue attempt—including residents—were under direction from Sergeant Swann, who simultaneously managed the site where the incident occurred and Ethel

16 Mr Julian Yates, First Assistant Secretary, Territories, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 27 May 2011, p. 17.

17 Lieutenant Commander Mitchell Livingstone, Commanding Officer, HMAS *Pirie*, Navy, ADF, *Proof Committee Hansard*, 6 June 2011, p. 7.

18 Indications of the actual time of impact vary due to those present being focused on the rescue. See *Proof Committee Hansard*, 6 June 2011, pp 5–6.

19 See Customs' SIEV 221 Internal Review, indicating that numerous reports of the impact existed from 6:29am, Customs, SIEV 221 Internal Review, *Submission 8*, p. 21.

Beach, the site where survivors and bodies of the deceased were offloaded.²⁰ The process at Ethel Beach is discussed in detail in the next chapter.

3.22 When the boat was first sighted the Customs National Operations Centre (CNOc) initiated standard operating procedures for a sighted vessel; that is, nearby Navy and Customs vessels were instructed to intercept and board the SIEV. They moved to do so, inhibited by the appalling weather conditions, as they would any other boat arrival. As soon as the ACV *Triton* was advised of the sighting, the ACV *Triton* and HMAS *Pirie* communicated and agreed that the *Pirie* would respond and the *Triton* would stay with the hulk of SIEV 220.²¹ By 6:10am the *Pirie* had altered course to the north and commenced preparations to intercept the vessel as per standard practice.²²

3.23 At the same time, 6:10am, Customs was advised of a report from Western Australia Police (WAPOL) Operations that two 000 calls had been received. Details of the calls indicated that a vessel was between Ashmore Islands and Christmas Island and that it may have been on fire. Staff initiated an investigation of approaches to Ashmore Island for a vessel matching that description and requested an update from the Operational Response Vessel (ORV) near the island. The response from the Ashmore Island ORV was that no sighting had been made near the island. At 6:55am the Australian Maritime Security Operations Centre (AMSOC) advised the Australian Maritime Safety Authority (AMSA) Rescue Coordination Centre (RCC) that the two 000 calls appeared to relate to the SIEV at Christmas Island.²³

3.24 At 6:12am Customs learned that the SIEV's engine had failed.²⁴ Its fuel drum had gone overboard and no fuel was getting to the motor. Diesel was clearly visible in the water, and crew members could be seen persistently trying to start the motor until the battery was exhausted.²⁵ From this point on, the vessel's direction of movement was beyond the control of its passengers or crew.

3.25 Customs staff at Christmas Island contacted the CNOc at 6:16am and advised that the SIEV had broken down, was 100 metres offshore and that a major catastrophe was unfolding. By 6:25am, the HMAS *Pirie*, already *en route* to intercept the SIEV, was advised that the vessel had lost its engines and was drifting towards the rocks.²⁶

20 Mr Brian Lacy, Administrator, Indian Ocean Territories, *Proof Committee Hansard*, 7 June 2011, p. 8.

21 See chapter 2, paragraphs 2.14 to 2.19.

22 Customs' SIEV 221 Internal Review, indicating that numerous reports of the impact existed from 6:29am, Customs, SIEV 221 Internal Review, *Submission 8*, p. 1.

23 Customs, SIEV 221 Internal Review, *Submission 8*, p. 20.

24 Mr Myles Pickett, District Manager, Christmas Island, Australian Customs and Border Protection Service, *Proof Committee Hansard*, p. 6.

25 Superintendent Gavan Ryan, International Deployment Group, AFP, *Proof Committee Hansard*, 6 June 2011, p. 14.

26 Customs, SIEV 221 Internal Review, *Submission 8*, p. 21.

By this time officers on the *Triton* and the *Pirie* '...did not have to be told it was a SOLAS; you could work up to that.'²⁷

3.26 At approximately the same time, the AFP officer in charge contacted the local hospital and asked staff to be on standby in the event of casualties.²⁸ The HMAS *Pirie* was directed to proceed at full power to the scene but was still 30 minutes away.²⁹ *En route*, the *Pirie* experienced an engineering fault in the port main engine and despatched her Ridged Hull Inflatable Boats (RHIBs) ahead.

3.27 ACV *Triton* was at this time proceeding north to take custody of the SIEV 220, which had arrived the previous day. At 6:40AM she was advised of HMAS *Pirie*'s problems. She then increased speed and commenced preparations to launch tenders. Attempts by onshore respondents to throw life jackets over the cliff to approximately 60 people in the water were by this time already well underway.

3.28 Both RHIBs from the HMAS *Pirie* arrived on scene at 7:05am and the ACV *Triton*'s tenders were closing on the scene by 7:14am, a rapid response given how quickly the tragedy unfolded after the SIEV was first sighted approaching the island.

3.29 The RHIBs and tenders were deployed in seas states above certification for normal operations, but their deployment was in accordance with relevant policies, processes and procedures for emergency circumstances.

3.30 The committee heard that the HMAS *Pirie* and ACV *Triton* were also conducting their activities above operating guidelines, and that everything possible was done to save lives:

From my point of view, we were at the absolute limit of what our ship could do, so in terms of procedures or equipment there is nothing really that could be any different. What we were working with was probably beyond what it was even built for and was especially above our operational procedures. I guess in a perfect world, if you had more tenders and there had been other boats in the area, they could have been deployed and with more rigs in the water we could have taken more people on board, but with what we had I cannot see any changes that would have made a difference....

...[T]o put it in perspective, in our operational procedures we have our limit which is a sea state 3 to 4. The sea state on the day was more 7 to 8, so it was well above it. Those procedures usually get put to the side when you are talking about saving a life at sea....

27 Mr Mathew Saunders, Customs Supervisor, Customs, *Proof Committee Hansard*, 6 June 2011, p. 12.

28 AFP correspondence to Committee Secretary, 20 June 2011.

29 Customs, SIEV 221 Internal Review, *Submission 8*, p. 21.

...[T]hat is the thin line of risking your life to save someone else's. I think we were right on the edge of that.³⁰

3.31 The rescue effort was carried out in terrible conditions, and survivors could not be easily transferred directly to the HMAS *Pirie* and ACV *Triton*, so a life-raft was launched as a staging point. Customs officers on shore acted as spotters from the cliff top, guiding the RHIBs towards possible survivors in the water.³¹ Visibility was reduced to 200 yards. The RHIBs and tenders, not primarily designed for search and rescue activity in these conditions, suffered mechanical breakdowns due to ingestion of kelp and debris from the SIEV. Forty one survivors were recovered from the water.

3.32 The committee recognises that the fact that survivors, with one exception, were all pulled from the water at sea does not detract from the obvious efforts made by rescuers on shore. The committee also notes the coordination by authorities on shore, which resulted in an organised rescue effort which did itself not claim additional lives despite the significant risk posed to rescuers.

3.33 The committee recognises the pivotal role played by crews on board the HMAS *Pirie* and ACV *Triton*, and makes particular note of the efficiency of their response to rapidly unfolding events on the day. Given that the vessel was first seen just after dawn—in appalling weather conditions which severely diminished visibility—and that government vessels were not stationed near the scene of the impact overnight, the committee is impressed that rescuers managed to reach the foundering SIEV as quickly as they did.

Risks faced by rescuers

3.34 Professional and volunteer rescuers on shore and out at sea placed themselves at considerable risk on the day. This section of the report looks at some of the risks residents and agency staff took while trying to save lives.

3.35 Out on the water, rescue boats deployed from the Customs and Navy vessels were hindered by floating debris from the disintegrating SIEV. Planks of wood and a tarpaulin were among the objects which were sucked into rescue vessels' engines, hampering their ability to quickly reach people in the water. Once their engines were compromised in this way, rescue boats risked being thrown onto rocks themselves. Diesel from the SIEV, which had by now leaked into the water, coated survivors and made it harder for rescuers to grip onto them. Life jackets that were caught in debris had to be cut, in order to pull people from the sea.

3.36 The committee notes that the entire rescue operation was hampered by the same weather conditions that brought SIEV 221 onto the rocks. This not only limited

30 Mr Mathew Saunders, Customs Supervisor, Customs, *Proof Committee Hansard*, 6 June 2011, p. 5.

31 Customs, SIEV 221 Internal Review, *Submission 8*, p. 22.

rescuers' ability to reach people in the water, it also meant that decisions had to be made about the safety of crew on board the RHIBs and tenders:

Doing nothing is not an option. You cannot sit 300 yards away and watch it unfold. It certainly was a big decision for me to send the team in knowing that they were risking their lives. I did not force them to do that. Basically my instructions at Ethel Beach were: 'Get there as quickly as you can, make an assessment and do what you can.' I am not going to tell a fellow who is sitting a metre above a seven-metre wave a metre from a cliff face to keep going. If he feels unsafe or otherwise, I rely on his good judgment and training to pull back when he has found his limit. We were at those limits, but I was relying on their judgment to make the final decision that enough was enough.³²

3.37 The committee notes that these boats were operating in conditions that could have endangered the lives of crew members on board the RHIBs and tenders, and those onshore risked slipping on sharp, uneven rocks into deep ravines and into the sea. One loss of traction followed by a blow to the head would have been all it took for a fatality.

3.38 The committee agrees with Ms Marion Grant's praise of the heroic work performed:

All on board ACV Triton and HMAS Pirie—and particularly the Customs and Border Protection and defence personnel who navigated their small vessels in such treacherous seas amongst the debris of the shipwreck and close to the very rocks that had destroyed SIEV221—put the lives on board that SIEV before their own. This was nothing short of heroic. All these officers should be recognised for their professionalism and bravery in such treacherous conditions.³³

3.39 The committee also echoes Lieutenant General Hurly's high praise for the personnel involved:

The entire search and rescue effort was undertaken in difficult and dangerous circumstances. The crews of HMAS Pirie and ACV Triton deserve our highest praise. They put their own lives at risk in extremely dangerous circumstances to rescue 41 people from the sea.³⁴

Boats available on the island

3.40 Decisions also had to be made about launching boats from the island. A number of serviceable, non-rescue Commonwealth vessels were on the island that

32 Lieutenant Commander Mitchell Livingstone, Commanding Officer, HMAS Pirie, Navy, ADF, *Proof Committee Hansard*, 6 June 2011, p. 5.

33 Ms Marion Grant, Deputy Chief Executive Officer, Customs, *Proof Committee Hansard*, 27 May 2011, p. 40.

34 Lieutenant General David Hurley, Vice Chief, ADF, *Proof Committee Hansard*, 27 May 2011, p. 43.

day, as well as a large number of private vessels whose owners were part of the volunteer marine rescue service. The harbourmaster and AFP lead officer in charge on the day deemed the launching of boats from the island to be an unacceptable risk due to dangerous weather conditions, and prevented residents from doing so. The committee was told that this decision potentially saved lives, and has no reason to doubt the wisdom of the decision made.³⁵

3.41 At the time of the incident the AFP considered launching a vessel it had on Christmas Island, the MV *Colin Winchester*. Ultimately, the AFP officer in charge decided against attempting to launch, assessing that the weather conditions were too severe and would put the lives of the crew at grave risk. This has been the subject of some scrutiny, as the AMSA had previously placed the MV *Colin Winchester* under limited use restrictions, calling into question its seaworthiness.³⁶ The committee took evidence that the vessel is not a suitable candidate for remedial modification, and will likely be replaced.³⁷

3.42 The committee explored this issue thoroughly, noting that although the MV *Colin Winchester* had failed an annual inspection in August 2010, AMSA had granted a three-month extension to its survey approval and advised that the vessel could be launched in a SOLAS situation even after the survey certificate had expired.

Committee view

3.43 The committee agrees with the decision not to launch the vessel, and considers that it was made due to hazardous weather conditions, not because the vessel was not certified, and that the decision would have been the same had the vessel passed inspection.³⁸ The decision not to launch, the committee notes, is in keeping with the harbourmaster's decision not to allow other boats to be launched due to appalling weather conditions.

3.44 However, the fact that a vessel could not have assisted on 15 December does not detract from the need for the island to have a fit and permanent replacement for the *Colin Winchester*, and the committee took evidence on the difficulty being experienced by the Department of Regional Australia, Regional Development and Local Government in obtaining reliable expert advice on an appropriate vessel for the

35 Mr Julian Yates, First Assistant Secretary, Territories, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 27 May 2011, p. 20.

36 See for example 'Two boats unseaworthy for rescue, inquest told,' *West Australian*, 26 May 2011, p. 12.

37 Ms Belinda Moss, Assistant Secretary, Territories, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 22.

38 See Mr Andrew Colvin, Deputy Commissioner Operations, AFP, *Proof Committee Hansard*, 27 May 2011, p. 43, and Mr Julian Yates, First Assistant Secretary, Territories, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 27 May 2011, pp 19, 21.

task. The committee wrote to the Australian Maritime Safety Authority seeking clarification on whether it was in a position to advise the Department on suitable vessels for the search and rescue role, and was told in response that it could provide such advice within the context of a procurement process.³⁹ This being the case, the committee urges the Department to complete the procurement process and provide for the delivery of a replacement vessel as soon as possible.

