




# Contents

Executive summary	1
Summary of key events for SAR 2013/4816 (SIEV 794)	3
Recommendation	5
Chapter 1: Introduction	7
Chapter 2: Narrative for the maritime incident north north east of Christmas Island 15 – 17 July	17
Chapter 3: Prior knowledge of the arrival of COI 1512	25
Chapter 4: Appropriateness of the initial response to COI 1512 and SAR 2013/4816	27
Chapter 5: The response to ‘possible people overboard’	31
Chapter 6: The capsizing of COI 1512 and recovery efforts for SAR 2013/4816	33
Chapter 7: Provision of lifejackets to COI 1512	37
Chapter 8: Command, control and communication	41
Chapter 9: Assessment against policies, processes and procedures	43
<u>Annexes</u>	
Annex A: Minute of Direction	47
Annex B: Capabilities and Limitations	53
Annex C: Glossary of Terms	57
Annex D: Maritime Terminology	59



This page has been intentionally left blank

# Executive summary

## The Task

1. This report responds to directions from the Chief Executive Officer (CEO) of Australian Customs and Border Protection Service (Customs and Border Protection) that an internal review (the Review) be conducted into the actions of Customs and Border Protection, including Border Protection Command (BPC) and its assigned Defence assets, relating to Search and Rescue 2013/4816 (SAR 2013/4816).
2. The Review is not intended to be a substitute for any detailed external investigation or coronial inquiry. Its purpose is to ensure that any immediate operational policy or procedural issues found to be deficient are highlighted and rectified promptly.
3. The Review has been supported by the Department of Defence (Defence).
4. In summary, the work of the Review involved four elements:
  - Collect all documents relating to the incident;
  - Prepare a chronology and narrative of the incident;
  - Identify the relevant policies, processes and procedures – determining whether they were applied, whether they were effective and whether any changes are required; and
  - Identify those issues requiring further analysis.
5. Senior officers from Customs and Border Protection, including BPC, and Defence verified the chronology and narrative to ensure the accuracy of events referred to in this report.

## The Narrative

6. The Review received over 600 documents and related media from the relevant agencies. This material was used to generate a key events chronology and narrative of the incident (Chapter 2). A short summary of the key events of the incident commences on page 3.

## Review of Policies, Processes and Procedures

7. The Review used two approaches in undertaking its assessment of policies, processes and procedures. The first was an audit like assessment as to whether there had been compliance with the relevant policies, processes and procedures.
8. The second and more substantial approach to this part of the review of policies, processes and procedures was the exploration of the key issues arising from the incident. These are discussed in more detail later in this document as part of the broader issues identified during the Review.
9. The Review found that Customs and Border Protection, including BPC, and Defence demonstrated a high level of compliance with all identified policies, processes and procedures. While some instances of minor non-compliance were observed, these did not materially affect the outcome in relation to SAR 2013/4816.



## Acknowledgement

10. The Review would like to acknowledge BPC's Australian Maritime Security Operations Centre (AMSOC), Defence, Headquarters Joint Task Force 639 (HQJTF639), and the Customs and Border Protection Incident Coordination Team (ICT) for their contribution to this Review.

## Summary of key events for SAR 2013/4816 (SIEV 794)

### 15 July 2013

- At 15:21 a RAAF MPA, operating under the control of BPC, detected a contact of interest (COI 1512) approximately 136 nm north north east of Christmas Island. At the time of the detection the vessel was underway, tracking 182° at 3 knots towards Christmas Island with approximately 50 people sighted on deck.
- After the initial sighting of COI 1512, *Albany* was directed by HQJTF639 to position for the approach of the vessel.
- At 21:49 *Albany* was subsequently tasked to relocate COI 1512 and shadow from beyond visual range.

### 16 July 2013

- At 00:41 *Albany* relocated COI 1512 and began to track it beyond visual range.
- At 02:43 RCC issued a 'distress' relay for SAR 2013/4816, following a telephone call from a possible asylum seeker vessel. RCC requested military assistance consisting of a surface asset and long range drop capable aircraft.
- At 03:35 HQJTF639 advised BPC and *Albany* that COI 1512 had been correlated with the vessel in distress subject of SAR 2013/4816.
- At 04:40 RCC cancelled the 'distress' phase for SAR 2013/4816 as a result of communication from *Albany* that COI 1512 was still underway and being monitored.
- At 05:02 *Warramunga* was also tasked to proceed to the contiguous zone, north of Christmas Island in response to COI 1512.
- From 08:00 – 10:30 Customs and Border Protection officers on Christmas Island received three telephone calls from a man in Melbourne with information that the vessel was taking on water, engine still running and location approximately 67 nm from Christmas Island. *Albany* continued to monitor COI 1512 from beyond visual range.
- At 11:45 RCC received a telephone call from a contact in Australia advising that the vessel was taking on water, sitting heavy in the water and overloaded.
- At 11:58 HQJTF639 tasked *Albany* to close COI 1512 and determine the nature of the distress and tasked *Warramunga* to be prepared to support *Albany* as a result of advice from RCC.
- At 12:00 *Warramunga* continued tracking north to provide support to *Albany* with regards to SAR 2013/4816, noting *Albany* had one unserviceable RHIB and the overcrowded nature of COI 1512.
- At 12:06 RCC recommenced coordination of SAR 2013/4816 and declared an 'Alert' Phase.
- At 13:10 *Albany*'s Boarding Party was alongside COI 1512 and reported that the vessel had a high freeboard and appeared seaworthy.

- At 13:27 BPC provided information to RCC that at 12:20 a vessel may be in distress due to insufficient lifejackets, insufficient space for all passengers onboard and some passengers may have accidentally fallen off the vessel.
- At 13:34 *Albany's* Boarding Party reported that the vessel's port engine was unserviceable and bilge discharge was observed indicating one metre of water in the bilge. *Albany* also reported an English speaker had indicated that there was a hole in the hull and the vessel was taking on water.
- At 14:05 *Warramunga* rendezvoused with *Albany*.
- At 14:19 the Boarding Party and RHIB were recovered to *Albany*; *Albany* then gestured for COI 1512 to follow her south until weather conditions abated.
- From 14:50 – 18:15 RAAF MPA searched for possible people overboard.
- At 15:36 *Albany* reported that COI 1512 had ceased trailing her, which led *Albany* to reverse course to investigate. At this time, the vessel's course was sporadic, but it was still underway and making way.
- From 15:51 – 17:59 *Warramunga* searched for possible people overboard.
- At 17:59, *Warramunga* was tasked to proceed to *Albany's* position in order to escort COI 1512 towards Christmas Island as an *Albany* crew member required medical assistance.
- At 18:00 *Albany* reported three people in the water and launched its RHIB to recover them.
- From 18:15 – 20:19 RAAF MPA was tasked to provide assistance to *Albany* to locate people in the water.
- At 18:20, due to the unfolding SOLAS situation, *Warramunga* advised HQJTF639 that it was closing at best speed to assist with recovery operations.
- From 18:20 – 18:44 *Albany* launched two x 25 person liferafts and its second RHIB; *Warramunga* launched all three RHIBs to recover people from the water.
- At 18:41 COI 1512 capsized approximately 65 nm north of Christmas Island.
- From 18:51 – 19:03 RAAF MPA deployed two x 8 person liferafts; *Warramunga* launched two x 25 person liferafts.
- At 20:48 recovery of people and liferafts was completed. Total = 148<sup>1</sup> (144 survivors and 4 deceased).
- At 21:39 RCC confirmed SAR operations were complete.

### 17 July 2013

- From 05:02 – 12:10 *Albany* and *Warramunga* transferred survivors and deceased to Christmas Island.

---


<sup>1</sup> Interviews conducted with survivors upon transfer to Christmas Island resulted in the revision of the number of people onboard to 146 survivors and four deceased (two adult males and two adult females) being a total of 150.



## Recommendation

### Recommendation 1

The Review recommends that Customs and Border Protection, including BPC, and Defence consider conducting a joint review of current policy and SOPs pertaining to the provision of HA/SAR lifejackets to people onboard vessels in distress situations where it is not possible to board the vessel and assist in the correct fitting of lifejackets.



This page has been intentionally left blank



# CHAPTER 1: Introduction

## Terms of Reference

11. On 23 July, the CEO of Customs and Border Protection, Mr Michael Pezzullo, directed the Reviewing Officer, Mr Kingsley Woodford-Smith to conduct an internal review into the actions of Customs and Border Protection (including BPC) and its assigned Defence assets relating to COI 1512, also known as SAR 2013/4816.
12. The Minute of Direction, including the Terms of Reference (TORs), is attached at Annex A.

## Constraints and Limitations

13. This examination of the response to SAR 2013/4816 has been conducted, in a short timeframe, as a review rather than an in depth inquiry. By examining the facts and circumstances surrounding the response to the incident, it is intended to provide a narrative of the incident from the time that the first information of the vessel was received to the point when search and recovery operations ceased (the period).
14. The Review drew from documentary material from all relevant Commonwealth Government sources, notably Customs and Border Protection, including BPC, Defence and Australian Federal Police (AFP), with any relevant material appropriately verified by senior officials.
15. The Review also relied on the documentary material and answers provided by agencies in response to specific questions raised. The narrative developed for this Review outlines those events that are relevant to the Review, drawn from key documentary material. This was considered sufficient for the purposes of this Review and was not intended to be a conclusive finding of facts.
16. The Review took into account that the events could be the subject of a coronial investigation and therefore makes no findings about the conduct of individuals or agencies. The report identifies facts and circumstances surrounding Customs and Border Protection, including BPC and its assigned Defence assets, response to SAR 2013/4816, which can be identified from the material provided.

## Methodology

17. Given the constraints and limitations detailed above, the following approach was taken to report against the TORs.
18. A Review team comprising of four officers from Customs and Border Protection and Defence was established on Tuesday 23 July. The Review team was supported by the ICT.
19. The first step for the Review was to collect all the relevant documents and related media for the incident. Requests were sent to BPC, the Intelligence Division of Customs and Border Protection, Defence, AFP and Australian Maritime Safety Authority (AMSA). All documents received by the Review were registered, allocated a reference number by the ICT and stored in a secure location in Customs and Border Protection offices.
20. Upon receipt of the documents, the focus of the Review was separated into four elements: preparation of a key events chronology for the incident; preparation of a narrative for the incident; an assessment of policies, processes and procedures relevant to the incident; and exploration of the issues identified as requiring further investigation or analysis by the Review team.

- [REDACTED]
21. The key events timeline was developed following a review of the BPC chronology and each agency's relevant documents. Development of the narrative drew upon the key events timeline supported by the underlying source documents from each agency.
  22. A list of all relevant documents used to compile both the narrative and detailed chronology of events, including a list of copies of policies, processes and procedures applicable to the response to the incident are held in a separate companion document due to the classified nature of some of this material.
  23. The Review considered each of the identified policies, processes and procedures and then determined a prioritisation based on applicability of the response to the incident. An assessment was then made as to whether application of the document would have made a material difference to the outcome of the incident. Compliance with 'Very High' priority documents was carefully assessed on a clause by clause basis, with a reducing scale of scrutiny for High, Medium and Low priorities. The purpose of this assessment was to ascertain whether these policies, processes and procedures had been applied, taking into consideration their effectiveness and to identify opportunities for improvement.
  24. The Review identified one recommendation for action and seven areas requiring further consideration. Each of these areas is addressed in a separate chapter of the report (Chapters 3-9).

## **Key source documents for the chronology and narrative**

25. The narrative and chronology of key events, communications and actions was compiled from source documents and records provided by Customs and Border Protection, including BPC, and Defence.
26. The Review notes it did not have access to AMSA information as they did not support the creation of new documentation which touched on AMSA's statutory duties. In the absence of these documents, the Review's ability to fully articulate all events and actions in relation to this incident was confined.

## **Consultation**

27. Prior to submission of the final version of this report, senior officers from both Customs and Border Protection, including BPC, and Defence were provided with a copy of the key events chronology and narrative for the incident. They were asked to verify the accuracy of the entries and if necessary, suggest amendments. A draft version of this report was also provided to stakeholders for comment. The narrative for SAR 2013/4816 appears at Chapter 2 of this report and includes a key events timeline.

## Timings

28. All time references are to Australian Eastern Standard Time (AEST i.e. Coordinated Universal Time +10 hours), which is 3 hours ahead of local Christmas Island Time (CXT) (Coordinated Universal Time +7). Unless otherwise stipulated, all events identified in this report took place in 2013. Many of the events, notifications and communications referred to in the narrative of events are based on more than one source record. For example, the time of a single phone call may have been recorded and logged by the maker of the call, the receiver of the call and by electronic means. The recorded times of some calls vary by up to three minutes due to differences in time pieces, whether the time noted was at the beginning or end of a call and the duration of the call. For the purposes of developing the narrative of events, a single indicative time has been specified for any communication to best reflect the overall sequence of events.