Post-incident search and recovery effort

3.45 Later that morning at 9:54am ACV *Triton* transferred one seriously injured survivor to HMAS *Pirie* which was already proceeding at best speed to Ethel Beach to offload survivors from SIEV 221. ACV *Triton* and her tenders continued to search for survivors. With no further survivors located in the water, the effort changed to recovering the deceased. This process lasted several days.

3.46 ACV *Triton* tenders recovered 28 bodies. At 1:55pm on 15 December ACV *Triton* reported that it was leaving the search area based on HMAS *Pirie*'s return with its RHIBs deployed after completing the transfer of survivors and deceased at Ethel Beach. The transfer of survivors and deceased onboard ACV *Triton* commenced shortly after 2:20pm, and upon completion at approximately 4:07pm ACV *Triton* commenced return passage to the search area. The committee notes that at this time ACV *Triton* continued to be responsible for the safety of the 108 persons embarked from SIEV 218 and SIEV 219.

3.47 From 11:00am until around 5:00pm, officers from Customs at Christmas Island assisted with the offloading of survivors and deceased at Ethel Beach, with the scene under the control of the AFP.

3.48 Around midday, preparations were made for an AP-3C aircraft located in Darwin to proceed to Christmas Island to contribute to the search and rescue effort, but the aircraft was forced to turn back after smoke was noticed in the cabin. It eventually made the journey the following day. While two debris fields were located, no survivors or deceased were found.

3.49 Both HMAS *Pirie* and ACV *Triton* continued searching the area until last light on 15 December, with the surface search formally suspended at 7:50pm. Both vessels repositioned to seek shelter on the lee side of the island overnight and HMAS *Pirie* replaced the steaming party in SIEV 220 hulk.

3.50 At dawn the following day, 16 December 2010, Customs and the Navy resumed their search and rescue operations at sea while the AFP conducted shoreline searches for the deceased, debris from the boat and material relevant to its

39 Correspondence from Mr Graham Peachey, CEO, AMSA, received 15 June 2011, paragraph 32.

investigations.⁴⁰ ACV *Triton* also reported several large pieces of wooden debris located close to the coast and later that day two further bodies were recovered.

3.51 By that time search and rescue responsibility had been handed over to the AMSA. AMSA's oversight continued until its search was ceased on 17 December 2010. The recovery phase of the operation continued for another two days, and resulted in a total of 30 bodies being found. The 20 people still missing are presumed dead.

Reliance on local divers

3.52 Due to the time it would have taken to transport professional divers to Christmas Island from mainland Australia, the AFP advised that local divers were '...contracted to undertake searches at sea' for bodies in the immediate aftermath of the tragedy:⁴¹

If the AFP did require the assistance of diving services, as we did on this day, they are available on island and we can use them. This really goes to the particular skill make-up, the currencies and competencies of the relatively small number of men and women who serve on island permanently and the kinds of skill sets that you want to maintain as a core competency of skill sets. As in the case with this particular tragedy, in the very first instance, because of the time frame that unfolded, we rely on the local community before we can get in the professional police divers to carry out those very difficult tasks.⁴²

3.53 Two more bodies were retrieved by divers after the incident. The committee is aware that some concerns exist around this issue:

...[I]f you had had people trained up to expect the sorts of things that people had to encounter with this incident, that would have been very helpful, I am sure. I think many people have not dealt with their trauma at all well, or at all—maybe hiding from it. I reflect on why people are not coming today. Some have told me they do not want to be here. The recovery of bodies from a wreck is a pretty traumatic job, I would have thought.⁴³

3.54 The committee is mindful that reliance on local divers for this function placed them in a position for which they may not have had adequate psychological preparation, but also that the retrieval of the bodies was a time-critical exercise and took place in a very remote location. The committee asked a number of questions in

40 Customs, SIEV 221 Internal Review, *Submission 8*, p. 24. See also AFP, *Submission 7*, p. 3.

41 AFP, *Submission 7*, p. 3.

42 Mr James Watson, Australian Peace and Stability Operations Centre, AFP, *Proof Committee Hansard*, 6 June 2011, p. 24.

43 Mr Gordon Thomson, Shire President, Shire of Christmas Island and Union of Christmas Island Workers, *Proof Committee Hansard*, 7 June 2011, p. 12.

order to establish whether appropriate measures were taken to support the mental health needs of the divers, and mitigate the traumas the divers experienced.

3.55 Representatives of the ADF and Customs explained to the committee that neither the *Triton* nor the *Pirie* had qualified divers on board because both vessels are primarily tasked with surveillance, not rescue.⁴⁴ As such, neither has an operational need for qualified divers:

From a Customs and Border Protection point of view, it is not something that we need on board our vessels. As you have heard, diving is a particular skill set. It has quite an onerous set of competencies to be maintained. So, once you are qualified in our way of operating, there is the issue of how many diving hours you must maintain to keep your skills current. We just do not have the work for a diver to do, and we would not even be able to keep people competent to the standards if we did employ divers to come on board our vessels. There is just no mission requirement for a diver.⁴⁵

3.56 The committee sought further clarification from the AFP on the circumstances of the local divers' involvement in the recovery operation, and on support provided for the divers after the incident. A response was sent in writing to the Committee Secretary, indicating that the divers had access to the same counselling services as the rest of the Christmas Island community:

During the recovery operation, the divers were asked through the Christmas Island Harbourmaster to assist. There was no formal contract. In effect they were asked and readily agreed and went out to help. Counselling services for the two local divers were provided immediately after the incident and on an ongoing basis by the Indian Ocean Territories Health Service. Dr Graham, in her evidence to the Committee on 7 June 2011, addressed their counselling services in some detail.⁴⁶

The committee wishes to acknowledge the assistance provided by local divers in performing the time-critical task of searching for the deceased. The committee understands that this was necessary due to the remote location of the island, and that their work was of enormous importance to the families of the deceased. The committee believes the Indian Ocean Territories Health Service went to great lengths to identify individuals who might benefit from counselling after the event. This is outlined in Chapter 4.

Committee view

44 Lieutenant Commander Mitchell Robert Livingstone, Commanding Officer of the HMAS *Pirie*, Navy, ADF, and Mrs Marion Grant, Deputy Chief Executive Officer, Customs, *Proof Committee Hansard*, 6 June 2011, p. 23.

45 Mrs Marion Grant, Deputy Chief Executive Officer, Customs, *Proof Committee Hansard*, 6 June 2011, p. 23.

46 Correspondence to Committee Secretary, received 20 June 2011.

3.57 The committee believes the response by Customs, Navy and AFP on the day was a tremendous rescue effort made in atrocious circumstances. Video footage taken on the day gave the committee an insight into the enormity of the challenge posed to rescuers. Once the SIEV 221 impacted on rocks, and began to break up and people were thrown into the water so close to the jagged cliff, saving lives became a task fraught with difficulty, and saving every life an impossibility. With deep regret for every life lost that day, the committee commends the rescuers whose efforts saw 41 survivors pulled to safety.

3.58 The committee is pleased to note evidence provided from Customs that seven out of the eight recommendations contained in its comprehensive Internal Review have been implemented, and the last is in train. The committee considers that the broad acceptance and implementation of the recommendations will do much to fill in any gaps that may be apparent in retrospect, and the streamline the response to any similar emergency in the future. In giving evidence to the committee, the Deputy Chief Executive Officer of Customs submitted that:

The events of that day are well-recorded and demonstrate the bravery of those aboard HMAS *Triton* and HMAS *Pirie*, as well as the people on Christmas Island, who supported the rescue and had to deal with those of the deceased who were recovered. In response to this tragedy, Customs and Border Protection, including Border Protection Command, undertook an internal review to identify the effectiveness of the internal policy, processes or procedures used to respond to the incident. This review, which forms part of our submission, provides details of events that occurred on the morning of 15 December. The review noted that Customs and Border Protection followed and acted in accordance with its policies, processes and procedures. The internal review also looked at the lessons learned from this event and made eight recommendations. At the time we lodged our submission, five of the recommendations were fully implemented, with the remaining three underway. I am pleased to update the committee that seven of the eight recommendations are now fully implemented.⁴⁷

3.59 The committee believes the eight recommendations listed in Customs' SIEV 221 Internal Review were appropriate and comprehensive.

3.60 In addition, on the weight of evidence provided the committee supports the findings of Customs' review and agrees that everyone involved acted in accordance with policies and processes relevant to their role. The committee believes that all applicable response, interagency communication and search and rescue procedures were followed by each agency. The committee is satisfied that interagency capabilities worked extremely well on the day, especially given the difficult conditions in which the tragedy unfolded. The committee has not come across anything in the course of its inquiry that would lead it to question the quality of the response and rescue effort mounted.

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

Chapter 4

After-incident support for survivors, residents and Commonwealth officers

Background

4.1 This chapter examines the after-incident support provided for survivors, Christmas Island residents and Commonwealth officers.

4.2 Given the traumatic events of 15 December 2010, it is important to establish what support was provided to survivors, volunteers and officers, and whether this support was appropriate to the needs of these three groups.

4.3 First the committee examines the immediate support provided to survivors on the day of the tragedy and the ongoing support provided to the present day. Second the committee considers the support provided to the residents of Christmas Island. Finally the committee outlines the support provided to personnel from the Customs, the AFP, the ADF, and staff and contractors working for the DIAC.

4.4 Having reviewed the evidence, the committee's view is that appropriate care and support has been provided to all three groups.

After incident support for survivors

4.5 The committee considered the after-incident support provided to survivors on 15 December 2010 and afterwards. As discussed in Chapter 3, the experiences of the survivors of the tragedy were harrowing.

4.6 Support was provided by a number of different organisations. Government organisations include DIAC (with contractors Serco and International Health and Medical Services (IHMS)), the AFP and the Indian Ocean Territories Health Service (IOTHS). Support was also provided by organisations such as the Australian Red Cross, the Coalition for Asylum Seekers, Refugees and Detainees (CARAD) and Asylum Seekers Christmas Island (ASCI).

4.7 As discussed earlier in the report, there were 42 confirmed survivors from the SIEV 221. DIAC has advised the committee that 27 are from Iran, seven from Iraq, five identified themselves as stateless and three are from Indonesia. The survivor group is comprised of 22 adult males, nine adult females, seven male minors and four female minors. DIAC advised the two men who initially identified themselves as adults subsequently claimed to be minors.¹

1 Department of Immigration and Citizenship, *Submission 9*, p. 2; Mr Peter Richards, Assistant Secretary, DIAC, *Proof Committee Hansard*, 27 May 2011, p. 29.

Support provided to survivors on 15 December 2010

4.8 Immediate medical support was provided at Rocky Point and Ethel Beach by medical and operational personnel as part of the Christmas Island Emergency Response. Subsequent support was provided at the Christmas Island Hospital, Perth Hospital, and in detention, all of which is described later in this chapter.

4.9 One survivor made his way to the shore at Rocky Point and received medical treatment at that location.² The remaining survivors were taken to Ethel Beach, which was the closest location at which survivors could be transferred ashore, where the IOTHS had established a triage process. This involved assessing the immediate health needs of the survivors, before transfer to the Christmas Island Hospital. DIAC, Customs and AFP officers assisted in this process, as well as DIAC's contracted service providers, IHMS and Serco.³

4.10 DIAC, through Serco, provided blankets, food, clothing and other supplies at Ethel Beach to meet the immediate needs of survivors. DIAC also ensured that interpreters were placed at Rocky Point, Ethel Beach and the hospital. Vehicles were made available to medical and emergency workers to transport survivors to the hospital.⁴ Following medical assessment, two female survivors were flown to Perth on the evening of 15 December 2010.⁵

4.11 As part of the Christmas Island Emergency Response Plan, individuals from many organisations provided assistance. During hearings on Christmas Island, the committee heard first person accounts of the assistance that was provided to survivors.

4.12 Serco Operations Director, Mr Ian Southerton, described to the committee the action that he took that morning, after seeing the wreckage at Rocky Point:

I made my way to Ethel Beach. I had to park my car some way away from where the triage centre was being set up. I walked down, and it was literally an all-hands-on-deck effort to assist the other agencies. We assisted IHMS setting up the tents, we assisted DIAC, I called the centre, we brought food, we brought refreshments—not for just staff but for the survivors. We brought blankets, towels, clothing for all ages. We assisted to get the site set up and we were just very clear as to what we needed to do with all our colleagues from other agencies. I think there were eight colleagues of mine from the sites who came down and then we started to assist the police to bring the survivors and the deceased ashore when they arrived. We would literally receive them from Customs, walk them up the jetty and then they would be handed to IHMS services for them to undertake the triaging.

...

2 Department of Immigration and Citizenship, *Submission 9*, p. 3.

3 Department of Immigration and Citizenship, *Submission 9*, p. 3.

4 Department of Immigration and Citizenship, *Submission 9*, p. 3.

5 Department of Immigration and Citizenship, *Submission 9*, p. 3.

Community spirit here was just outstanding. I have never quite experienced anything like it. It really was outstanding.⁶

4.13 Dr Ying Loong, Area Medical Director, IHMS, told the committee what action she took after arriving at Rocky Point that morning:

Customs said they could offload those people picked up from the sea at Ethel Beach. I went back to Phosphate Construction Camp and got our responder bag and what we thought we would need for all the survivors. We fronted up at Ethel Beach. The top of the beach was already in the process of being prepared for receiving the wounded. There were red tents, yellow tents and green tents. I had two doctors with me, two paramedics and about six nurses. Dr Julie [Graham, IOTHS] and I got together and we decided what we were going to do. We were going to send some doctors to the hospital to receive the wounded who were going to be transported there. The Navy also wanted a doctor on their boat to look after those people they had picked up from the sea. So I deployed a doctor, a paramedic and a nurse to go with Dr Gary Mitchell on the RHIB to the Navy boat to look after those people who had already been picked up by the boat but had not yet been brought onshore.

...

Throughout the day, we received all the people transported to the beach. Bear in mind that the sea was really rough and that people were putting their lives in danger to pick up those asylum seekers. During the day, dead bodies were being brought out. They were not enough body bags, so they were wrapped in black plastic. After everybody, as well as the dead bodies, had been brought up, we went to the hospital to check on all the people who had been processed. It was not until about seven o'clock that everything was settled.⁷

4.14 The evidence before the committee indicates that people from many different agencies worked together to provide support for survivors. Dr Julie Graham, IOTHS, explained to the committee why the response to the tragedy was so effective:

[T]he team work comes about from the health service having an external emergency plan, which had actually been updated about two months prior to the incident. That incorporated IHMS into our plan to provide increased capacity to deal with any emergency that happened on the island. We are a remote isolated island with limited resources and anyone has the understanding that if there is an emergency on this island we will be overwhelmed fairly quickly. So it was pleasing on that day that the

6 Mr Ian Southerton, Operations Manager, Serco, *Proof Committee Hansard*, 7 June 2011, p. 16.

7 Dr Ling Yoong, Area Medical Director, International Health and Medical Services, *Proof Committee Hansard*, 7 June 2011, p. 15.

response plan actually came together and the teams worked together to provide the best possible outcome on what was an horrific day.⁸

4.15 DIAC established an information line to receive calls from people who had information or concerns relating to people on board the SIEV 221. This hotline operated initially 24 hours a day, and was scaled back to business hours at a later date. The service ceased on 13 January 2011. DIAC received over 950 calls. Where a caller was matched to a survivor, this information was provided to the survivor.⁹

4.16 The committee now turns to the support provided to the survivors after 15 December 2010.

Support provided following 15 December 2010

4.17 The committee also considered the support provided to survivors in the period following the day of the tragedy. The committee examined the accommodation of survivors, professional support provided, communication, special arrangements for orphans and memorial services.

Counselling and other professional support

4.18 DIAC regularly sought professional advice in relation to the type of care needed by the survivors. DIAC also made arrangements to ensure that counselling services were available to survivors.

4.19 DIAC engaged Recovre, an external crisis management specialist trauma team to assist IHMS in meeting the immediate needs of survivors.¹⁰ DIAC advised the committee that:

The Recovre crisis management specialist trauma team provided regular updates to departmental staff on Christmas Island regarding the progress of the affected children, as well as case reports for individuals affected by the tragedy and recommendations for management of the group. IHMS also provided the Department with regular advice around the support being provided to the survivors on Christmas Island, and recommendations around the short and long-term care requirements of the group.¹¹

4.20 A team of five psychologists was sent to Christmas Island on 16 December 2010. The team provided trauma support to the survivors and assisted in managing their immediate needs.¹²

8 Dr Julie Graham, Director of Public Health and Medicine, IOTHS, *Proof Committee Hansard*, 7 June 2011, p. 24.

9 Department of Immigration and Citizenship, *Submission 9*, p. 4.

10 DIAC, answer to question on notice, 27 May 2011 (received 20 June 2011).

11 Department of Immigration and Citizenship, *Submission 9*, p. 6.

12 Department of Immigration and Citizenship, *Submission 9*, p. 4.

4.21 The counsellors worked very long hours to ensure that the survivors could access the care that they required, particularly in the days following the tragedy. Dr Ling Yoong described to the committee the counselling services that were provided to survivors the day after the tragedy:

The next day, the mental health team dealt with a lot of the trauma and, on the evening of the 16th, the psychologists arrived—four of them. I debriefed them on what had happened—they were also debriefed in the morning by my mental health team—and they got right into it and looked after all those people who had been traumatised. Throughout the day, we dealt with the medical issues and the psychologists dealt with the psychological trauma. In the evening, the psychologists came and debriefed me on what had happened during the day. What they recognised was that the most vulnerable period was around five o'clock in the morning, so they were out in the compound at 5 am to deal with all those people who were awake and needing someone to talk to. There was a shortage of interpreters, but we managed to get interpreters for the psychologists to enable them to deal with those trauma cases.¹³

4.22 The committee asked whether there were sufficient resources available on Christmas Island to provide appropriate support to the survivors. Dr Yoong advised the committee:

We were really stretched but I think everybody really got into it and provided the care that these people needed. That includes all the volunteers on the island and the people in the hospital. We could not have asked for a better group of people during that crisis, because it was just extraordinary.¹⁴

4.23 Ms Fiona Andrew acknowledged that interpreters were in high demand, but confirmed that additional interpreters had been brought in to assist the survivors:

I recall there were additional interpreters brought on the island. Interpreters are always a highly sought after commodity throughout Australia, not just by immigration, but there are never enough. We did bring in extra interpreters, but there are always shortfalls.¹⁵

4.24 DIAC advised that all survivors who were affected by the incident (either directly or indirectly) were reviewed by the IHMS mental health team. Those survivors who required further assistance were seen by visiting psychiatrists.¹⁶

4.25 Counselling services were also made available to the six survivors on the mainland.¹⁷

13 Dr Ling Yoong, Area Medical Director, International Health and Medical Services, *Proof Committee Hansard*, 7 June 2011, p. 15.

14 Dr Ling Yoong, Area Medical Director, International Health and Medical Services, *Proof Committee Hansard*, 7 June 2011, p. 16.

15 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 4.

16 Department of Immigration and Citizenship, *Submission 9*, p. 5.

4.26 DIAC sought specialist advice from psychiatrist Dr Stephen Fenner, who visited Christmas Island a number of times in January 2011. Dr Fenner provided clinical assessment and support for the survivors. As a result of this work, Dr Fenner provided DIAC with recommendations about management of the survivors:

His initial recommendation was for the survivors to be kept together in their natural family and support groupings, and for affected clients to be given the opportunity to visit the wreck site to assist in resolving their grief. His subsequent recommendations were for the survivors to be moved to the mainland as soon as they had been provided with the opportunity to visit the wreck site and funerals for the deceased had taken place.¹⁸

4.27 DIAC sought formal advice from IHMS in relation to the anticipated medical and health requirements of individual survivors. This information was required to assist DIAC to make long-term placement decisions. The placement report was provided to DIAC on 17 February 2011.¹⁹

4.28 The committee considers that DIAC sought out regular professional advice as to the best care to be provided to survivors, and provided appropriate counselling support services. In the next section the committee discusses how survivors were accommodated following the tragedy.

Initial accommodation and care of the survivors

4.29 DIAC advised the committee that its priority was 'to address the immediate health and support needs of the survivors'.²⁰ DIAC received medical advice that the survivor group should be co-located. This would provide emotional support and allow the development of family and other support networks.²¹ The majority of survivors were transferred to Phosphate Hill Alpha compound, a low security facility on Christmas Island.²² Some close family members who were already in immigration detention on Christmas Island, and others who arrived subsequently, were placed with the survivors. DIAC advised that regular visits were arranged with other extended family members who were also detained on Christmas Island.²³

4.30 The committee was informed that special arrangements were made to ensure the survivors received highly targeted support. To this end, Serco staff and DIAC case

17 Dr Ling Yoong, Area Medical Director, International Health and Medical Services, *Proof Committee Hansard*, 7 June 2011, p. 15.

18 Department of Immigration and Citizenship, *Submission 9*, p. 6.

19 Department of Immigration and Citizenship, *Submission 9*, p. 5.

20 Department of Immigration and Citizenship, *Submission 9*, p. 5.

21 Department of Immigration and Citizenship, *Submission 9*, p. 5.

22 Department of Immigration and Citizenship, *Submission 9*, p. 3.

23 Department of Immigration and Citizenship, *Submission 9*, p. 5.

managers were flown in especially to assist the survivors. Mr Southerton described other measures that were taken to support the survivors:

I think what was different was that there was a much higher staff concentration to deal with that particular group of clients, based on their needs. For instance, we provide programs and activities, but that had to be slightly different because it was very difficult for those clients to engage, given how traumatised they were. It would not have been appropriate to have gone in with a full program of scheduled activities. We purchased toys and colouring books and so on for the children to act as a distraction for them, because they were clearly upset. We focused as much as we could on their emotional needs, given how traumatised they were. The children, for instance, were crying and may have needed a cuddle from somebody. It was as basic as that.²⁴

4.31 Mr Southerton emphasised that the approach Serco took in caring for the survivors occurred in the context of regular consultation with DIAC.

Everything that we do has to be approved by DIAC. That is a contractual obligation...I have to say that there is a very productive working relationship with DIAC and, certainly, it was very much a joint approach—as it always is with everything that we do here. That is entirely appropriate, because we are accountable to DIAC.²⁵

4.32 In addition to the two female survivors who were transferred to Perth on the evening of 15 December 2010:

- three male survivors were transferred on a DIAC charter flight to Perth on 16 December 2010; and
- a male survivor was flown to Perth early on 18 December 2010.²⁶

4.33 CARAD contacted DIAC and offered to provide support to survivors at Perth Hospital. DIAC agreed to this request. CARAD described the care that it provided in its submission:

CARAD established a roster of volunteers to visit and provide necessary support and essential items to people in hospital and the IDC. We were assured by a senior DIAC manager that CARAD was welcome to visit these places and that he would convey this to Serco.²⁷

4.34 During the first Canberra hearing CARAD elaborated on the care that it provided to survivors in Perth, and the occasions where it raised concerns with DIAC on behalf of the survivors. Ms Rosemary Hudson Miller told the committee that when

24 Mr Ian Southerton, Operations Manager, Serco, *Proof Committee Hansard*, 7 June 2011, p. 19.

25 Mr Ian Southerton, Operations Manager, Serco, *Proof Committee Hansard*, 7 June 2011, p. 19.

26 Department of Immigration and Citizenship, *Submission 9*, p. 3.

27 CARAD, *Submission 5*, p. 3.

concerns were raised, the issue was generally resolved promptly by DIAC.²⁸ Following treatment and discharge from hospital, these six survivors were accommodated in alternative places of detention in Perth.²⁹

Arrangements for orphaned survivors

4.35 DIAC advised that the three children who were orphaned by the tragedy were placed with family members who took on a parenting role. Medical professionals assessed the adult family members as suitable. The families of the orphans in their home countries agreed with the arrangements.³⁰

4.36 DIAC advised the committee that it received advice from IHMS soon after the tragedy that all the children survivors were recovering well. Despite the tragic circumstances, the children were socialising normally and had adapted well to their new surroundings.³¹

4.37 The committee received evidence during the Canberra hearing that raised concerns about the arrangements put in place for the orphans.³² Ms Michelle Dimasi, Asylum Seekers Christmas Island, submitted that when she visited survivors in the aftermath of the tragedy, one of the orphaned children believed that his parents were still alive. This issue was also reported in the media. Ms Dimasi inferred that this 'raises questions about what type of counselling and support they are being given' and had twice raised the matter in writing with the Department and received no reply.³³ Given the vulnerability of the orphaned survivors, the committee considered this issue closely.

4.38 During the second Canberra hearing, Ms Fiona Andrew advised the committee that DIAC consulted with psychologists in IHMS about how the death of the parents should be communicated:

The view was that it should be the family members that should tell him. I am aware that there was some delay; that they could not actually bring themselves to tell him that.³⁴

28 Ms Rosemary Hudson Miller, Chairperson, CARAD, *Proof Committee Hansard*, 27 May 2011, p. 13.

29 Department of Immigration and Citizenship, *Submission 9*, p. 3.

30 Department of Immigration and Citizenship, *Submission 9*, p. 5.

31 Department of Immigration and Citizenship, *Submission 9*, p. 5.

32 Ms Michelle Dimasi, Director, Asylum Seekers Christmas Island, *Proof Committee Hansard*, 27 May 2011, pp 6–8.

33 Ms Michelle Dimasi, Director, Asylum Seekers Christmas Island, *Proof Committee Hansard*, 27 May 2011, p. 7.

34 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 3.

4.39 The committee is satisfied that this decision was open to DIAC to make, in consultation with IHMS, and that DIAC acted reasonably and on the best available advice. The committee notes that the aunt of one orphan arrived on Christmas Island on 20 December 2010, which would have contributed to the delay.