## Organisational arrangements - roles, responsibilities and relationships

29. The following section provides context to the actions of various agencies at the time of the incident, an understanding of the role and functions of key agencies and organisational elements involved in the incident, and the relationships between those agencies and elements.

### Australian Customs and Border Protection Service

30. Customs and Border Protection plays a critical role in protecting the safety, security and commercial interests of Australians through border protection and ensuring the Australian community can embrace opportunities for economic growth and prosperity. Customs and Border Protection works closely with other Government and international agencies, in particular AFP, Biosecurity Australia, Department of Immigration and Citizenship (DIAC) and Defence, to detect and deter unlawful movement of goods and people across the border. Customs and Border Protection is not an accredited SAR authority but its assets do respond to emergencies at sea in accordance with international obligations.

### Customs and Border Protection Arrangements at Christmas Island

31. Customs and Border Protection delivers on this mission at Christmas Island through the Indian Ocean Territories Customs Service (referred to in this Report as Customs and Border Protection at Christmas Island) which covers both Christmas and Cocos (Keeling) Islands.

32. Customs and Border Protection at Christmas Island process commercial vessels that arrive at Christmas Island and Cocos (Keeling) Island, which are predominately phosphate carriers, fuel tankers and supply vessels, along with regular small craft arrivals during the sailing season. In addition, Customs and Border Protection at Christmas Island also processes a weekly international passenger flight arrival from Malaysia, and monitors flights from the Australian mainland, including four Virgin Airlines flights per week, and numerous charter flights. All cargo arriving by air and sea is assessed on a risk-assessment basis. Christmas Island has an international mail exchange, which is attended by Customs and Border Protection at Christmas Island on a weekly basis for processing.

33. Customs and Border Protection at Christmas Island works closely with DIAC, Biosecurity Australia, AFP and other agencies with regards to the reception and processing associated with Irregular Maritime Arrivals (IMAs). Customs and Border Protection officers undertake the transfer of Potential Irregular Immigrants (PIIs) from Navy or Customs and Border Protection vessels (or the Suspected Irregular Entry Vessel (SIEV) itself) and the initial processing on arrival at the island. Each arrival has subtle differences in terms of prevailing sea conditions for the transfer numbers of PIIs, on shore logistics etc. – procedures are regularly reviewed to ensure the overall operation is effective and as streamlined as possible. Following the transfer to shore, the PIIs are subject to baggage examination and scrutiny in the same way as any other arriving international passenger.

## Border Protection Command

34. Border Protection Command is a multi-agency operational authority that is the Australian Government's lead agency for the planning, coordination and execution of awareness and response operations against a range of non-military security threats in Australia's maritime domain. BPC is staffed by personnel from Customs and Border Protection and the Australian Defence Force (ADF) to provide an effective, centralised command and control capability. BPC is the primary government law enforcement organisation in the maritime domain, which is primarily the offshore areas within Australia's Exclusive Economic Zone (EEZ) and extends to the area bounded by Australia's SAR zone. BPC is not a SAR organisation, but its assets do respond to emergencies at sea in accordance with international obligations.

35. Commander BPC (COMBPC) is an ADF two star officer, agreed between the Chief of the Defence Force (CDF) and the CEO of Customs and Border Protection, under an interdepartmental arrangement between the Customs and Border Protection and the Department of Defence. COMBPC commands and manages BPC through BPC Headquarters in Canberra, which coordinates Customs and Border Protection assets via AMSOC. The same ADF officer is Commander Joint Task Force 639 (CJTF639) and is delegated operational control of ADF force elements assigned in support of the enduring WoG civil maritime security operation, known as Operation RESOLUTE. In this context, CJTF639 is responsible to CDF, through the Chief of Joint Operations (CJOPS), for the command of JTF639 and employment of ADF assets assigned to the whole of government border protection operation. This is principally conducted through Headquarters JTF639 (HQJTF639) in Darwin. COMBPC therefore holds a unique position with dual reporting lines to the CEO Customs and Border Protection and the CDF (Figure 1).

36. In addition to his ADF command and control responsibilities as CJTF639, COMBPC is also appointed as a Customs Officer for the purposes of the *Customs Act 1901* (Cth) to maintain a high level of liaison with, and manage resources provided from, a wide range of government and non-government agencies to achieve border protection and civil maritime security effects. The authority to do so as COMBPC is derived from an instrument of delegation from the CEO Customs and Border Protection. In this context, COMBPC is responsible to CEO Customs and Border Protection for the planning and execution of the Civil Maritime Surveillance Program and border protection requirements, including the day to day coordination of any response in support of these programs.

37. Given the nature of the COMBPC and CJTF639 command and control arrangements, which inform the rest of this document, the generic acronym BPC will be used in relation to the tasking and employment of assets undertaking border protection duties, unless specifically designated otherwise.

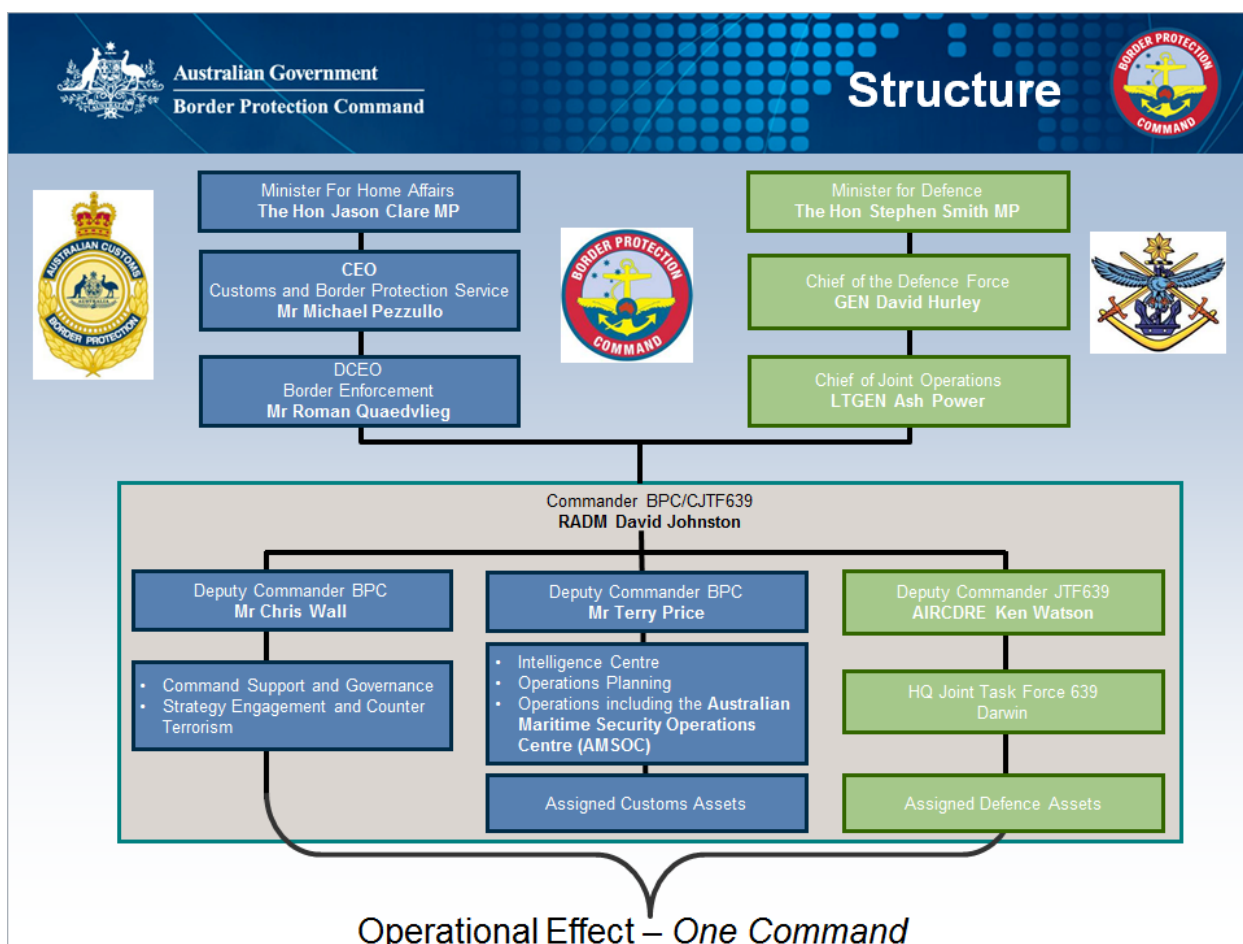


Figure 1. BPC Organisation

## Australian Maritime Security Operations Centre

38. AMSOC coordinates the planning and delivery of current operational activity for all Customs and Border Protection assets assigned to BPC. This includes deploying aerial surveillance and surface response assets, in collaboration with HQJTF639, to respond to maritime security threats. To facilitate its operations and cross management between agencies, AMSOC has embedded liaison officers from the Australian Fisheries Management Authority (AFMA), Biosecurity Australia, Customs National Operations Centre (CNOC) and, on occasion AMSA.
39. Located in Canberra, within BPC Headquarters, AMSOC is the primary focus for BPC operations when maritime incidents arise.

## Headquarters Joint Task Force 639

40. HQJTF639 coordinates the employment of ADF assets assigned to Operation RESOLUTE, which is the ADF contribution to the WoG approach to protect Australia's borders and offshore maritime interests. JTF639 has operational control of the Royal Australian Navy (RAN) vessels, Royal Australian Air Force Maritime Patrol Aircraft (RAAF MPA) and land elements, assigned to border protection duties. The Deputy Commander JTF639, based in HQJTF639 in Darwin, is responsible for routine day to day operations and command and control of JTF639 in support of BPC. This includes synchronising ADF Operation RESOLUTE assets with Customs and Border Protection assets to meet BPC's operational requirements. As such, HQJTF639 issues tactical level operational, administrative orders and instructions as required.

## Surveillance and Response Planning

41. BPC's role is to detect, deter and intercept illegal activity in Australia's 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.
42. BPC is not a SAR 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.
43. The Australian maritime domain, including the Security Forces Authority Area for which BPC has responsibility, covers an area of 11 million square nautical miles (sq nm) and equates to around 11% of the Earth's oceans. The Australian northern waters area, which BPC patrols for all eight civil maritime security threats, but most commonly encountering IMAs and illegal foreign fishing, is approximately 1.1 million sq nm (Figure 2).
44. The size of Australia's maritime domain does not allow for the persistent surveillance of all areas and threat axes all the time, rather BPC uses an intelligence led risk based model, which provides the most effective utilisation of its available resources against known threats.
45. No country is capable of providing continuous impenetrable surveillance coverage. By way of example, the United States of America, with significantly more resources and a similar maritime zone, has not been able to prevent incursions onto its mainland. However, BPC has achieved and reported a 97.5% SIEV detection rate over the 2012/2013 financial year despite increased arrivals.
46. This reality is acknowledged by Government in that continuous surveillance of the Australian maritime domain is neither expected nor required from BPC.