4.40 The children were provided with ongoing counselling. As discussed above, a psychiatrist visited Christmas Island in February 2011. The psychiatrist reviewed and provided advice in relation to the long-term care arrangements for the three orphaned children.³⁵ These recommendations were followed by DIAC.

4.41 Having considered all the evidence, the committee is satisfied that DIAC took particular care to accommodate the special needs of the three orphaned children who survived the tragedy.

AFP and DIAC formal processing of survivors

4.42 DIAC immigration processing for survivors was conducted concurrent with AFP investigations. The committee received evidence that DIAC and the AFP managed these processes sensitively to accommodate the needs of survivors.

4.43 DIAC advised that survivors were subject to standard identity and security checking, and that asylum claims are being assessed in line with arrangements for all irregular maritime arrivals. DIAC assured the committee that this process has been conducted sensitively, ensuring that appropriate support arrangements were in place.³⁶ When asked whether survivors were treated any differently to other asylum seekers, Mr John Moorhouse, Deputy Secretary DIAC, explained the approach:

I guess I would answer that in two ways. In terms of the assessment that would be made, the answer to that is no. The assessment we make in relation to a person's refugee status is based on specific criteria and that would be no different to the assessment that would be made for anyone else. In terms of the actual handling of their applications, the answer to that would be, yes. We would, of course, want to take into account the particular circumstances, the vulnerability and the sensitivity and therefore make sure their cases were handled with appropriate sensitivity. But also in cases where people are particularly vulnerable or have been through trauma, we will expedite their applications and ensure that their applications are dealt with promptly and that will be the same in any immigration caseload. We try to process applications in a logical and appropriate way, but if there are particular compassionate or other compelling circumstances that might result in an application being assessed ahead of others. There is a delicate balance that we do in that area. We do not want to disadvantage people but we do want to take account of people's circumstances.

...

35 Department of Immigration and Citizenship, *Submission 9*, p. 6.

36 Department of Immigration and Citizenship, *Submission 9*, p. 4.

My answer to the question is, yes, they would have been handled in a slightly different way, in a more sensitive way and, hopefully, given priority. But that would be something that we would do across any type of immigration caseload.³⁷

4.44 The AFP advised that it worked closely with DIAC, and provided after incident support to survivors during the witness interviews and the Disaster Victim Identification (DVI) process. The AFP commenced interviewing survivors on 16 December 2010.³⁸ The AFP told the committee during the Canberra hearing that children were not interviewed:

[I]n consultation with the Western Australia Police, who had the lead in collecting information for the Western Australian coroner, we arrived at the decision that we would not interview anyone under 17 years of age. We felt it was too traumatic.³⁹

4.45 The committee heard that when conducting witness interviews the AFP ensured that:

- the statement was obtained in the presence of an interpreter and friend;
- the interview was undertaken in private;
- the witness was given time to reflect and grieve if necessary;
- where appropriate, a DVI form was completed for a deceased relative or friend; and
- access to a DIAC psychologist was available if required.⁴⁰

4.46 The AFP described the process that was followed which involved survivors in visual identification of the deceased as part of the DVI process. The AFP officers ensured that

- the identification process was explained;
- only the deceased's face was visible;
- the survivor was accompanied by a friend, welfare officer or psychologist during the process;
- the survivor was given time to grieve with the deceased as required;
- the survivor was asked for their preference as to where the deceased should be buried; and

37 Mr John Moorhouse, Deputy Secretary, DIAC, *Proof Committee Hansard*, 27 May 2011, pp 30–31.

38 Mr Andrew Colvin, Deputy Commissioner Operations, AFP, *Proof Committee Hansard*, 27 May 2011, p. 52.

39 Mr Andrew Colvin, Deputy Commissioner Operations, AFP, *Proof Committee Hansard*, 27 May 2011, p. 52.

40 Australian Federal Police, *Submission 7*, p. 6.

- a DNA sample was taken where necessary.⁴¹

4.47 DIAC advised that IHMS staff were available to survivors 'at all hours' to provide psychological support following the DVI process.⁴²

4.48 CARAD raised concerns in its submission and during the Canberra hearing that one AFP witness interview of parents who had lost a child in the tragedy went for 12 hours.⁴³ The committee raised this directly with the AFP, and was assured by Mr Andrew Colvin that no interview went for 12 hours:

[T]he interviewing of any victim in a circumstance like this is never a straightforward and easy process. After I saw the CARAD submission, I obviously made inquiries into the claim of 12 hours. I assure the committee that we did not interview these people for 12 hours. What I understand occurred with a number of people over a number of days was witnesses who were prepared to talk to us for a start were brought into our police headquarters and over a lengthy period we gave them the opportunity to speak to us, to provide statements. Certainly it was not a 12-hour interrogation, if you like. It was a 12-hour period where they were afforded all sorts of breaks, opportunities to stop talking to us and do something else. Obviously they were given food in terms of their religious tolerances. All of it was done in a very controlled manner in terms of ensuring their medical condition and their mental state. As I said in my introductory comments, at all points they were voluntary. We kept checking the voluntary nature, as we did with all the witnesses, not just the ones referred to in the submission, and we checked they were happy to continue. In any instance where anyone gave us the slightest inclination that it was too traumatic or too stressful we stopped the process. That is why for some people it took two, three or four days to get the information.

As I said, sometimes this is a thankless task from the police because we need to identify bodies and establish as quickly as we can what happened. I assure the committee that we did it in the absolutely most sensitive manner that we could. We are as concerned and distressed to see inferences that we did not do that.⁴⁴

4.49 In relation to the particular survivors referred to in CARAD's submission, Mr Colvin advised that

[A]t no point did that couple who tragically lost one of their children say that they wanted us to stop the process. In fact, someone else spoke to the supervisor who oversighted it. While they were distressed, absolutely, they

41 Australian Federal Police, *Submission 7*, p. 7.

42 Department of Immigration and Citizenship, *Submission 9*, p. 6.

43 CARAD, *Submission 5*, p. 2; Ms Rosemary Hudson Miller, Chairperson, CARAD, *Proof Committee Hansard*, 27 May 2011, pp 12–13.

44 Mr Andrew Colvin, Deputy Commissioner Operations, AFP, *Proof Committee Hansard*, 27 May 2011, p. 49.

were happy to continue. We gave them as many breaks and opportunities to reflect on the tragedy as they needed. So this concerns me. I am sure that, in making that submission, CARAD were relaying comments that were made to them. I am not disputing that in any way at all. I guess I am just saying to the committee that the AFP are very conscious of this and we did everything as sensitively as we possibly could.⁴⁵

4.50 CARAD also submitted that some of the survivors it assisted in Perth did not understand the DIAC and AFP interviewing process.⁴⁶ DIAC acknowledged that many of the survivors were 'interviewed out' and struggled to understand the significance of some of the interviews they participated in. Ms Andrew advised the committee that special efforts were made to communicate the formal processes to survivors:

[O]ur case manager spent a bit of time trying to explain the process through. We were very aware that they had undergone a number of interviews with the police and we were conscious that we were commencing entry interviews, followed shortly thereafter by refugee status assessment interviews. We had to spend some time with them and explain the whole process, which we did, and we also had to clarify, to some extent, the part of the process that they would have undergone had they arrived normally on Christmas Island rather than under the tragic circumstances that they did. We did spend some time going through the processes with them. We were very conscious, as I think I mentioned earlier, that they had been interviewed out.⁴⁷

4.51 The committee notes that Ms Andrew was responsible for detention arrangements on Christmas Island. The committee has not received evidence about DIAC's communication processes with the survivors who were based initially in Perth Hospital.

4.52 The committee inquired about the arrangements for the return of property to the survivors. DIAC explained that all property seized was placed in AFP custody until it was released to DIAC and returned to survivors, once they were in community detention:

The AFP, following the funerals, released that property into DIAC. We made arrangements to have that property sent. They were already in community detention at that stage so we made arrangements for that property to be delivered to those people who were in community detention.⁴⁸

45 Mr Andrew Colvin, Deputy Commissioner Operations, AFP, *Proof Committee Hansard*, 27 May 2011, p. 49.

46 CARAD, *Submission 5*, pp 1–2; Ms Rosemary Hudson Miller, Chairperson, CARAD, *Proof Committee Hansard*, 27 May 2011, pp 12–13.

47 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 11.

48 Ms Janet Mackin, Branch Head, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 7.

4.53 DIAC acknowledged that the survivors repeatedly asked for access for the property while on Christmas Island, and many struggled to understand the reasons why the property was being retained by the AFP for a period of time. DIAC advised that it did its best to explain to the survivors that the property would be eventually returned. DIAC advised the committee that all property that was collected has now been returned to survivors, and relatives of the deceased.⁴⁹

4.54 In light of the evidence provided to this inquiry, the committee is satisfied that the AFP and DIAC made considerable efforts to ensure that formal interactions with survivors were conducted in an appropriate and sensitive way, and where misunderstandings occurred, they were clarified in a timely way.

Funeral and memorial services

4.55 DIAC arranged for a memorial service to be held shortly after the tragedy, and for relatives of the deceased to attend a funeral services in Sydney.

4.56 DIAC arranged for a memorial service to be held on 19 December 2010 at Phosphate Hill for the deceased victims from SIEV 221. DIAC estimates that 130 people attended the service, including survivors, other detainees, DIAC and Serco staff and Christmas Island community members. Prayer sessions were also held at the Construction Camp Alternative Place of Detention and North West Point Immigration Detention Centre on 19 and 20 December 2010, respectively.⁵⁰

4.57 DIAC also facilitated the attendance of some survivors at funerals in Sydney, following advice from the AFP that the bodies would be released.⁵¹

4.58 The AFP appointed a Repatriation Commander to make arrangements to either bury the deceased within Australia or repatriate them.⁵² As Christmas Island does not have an undertaker, or available burial plots, the deceased must be transferred to the mainland for burial or cremation. All available identified relatives of the deceased were contacted by the AFP. The AFP received requests in writing for repatriation locations. The families requested that eight bodies be buried in Sydney.

4.59 The AFP covered the costs of the funeral and DIAC was responsible for accommodation and transport costs for the relatives.⁵³

4.60 DIAC explained the decision to permit the families of the deceased to have a say about where the bodies should be buried:

49 Ms Janet Mackin, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, pp. 7–8.

50 Department of Immigration and Citizenship, *Submission 9*, p. 7.

51 Department of Immigration and Citizenship, *Submission 9*, p. 7; AFP, *Submission 7*, p. 5.

52 Australian Federal Police, *Submission 7*, p. 5.

53 Department of Immigration and Citizenship, *Submission 9*, p. 8.

The Department considered it appropriate to facilitate the families' preferences for the burial of their deceased kin and that incorporating their wishes was consistent with the Government's Immigration Detention values of treating clients fairly and reasonably while ensuring the inherent dignity of the human person.⁵⁴

4.61 On 12 February 2011 all 30 deceased were transported from Christmas Island:

- 13 unidentified deceased were flown to Perth, and placed in the custody of the WA Coroner. Once formal identification had occurred, the 13 deceased were repatriated to Iran on 16 and 17 March 2011; and
- 17 identified deceased were flown to Sydney, of which 8 were buried in Sydney, and the remaining flown to Iraq and Iran.⁵⁵

4.62 On 14 February 2011, direct and close relatives of the deceased were transferred to Sydney to attend the funerals. Twenty-two people were transferred from Christmas Island and one person from Perth. DIAC advised that each person was selected because either they had suffered the loss of an immediate family member, or they were a direct and close relative of a survivor who suffered a loss and were considered a key emotional support to that person. The group, which included survivors, was accompanied by interpreters and four psychologists.⁵⁶

4.63 The committee understands that funeral arrangements were made in consultation with the family members of the deceased and Islamic and Christian religious leaders in Sydney.⁵⁷

4.64 Prior to their departure for Sydney, the group had been advised that they would be returning to Christmas Island, as a group. This is because decisions about placement on the mainland were still being made.

4.65 The committee received evidence during the first Canberra hearing that criticised DIAC's decision to return the survivors to Christmas Island.⁵⁸ The committee asked DIAC to explain its decision, DIAC advised that community detention arrangements had not yet been finalised:

The arrangements in respect of community detention for the survivors were not in place. They were ultimately in place shortly after their return to Christmas Island, enabling them to be placed shortly afterwards. So within a 10-day period of the funerals community detention was finalised. It was not something that started post the funeral arrangements; it was something

54 Department of Immigration and Citizenship, *Submission 9*, p. 7.

55 Australian Federal Police, *Submission 7*, p. 5.

56 Department of Immigration and Citizenship, *Submission 9*, p. 7.

57 Department of Immigration and Citizenship, *Submission 9*, p. 7.

58 Ms Michelle Dimasi, Director, Asylum Seekers Christmas Island, *Proof Committee Hansard*, 27 May 2011, p. 4.

that had been in train before the funeral arrangements but could not be finalised prior to the funeral being conducted.⁵⁹

4.66 The committee believes that the arrangements for the funerals in Sydney were made in a sensitive and appropriate manner and that the decision to return the survivors to Christmas Island was based on relevant considerations. In particular, that it was a priority to keep the survivor group together until all accommodation placement arrangements on the mainland had been finalised.