# Australia's Maritime Jurisdiction

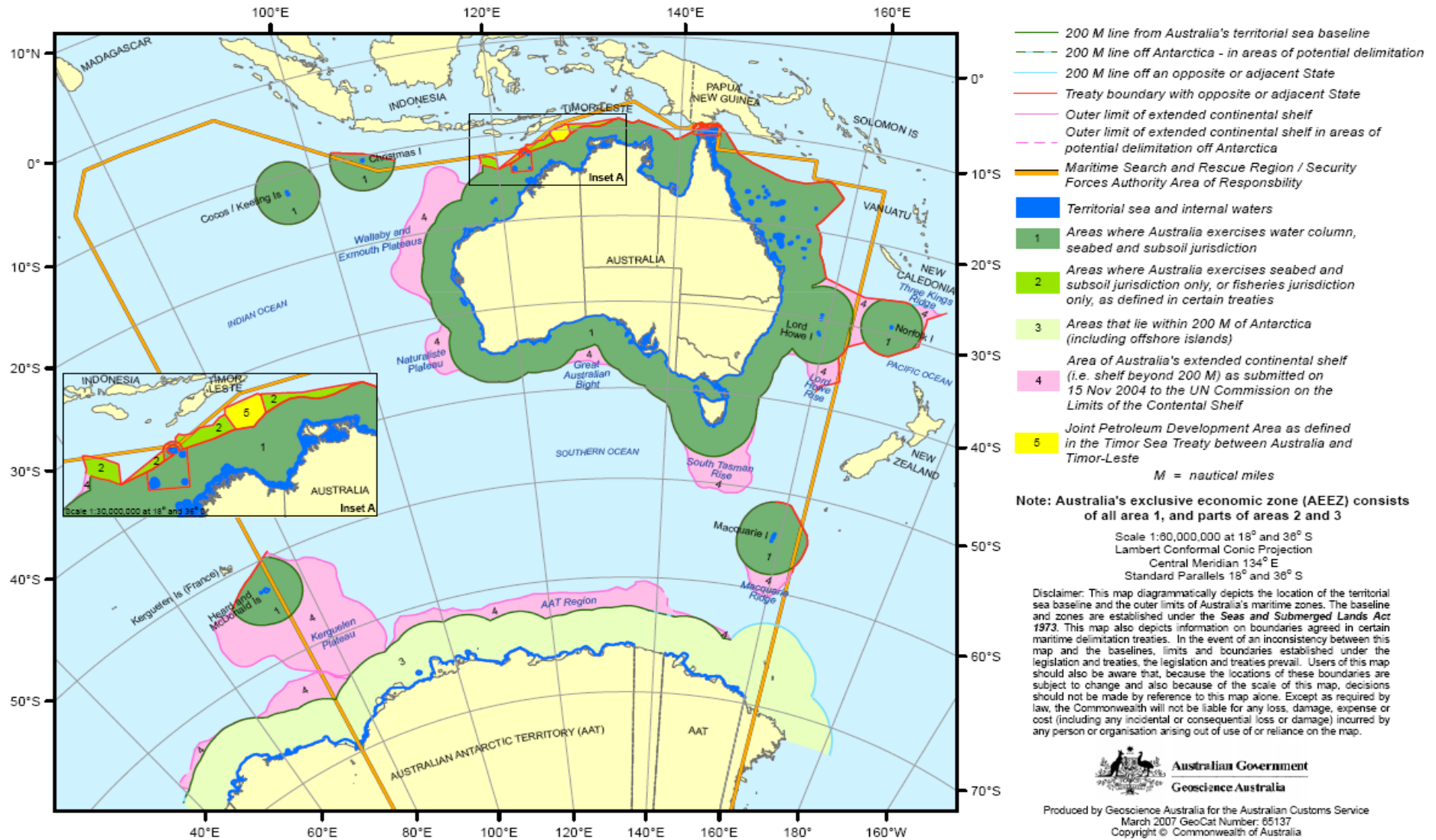


Figure 2. Australia's Maritime Jurisdiction

## Surveillance and Response Asset Deployment

47. BPC assets are finite. BPC asset disposition is informed by the BPC mandate to respond to, mitigate or eliminate risk posed by eight civil maritime security threats across the entire Australian maritime domain.
48. Asset disposition is an intelligence led, risk based decision, which also needs to take account of operational realities. This involves consideration of the two dimensions of risk – consequence and likelihood. BPC assets are not deployed on the basis of a SAR mandate, but rather to meet the requirements of a civil maritime security law enforcement mandate.
49. The interception of IMAs is one priority in the context of a range of civil maritime security responsibilities within the BPC mandate. For example, positioning assets concurrently on all of the high threat axes in addition to BPC's other civil maritime security activities, such as maintaining response vessels in Torres Strait, fully engages BPC's assets.
50. The operational priority with regards to IMAs was and remains the prevention of mainland arrivals over possible arrivals at an offshore excised place.

## Operational Capability

51. In the normal course of events, BPC has seven Bay Class Customs and Border Protection vessels, up to seven RAN Minor War Vessels (MWV), sometimes supplemented by a RAN Major Fleet Unit (MFU i.e. a Hydrographic Survey Ship, Frigate or larger size ship) and three contracted vessels assigned to it. This provides an appropriate mix of capability and responsiveness. Not all BPC assigned vessels are capable of being deployed to the outer limits of the area of operation. In particular, the Bay Class are restricted from operating out to Christmas Island, particularly during the cyclone season, due to their limited range and fuel holding requirements.
52. In terms of general sea keeping capabilities, these assets are capable of responding to most threats in the maritime domain. However, the area they need to cover involves long distances and water craft of the size required for off-shore patrols have relatively low speeds of advance. The Armidale Class Patrol Boats (ACPB) which form the RAN's MWV fleet, have a maximum speed of 25 knots, which equates to 50 kilometres per hour (km/hr) and an economical operational speed of 12 knots which equates to 24 km/hr. At its maximum speed, it takes an ACPB approximately 16 hours to get from its base in Darwin to Ashmore Islands. However, at this speed the vessel's endurance (time at sea), as for all BPC assigned vessels, is severely reduced. As such, to maximise their endurance at sea, ACPBs transit and patrol at the economical operational speed of 12 knots, which takes 34 hours for the journey from Darwin to Ashmore Islands.
53. Similarly, while the aircraft assigned to BPC provide an appropriate mix of capability, the fuel that can be carried by an aircraft and mandatory air crew rest periods can affect deployability and endurance. As a deployment location, Christmas Island is at the outer limits of the capabilities of the Dash-8. In instances when weather related fuel holdings are in force at Christmas Island aerodrome, Dash-8s are not capable of operating to or from mainland airfields. Typically, that precludes deployments to Christmas Island during the months of the year associated with monsoonal weather conditions.
54. Where deployments by Dash 8 are possible, they are typically of five days duration, with the first and last days devoted to the relocation (transit) of the aircraft. Advance notice is required for these deployments.



- ████████████████████
55. The RAAF provides three Maritime Patrol Aircraft (MPA) for tasking by BPC. These aircraft are designed for long-range surveillance and therefore are often used for longer endurance flights. They have a maximum endurance of approximately 15 hours in favourable conditions and general mission planning allows 10-12 hours endurance.
  56. As such, the RAAF MPA can be used to conduct surveillance from their operational base in Darwin out to Christmas Island, undertake approximately a three hour surveillance program in the Christmas Island approaches and then recover to Cocos (Keeling) Islands.
  57. Fuel availability and runway issues at both Christmas Island and Cocos (Keeling) Islands have an impact on the ability to maintain sustained surveillance activities in the area.

## **Department of Defence**

58. Defence's primary focus is to protect and advance Australia's strategic interests by providing military forces and supporting those forces in the defence of Australia and its strategic interests. To achieve this, Defence prepares for and conducts military operations and other tasks as directed by Government.

## **Joint Operations**

59. CJOPS plans, controls and conducts campaigns, operations, joint exercises and other activities on behalf of the Chief of the Defence Force. Joint Operations Command (JOC) includes Northern Command (NORCOM), along with the Joint Task Forces raised for operations. CJOPS is also the ADF's SAR authority.

## **Australian Maritime Safety Authority – Rescue Coordination Centre (RCC)**

60. Australia's maritime and aviation SAR operations for the Australian Search and Rescue Region (SRR) are coordinated by RCC Australia. AMSA is responsible for the promotion of maritime safety, protection of the environment from ship-sourced pollution and other environmental damage caused by shipping, and provision of a national maritime and aviation SAR service. Australia is a signatory to several international agreements governing SAR, pollution response and emergency response to shipping incidents. AMSA fulfils Australia's obligations for SAR and maritime emergency incidents through RCC Australia, which is a 24/7, 365 days per year operational centre.

This page has been intentionally left blank

## CHAPTER 2: Narrative for the maritime incident north north east of Christmas Island 15 – 17 July

### BPC operational activity 13 – 15 July in the lead up to SAR 2013/4816

61. In the period leading up to the declaration of SAR 2013/4816, BPC was managing a significant level of operational activity across the west and north of Australia. Operational activity included support to RCC for four separate SAR incidents within both the Indonesian and Australian SRRs.
62. At the same time, BPC continued to manage the civil maritime surveillance and response program, resulting in the detection of additional Contacts of Interest (COI) and a further four SIEV arrivals carrying a total of 407 PII, the latter requiring the coordination of transport and reception arrangements.

### Assets assigned to border protection duties 15 July

63. As part of Operation RESOLUTE, the following assets were assigned to border protection duties and operating in the Christmas Island area:
- Three RAN Operational Response Vessels (ORVs); the ACPB, HMAS *Bathurst* (*Bathurst*), and HMAS *Albany* (*Albany*) and the Anzac Class Frigate Helicopter (FFH), HMAS *Warramunga* (*Warramunga*);
  - One RAAF MPA was scheduled for surveillance; and
  - Australian Customs Vessel *Triton* (*Triton*).
64. Reflecting the high operational tempo being experienced at the time, the Review noted the increased number of ORVs from two to three was indicative of BPC taking a proactive stance to ensure that they were adequately resourced to meet the anticipated rate of SIEV arrivals.

### Weather

65. The weather conditions between the Sunda Strait and Christmas Island in the vicinity of the incident subject of SAR 2013/4816, generated winds between 15-25 knots, from an east south easterly direction. The sea state 3-5 (0.5 to 4 metres) was assessed as slight to rough. These conditions remained relatively constant throughout the period 15 – 17 July.

### First sighting of the Contact of Interest

66. At 15:21 on 15 July, the RAAF MPA sighted an Indonesian Type III Fishing Vessel while on aerial surveillance north north east of Christmas Island. This vessel was designated as COI 1512. It was described as having approximately 50 people on the deck, some were wearing lifejackets. The vessel was approximately 136 nm north north east of Christmas Island (Figure 3) and appeared to be underway, tracking 182° at 3 knots.
67. At the time of the first sighting, *Albany* and *Triton* were involved in SAR 2013/4786 (SIEV 792) and *Bathurst* and *Warramunga* were involved in SAR 2013/4814 (SIEV 793). *Bathurst*, *Triton* and the RAAF MPA were subsequently tasked to respond to SAR 2013/4845 (SIEV 795) following activity in relation to SAR 2013/4816.

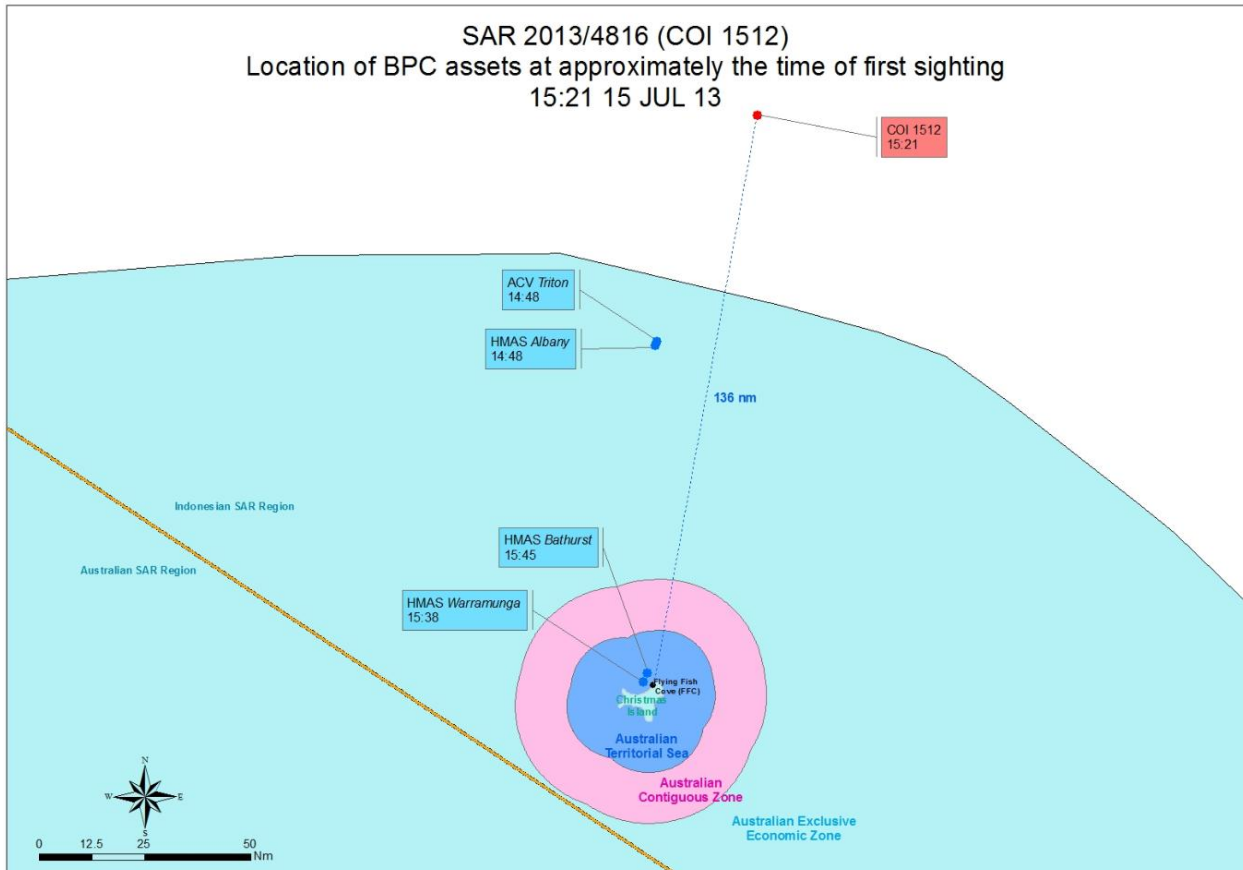


Figure 3. Location of BPC assets around the time of first sighting of COI 1512 at 15:21 on 15 July 2013

## Notification

68. At 15:28 on 15 July, the RAAF MPA reported the initial sighting of COI 1512 to BPC (including HQJTF639) and HQJOC.
69. At 16:01, BPC issued SIEV SMS notification to relevant stakeholders, followed by the first situation report (SITREP) at 16:20 that also included RCC.
70. At 16:25, HQJTF639 issued an incident report summarising the initial sighting of COI 1512 to BPC and HQJOC.

## Initial response

71. After the initial sighting of COI 1512, *Albany* was directed by HQJTF639 to position at the contiguous zone for the approach of the vessel. At 21:49 on 15 July, *Albany* was subsequently tasked by HQJTF639 to relocate and shadow COI 1512 from beyond visual range and board inside the contiguous zone at the discretion of CO *Albany*.
72. At 00:41 on 16 July, *Albany* reported that the COI 1512 had been located and was being tracked from beyond visual range as directed. The CO's evaluation at the time indicated there was nothing significant to report and *Albany* continued to track COI 1512 throughout the night.

73. At 02:43, RCC reported receiving a telephone call from a possible asylum seeker vessel, advising that there were 180 persons onboard (POB), the vessel had stopped, was taking on water and was located approximately 70 nm north of Christmas Island (Figure 4).

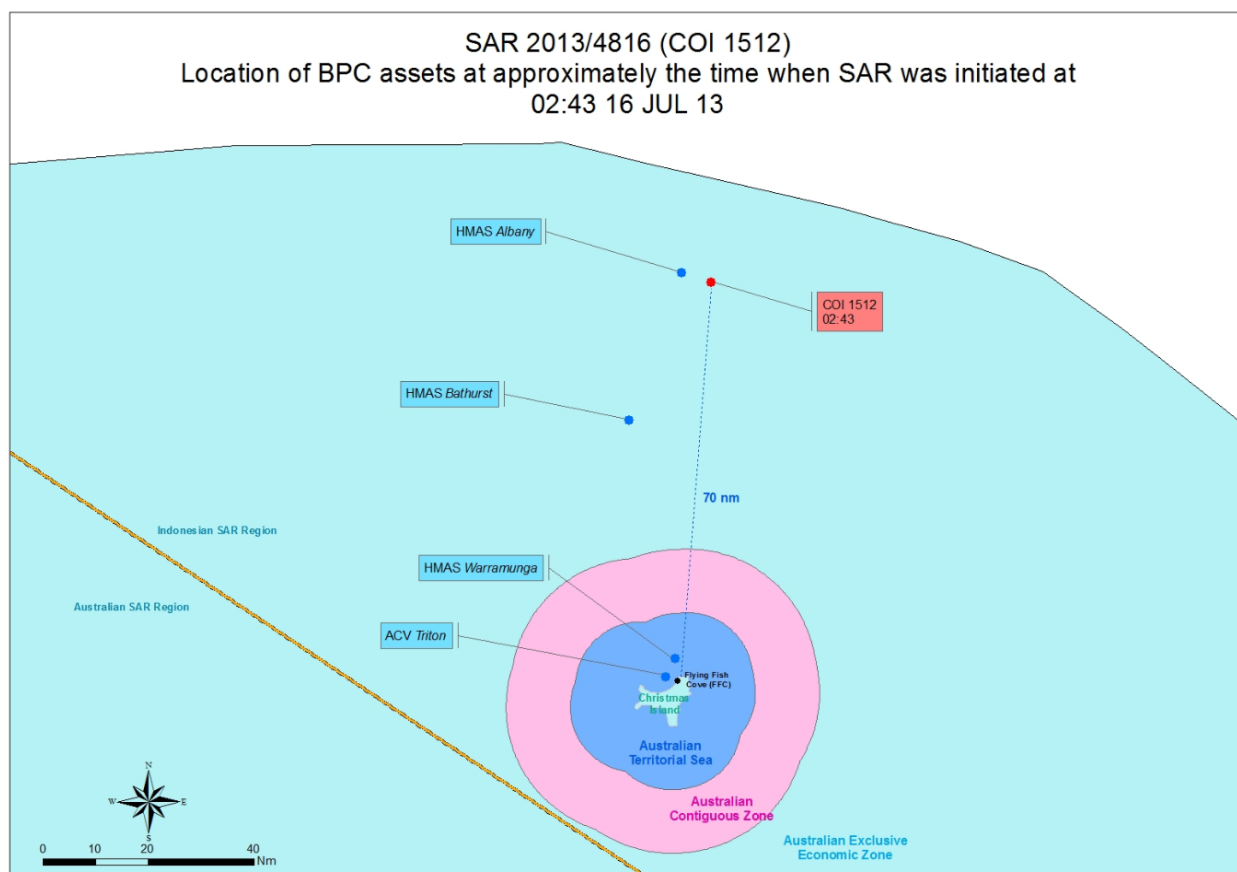


Figure 4. Location of BPC assets around the time of SAR initiation at 02:43 on 16 July 2013

74. At this time, RCC issued a distress relay, initiating the search and rescue, designated as SAR 2013/4816. RCC also requested military assistance consisting of a surface asset and a long range drop capable aircraft. In response to the RCC request, at 03:02 HQJOC issued a Task Order assigning military assets in support of SAR 2013/4816, and designating CJTF639 as military SAR Commander from 03:00.

75. At 03:35, HQJTF639 advised BPC and *Albany* that COI 1512 had been correlated with the vessel in distress subject of SAR 2013/4816.

76. At 04:32, *Albany* reported to BPC that she continued to track COI 1512 from beyond visual range, and that the vessel was making way at a speed of one knot. She also indicated the weather had deteriorated and it was difficult to gauge sea/swell; total darkness made it difficult to determine safe course to launch RHIB and the concern that if boarding was attempted at this time, there was potential for the vessel to be sabotaged leading to a mass SOLAS situation.

- ████████████████████
77. At 04:40, RCC cancelled the distress phase based on advice from CO *Albany* and HQJTF639. A short time later, HQJTF639 advised BPC that RCC was comfortable that the vessel was underway and making way towards Christmas Island and it was agreed that HQJTF639 would resume coordination of COI 1512 as a civil maritime surveillance activity.
78. At 05:02, *Warramunga* was tasked by HQJTF639 to proceed to the contiguous zone, north of Christmas Island in response to COI 1512.
79. At 08:00, Customs and Border Protection Officers on Christmas Island received a telephone call from a man in Melbourne. CNOC reported to BPC that the caller provided a telephone number for a person onboard a vessel believed to be COI 1512. At 08:13, BPC requested correlation of this telephone number from RCC who confirmed the telephone number did correlate to SAR 2013/4816.
80. At 10:12, CNOC emailed BPC and RCC to advise that the Customs and Border Protection Officers on Christmas Island had received a second telephone call from a Melbourne man at approximately 09:48 stating the vessel was taking on water. This was followed by advice from CNOC of a third telephone call from a Melbourne man at 10:30 advising his friend was on a vessel taking on water with 200 POB. The account from the friend on the vessel indicated that the engine was still running and the location of the vessel was approximately 67 nm from Christmas Island. At 10:57, CNOC forwarded the details of the telephone call to RCC and BPC.
81. During the period of the three telephone calls, *Albany* continued monitoring COI 1512 from beyond visual range as she continued to make way independently towards Christmas Island.

## **Declaration and monitoring of SAR 2013/4816**

82. At 11:45, RCC received a telephone call from a contact in Australia who advised that the vessel was overloaded, sitting heavy and taking on water. The vessel was reportedly 67 nm north of Christmas Island with 180 POB. At 11:58, HQJTF639 tasked *Albany* to close COI 1512 and determine nature of distress and tasked *Warramunga* to be prepared to support *Albany* as a result of advice from RCC. At 12:00, *Warramunga* continued tracking north to provide support to *Albany* with regards to SAR 2013/4816, noting *Albany* had one unserviceable RHIB and the overcrowded nature of COI 1512.
83. At 12:06, RCC recommenced coordination of SAR 2013/4816 and advised that an Alert Phase had been activated (Figure 5). From 12:06 to 21:39, HQJTF639 coordinated military assistance in support of SAR 2013/4816.
- .

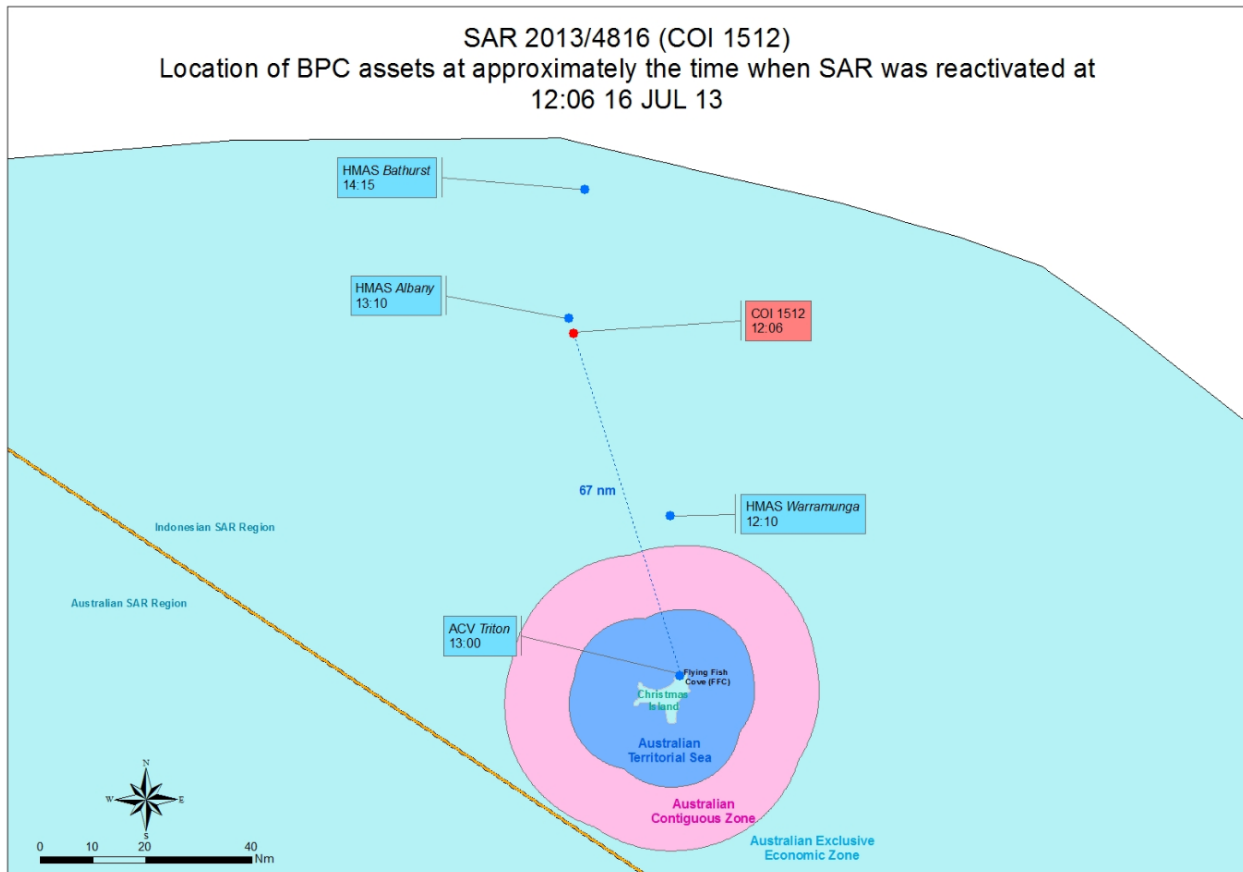


Figure 5. Location of BPC assets around the time of SAR reactivation at 12:06 on 16 July 2013

84. At around 13:10, *Albany's* Boarding Party was positioned alongside COI 1512.
85. From 13:13 to 13:34, *Albany* reported that COI 1512 appeared seaworthy and had a high freeboard but also indicated that people were bailing water; port engine was unserviceable; bilge discharge was observed indicating one metre of water in the bilge<sup>2</sup>. *Albany* further reported an English speaker had indicated that there was a hole in the hull and the vessel was taking on water.
86. While the Boarding Party was unable to safely board the vessel due to its high freeboard and the prevailing weather conditions, CO *Albany* assessed that the vessel had sufficient stability, freeboard and engineering integrity to continue the transit to Christmas Island unassisted.
87. At 13:27, BPC provided RCC with information indicating that at 12:20 a vessel may be in distress due to insufficient lifejackets and insufficient space for all people. It was also reported that some people may have accidentally fallen off the vessel.