4.67 The Christmas Island community organised a memorial service on 5 March 2011. DIAC was consulted about the participation of survivors in this service but decided that survivors would not attend. The committee questioned DIAC about its decision not to allow the survivors to attend the March memorial service. DIAC explained that its decision was based on the best interests of the survivors, the Christmas Island community and the fact that the survivors were expected to have left Christmas Island by the date of the service.

4.68 DIAC also advised the committee that no survivors had asked to attend the memorial service and that if anyone had asked to attend 'that might have caused us to revise our position'.⁶⁰ The survivors were given an opportunity to prepare a message to be read at the memorial, and a few chose to do so.⁶¹

4.69 At the same time as the memorial service, survivors still remaining on Christmas Island were taken to visit the site of the tragedy. All remaining survivors were flown to the mainland the next day.

4.70 The committee received evidence from the Australian Red Cross and ASCI that queried DIAC's decision not to permit the survivors to attend the memorial, this is discussed in more detail in the next section.⁶²

4.71 Ms Fiona Andrew explained how the anger that some survivors expressed towards the Christmas Island community in the aftermath of the tragedy informed her decision that the survivors should not attend the community memorial. The anger was first identified shortly after the tragedy:

I think the idea of a memorial service, or some sort of service for the community, was first mooted sometime in the first week. On 17 December there had been a fairly substantial protest up at Construction Camp and Phosphate Hill, and part of that protest had involved the survivors and their families. There had been a fair amount of anger directed at the community

59 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 11.

60 Mr John Moorhouse, Deputy Secretary, DIAC, *Proof Committee Hansard*, 27 May 2011, p. 30.

61 Ms Janet Mackin, Assistant Secretary, DIAC, *Proof Committee Hansard*, 27 May 2011, p. 32.

62 Mr Noel Clement, Head of Australian Services, Australian Red Cross, *Proof Committee Hansard*, 27 May 2011, p. 2; Ms Michelle Dimasi, Director, ASCI, *Proof Committee Hansard*, 27 May 2011, p. 5.

at that protest. Comments were made such as 'We watched you standing on the rocks drinking cups of coffee, smoking cigarettes, and you did nothing to help us. Our families died and you just watched.' So initially I was very against any client involvement in the memorial service because I was very aware that the community had suffered substantially. They had seen things that they should never have seen and I was very concerned to protect the community. I did not want the community in any way exposed to that anger. We certainly kept that from the community as much as we could, up until recently really.⁶³

4.72 The following week, the Administrator visited the survivors, and witnessed similar sentiments:

During the following week the administrator and his wife, Brian and Joan Lacy, visited the survivors and that same degree of anger was expressed to them. I recall that Brian was quite taken aback by it and my impression was that he was not expecting it either.⁶⁴

4.73 When Ms Andrew returned from leave in mid-January, the mood of the survivors had 'softened' and she became more open to the idea of the survivors participating in the memorial. However, Ms Andrew also became aware that opinion in the community was mixed. Ms Andrew explained to the committee:

But I was also aware that the community was divided. Some felt that it was important that the survivors attend and some felt that they should not attend. I was always very conscious of walking a very fine line between the divided community.⁶⁵

4.74 Further, by 25 February 2011 there was another disturbance at Construction Camp, and the mood of the survivors was 'fractious'. Coupled with the impending departure of the survivors to community detention on the mainland, Ms Andrew decided that the survivors would not attend the community memorial service.

4.75 Ms Andrew advised the committee that the survivors' mood had changed in the months following the tragedy, and that now many were grateful to the community for their support:

Certainly as the mood softened so did the stance towards the community. I think when the survivors themselves realised that there was a positive outcome, that they were moving to the mainland, they actually became quite grateful to the community. But to my way of thinking the service was about the fact that 42 people were saved. I was concerned that the survivors

63 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, pp 1–2.

64 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 2; see also, Mr Brian Lacy, Administrator Christmas Island, *Proof Committee Hansard*, 7 June 2011, p. 3.

65 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 2.

thought that 50 people had died, so there was a slightly different perspective.⁶⁶

4.76 The committee believes that DIAC's decision about survivor participation was the correct one in the circumstances, and represented the best interests of both the survivors and the community in a situation fraught with difficulty.

Current placement of survivors

4.77 All survivors have been moved off Christmas Island into community detention in Sydney, Melbourne, Adelaide or Perth, or have been granted a visa.

4.78 DIAC has advised that the orphans and their families were released into community detention on 24 February 2011. This decision was made once the Minister for Immigration and Citizenship was satisfied that suitable accommodation and access to psychological care were in place to support the survivors.⁶⁷ DIAC has advised that the other survivors were transferred to the mainland on 6 March 2011.⁶⁸ The three Indonesian crew are in AFP custody.⁶⁹

4.79 DIAC advised that as of 15 June 2011:

- Twenty-nine survivors have been placed in community detention arrangements: five in Adelaide, 11 in Melbourne and 13 in Sydney (this includes two orphaned survivors);
- nine survivors (including one orphaned child) have been granted Protection visas;
- one survivor has been granted a Global Special Humanitarian visa; and
- the three Indonesian crew remain in AFP custody.⁷⁰

4.80 During the Canberra hearing on 16 June 2011, the committee asked DIAC about the ongoing care and support provided to survivors who are now on the mainland. DIAC advised the committee:

Placing survivors into community detention was the department's priority. In community detention the survivors continue to be case managed and have continued to receive health and mental health support. Links with English language classes have been facilitated for all survivors. All school-aged children have been enrolled in school and some additional intensive English language lessons have been provided.

66 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 2.

67 Department of Immigration and Citizenship, *Submission 9*, p. 9.

68 Department of Immigration and Citizenship, *Submission 9*, p. 9.

69 Australian Federal Police, *Submission 7*, p. 5.

70 DIAC, answer to question on notice, 16 June 2011 (provided 21 June 2011).

Some additional activities have been organised to support them, and survivors have been helped to link with their own community members and to stay in touch with their family members. A number of clients have been granted protection visas and continue to be case managed and provided settlement services through the Humanitarian Settlement Services program.⁷¹

4.81 The committee is satisfied that the current placement arrangements for the survivors are appropriate, and that adequate support continues to be provided.

Committee view

4.82 The committee is mindful of the deep trauma experienced by the survivors of the tragedy. The committee believes that appropriate care and support has been provided to the survivors.

Recommendation 1

4.83 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.

After incident support provided to Christmas Island community members

Post-incident support for the Christmas Island community

4.84 The committee has already outlined and paid tribute to the efforts of the Christmas Island community on the day of the incident. Unfortunately, well-deserved praise for Christmas Island residents does not tell the whole story. Many residents who volunteered on the day saw horrific images which will likely stay with them forever. Some continue to struggle to accept the fact that there was nothing more they could have done to save lives. Many in this small community, whether they witnessed the tragedy or not, are deeply affected by what happened on their island, and they are affected in a variety of ways. In this regard, the committee recalls a work of art by a Christmas Island resident, depicting the emotional impact of this tragedy and the pain it caused, which was submitted as evidence to the committee.⁷²

4.85 Given the harrowing scenes some community members witnessed on the day, the committee took great care to establish whether an appropriate level of care and support was afforded to residents after the tragedy.

4.86 The committee is aware that studies suggest non-professional volunteers involved in rescue efforts are more likely to experience significant mental health issues for prolonged periods following a traumatic event than professional rescuers.

71 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 9.

72 Ms Allison Millcock, *Submission 21 Attachment*, see Attachment 2.

This can be particularly pronounced for inexperienced rescuers who witness the recovered bodies of children, as was the case on Christmas Island.⁷³

4.87 Christmas Island is a small multilingual and multicultural community where people deal with trauma in different ways. The committee was advised that all support services were advertised and provided in a manner appropriate to the different needs of Islamic, Chinese, and Caucasian members of the community. Notices were translated into Chinese and Malay.⁷⁴

4.88 The Shire President, Mr Gordon Thomson, informed the committee that the Administrator's office circulated a notice on the day of the tragedy advising the community that a counsellor from the DIAC would be made available for residents.⁷⁵

4.89 The Christmas Island Administrator also explained that counselling services for the community were requested from the Department of Regional Australia, Regional Development and Local Government and a leaflet advertising the availability of counselling was put out by the IOTHS. The notice outlined ways in which people could reduce some of the emotional pain associated with trauma and assess whether they needed counselling.⁷⁶

4.90 DIAC broadened its Employment Assistance Provider (EAP) service to provide assistance not only to departmental staff affected by the tragedy, but also to Christmas Island residents.⁷⁷ The AFP also deployed a Welfare Officer to the island to provide critical mental health support to AFP members and their families in the five week period following the tragedy. The officer was also made available for the Christmas Island community.

4.91 Dr Julie Graham, Director of Public Health and Medicine for the IOTHS, informed the committee that a meeting was held the day after the incident to identify specific people who might have had particular needs, after which the IOTHS expanded the support it provided to the community on a regular basis. The community was provided with the option of calling the local hospital to access counselling

73 For more information on the topic see Robert J. Ursano, James E. McCarroll and Carol S. Fullerton, 'Traumatic death in terrorism and disasters. The effects on post-traumatic stress and behaviour', in Robert J. Ursano, James E. McCarroll and Carol S. Fullerton, *Terrorism and Disaster*, Cambridge University Press, 2003.

74 See Dr Julie Graham, Director of Public Health and Medicine for the Indian Ocean Territories Health Service, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 25, and Ms Leslie Heath, Acting Manager, Indian Ocean Territories Health Service, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 27.

75 Mr Gordon Thomson, Shire President, *Proof Committee Hansard*, 7 June 2011, p. 11.

76 Mr Brian Lacy, Administrator, Indian Ocean Territories, *Proof Committee Hansard*, 7 June 2011, p. 2. The notice in question was tabled at a public hearing; see Department of Regional Australia, *Additional Information*, 7 June 2011.

77 Department of Immigration and Citizenship, *Submission 9*, p. 9.

services, and many people were given the opportunity see the IOTHS's senior counsellor in their own homes or other neutral environments where they felt comfortable.⁷⁸

Community use of counselling services

4.92 The committee was told that only a relatively small number of community members made use of professional counselling services available.⁷⁹ Many instead sought solace in their own personal support networks, family and friends. Others left the island over the Christmas period immediately following the tragedy, as large sections of the community routinely do over the holiday period.

4.93 Traditional, healthy coping methods—such as spending time with friends and family, attending community events, talking about the incident with others who shared the experience, finding solace in spirituality—are important healing mechanisms. These can sometimes be as effective as professional counselling. The committee is aware that Christmas Island residents have, by and large, used pre-existing relationships and rituals to cope with their trauma:⁸⁰

Many people go back to their faith during times of great crisis. I think people talked to the imam or cleric at the mosque and would have perhaps sought solace in the holy book. I went to pray at my temple to meditate on what had happened and brought questions of life and death. Support for people who needed support was always there, and we put out flyers and so on in the days after the disaster so people knew that the hospital was the point of reference.

Our island is very small and we know that our hospital is very good, so everybody, if something is wrong with them emotionally or physically, knows where to go. Talking about something like this, of the enormity, the finality and the impossibility of it happening, in a place so familiar took a great toll on people.⁸¹

4.94 The less than expected uptake by the community of the external counselling services brought onto the island in the wake of the tragedy does not mirror the experiences of the IOTHS, however. The Health Service, which, as explained earlier, provides regular health services to the community, was a known resource the community may have been more comfortable using. The Director explained:

In relation to 15 December, the reactions of the community were the normal reactions to a very abnormal situation. People experienced trauma and

78 Dr Julie Graham, Director of Public Health and Medicine for the Indian Ocean Territories Health Service, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 27.

79 Mr Brian Lacy, Administrator, Indian Ocean Territories, *Proof Committee Hansard*, 7 June 2011, p. 2.

80 Mr Gordon Thomson, Shire President, *Proof Committee Hansard*, 7 June 2011, p. 11.

81 Mr Zhong Xiong (Chris) Su, *Proof Committee Hansard*, 7 June 2011, p. 32.

expressed their response to trauma in varying ways. I think we need to be mindful that the services provided at the time were adequate, but we need to continue to provide services because trauma manifests itself in varying time degrees. Some of the situations that we are dealing with are not related to SIEV221. Memories were brought up about other instances that had occurred previously, so the health service has to play an ongoing role in supporting the mental health of the community.⁸²

4.95 The Director of the Indian Ocean Territories Administration, Ms Catherine Wildermuth, elaborated on other mechanisms employed by counselling personnel. Many of these were less direct than one-on-one counselling:

...[W]hile there may not have been large absolute numbers for one-on-one counselling, a number of mechanisms were employed by the counselling personnel who were available in addition to providing one-on-one counselling. Those kinds of things included going to community events occurring around the time, having conversations with people in the community to get a sense of how people were travelling, attending a number of meetings that happen reasonably regularly on the island—mothers' groups and so on—and getting in contact with some of the church groups on the island, for example, going along to services in a very low-key way to keep an eye on what was happening. So the point that I would like to make, I guess, is that, while they may not have been involved in one-on-one counselling, they were certainly deployed for the time that they were here doing the kind of work that we had asked them to do. In addition, they were able to provide us with a great deal of advice, as has been referred to earlier, about how we might conduct the memorial service, how we might continue to provide services into the future and so on.⁸³

4.96 Dr Graham of the IOTHS concluded:

I think people who needed to use the service at the time used it. Others used other mechanisms on island to provide support, whether it be religious groups, family groups or community groups. As mentioned, people kept an eye out for each other, and that is one of the nice things about a small community: on that day everyone came together. It did not matter what religion or nationality you were; you came together to help. That was seen on the rock face, at Ethel Beach and in the days after, when people were continuing to search for bodies. It was then seen in the recovery of the island in the support that people provided for each other. People knew who was at risk, people knew who might have been suffering and people touched base with them. So I think that, as a community, they pulled

82 Dr Julie Graham, Director of Public Health and Medicine for the Indian Ocean Territories Health Service, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 26.

83 Ms Catherine Wildermuth, Director, Indian Ocean Territories Administration, Territories West, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 26.

together not only for the boat survivors but for the community individuals as well.⁸⁴

Memorial service for the deceased

4.97 A community memorial service for the deceased was held on the island on 5 March 2011. In a touching gesture, a young woman from Christmas Island's Chinese community made hundreds of paper flowers which were distributed at the memorial.

4.98 The service was attended by many people. The committee heard that residents, many of whom displayed high levels of emotional distress, had hoped to meet survivors and thought they might have an opportunity to do so on the day of the service:

The conversation we had with DIAC was that we wanted to have asylum seekers come to the memorial service as well because it is not honourable to have a memorial service and not invite the people who lost people that day. DIAC were very indecisive about whether or not I could have asylum seekers come: they said they were not going to be there, then they were going to be there.⁸⁵

4.99 In the end, no survivors of the SIEV 221 tragedy attended. DIAC's reasons for not bringing survivors to the memorial service are outlined earlier in this chapter. One of the considerations DIAC had to weigh up in making its decision was the possibility of a painful outburst motivated by grief from some of the survivors. The committee heard that conversations with survivors in subsequent days and weeks revealed that, at times, their grieving process included stages of anger. Some had misinterpreted rescuers' actions on the day and felt let down:

You would have seen the photos and videos of the event that day. If some of the survivors who were in the water, or if they needed help, and they saw us taking photos and videos, they could not understand why we were doing that. I found this out from some of the survivors later. We were motioning some of them away from the rocks—'go that way'—and I found out later that they thought we were telling them to go away and not come to the island. We were telling them to 'go that way; the water is going to be coming that way—don't come to the cliff'. But they could not swim so they made their way onto the cliff and the water's force was too great when the waves came. You would not have had a chance in hell of holding on to that cliff. So they misunderstood what we were trying to say.

Not everybody was angry, obviously, but when you lose so many people in your own family the grieving process in the first stage is disbelief, then anger, and some were very angry. I think some really understood that we did the best. You will see in the submission that we had letters from the

84 Dr Julie Graham, Director of Public Health and Medicine for the Indian Ocean Territories Health Service, Department of Regional Australia, Regional Development and Local Government, *Proof Committee Hansard*, 7 June 2011, p. 27.

85 Mr Zhong Xiong (Chris) Su, *Proof Committee Hansard*, 7 June 2011, p. 31.

survivors to be read out to the community, and many of those letters expressed a deep gratitude and thankfulness to the islanders for what we did that day. But not everybody felt the same way, especially in the weeks immediately after, when the survivors were asking, 'Where was the help? Where was a Navy ship?' or 'Why didn't the big Navy ship come in?'

They saw the large Navy ship on the edge but only saw the two RHIBs come in. They do not understand, I guess, that large Navy ships cannot come in that close to the cliff because that is not how Navy ships work—they need a certain level of depth in the water, I guess.⁸⁶

4.100 Exposure to negative emotions from the survivors could have had a very damaging effect on residents who were deeply traumatised by the human tragedy they witnessed and were deemed to be vulnerable to further emotional distress. The committee also heard that not all residents wanted survivors at the memorial, as discussed above.⁸⁷

4.101 For these reasons the committee accepts that the decision that DIAC made was a difficult one, but was based on the best interests of the survivors and residents.

Decision to keep the bodies of the deceased on the island

4.102 On 17 December 2010 the WA Coroner advised WAPOL of specific directions and jurisdictional requirements regarding the coronial investigation into the incident. This letter informed WAPOL that post-mortems would not be required, and that as a result the recovered bodies of the deceased would not be sent to mortuary facilities in Perth, in the first instance. Identification of the bodies, following Interpol DVI was an extended process not completed until 3 March 2011. All of the deceased were transported from the island by 12 February 2011, as discussed earlier in this chapter.⁸⁸

4.103 The committee is aware that the Christmas Island community was concerned that the bodies of the deceased remained unburied on the island for a number of weeks. The committee heard that this may have caused particular distress to the large Chinese community on the island, whose spiritual beliefs were offended by the length of time it took to bury the deceased:

There are many layers of impact around the boat tragedy. One that I think is important, but easy to miss, is the spiritual impact on Christmas Island. The Chinese community are a large part of the island, and have significant beliefs about the circumstances in which people die, the state of their spirits, and how this impacts on the living.⁸⁹

86 Mr Zhong Xiong (Chris) Su, *Proof Committee Hansard*, 7 June 2011, pp 31–32.

87 Ms Fiona Andrew, Assistant Secretary, DIAC, *Proof Committee Hansard*, 16 June 2011, p. 2.

88 See Australian Federal Police, *Submission 7*, pp 4–5.

89 Ms Allison Millcock, *Submission 21*, p. 1.

4.104 The AFP advised the committee that it had tasked a Repatriation Commander to engage with the Christmas Island community through the Administrator and the senior DIAC officer on Christmas Island in an attempt to understand residents' concerns regarding the deceased being held on the island for so long.

4.105 The committee requested further information from the AFP on this matter, and was informed that initial consultations were in respect of 17 of the deceased who had been formally identified. They were scheduled to be relocated just prior to Chinese New Year. Upon consultation with the community, the AFP learned that there was some discomfort around any bodies remaining uninterred on the island during the Chinese New Year period. As a consequence, the AFP requested approval from the WA Coroner for the remaining 13 unidentified deceased to be removed at the same time as the 17 identified. Approval was granted, and all of the deceased were evidently removed from the island to ensure the Chinese New Year customs were observed.⁹⁰

Committee view

4.106 The committee notes the particular trauma experienced by residents who helped in the rescue and recovery effort, those who witnessed the tragedy, their friends and families. Given the evidence presented, the committee considers that an appropriate level of professional counselling was made available for the community. This was complemented by tailored services for individuals and groups.

4.107 As a consequence of this tragedy many residents may retain horrific images in their memories and grapple with questions and issues which are immensely difficult to cope with for any individual. The committee has great sympathy for residents who hoped to meet with survivors after the incident, and appreciates that such a meeting may have been beneficial insofar as it could have enabled volunteers to see physical evidence of the good they did. However, the committee also understands that authorities had extremely difficult decisions to make in weighing the benefits of such a meeting against the possibility of inflicting further psychological pain on the community by allowing a situation where negative emotions could spill over.

4.108 The committee believes residents of Christmas Island share a permanent emotional bond with those on board the SIEV 221, and many will carry memories of the tragedy throughout their lives. It is now an indelible part of the history of Christmas Island and its community. For this reason, the committee would support any decision the community might reach to erect a memorial on the island, at a site of the residents' choosing, to serve as a reminder of those who lost their lives, and those who risked theirs to help fellow human beings in need. DIAC has advised the committee that a plaque and memorial board will be placed at the wreck site, and the committee supports this decision. The committee urges that this be done with

90 Correspondence to Committee Secretary, 20 June 2011.

sensitivity and in consultation with the local community in order for it to help heal emotional wounds.

Recommendation 2

4.109 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.

After incident support provided to Customs, Defence and other personnel

4.110 The committee received evidence on the after incident support provided to Commonwealth officers. While each agency established its own counselling and support programs, the agencies shared their counselling resources in the immediate aftermath of the tragedy with each other, and the Christmas Island community.⁹¹

4.111 After incident support to affected personnel is critical. As discussed in Chapter 3, the personnel involved in the rescue effort, and in the aftermath, witnessed horrific scenes. The Customs and ADF crew were directly involved in the rescue effort: pulling survivors and deceased from extremely rough waters, while risking their own lives. The AFP were responsible for coordinating the response on the island, and this included the recovery of the deceased and placing all deceased in body bags before transfer to the temporary morgue.⁹² Staff from the IOTHS and the IHMS provided immediate and longer term medical care to survivors, and support for personnel. Serco and DIAC staff provided day to day care and support to distraught and grieving survivors following the tragedy.

4.112 The circumstances described above are horrific, and it is very important that all affected personnel receive appropriate and timely support. The committee is satisfied that appropriate support – in the form of psychological and counselling services – has been made available to all personnel.

4.113 The next section outlines the support provided to Customs personnel.

After incident support provided to Customs personnel

4.114 Customs described to the committee the support that was provided to affected personnel in the immediate aftermath of the tragedy.

4.115 On the day of the tragedy:

91 Dr Ling Yoong, IHMS, *Proof Committee Hansard*, 7 June 2011, p. 19; Dr Julie Graham, Director of Public Health and Medicine, IOTHS, *Proof Committee Hansard*, 7 June 2011, p. 24; and Mr Ian Southerton, Operations Manager, Serco, *Proof Committee Hansard*, 7 June 2011, p. 19

92 Australian Federal Police, *Submission 7*, p. 3.

- regional management teams commenced planning to provide support staff and counsellors to officers at Christmas Island;
- charter flight options were identified;
- available relief staff were identified;
- a critical incident management organisation was established in Canberra;
- Comcare was advised of the tragedy in general terms;
- contact was made with the Customs Employment Assistance Provider (EAP), and a request was made for senior counsellors to wait in Perth, and to be available to travel at short notice to Christmas Island; and
- families of affected ACV Triton crew were contacted in the afternoon, and advised that officers were safe, and that support could be obtained from the EAP.⁹³

4.116 On 16 December 2010 the relief team arrived on an AFP chartered flight at 1:50am and the support team conducted group and individual discussions with staff to ascertain emotional and mental states.⁹⁴ On 17 December 2010 the counsellor met with Customs crew, as well as contracted staff for group sessions on board the ACV *Triton*. The same counsellor visited the HMAS *Pirie* on 18 December 2010 to provide support until the ADF Critical Incident Support staff could attend. The CEO of Customs commended the actions of the relevant Customs crew, via video conference.⁹⁵ While the counsellor's primary focus during this period was the wellbeing of the Customs officers involved in the incident, meetings also took place with other officials on Christmas Island, including members of the AFP.⁹⁶

4.117 In consultation with the counsellor, Customs also developed plans to bring more support staff to Christmas Island and to ensure that staff and families on Christmas Island were monitored and provided with the opportunity for leave and/or recuperation. Counsellors were also provided for support staff based in Canberra.⁹⁷

4.118 During the hearings on Christmas Island, the committee asked about the quality of the support that was being provided to Customs officers. Mr Myles Pickett, District Manager, advised the committee that

Immediately after the incident, within 12 hours of the incident or something like that, we had people on the way. We had a counsellor up here. I have been in constant contact with her ever since. In fact, she rang me this morning to see how I felt about attending here. She has been excellent and I

93 Customs, *Submission 8*, SIEV 221 Internal Review, p. 27.

94 Customs, *Submission 8*, SIEV 221 Internal Review, p. 26.

95 Customs, *Submission 8*, SIEV 221 Internal Review, p. 26.

96 Customs, *Submission 8*, SIEV 221 Internal Review, p. 26.

97 Customs, *Submission 8*, SIEV 221 Internal Review, p. 26.

know she has also spoken to all the other people on my staff. She rings my wife to see how she is going—probably to ask sneaky questions about how I am going as well. Certainly from a Customs perspective we have been wrapped by the support that we have received.⁹⁸

4.119 When the committee asked if it was expected that this assistance would be ongoing, and was assured that professional assistance would be provided for as long as it is needed. Mr Pickett told the committee

I have no doubt that if I sought further help there would be no hesitation in providing that. Certainly Marjorie, our counsellor, has said to call her at any time.

4.120 The Deputy Chief Executive Officer of Customs, Ms Marion Grant, assured the committee that all necessary assistance would be provided:

On behalf of the executive of the organisation, I can confirm that that professional help is available to our officers for as long as it is needed. Marjorie, the counsellor, has her client case load from our organisation, and she is progressively working through that. Some people are suggesting to her that they are feeling fine and that they probably do not need her to make those follow-up phone calls. As recently as yesterday one of our other officers said he really appreciated her calling him, because she has been ringing around thinking that the hearings may stir up memories for people. He said to her that he appreciated it but he was handling it well and she could cross him off her follow-up list and concentrate her efforts on those who still needed help. She has been reporting back, not by individual name because of privacy protection, that she feels some people are coping very well and other people need more intervention.