<sup>2</sup> The Review notes the Boarding Party's reference to one metre of water in the bilge; however, this appears to be inconsistent with observations of the vessel which indicated it had a high freeboard.

- ████████████████████
88. In response to the report of the possibility of people having fallen overboard, HQJTF639 advised BPC at 14:00 that *Albany's* Boarding Party reported that there was no indication that any person had fallen overboard; however, this question was not specifically asked of the people onboard COI 1512 by the Boarding Party.
  89. At 14:05, *Warramunga* rendezvoused with *Albany*, establishing communications. CO *Warramunga* made the decision to remain outside of 3 nm from COI 1512 to avoid a potential SOLAS situation evolving based on *Warramunga's* visual presence and proximity.
  90. At 14:19, *Albany's* Boarding Party and RHIB were recovered to *Albany* and she gestured for COI 1512 to follow her south until weather conditions abated. *Albany's* intention was to coax the vessel to Christmas Island as the weather remained unsuitable to conduct a boarding.
  91. At 14:34, HQJTF639 advised BPC that the RAAF MPA had been tasked to conduct a 5 nm sector search in the area where the people may have fallen overboard and *Warramunga* had been tasked to provide surface response in support of the RAAF MPA.
  92. At 15:36, *Albany* reported that COI 1512 had ceased trailing her, which led *Albany* to reverse course to investigate. The vessel was seen to jettison three drums, likely to be those subsequently reported by *Warramunga* at 16:03 during its search for possible people overboard. At this time, the vessel's course was sporadic, but it was still underway and making way.
  93. At 16:34, BPC provided an update to RCC and other stakeholders that COI 1512 remained underway. The weather and high freeboard were preventing the boarding of the vessel and the transfer of people was not a viable option at that time. At the same time, the RAAF MPA and *Warramunga* continued to search for possible people in the water in the vicinity of where the people overboard had been reported. This position was approximately 70 nm north of Christmas Island.

## **On-scene response to the unfolding SOLAS situation**

94. Sometime between 17:45 and 18:00, COI 1512 stopped making way. At 17:59, *Warramunga* was tasked to cease searching for possible people overboard and proceed to *Albany's* position in order to escort COI 1512 towards Christmas Island as an *Albany* crew member required medical assistance.
95. At 18:00, *Albany* reported that three people from COI 1512 were in the water and a RHIB was launched to recover them. At 18:02, *Albany* reported COI 1512 was listing to starboard. By 18:15, *Albany* had commenced recovery of people from the water; reporting four people had been recovered and another eight were in the water.
96. At 18:15, the RAAF MPA was tasked to provide aerial surveillance to assist *Albany* locate people in the water. *Warramunga* also advised HQJTF639 at 18:20 that it was closing at best speed to assist with recovery operations.
97. From 18:20 to 18:31, *Albany* launched a second RHIB and two 25 person liferafts, recovering people using the RHIBs and putting them into the liferafts away from the immediate vicinity of the search area.
98. *Warramunga* arrived on scene at approximately 18:30 and launched her first RHIB. Over the course of the next 14 minutes, *Warramunga* launched her second and third RHIBs and within 33 minutes of arriving on scene, had also launched two 25 person life rafts that were used to maintain the safety of people recovered by the RHIBs.



- [REDACTED]
99. At 18:40, *Albany* reported that COI 1512 was beginning to capsize, and at 18:41 *Warramunga* reported the vessel had capsized. At around this time, *Triton* was tasked to proceed to the vicinity of the incident.
  100. At 18:46, *Warramunga* reported that an *Albany* RHIB was recovering people from the vicinity of COI 1512, while *Warramunga*'s RHIBs were recovering people to liferafts. At 18:51, the RAAF MPA deployed two, eight person liferafts.
  101. At 18:55, during the recovery, *Warramunga* reported recovering a 6-10 month old non-responsive baby to a RHIB. After Cardiopulmonary Resuscitation (CPR) from a *Warramunga* crew member, the baby resumed breathing and was recovered to *Warramunga*.
  102. At 19:00, *Warramunga* reported that one of her RHIBs had sustained a defect<sup>3</sup> and that repairs were underway. The defect was rectified a short time later and the RHIB resumed full response activities.
  103. At 19:04, BPC passed on details of Merchant Vessel (MV) *Westerbrook* to RCC; however, RCC advised that they would not use the MV at that time.
  104. At 19:10, *Warramunga* reported sighting approximately four to five non-responsive people in the water. Both *Albany* and *Warramunga* prioritised the recovery of people from the water. All responsive people without lifejackets were the first priority, followed by responsive people with lifejackets. The third priority was non-responsive people.
  105. At 19:22, *Warramunga* reported that all responsive people had been recovered from the water into liferafts and that the RAAF MPA would conduct a sweep to check for further survivors in the water.
  106. At 19:30, RCC issued a two hourly distress relay 'mayday'. At 19:41, *Warramunga* reported that the surface search had not identified any more survivors in the water and at 19:50 she had recovered two deceased adult males not wearing lifejackets.
  107. At 20:19, the RAAF MPA went off station after completing a full sweep of the area and reported that there were no further survivors or bodies in the water. At 20:22, *Warramunga* reported that the infant, who had been recovered onboard, was stable after treatment. At 20:48, just before sunset, the recovery of all liferafts was completed, and a total of 144 survivors and four deceased people had been recovered.<sup>4</sup> At 21:08, HQJTF639 reported that the hulk of COI 1512 had sunk after its capsize and no search of the hulk was able to be completed.
  108. At 21:12, *Albany* was requested by HQJTF639 to question the crew of the vessel to ascertain the number of people who had been onboard. At the same time, BPC advised that *Triton* was no longer required. At 21:31, it was reported that the three crew members recovered to *Albany* indicated that it was likely there had been 135-150 POB.

---

<sup>3</sup> Recommendations about modifying or changing the propulsion systems of RHIBs to make them less susceptible to ingesting debris have been considered by previous reviews and investigation of viable solutions to this problem have been undertaken.

<sup>4</sup> Interviews conducted with survivors upon transfer to Christmas Island resulted in the revision of the number of people onboard to 146 survivors and four deceased (two adult males and two adult females) being a total of 150.

## Cessation of SAR 2013/4816

109. At 21:39, RCC cancelled the distress relay 'mayday' and confirmed that SAR operations had been completed.
110. At 21:45, *Triton* advised she would relocate to Christmas Island in support of *Warramunga* and *Albany* after confirming she was no longer required to provide assistance to SAR 2013/4816.
111. At 22:08, BPC confirmed with HQJTF639 that a night transfer to Christmas Island had been arranged with CNOC. *Albany* provided an estimated time of arrival at Christmas Island of 05:00 on 17 July, with *Warramunga* to follow. At 22:12, *Albany* reported that she was carrying two deceased adult females, and that both had not been wearing lifejackets.
112. From 05:02 to 06:06, *Albany* transferred survivors and the deceased relating to SAR 2013/4816 to Other Government Agencies (OGAs) at Christmas Island. RCC confirmed at 07:14 that at the completion of the offload of survivors from *Warramunga*, there would be no further requirement for military assistance for SAR 2013/4816. At 11:10, *Warramunga* commenced transfer of survivors and the deceased to OGAs on Christmas Island, completing the transfer at 12:10.
113. At 13:35, HQJOC issued a Cease Order for military assets assigned to SAR 2013/4816.
114. At completion of transfer and processing on Christmas Island, the vessel known as COI 1512 was designated SIEV 794.

## CHAPTER 3: Prior knowledge of the arrival of COI 1512

### Findings

- The Review found that BPC's [REDACTED] daily assessments for the period 15-17 July did note the possible arrival of four SIEVs in the area of Christmas Island. The correlation of COI 1512 against known intelligence holdings was completed on 1 August. COI 1512 was assessed to be almost certainly associated with one of the four possible SIEV arrivals.
- The Review found the intelligence assessments provided by the Customs and Border Protection PSIAT helped inform the positioning of BPC assets on 15 July, which led to the initial detection of COI 1512 as part of planned maritime surveillance activity.
- The Review found that the handling of intelligence and other relevant information in the lead up to this incident was appropriately managed.

115. The Customs and Border Protection People Smuggling Intelligence Analysis Team (PSIAT) coordinates the process that assesses daily the maritime people smuggling threat picture to Australia based on all available sources. It considers activities occurring both within and beyond Australia.
116. A [REDACTED] daily assessment is disseminated to a broad audience including the heads of relevant Commonwealth agencies, Customs and Border Protection executive, and designated overseas diplomatic posts. This product is then drawn upon to develop a separate product that specifically relates to those aspects directly relevant to operations in Australia's maritime domain to allow BPC to position assets in response to the relevant intelligence.
117. The BPC intelligence assessments provided by the Customs and Border Protection PSIAT helped inform the positioning of BPC assets on 15 July, which led to the initial detection of COI 1512 north north east of Christmas Island as part of planned maritime surveillance activity.
118. [REDACTED]  
[REDACTED]  
Activities to correlate COI 1512 against known intelligence holdings were completed on 1 August. COI 1512 was assessed to be almost certainly associated with one of the four possible SIEV arrivals.
119. The Review found that the handling of intelligence and other relevant information in the lead up to this incident was appropriately managed.

This page has been intentionally left blank

## CHAPTER 4: Appropriateness of the initial response to COI 1512 and SAR 2013/4816

### Findings

- The Review found that HQJTF639's initial response to position *Albany* for COI 1512's approach was appropriate to the circumstances at the time.
- The Review found that the subsequent decision made by HQJTF639 to relocate and monitor COI 1512 beyond the contiguous zone was an appropriate and important decision, which enabled *Albany* to continue to monitor COI 1512's safe transit to Christmas Island and be in a position to respond should circumstances change.
- The Review found that HQJTF639's decision and direction to *Albany* to track the COI from beyond visual range was appropriate to ensure the vessel continued to make independent transit towards Christmas Island.
- The Review found that *Warramunga*'s initial tasking to support *Albany* with respect to COI 1512 and her subsequent tasking and that of the RAAF MPA to support SAR 2013/4816 were appropriate.
- The Review noted CO *Albany* and the Boarding Officer's agreement that it was unsafe to attempt to board COI 1512 based on the sea state, the lack of space on the COI's upper decks and its high freeboard.

### Initial sighting

120. At the initial sighting of COI 1512 at 15:21 on 15 July, she was observed by the RAAF MPA as being 136 nm north north east of Christmas Island, underway and tracking 182° at 3 knots.



Figure 6. Initial sighting of COI 1512 at 15:21 on 15 July

## Appropriateness of the initial response to COI 1512

121. Following the initial sighting, HQJTF639 tasked *Albany* to position at the contiguous zone for the approach of COI 1512. The Review noted that at the time of this tasking, *Albany* was operating in support of SAR 2013/4786 (approximately 80 nm north of Christmas Island) and received its subsequent tasking at 21:49 to relocate and monitor COI 1512. At 22:17, having completed the support to SAR 3013/4786, she proceeded to relocate COI 1512.
122. The Review found that HQJTF639's initial response to position *Albany* for COI 1512's approach and subsequent tasking to relocate and monitor COI 1512 beyond the contiguous zone<sup>5</sup> were appropriate. This takes into account *Albany's* support to SAR 2013/4786, the information that COI 1512 was observed to be underway, and *Albany's* proximity to COI 1512.
123. The Review found that the decision made by HQJTF639 to relocate and monitor COI 1512 beyond the contiguous zone was an appropriate and important decision, which enabled *Albany* to continue to monitor COI 1512's safe transit to Christmas Island and be in a position to respond to COI 1512 should circumstances change.
124. Having arrived in the vicinity of COI 1512 at 00:41 on 16 July, *Albany* commenced tracking the vessel from beyond visual range, as tasked. The decision to remain out of visual range is not an uncommon response to monitoring IMAs. This practice avoids known scenarios where upon sighting of a response vessel, crew cut engines or potentially sabotage vessels as a means of encouraging boarding by Australian authorities.
125. The Review also found that HQJTF639's decision and direction to *Albany* to track the COI from beyond visual range was appropriate to ensure the vessel continued to make independent transit towards Christmas Island.

## SAR 2013/4816 declaration at 02:43 on 16 July

126. RCC issued a distress relay at 02:43 for SAR 2013/4816 and requested military assistance from HQJOC following a telephone call from a possible asylum seeker vessel, advising that there were 180 POB, the vessel had stopped, was taking on water and was located approximately 70 nm north of Christmas Island. This was followed at 03:02 with a SAR tasking order from HQJOC that designated CJTF639 as the military SAR Commander.
127. At 03:35, HQJTF639 advised BPC and *Albany* that COI 1512 had been correlated with the vessel in distress subject of SAR 2013/4816.
128. Based on HQJTF639 and CO *Albany's* advice that COI 1512 was making sufficient speed through the water, RCC cancelled the SAR distress phase at 04:40.
129. The Review noted that as a result of the decision to relocate and monitor the COI, *Albany* was appropriately positioned to provide an update as to the condition and disposition of COI 1512, which led to the RCC cancellation of the distress phase.