Our commitment to our officers is that that service will be provided indefinitely. I am imagining the numbers will tail off as we go through the process. That is for our people who are on island, their families, people on board the vessels, people who are in our Perth office now but had come to provide additional support on island, and some of our people in headquarters who were receiving the phone calls and making the arrangements for response vessels—a lot of officers just felt what more could they do but regretted the tragedy and wished they could have done more. All those issues are being worked through but I can assure you that the support is not time-limited.⁹⁹

4.121 The committee is satisfied that Customs is providing timely and appropriate after incident support to personnel directly and indirectly involved in the tragedy. This

98 Mr Myles Pickett, District Manager Christmas Island, Customs, *Proof Committee Hansard*, 6 June 2011, p. 17.

99 Ms Marion Grant, Deputy Chief Executive Officer, Customs, *Proof Committee Hansard*, 6 June 2011, p. 17.

support is consistent with Recommendation 8 made in the SIEV 221 Internal Review.¹⁰⁰

After incident support provided to AFP personnel

4.122 The AFP outlined the immediate support provided to its personnel in its submission. Support included:

- a Welfare Officer being deployed to Christmas Island;
- provision of critical incident mental health support to AFP personnel involved in the incident and the aftermath;
- provision of psychological support services to all partners and children of Christmas Island Police; and
- provision of extensive trauma support for departing AFP personnel.¹⁰¹

4.123 The AFP advised that 3 and 6 month follow up assessments were arranged. Further, all Christmas Island Police Station personnel have received follow-up care and will be monitored for a 12 month period following the incident.¹⁰²

4.124 During hearings on Christmas Island the committee asked AFP officers about the quality of the support provided. Sergeant Peter Swann spoke of his experience:

Certainly AFP has had very good support on island. As was stated before, we had a psychologist here for a month. We have since had two follow-up visits. We have telephone contact regularly. It is probably the most support I have had following any incident I have attended in 29 years of policing.¹⁰³

4.125 Superintendent Gavin Ryan explained the AFP's general approach to providing support to personnel:

The International Deployment Group has full-time psychologists based in Canberra, Brisbane and Perth. As you know, we go everywhere around the world—Afghanistan, Cyprus, Sudan, Timor, the Solomons. They travel the world debriefing officers. For the Solomons, it is a four-month, eight-month, 12-month debriefing process. For Afghanistan, which I just came out of prior to coming here, we were flown back halfway for a one-on-one process. It is a very structured process—you must attend and you must participate before you are given a clearance by a psych and allowed to be deployed again. Everyone is on a first name basis with them, and it is almost like a confessional. It is very relaxed and everyone is comfortable, because they see them so often. They know everyone by their first name

100 Customs, *Submission 8*, SIEV 221 Internal Review, p. 44.

101 Australian Federal Police, *Submission 7*, p. 7.

102 Australian Federal Police, *Submission 7*, p. 7.

103 Sergeant Peter Swann, AFP, *Proof Committee Hansard*, 6 June 2011, p. 17.

and they know all the problems; they know all the kids, and that type of thing. It is very practised within the AFP because of the deployments.¹⁰⁴

4.126 The Committee is satisfied that the AFP is providing timely and appropriate after incident support to personnel directly and indirectly involved in the tragedy.

After incident support provided to ADF personnel

4.127 The ADF advised in its submission that a Defence Critical Incident Stress Management Team provided counselling and care for all ADF personnel involved in the tragedy.¹⁰⁵ As discussed above, a Customs counsellor visited the HMAS *Pirie* on 18 December 2010 to provide support until appropriate ADF staff arrived.¹⁰⁶

4.128 During the hearings on Christmas Island, the committee asked for more detail on the support provided. Lieutenant Commander Mitchell Livingstone explained:

[W]e have been very well served. At the initial time of the event we had the Customs counsellor come down. We sailed back to Darwin with two naval psychologists embarked, so there was a five-day session with all of us. There was a monthly screening, and we finished our three-monthly screening some time ago. That ongoing support is there whenever it is individually flagged or when I think they might need a bit of support. That is open to their families as well, and that will be available for the duration.¹⁰⁷

4.129 The Committee is satisfied that the ADF is providing timely and appropriate after incident support to personnel directly and indirectly involved in the tragedy.

After incident support provided to DIAC, IHMS and Serco personnel

4.130 DIAC outlined the support that was provided to DIAC staff, as well as the staff of contracted service providers, in its submission to the inquiry. DIAC provides an independent and confidential counselling service for staff and contractors, through the EAP.¹⁰⁸

4.131 Dr Ling Yoong, IHMS, described the support that was provided:

We did have an EAP counsellor up to debrief all of us. I think that was really useful, because it is not something you go through every day. It is traumatic...

104 Superintendent Gavin Ryan, AFP, *Proof Committee Hansard*, 6 June 2011, pp 17–18.

105 Australian Defence Force, *Submission 19*, p. 9.

106 Customs, *Submission 8*, SIEV 221 Internal Review, p. 26.

107 Lieutenant Commander Livingstone, ADF, *Proof Committee Hansard*, 6 June 2011, p. 18.

108 Department of Immigration and Citizenship, *Submission 9*, p. 9.

And we had an extra psychological counsellor come up because we also realised that our staff needed help but Serco staff also needed help. So we had one of our counsellors deal with the Serco staff who were right at the front line.¹⁰⁹

4.132 Mr Ian Southerton described the support that was provided to Serco staff:

For Serco staff as well, there are some staff still undergoing counselling. At the time we had a two-stringed approach. We had an on-site employee assistance program here, which is a dual service: one is an emergency service for counselling and the other is a general service where you can book a counselling appointment. But we also have a dedicated staff psychologist who is responsible for CI anyway. She was off-site at that particular point, but we arranged for a staff psychologist to fly to the island the following day and we also set up a triage service in Perth so that we could capture all the staff that left CI. We set that up for about a month after, so we captured all staff to make sure that they were okay and whether they needed any counselling.

4.133 The committee is satisfied that DIAC, through IHMS and EAP, is providing timely and appropriate after incident support to personnel directly and indirectly involved in the tragedy.

Committee view

4.134 The committee is mindful of the deep trauma experienced by many officers involved in the immediate response to the tragedy and the aftermath. The committee is satisfied that Commonwealth agencies have made all reasonable efforts to provide appropriate support to affected personnel and their families.

Recommendation 3

4.135 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.

109 Dr Ling Yoong, Area Medical Director, International Health and Medical Services, *Proof Committee Hansard*, 7 June 2011, p. 17.

Chapter 5

Conclusion

5.1 The committee considers that this report complements the findings and recommendations of the Customs internal review of actions relating to SIEV 221, and the work undertaken by the Christmas Island Emergency Management Committee, as outlined in Chapter 2. The committee supports the findings and recommendations made in these reports and congratulates the Government on the prompt implementation of the recommendations. In all instances, where areas for improvement were identified, measures were quickly taken to implement changes.

5.2 It is the committee's view that the response to the horrific tragedy that took place on 15 December 2010 was professional, courageous and as effective as it could possibly be under the prevailing weather conditions.

5.3 Responding vessels moved as quickly as they were able to assist SIEV 221, whose location and situation was unclear and very difficult to accurately ascertain. When they reached the wreckage, the crew of the ACV *Triton* and HMAS *Pirie* did all they could in terrible conditions to save as many lives as possible, and all but one of the survivors owe their lives to these brave men and women.

5.4 The SIEV's position near the rocks and prevailing weather conditions meant that no rescue boats of any kind could have been safely launched from the island. The inflatable boats launched from the *Triton* and *Pirie* were successful in their endeavours notwithstanding being operated well beyond their specification.

5.5 Similarly heroic were those on shore, relaying information to authorities, acting as spotters for the *Triton* and *Pirie* crew, and trying to assist survivors with life jackets and other buoyancy devices. Their sense of helplessness is understandable but they should feel proud of the important contribution they were able to make.

5.6 The committee is of the view that appropriate care and support has been offered to the survivors, the community, and to officers of responding agencies. Acute medical care was of a high order, as was immediate psychological support for all concerned. Christmas Island is remote, however within hours arrangements were made to charter flights and bring in extra personnel, including psychologists, counsellors, relief staff, Serco officers and DIAC case managers.

5.7 Professional medical advice was sought when it was needed, and has informed the care provided to the survivors. Advice about the assistance available was widely disseminated. Commonwealth agencies provided counselling and practical support to affected personnel, and many implemented follow-up programs to check on the recovery of officers. Where it is still required, that assistance is still being provided, and the committee has recommended that this continue.

5.8 The committee also recommends that the relevant Commonwealth agencies 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. The committee considers such a memorial would help the island community to continue the healing process, and mitigate the pain still being felt.

5.9 The committee once again thanks all those who submitted to the inquiry, the committee recognises that this process of participation was painful for many.

Additional Comments

Senator Crossin

1.1 While I agree with the conclusions reached in the committee report, I would like to make some additional comments in relation to two matters. These are the adequacy of radio communications on the island, and the need for a Community Emergency Management Officer.

Radio communications

1.2 The committee report identified the availability and use of radios, and in particular an inadequate number of handsets and knowledge of procedure, as being issues that impeded effective and efficient communication between agencies on the morning of the tragedy. The committee noted the report provided by Mr Brian Lacy, the Christmas Island Administrator, which recommended better definition and training in relation to radio frequencies and their use, and suggested (among other things) provision of a marine radio at each agency with a dedicated listening officer, and also handheld marine radios to enhance mobility of officers while at the same time keeping them well informed. At the committee's hearing, Mr Lacy also submitted that:

There are black spots around the island with the radios, and that is another matter being investigated at the moment, with the equipment we might need to be able to switch also from UHF to VHF and overcome the problems of black spots with other infrastructure on the island...and we are dealing with Customs and police in trying to get equipment that is common to all agencies on the island and that will provide the relevant frequencies for people to work within their own agency and across agencies... We need some additional infrastructure to overcome the problem of black spots on the island. We need an approach to equipment that is coordinated for all of the agencies on the island so there are not any disruptions to services because of the way we use the frequencies or because of the type of equipment used. That is, as I said, being reviewed at the present time. There were some AFP people on the island recently looking into it, Customs were conducting a review and Regional Australia is also looking at a communications strategy for the island. I in fact asked the director of the Indian Ocean Territories Administration on Christmas Island to see if we could get a communication strategy developed for the island. That has been passed back to Canberra and is being undertaken by a consultant, engaged by the Territories Division, at the present time.¹

1.3 The Department of Regional Australia, Regional Development and Local Government submitted details of the implementation of Mr Lacy's recommendations,

1 Mr Brian Lacy, *Proof Committee Hansard*, 7 June 2011, pp 3–4.

including the procurement of handheld radios.² However, the committee has received limited information concerning the communications strategy Mr Lacy spoke of, and in particular, whether progress is being made to address black spots in radio coverage. While I welcome the additional radios and other improvements agreed to by the Department, the effectiveness of the radios (in particular) hinges on reliable reception being available on all parts of the island, and eliminating black spots should be a priority.

Recommendation

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.

Community Emergency Management Officer

1.4 The committee report rightly commends the community of Christmas Island for its response to the tragedy, and in particular lauds the efforts of volunteers on whom the community relies for so much. While the work of the volunteers is clearly based on a love of their community, I am mindful of the fact that almost all have other commitments, not least of all paid employment on which they rely for their survival. It is important not to place an over-reliance on these generous, community-minded people, and to support them where necessary. This sentiment was most poignantly expressed by Mr Chris Su, who submitted that:

Inadvertently Canberra is asking the CI community to do a lot of things. When they house, at one point, 3,000 asylum seekers on Christmas Island they have to rely on our volunteer firefighting service, our volunteer ambulance drivers and our volunteer marine rescue. We are staffed by volunteers. We all go out to the centre every time if somebody calls for an ambulance. We will go out every time when somebody calls for a fire truck and assistance. But for us to help Canberra look after the people they want us to look after, they need to give us more things to help do the job, even on a voluntary level. We have had more than 200 boats come in, and they know that the CI cliff face is very sharp and very steep. Without them giving us the things to help people with, it is not very fair for us...If [the tragedy] had happened one week later, most of the residents on that part of the island would have been gone and there may not have been anywhere near as much help. If people in Canberra are asking us to help look after their people, if they give us the best equipment to do that, that will be for that best, because the island people will never say no.³

1.5 The committee also heard from Mr Lacy that:

2 Additional information, tabled 27 May 2011.

3 Mr Chris Su, *Proof Committee Hansard*, 7 June 2011, p. 33.

I still believe that we really do need a full-time community emergency management officer because, as you have identified, everybody here is a volunteer—or most people are volunteers—and they all have other jobs. Some people have two jobs, and it is pretty difficult to concentrate or devote the time that is really needed to make sure that everybody is properly trained and that the community are properly informed, and things of that nature.⁴

1.6 The Shire President, Mr Gordon Thomson, submitted that:

...I think that there may be an issue of our extreme isolation, so if things could be better prepared or better organised, given that backup is a long way away, it may be something that would be very worthwhile looking at. We are not on the mainland, you know. We are half an hour away from significant support if we need it, so perhaps there is something in the suggestion that there should be someone.⁵

1.7 I consider that a full-time Community Emergency Management Officer is warranted to service both Christmas and the Cocos (Keeling) Islands. The officer would provide training, develop procedures, coordinate volunteer efforts, oversee the maintenance of equipment, and act as a key point of contact (together with the Australian Federal Police Officer-in-Charge) in emergency situations.