---

<sup>5</sup> Generally, interception can only occur lawfully once a vessel enters the contiguous zone (broadly 24 nautical miles from the baseline). A vessel can only be boarded outside the contiguous zone to provide assistance in a SOLAS situation in line with Australia's international obligations.

## **Warramunga tasking to support Albany**

130. The Review noted while *Albany* was positioned and willing to render assistance as required, she did report issues that would affect her ability to do this. These included a degraded RHIB, fatigue management due to involvement in earlier SAR activity, deteriorating sea conditions that made it difficult to gauge the sea/swell direction and the limitations involved in night boarding. This was a contributing factor in *Warramunga* being tasked at 05:02 by HQJTF639 to proceed to the contiguous zone, north of Christmas Island in response to COI 1512.
131. The Review also noted the subsequent tasking of *Warramunga* to render assistance to *Albany* with respect to SAR 2013/4816 (if required), given its unserviceable RHIB and the overcrowded nature of COI 1512.
132. The Review found that *Warramunga*'s initial tasking to support *Albany* with respect to COI 1512 and subsequent tasking to support SAR 2013/4816 were appropriate.

## **Reactivation of SAR 2013/4816 at 12:06 on 16 July**

133. Following a telephone call from a person<sup>6</sup> in Australia indicating a vessel was taking on water, sitting heavy in the water and overloaded, RCC declared an Alert Phase at 12:06 on 16 July as part of SAR 2013/4816. At 11:58, HQJTF639 tasked *Albany* to close COI 1512 and determine nature of distress as a result of the advice from RCC. At approximately the same time, the RAAF MPA was also tasked to support SAR 2013/4816.
134. At around 13:10, *Albany*'s Boarding Party was positioned alongside COI 1512. From 13:13 to 13:34, *Albany* reported that COI 1512 appeared seaworthy and had a high freeboard but also indicated that people were bailing water; port engine was unserviceable; bilge discharge was observed indicating one metre of water in the bilge<sup>7</sup>. *Albany* further reported an English speaker had indicated that there was a hole in the hull and the vessel was taking on water. Positioned alongside the vessel, CO *Albany* assessed that the vessel had sufficient stability, freeboard and engineering integrity to continue the transit to Christmas Island unassisted.
135. The CO *Albany* and Boarding Officer subsequently agreed that the sea state, the lack of space on the COI's upper decks and its high freeboard made it unsafe to attempt to board the vessel.
136. At 14:19, the Boarding Party and RHIB were recovered to *Albany* and *Albany* gestured for COI 1512 to follow her south until weather conditions abated. *Albany*'s intention was to coax the vessel to Christmas Island as the weather remained unsuitable to conduct a boarding.
137. In addition, CO *Albany* assessed that encouraging the COI to continue southward decreased the risk to people onboard as the bilge pump would continue to operate minimising the water level as long as the vessel was under its own propulsion.
138. The Review noted CO *Albany* and the Boarding Officer's agreement that it was unsafe to attempt to board COI 1512 based on the sea state, the lack of space on the COI's upper decks and its high freeboard.

---

<sup>6</sup> This person received calls from a person on the vessel.

<sup>7</sup> The Review notes the Boarding Party's reference to one metre of water in the bilge; however, this appears to be inconsistent with observations of the vessel which indicated it had a high freeboard.

This page has been intentionally left blank



## CHAPTER 5: The response to ‘possible people overboard’

### Findings

- The Review found that the response of the RAAF MPA and *Warramunga* in support of RCC to search for ‘possible people overboard’ was appropriate.
- While the Review found no material evidence to substantiate that anyone had fallen overboard from COI 1512 prior to its foundering, the Review notes that it is not the appropriate authority to draw any conclusions in this matter.

139. At 13:27 on 16 July, BPC provided RCC with information that at approximately 12:20 a vessel may be in distress due to insufficient lifejackets; insufficient space for all passengers onboard; and that some passengers may have accidentally fallen off the vessel.
140. At this time, *Albany’s* Boarding Party was alongside COI 1512 given earlier tasking by HQJTF639 for *Albany* to close COI 1512 and determine nature of distress. Information provided from HQJTF639 to BPC at 14:00 reported no indication of any person going overboard. However, clarification from CO *Albany* indicated that the Boarding Party did not explicitly ask the people on the vessel whether or not any passengers had gone overboard at any time.
141. As COI 1512 was not in distress at the time of the report of ‘possible people overboard’, the RAAF MPA was tasked to conduct a 5 nm surface search of the area, which it conducted from 14:50 to 18:15. *Warramunga* was also tasked to provide surface response in support of the RAAF MPA and searched from 15:51 to 17:59, while *Albany* continued to coax COI 1512 towards Christmas Island.
142. While wooden planks, barrels and container lids were sighted during the search, both *Warramunga* and the RAAF MPA did not locate any people in the water prior to their retasking to support *Albany* in the unfolding SOLAS situation.
143. The Review found that the response of the RAAF MPA and *Warramunga* in support of RCC to search for ‘possible people overboard’ was appropriate given the information available, and the potential that lives may have been at risk. The Review noted that this tasking did not impact upon their responsiveness when retasked to assist with SAR 2013/4816.
144. While the Review found no material evidence to substantiate that anyone had fallen overboard from COI 1512 prior to its foundering, the Review notes that it is not the appropriate authority to draw any conclusions in this matter.

This page has been intentionally left blank

## CHAPTER 6: The capsizing of COI 1512 and recovery efforts for SAR 2013/4816

### Findings

- The Review found that as a result of no longer being able to make way and the continued ingress of water, the stability of COI 1512 was compromised, and she became vulnerable to swamping.
- The Review found that the poor condition of the vessel, its overloaded nature and ingress of water resulted in the capsizing of COI 1512.
- The Review found throughout the response and recovery phases associated with SAR 2013/4816, the efforts of the assets assigned to border protection duties were effective and timely and likely resulted in the prevention of further loss of life.

### Capsizing of COI 1512

145. Sometime between 17:45 and 18:00, COI 1512 stopped making way. At 18:02, *Albany* reported that COI 1512 was starting to list to starboard (refer Annex D). These were the initial indications of an unfolding SOLAS situation that led to COI 1512 capsizing at 18:41.
146. While it was known that COI 1512's port engine was unserviceable from information obtained through *Albany's* Boarding Party earlier in the afternoon, at some point prior to people entering the water at 18:00, the starboard engine also became unserviceable. The deliberate cutting of a vessel's engines is a well-known and documented tactic used by people smuggling ventures as a means of encouraging boarding by Australian authorities; however, in this case it is unclear whether the failure of the starboard engine was as a result of a deliberate act of the crew (or PIs), or the result of a genuine technical failure.
147. Irrespective of why the starboard engine of COI 1512 failed, any vessel in the open ocean and in heavy seas which is not able to continue to make way, is likely to become unstable and may result in a precarious situation. This situation is particularly so for vessels of marginal seaworthiness and manned by inexperienced crews.
148. The Review found that as a result of no longer being able to make way and the continued ingress of water, the stability of COI 1512 was compromised, and she became vulnerable to swamping. This was exacerbated by the prevailing sea state and the fact that she was overloaded.
149. The photograph in Figure 7 taken at approximately 18:15, shows the vessel subject of SAR 2013/4816 becoming beam on to the sea, and listing heavily to starboard as a result of seawater ingress, which ultimately led to the capsizing of the vessel.
150. The Review found that the poor condition of the vessel, its overloaded nature and ingress of water resulted in the capsizing of COI 1512.



Figure 7. COI 1512 listing heavily to starboard

## Recovery Efforts

151. *Albany* launched her first RHIB at the same time she reported that people were in the water at 18:00. By 18:15, *Albany* had commenced recovery of people from the water; reporting four people had been recovered and another eight were in the water.
152. At 18:15, the RAAF MPA was tasked to provide aerial surveillance to assist *Albany* locate people in the water. *Warramunga* also advised HQJTF639 at 18:20 that it was closing at best speed to assist with recovery operations. The Review considers that the use of *Warramunga* and the RAAF MPA was both appropriate and timely given the unfolding SOLAS situation.
153. *Warramunga* arrived on scene at approximately 18:30 and within a period of 14 minutes, all three of her RHIBs had been launched and deployed in support of the recovery effort. From 18:20 to 19:03, *Albany* and *Warramunga* launched all available liferafts. The RAAF MPA also deployed two eight person liferafts to assist with the recovery operation.
154. The deployment of RHIBs and liferafts to the recovery provided a nominal capacity to hold up to 140 people. Given the nature of this SAR situation, this capacity was sufficient to avoid any serious overcrowding that could potentially further compromise the safety of either survivors recovered from the water, or the crew of the RHIBs providing the on-scene response.
155. A significant number of people from the vessel had already entered the water by the time the vessel capsized at 18:41 (Figure 8). A number of these people were recovered to RHIBs, transferred into liferafts and moved away from the immediate vicinity of the vessel before it capsized. These initial actions proved favourable to the overall recovery effort as they helped counter any potential overcrowding of liferafts or RHIBs.



Figure 8. People from COI 1512 in the water prior to capsize at 18:41 on 16 July

156. The COs of *Albany* and *Warramunga* prioritised the recovery of people from the water in response to SAR 2013/4816. All responsive people without lifejackets were the first priority, followed by responsive people with lifejackets. The third priority was non-responsive people. The Review notes that the decision to apply priorities in this manner was appropriate to the circumstances of the recovery and was effective in minimising any further loss of life.
157. The Review found throughout the response and recovery phases associated with SAR 2013/4816, the efforts of the assets assigned to border protection duties were effective and timely and likely resulted in the prevention of further loss of life. The daylight recovery, the disposition of response assets, and the recovery of people as they entered the water prior to the capsize of the vessel contributed favourably to a timely and professional effort that resulted in the recovery of 146 survivors in rough sea conditions.

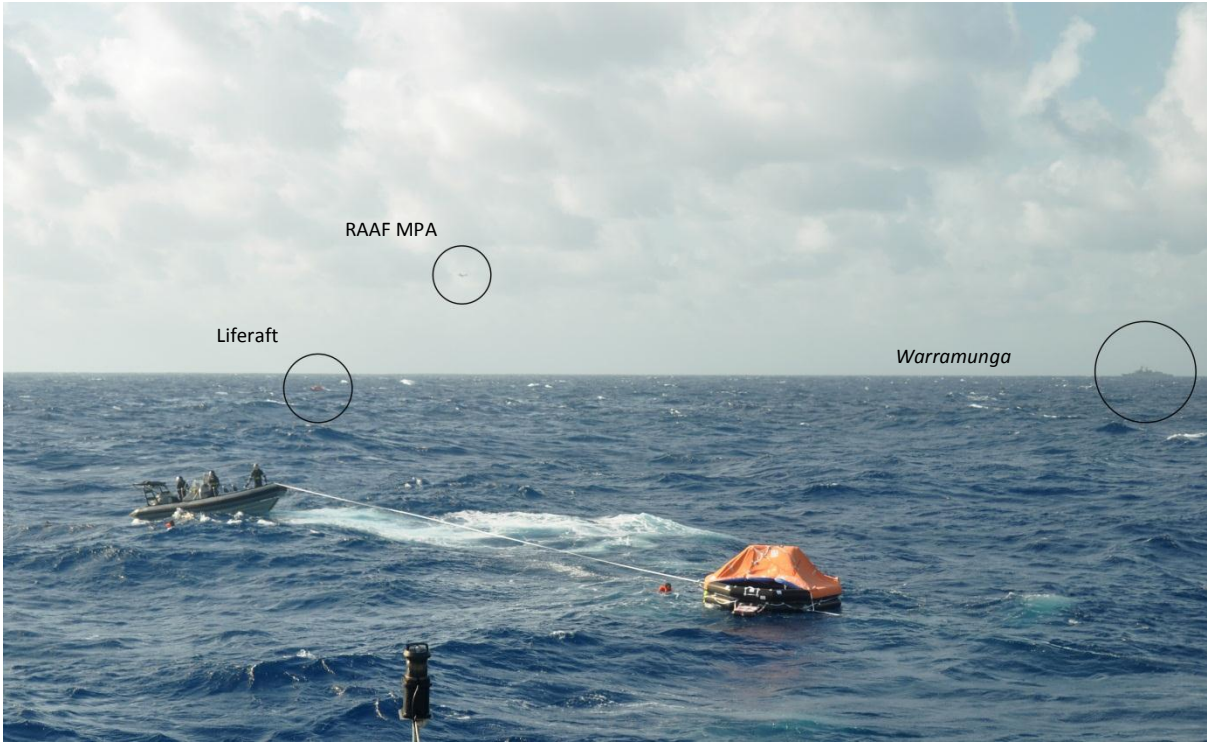


Figure 9. Assets involved in SAR 2013/4816

158. Figure 9 presents a pictorial representation of the assets involved in SAR 2013/4816. Taken from *Albany*, the RAAF MPA is pictured in the distant skyline, and *Warramunga* is positioned approximately 1.5 nm to the north. A RHIB is connected to a liferaft via its painter line, with a second liferaft in the distance, highlighting the span of the recovery efforts.

## CHAPTER 7: Provision of lifejackets to COI 1512

### Findings

- The Review estimates there were approximately 50 flotation assistance devices available onboard COI 1512, which was insufficient for all people onboard.
- The Review found that CO *Albany* considered the provision of lifejackets to COI 1512 prior to its capsizing; however, based on his professional judgements, highlighted in Paragraph 166, elected not to provide these lifejackets at the time.
- The Review found that it may have been physically possible to attempt to transfer HA/SAR lifejackets to people onboard the vessel prior to its capsizing, without boarding the vessel. It is acknowledged that the success, or otherwise, of such an attempt would have been very much subject to the prevailing weather conditions, and the conditions onboard the vessel, and that these factors were considered by CO *Albany* in determining the most appropriate course of action in responding to the situation faced.

### Policies and Standard Operating Procedures pertaining to the provision of lifejackets to people onboard SIEVs

159. Current BPC and Defence policies and SOPs are not definitive in terms of the provision of Personal Flotation Device lifejackets to people onboard SIEVs or vessels in distress.
160. Current Defence SOPs are based around the Boarding Party physically transferring lifejackets by hand to people onboard a vessel in distress once the vessel has been successfully boarded. This SOP ensures the safety and security of the Boarding Party members during the lifejacket transfer process, and then facilitates an orderly environment in which people onboard can be provided with instruction on the correct procedure for fitting a lifejacket prior to having to use it. This SOP has been designed to mitigate against known instances when people onboard vessels in distress have entered the water with incorrectly fitted lifejackets, only to have the lifejacket be less than effective.
161. The ORVs involved in SAR 2013/4816 were carrying the following number of lifejackets in their Humanitarian Assistance (HA) Stores Packs.
- |                              |  |
|------------------------------|--|
| <i>Albany</i> <sup>8</sup> : | 65 adult, 17 child, 1 infant and 1 baby  |
| <i>Warramunga</i> :          | 200 adult, 50 child, 6 infant and 4 baby |
162. It is standard practice for Defence vessels assigned to border protection operations to embark additional lifejackets as part of their HA Stores Packs prior to operations likely to involve IMAs.
163. When conducting boarding operations, Defence vessels embark their lifejacket holdings in their RHIBs. These lifejackets may then be embarked by the Boarding Party once it has successfully boarded the vessel. Alternatively, the lifejackets may be retained in the RHIB, which will stay in the immediate vicinity of the vessel to allow for immediate issue to people if required.

<sup>8</sup> In addition to her normal complement of 25 adult and 15 child lifejackets, *Albany* was carrying an extra 'SIEV' outfit of 40 adult and 2 child lifejackets.

## Considerations relating to the provision of lifejackets to COI 1512 prior to its capsizing

164. From the information available to the Review, it has been determined that it is likely the total number of people onboard COI 1512 at the time it sailed from Indonesia was 150.
165. Imagery of COI 1512 taken from the RAAF MPA upon initial detection on 15 July, indicated approximately 50 people on the upper deck, 12 of whom appeared to be wearing lifejackets. This imagery does not allow for an accurate determination to be made regarding the total number of lifejackets that may have been onboard. It is however estimated that the vessel was carrying approximately 50 flotation assistance devices<sup>9</sup>, consisting of a combination of lifejackets and tyre inner tubes.
166. In the period between receiving information that COI 1512 was overcrowded and had insufficient lifejackets for all people onboard and when the vessel capsized, the CO *Albany* considered issues pertaining to the provision of lifejackets. However, lifejackets were unable to be provided prior to COI 1512's capsizing for the following reasons:
- the Boarding Party was unable to safely board the vessel due to the prevailing weather conditions and the high freeboard of the vessel, and it was therefore not possible to safely transfer HA/SAR lifejackets prior to the vessel capsizing;
  - CO *Albany* was concerned that even if it was possible to transfer lifejackets to the vessel, without the assistance and instruction from suitably qualified individuals, such as the Boarding Party, it would be unlikely that the lifejackets would be worn correctly<sup>10</sup>;
  - CO *Albany* assessed that the vessel appeared to be seaworthy, buoyant, had sufficient freeboard, and had a functional propulsion and bilge pumping capability;
  - the fact that a number of people onboard the vessel had been observed to be wearing lifejackets from the time of the initial visual sighting of the vessel, raised doubts in the mind of CO *Albany* as to whether the vessel was in fact devoid of its own adequate supply of lifejackets; and
  - the pre-emptive transfer of lifejackets to the vessel could potentially have limited the ability of CO *Albany* to provide immediate lifesaving assistance to people in a SOLAS situation.
167. The Review found that CO *Albany* considered the provision of lifejackets to COI 1512 prior to its capsizing; however, based on his professional judgements, highlighted in Paragraph 166, elected not to provide these lifejackets at the time.
168. From the information available, the Review found that it may have been physically possible to attempt to transfer HA/SAR lifejackets to people onboard the vessel prior to its capsizing, without boarding the vessel. It is acknowledged that the success, or otherwise, of such an attempt would have been very much subject to the prevailing weather conditions, and the conditions onboard the vessel, and that these factors were considered by CO *Albany* in determining the most appropriate course of action in responding to the situation faced.

<sup>9</sup> This assessment is based on advice to the Review provided from COs *Albany* and *Warramunga*.

<sup>10</sup> The Review considered advice from Customs and Border Protection and Defence Officers regarding instances when PIs had not received instruction on the correct procedure for fitting a lifejacket, resulting in the lifejacket being less than effective.



169. The Review notes that the four non-responsive people recovered from the water were not wearing lifejackets. However, the Review is not the appropriate authority to draw any conclusions as to whether the earlier provision of lifejackets would have prevented this loss of life.

### **Recommendation 1**

The Review recommends that Customs and Border Protection, including BPC, and Defence consider conducting a joint review of current policy and SOPs pertaining to the provision of HA/SAR lifejackets to people onboard vessels in distress situations where it is not possible to board the vessel and assist in the correct fitting of lifejackets.

This page has been intentionally left blank

## CHAPTER 8: Command, control and communication

### Findings

- The Review found that RCC as the lead authority for the coordination of SAR 2013/4816 and BPC who is responsible for maritime security operations, were clear on their respective roles and responsibilities during the incident.
- The Review found that, in general, communication procedures and processes relating to the exchange of information were complied with and were appropriate to the circumstances of the incident.

### Command and Control

170. After the initial sighting of the COI, HQJTF639 issued a tasking order to *Albany* to relocate and shadow the vessel from beyond visual range. BPC was responsible for the control and management of surveillance activity until the point when RCC issued a distress relay at 02:43 on 16 July and assumed coordination for SAR activities.
171. When the SAR distress relay was cancelled at 04:40 on 16 July, BPC resumed monitoring, surveillance, escorting and boarding responsibilities for COI 1512. *Albany* continued to provide the surface response, with HQJTF639 in command until the Alert Phase was declared at 12:06, reactivating SAR 2013/4816. The Review found that RCC as the lead authority for the coordination of SAR 2013/4816 and BPC who is responsible for maritime security operations, were clear on their respective roles and responsibilities during the incident.
172. During SAR 2013/4816, *Albany* was the On Scene Coordinator (OSC) and managed the on-scene response prior to, and after the capsizing of COI 1512. The Review considers this an appropriate command arrangement given *Albany* was the assigned response vessel to the initial sighting of COI 1512 and best placed to make the on-scene assessments and decisions with respect to the state of the vessel and any supporting actions.
173. After capsizing of COI 1512, both *Albany* and *Warramunga* provided surface response to assist in the recovery, which included RHIBs and liferafts. During the on-scene response, *Warramunga* had tactical air control of the RAAF MPA and also acted as the communications relay providing updates to HQJTF639. The Review noted the involvement of a second vessel in managing communications is both reasonable and appropriate and that it is not unusual for the second response vessel to assist with coordination of communications throughout an incident.

### Communication

174. BPC is a multi-agency maritime law enforcement authority, which in concert with other Government agencies and stakeholders, undertakes the composite tasking of Defence and Customs and Border Protection assets and resources. In coordinating and managing information and assets, BPC is reliant on effective communication between agencies and is cognisant of each agency's requirements to comply with their parent organisation's protocols and where necessary, protocols tailored to meet the specific requirements of BPC operations.



175. Throughout the operational activity associated with COI 1512 and SAR 2013/4816, the flow of information between RCC, AMSOC, HQJTF639, and the maritime and air assets involved was generally effective and facilitated timely and appropriate decision making. The Review found that, in general, communication procedures and processes relating to the exchange of information were complied with and were appropriate to the circumstances of the incident.



## CHAPTER 9: Assessment against policies, processes and procedures

### Findings

- The Review found that, in general, BPC was compliant with the identified policies, processes and procedures.
- The Review found that there was some minor non-compliance; however, this was not material to the management of the incident or the outcome.
- The Review found that the mechanism for the exchange of risk information, operating procedures and lessons learned between Defence and Customs and Border Protection relating to BPC operations is achieved through the BPC Steering Group and the Lessons Learned Working Group.

### Introduction

176. The Review's TORs paragraphs 14 c, d, e and f require that the relevant policies, processes and procedures applicable to Customs and Border Protection, including BPC, be identified and an assessment made as to whether they were applied during the incident. The Review was also tasked to ascertain whether the relevant policies, processes and procedures were effective and whether any changes should be made to improve the response to any future similar occurrences.
177. BPC provided all relevant policies, processes and procedures applicable to the initial actions, follow up activity and support to search and rescue operations. Those considered relevant are listed in the companion document. The Review also noted reference to RCC in the BPC documents; however, it is beyond the scope of this Review to assess AMSA policies, processes and procedures.
178. Each of the identified policies, processes and procedures were considered and prioritised relevant to the incident response according to their applicability and whether their application would have made a material difference to the outcome of this incident. They were rated as having a very high, high or medium to low relevance.
179. Due to time constraints, differing levels of scrutiny were applied according to the rating assigned and the volume of data to be assessed. Compliance with very high priority documents was assessed on a clause by clause basis with a reduced level of scrutiny for the remainder.
180. The guiding principles for agencies engaged in maritime SAR activities are found in the National Search and Rescue Manual (NATSARMAN). This is a key document for RCC and many of the procedures and frameworks outlined in the NATSARMAN are referenced or reflected, sometimes verbatim, in BPC and Defence documents.
181. Overall, BPC and Defence documents prescribe well proven, standardised and in some cases, revised procedures designed to provide the most effective and timely response practices and authority chains compliant with international and Australian law.

## Very high importance policies, processes and procedures

182. The policies, processes and procedures assessed as having very high relevance had a direct bearing on the expected responses to the incident known as SAR 2013/4816.
183. The Review found that there was a high degree of compliance with these policies, processes and procedures. While there was some minor non-compliance, this was not material to the management of the incident or the outcome. In general, the policies, processes and procedures gave clear guidance on the flow of information related to SOLAS or situations in which a vessel had become subject of concern. The roles and responsibilities of BPC were clear in regards to the information being passed between BPC and RCC.
184. The speed with which authorities respond to SOLAS situations and SAR operations is critical to the outcome. Equally, the ability to recognise, at an early stage, a developing situation and then take the appropriate action is crucial. The BPC documents relating to SOLAS/SAR were written with the aim of ensuring that potential SOLAS situations are identified quickly and information is passed on to RCC with appropriate priority, accuracy and clarity.
185. In terms of the information provided to RCC, the Review noted that BPC support was provided and handled in compliance with the existing policies such as the *Protocols for Support to SOLAS and SAR Operations*.
186. The *Protocols for Support to SOLAS and SAR Operations* detail the roles and responsibilities of BPC regarding civil maritime surveillance activities during what is identified as an 'on going incident'. The document concludes by stating; "However, the processes described in this document are at the discretion of the decision makers and should a situation quickly change then the decision makers need to exercise their experience and knowledge to ensure the most appropriate outcome is achieved". This is particularly appropriate given the complex and ever changing operating environment and in this case the escalation of events leading to a mass SOLAS situation.
187. Key documents outlining guidelines for Customs and Border Protection handling of telephone calls in the maritime environment are the I&Gs, *Customs and Border Protection Procedures for Managing Information Related to Safety of Life at Sea* and the associated document *CNOC Procedures for Managing Information Relating to Safety of Life at Sea*.
188. During the course of this incident, a number of telephone calls were received from people purporting to be onboard COI 1512 or who knew people onboard COI 1512, providing details on the condition of the vessel and the people onboard. The telephone calls received by Customs and Border Protection officers, both on Christmas Island and in CNOC, were appropriately recorded and dealt with in accordance with the I&Gs. Some telephone calls were also received by RCC; however, it is beyond the TORs of the Review to comment on, or assess how this information was dealt with and recorded by RCC.
189. The key policy documents related to SOLAS/SAR incidents state the importance of maintaining contemporaneous, accurate, complete and factual recording of events. The Review noted that generally there was compliance by Customs and Border Protection, including BPC, with this principle.