Recommendation

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

Senator Trish Crossin

4 Mr Brian Lacy, *Proof Committee Hansard*, 7 June 2011, p. 7.

5 Mr Gordon Thomson, *Proof Committee Hansard*, 7 June 2011, p. 12.

Additional Comments

Senator Hanson-Young

Introduction

1.1 On December 15 2010, a terrible tragedy occurred off the coast of Christmas Island, which saw more than 50 asylum seekers lose their lives.

1.2 This tragic loss of life is a stark reminder of the desperation of vulnerable asylum seekers who are trying to reach protection for themselves and their families.

1.3 The Australian Greens wish to acknowledge the bravery and courage of all the service personnel, and the local Christmas Island community involved in undertaking this rescue operation.

Surveillance and monitoring of SIEVs

1.4 During the course of the inquiry, it became evident that the current surveillance and monitoring protocols for detecting and intercepting Suspected Illegal Entry Vessels (SIEVs) is not fool proof. Questions were raised within many submissions about the ability for technology to work effectively in severe weather conditions, and the resourcing of the various levels of surveillance currently in operation.

Recommendation

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

Christmas Island Community

1.5 Despite spending millions of dollars establishing the Immigration Detention Centre on Christmas Island, no additional resources have been provided to assist the community with dealing with an increased population, or potential emergency situations. It became clear during the committee's hearings on the Island, that due to the lack of emergency personnel, community volunteers were required to assist in the rescue operation, and in the aftermath of the tragedy, with limited resources at their disposal.

1.6

Recommendation

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

Recommendation

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.

Recommendation

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.

Recommendation

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.

Department of Immigration and Citizenship

1.7 In the aftermath of the tragedy, debate was focussed on the decision not to transfer all survivors to the mainland. While there were differing assessments from mental health professionals, both on and off Christmas Island, the Australian Greens are of the view that all survivors should have been immediately transferred to the mainland, ensuring appropriate support was easily accessible.

1.8 Evidence from key health professionals, such as Professor Louise Newman, at the time of the tragedy, suggest that detaining survivors in a remote location for weeks before transferring them to the mainland would have impacted on their ability to recover from such a traumatic experience.

Recommendation

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.

Recommendation

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

Senator Sarah Hanson-Young

Australian Greens Spokesperson on Immigration

Appendix 1

Submissions and Additional Information Received

Submissions

- 1 Ms Marilyn Shepherd
- 2 Mr Tony Kevin
- 4 Department of Regional Australia, Regional Development and Local Government
- 5 Coalition for Asylum Seekers Refugees and Detainees
- 7 Australian Federal Police
- 8 Australian Customs and Border Protection Service
- 9 Department of Immigration and Citizenship
- 19 Department of Defence
- 20 Shire of Christmas Island
- 21 Ms Allison Millcock
- 22 Australian Bureau of Meteorology

Answers to Questions on Notice

- 1 Response to question on notice provided by Department of Regional Australia, Regional Development & Local Government on 10 June 2011
- 2 Response to question on notice provided by Australian Customs and Border Protection on 14 June 2011
- 3 Response to question on notice provided by Australian Federal Police on 17 June 2011
4. Response to question on notice provided by Australian Federal Police on 20 June 2011

- 5 Response to question on notice provided by Department of Immigration and Citizenship on 20 June 2011

Additional Information

- 1 Attachment to submission tabled by the Department of Regional Australia, Regional Development and Local Government, at the hearing on 27 May 2011, Canberra
- 2 Document tabled by Mr Gordon Thomson, at the hearing on 7 June 2011, Christmas Island
- 3 Document tabled by Mr Gordon Thomson, at the hearing on 7 June 2011, Christmas Island
- 4 Document tabled by Department of Regional Australia, Regional Development and Local Government, at the hearing on 7 June 2011, Christmas Island
- 5 Additional information received by Australian Customs and Border Protection, 14 June 2011
6. Additional information received by Australian Maritime Safety Authority 15 June 2011
7. Additional information received by Department of Regional Australia, Regional Development and Local Government, 20 June 2011.
8. Additional information received by Australian Customs and Border Protection, 21 June 2011
9. Additional information received by Department of Immigration and Citizenship, 28 June 2011.

Appendix 2

Public Hearings

27 May 2011, Parliament House, Canberra

Witnesses

Australian Customs and Border Protection Service

BARRETT, Rear Admiral Timothy William, Commander, Border Protection Command
GRANT, Mrs Marion, Deputy Chief Executive Officer
KELLEY, Ms Roxanne, Acting Deputy Chief Executive Officer
PERRY, Mr Nigel Antony, National Director, Maritime Operations Support Division

Australian Defence Force

BROWN, Air Commodore James Michael, Commander, Surveillance and Response Group
HURLEY, Lieutenant General David, Vice Chief

Australian Federal Police

COLVIN, Mr Andrew, Deputy Commissioner Operations

Australian Red Cross

CLEMENT, Mr Noel, Head of Australian Services
JONES, Ms Kate, National Program Coordinator, International Tracing Services

Asylum Seekers Christmas Island

DIMASI, Ms Michelle, Director

Coalition for Asylum Seekers, Refugees and Detainees

HUDSON MILLER, Ms Rosemary, Chairperson
WATSON, Ms Judyth, Member of Executive and Manager Committee

Department of Immigration and Citizenship

KELLY, Mr Greg, First Assistant Secretary, Detention Operations Division
LYNCH-MAGOR, Ms Fiona, Acting First Assistant Secretary, Infrastructure and Services Management Division
MACKIN, Ms Janet, Assistant Secretary, Irregular Maritime Arrivals
MOORHOUSE, Mr John, Deputy Secretary, Immigration Detention Services Group
RICHARDS, Mr Peter, Assistant Secretary, Detention Operations East Branch

Department of Regional Australia, Regional Development and Local Government

MOSS, Ms Belinda Jane, Assistant Secretary, Territories West, Territories Division,
YATES, Mr Julian, First Assistant Secretary, Territories

6 June 2011, Recreation Centre, Christmas Island

Witnesses

Australian Customs and Border Protection Service

GRANT, Mrs Marion, Deputy Chief Executive Officer,
O'DONNELL, Mr Rodney, Director Enforcement Operations, Western Region

PICKETT, Mr Myles William, District Manager, Christmas Island
SAUNDERS, Mr Mathew David, Customs Supervisor

Australian Department of Defence

LIVINGSTONE, Lieutenant Commander Mitchell Robert, Commanding Officer, HMAS Pirie,
Navy

Australian Defence Force

STOKER, Captain Nicholas James Barnson, Commander Mine Warfare, Clearance Diving,
Hydrographic, Meteorological and Patrol Force

Australian Federal Police

RYAN, Superintendent Gavan, International Deployment Group,
SWANN, Sergeant Peter, Officer in Charge, Christmas Island
WATSON, Mr James, Manager, Australian Peace and Stability Operations Centre
WHOWELL, Mr Peter, Manager, Government Relations

7 June 2011, Recreation Centre, Christmas Island

Witnesses

Department of Regional Australia, Regional Development and Local Government

GRAHAM, Dr Julie, Director of Public Health and Medicine, Indian Ocean Territories Health Service,
Indian Ocean Territories Administration

HEATH, Ms Leslie, Acting Manager, Indian Ocean Territories Health Service, Indian Ocean Territories
Administration

MOSS, Ms Belinda, Assistant Secretary, Territories West Branch

WILDERMUTH, Ms Catherine, Director, Indian Ocean Territories Administration, Territories West
Branch

Indian Ocean Territories

LACY, Mr Brian James, Administrator

International Health and Medical Services

YOONG, Dr Ling, Area Medical Director, Christmas Island

Private capacity

MURRAY, Mr Raymond John

SU, Mr Zhong Xiong (Chris)

Serco

SOUTHERTON, Mr Ian, Operations Director

Shire of Christmas Island and Union of Christmas Island Workers

THOMSON, Mr Gordon, Shire President

16 June 2011, Parliament House, Canberra

Witnesses

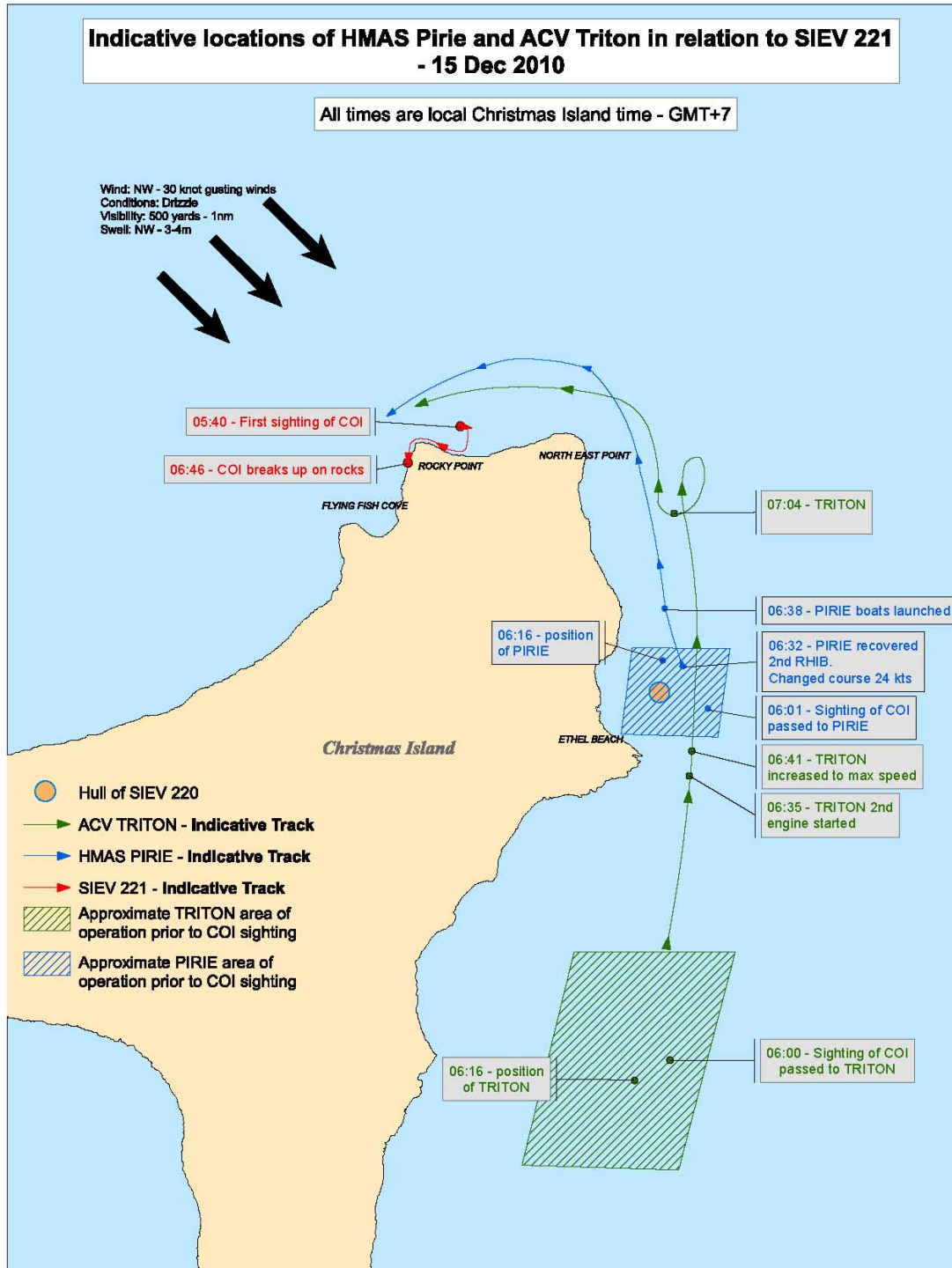
Department of Immigration and Citizenship

ANDREWS, Ms Fiona, Assistant Secretary

KELLY, Mr Greg, First Assistant Secretary, Detention Operations Division

MACKIN, Ms Janet, Assistant Secretary, Irregular Maritime Arrivals

Attachment 1



These are approximate positions drawn from available information and have been reproduced to provide situational context.



Customs. Submission number 8, Annex 6 - Indicative locations of HMAS Pirie and ACV Triton in relation to SIEV 221 – 15 December 2010. Received on the 3rd May, 2011.

Attachment 2



Ms Allison Millcock. Submission number 21 – Attachment. Received on the 13th June 2011.