190. The Review notes that the operational activity on-scene was conducted by Defence assets operating under the direction of RCC through BPC. These assets operated under relevant Defence standing orders and instructions relating to each activity such as deployment, boarding and recovery of people from the water and processing of PIIs. It was outside the Review's TORs to assess compliance with Defence policies, protocols and procedures; however, their effective application to the operational activity had a direct bearing on the eventual outcome and required some consideration by the Review.

### High importance policies, processes and procedures

191. BPC and Defence have a large number of I&Gs and policies associated with maritime SAR operations. The key parts of these were checked, referenced and assessed for compliance against supporting documentation. A number of the BPC documents, such as *Suspected Irregular Entry Vessels (SIEV) / Contact of Interest (COI) Actions* and *BPC transfer of SAR Coordination to AMSA*, relate to the operational deployment of assets and communications and detail steps to be taken, resources to be used and the formatting of messages and signals. The Review noted that there was a high degree of compliance.

192. The Review noted the documented arrangement between Australia and Indonesia for *The Co-ordination of Search and Rescue Services* outlines the protocols in respect of SAR operations taking place in the respective SRRs. Indonesian Search and Rescue Agency, BASARNAS, were notified but there was no active involvement of Indonesian authorities or assets in this series of events. It is also noted that at the conclusion of the main SAR activity, the Director of Operations at BASARNAS passed on his thanks and congratulations to BPC for their actions leading to the saving of many lives.

### Medium and low policies, processes and procedures

193. A number of policies, processes and procedures were rated as low to medium in importance to this incident. They included documents of a general nature with only limited relevance to the Review.

194. The Review assessed that within some of these policies, processes and procedures there were specific parts that could have been relevant to this event. In examining these, the Review found they had been applied appropriately.

### Additional policies, processes and procedures

195. The Review was tasked with assessing whether or not additional policies, processes and procedures should be developed to improve the response to similar occurrences.

196. The Review noted that existing policies, processes and procedures provide sufficient detail in the areas of critical concern, particularly in relation to vessels in distress. As the environment pertaining to SIEV activity evolves, these policies and procedures will have to be reviewed and amended at regular intervals in order to meet these changes.



197. While the Review notes that some policies, processes and procedures appear to have been developed separately by Customs and Border Protection and Defence, the Review found that the mechanism for the exchange of risk information, operating procedures and lessons learned between Defence and Customs and Border Protection relating to BPC operations is achieved through the BPC Steering Group and the Lessons Learned Working Group. As part of this, the Operational Risk Register provides a formalised process to capture and improve communications regarding operational risks, initiate agreed mitigation strategies and maintain records for future reference.





## Annex A: Minute of Direction



Australian Government  
Australian Customs and  
Border Protection Service

CHIEF EXECUTIVE OFFICER

---

### MINUTE PAPER

To: National Manager (Investigations) – Mr Kingsley Woodford-Smith

Copy: Deputy Chief Executive Officer (Border Enforcement)  
Commander Border Protection Command

#### Internal Review relating to Customs and Border Protection (including Border Protection Command) Actions Relating to SAR 2013/4724 and 2013/4816

You are directed to conduct an internal review into the actions of the Customs and Border Protection Service, including Border Protection Command and its assigned Defence assets, relating to SARs 2013/4724 and 2013/4816.

This internal review is not intended to be a substitute for any detailed external investigation or coronial inquiry. Its purpose is to ensure that any immediate operational policy or procedure issues are highlighted and rectified promptly.

The primary purpose of the internal review is to produce narratives of the two events, verified by Senior Officials. This internal review is to identify the effectiveness of internal policy, processes or procedures used to respond to the incidents, with a view to recommending whether any immediate remedial changes are required.

The full Terms of Reference for your review are **attached**.

You are to provide an interim report on each event within this review to me, via the Deputy Chief Executive Officer (Border Enforcement), on or before 2 September 2013. However, if in the course of the review you form the view that meeting this timeframe would compromise the integrity of your report, you are to seek advice from me about an appropriate amendment to the timeframe. The due date for the final report will be advised after receipt and assessment of the interim report.

To assist you in the conduct of the internal review, administrative and other support arrangements have been established and Defence will provide a resource to assist primarily with the review of SAR 2013/4816.

In conducting your review and preparing your reports, you should be cognizant of the potential for parallel investigations (including Coronial or Parliamentary inquiries) to be conducted in relation to the incident and are to take all reasonable measures to ensure that there is no conflict between this, and those inquiries.

Appropriate measures should also be taken to ensure that any privileged or confidential material (including national security or intelligence material) is appropriately handled, including, where possible whilst still achieving the tasks and objectives of the review, the preparation of a report with unclassified content and confidential or classified annexures (if necessary).



Michael Pezzullo  
Chief Executive Officer

23 July 2013

[REDACTED]

## REVIEW OF MARITIME INCIDENTS OF 12 JULY AND 16 JULY 2013

### TERMS OF REFERENCE

#### **Introduction**

##### *Incident of 12 July*

1. On 12 July 2013 a person reported being on board a disabled vessel approximately 108 nautical miles north of Christmas Island with 90 other persons, and that the vessel was experiencing water ingress.
2. The Rescue Coordination Centre (RCC) subsequently assigned this vessel the number SAR 2013/4724. The Customs and Border Protection reference is SIEV 784.
3. Australian Customs and Border Protection Service, through the Border Protection Command (BPC), assigned assets to this SAR at the request of the RCC.
4. ACV Triton was at the location of SAR 2013/4724, having embarked a boarding party, when it suddenly foundered in the heavy sea state resulting in its passengers and the embarked BPC staff entering the water.
5. Consequent rescue and recovery operations by Customs and Defence assets under the remit of BPC resulted in the recovery of 88 passengers, the BPC boarding party, and one deceased infant.

##### *Incident of 16 July*

6. Early on 16 July 2013 HMAS *Albany* was under BPC tasking in the vicinity of a contact of interest about 70 miles north of Christmas Island.
7. Subsequently, the RCC received calls from persons on board a vessel reporting it was approximately 67 nautical miles north of Christmas Island with approximately 180 passengers, and that the vessel was experiencing water ingress.
8. The Rescue Coordination Centre (RCC) subsequently assigned this vessel the number SAR 2013/4816.
9. Australian Customs and Border Protection Service, through the Border Protection Command (BPC), assigned HMAS *Albany* and later HMAS *Warramunga* to this SAR at the request of the RCC.
10. Defence assets HMAS *Albany* and HMAS *Warramunga*, under the direction of BPC, were subsequently escorting the vessel towards Christmas Island when it foundered, resulting in large numbers of passengers entering the water.
11. Consequent search and recovery operations under the remit of BPC resulted in the recovery of 146 passengers and four deceased adults.

*Direction*

12. Under the Minute of Direction, you are directed to conduct an internal review into the actions of Customs and Border Protection including Border Protection Command (BPC) during the two incidents to identify lessons learned and any remedial actions that need to be made to current policy, process or procedures.

**Review Task**

13. You are to independently investigate the facts and circumstances surrounding the response to these two incidents by Customs and Border Protection.
14. In relation to operational matters, you are to:
  - a. establish a suitable team from within Customs and Border Protection and BPC, supported where necessary by suitable available external personnel;
  - b. having regard to appropriate security classifications, produce two narratives of events including detailed chronologies drawn from all available sources for the period, appropriately verified by relevant Senior Officials;
  - c. identify the relevant policies, processes and procedures applicable to Customs and Border Protection and BPC response to the two incidents;
  - d. ascertain whether the relevant Customs and Border Protection and BPC policies, processes and procedures were applied during the two incidents;
  - e. ascertain whether the relevant Customs and Border Protection and BPC policies, processes and procedures were effective in responding to the two incidents; and
  - f. identify whether any immediate remedial changes to policies, processes and procedures should be considered to improve the response to similar occurrences.
15. In relation to information and intelligence matters considered by you to be relevant to the internal review, you are to:
  - a. review and examine the chronologies of events relating to Customs and Border Protection and Defence awareness of the vessel during the two incidents; and
  - b. identify the handling of intelligence (if any) and other relevant information in the lead up to the two incidents.
16. Having regard to the findings derived from the above information and subsequent analysis, you are to:
  - a. identify any issues that require further investigation or analysis; and
  - b. identify any lessons learned.
17. The following agencies and departments may be involved as key stakeholders: Customs and Border Protection, Australian Federal Police, AMSA, Defence and

[REDACTED]

Department of Prime Minister & Cabinet. However during your review you may determine that consultation with other agencies is required.

18. You are to engage with AMSA to identify and, where possible, obtain any material that may be relevant to the review.
19. In conducting your reviews and preparing your reports, you should be cognisant of the potential for parallel investigations (including Coronial or Parliamentary inquiries) to be conducted in relation to the incidents and are to take all reasonable measures to ensure that there is no conflict between these Internal Reviews, and those potential inquiries. In particular, no finding is to be made in relation to whether any person has or has not committed a criminal offence or into the manner and cause of death of any person. If at any stage during the course of your inquiry you or your investigating team form the view that a person is likely to have committed a criminal or disciplinary offence or a breach of the APS Code of Conduct, further advice should be sought from me.

[REDACTED]

### Interim reports

20. You are to prepare and deliver a separate interim report for each incident on or before 2 September 2013 outlining, to the extent possible:
  - a. The agencies or other parties consulted;
  - b. A finding as to the relevant facts (as determined at that time);
  - c. Preliminary recommendations; and
  - d. Further inquiries to be undertaken by the reviews.

### Final Reports

21. The following documents are to accompany your final reports:
  - a. my Minute of Direction;
  - b. a list of all relevant documents used to compile both the narratives and detailed chronologies of events; and
  - c. a list of relevant policies, processes and procedures applicable to the response to the incidents.
22. Appropriate measures are to be taken to ensure that any privileged or confidential material (including national security or intelligence material) (if any) is appropriately handled, including, where possible whilst still achieving the tasks and objectives of the review, the preparation of a report with unclassified content and confidential or classified annexures (if necessary).



Michael Pezzullo  
Chief Executive Officer

23 July 2013

## Annex B: Capabilities and Limitations

Armidale Class Patrol Boat	
<b>Vessel involved</b>	HMAS <i>Albany</i>
<b>Role</b>	Tasked to relocate COI 1512 and rendered assistance during SAR 2013/4816
<b>Flag</b>	Australia
<b>Type</b>	Patrol Boat
<b>Launched</b>	2006
<b>Length</b>	56.8 metres
<b>Beam</b>	9.7 metres
<b>Speed</b>	25 knots
<b>Maximum Range</b>	3000 nautical miles
<b>Displacement</b>	300 tonnes
<b>Crew</b>	21
<b>Surveillance Sensors</b>	Search and Navigations radar, Electro Optical System, Radar Warning System, Radio Frequency Direction Finding





<b>ANZAC Class Frigate Helicopter</b>	
<b>Vessel involved</b>	HMAS <i>Warramunga</i>
<b>Role</b>	Tasked to search for 'possible people overboard' and rendered assistance during SAR 2013/4816
<b>Flag</b>	Australia
<b>Type</b>	Frigate Helicopter (FFH)
<b>Launched</b>	1998
<b>Length</b>	118 metres
<b>Beam</b>	14.8 metres
<b>Speed</b>	27 knots
<b>Maximum Range</b>	6000 nautical miles
<b>Displacement</b>	3,600 tonnes
<b>Crew</b>	174
<b>Surveillance Sensors</b>	Search and Navigations radar, Electro Optical System, Radar Warning System, Radio Frequency Direction Finding







RAAF AP-3C Maritime Patrol Aircraft	
<b>Role</b>	Sighted COI 1512, tasked subsequently to search for 'possible people overboard' and rendered assistance during SAR 2013/4816
<b>Standard Crew</b>	10-12
<b>Transit Altitude</b>	Up to 33,000 ft.
<b>Transit Air speed</b>	340 knots
<b>Surveillance Altitude</b>	500 – 5000 ft.
<b>Surveillance Speed</b>	220 – 340 knots
<b>Surveillance Distance</b>	4000 nautical miles
<b>Endurance</b>	12 + hours
<b>Sensor Suite</b>	Radar, Electro-optical system, acoustics, magnetic anomaly detector



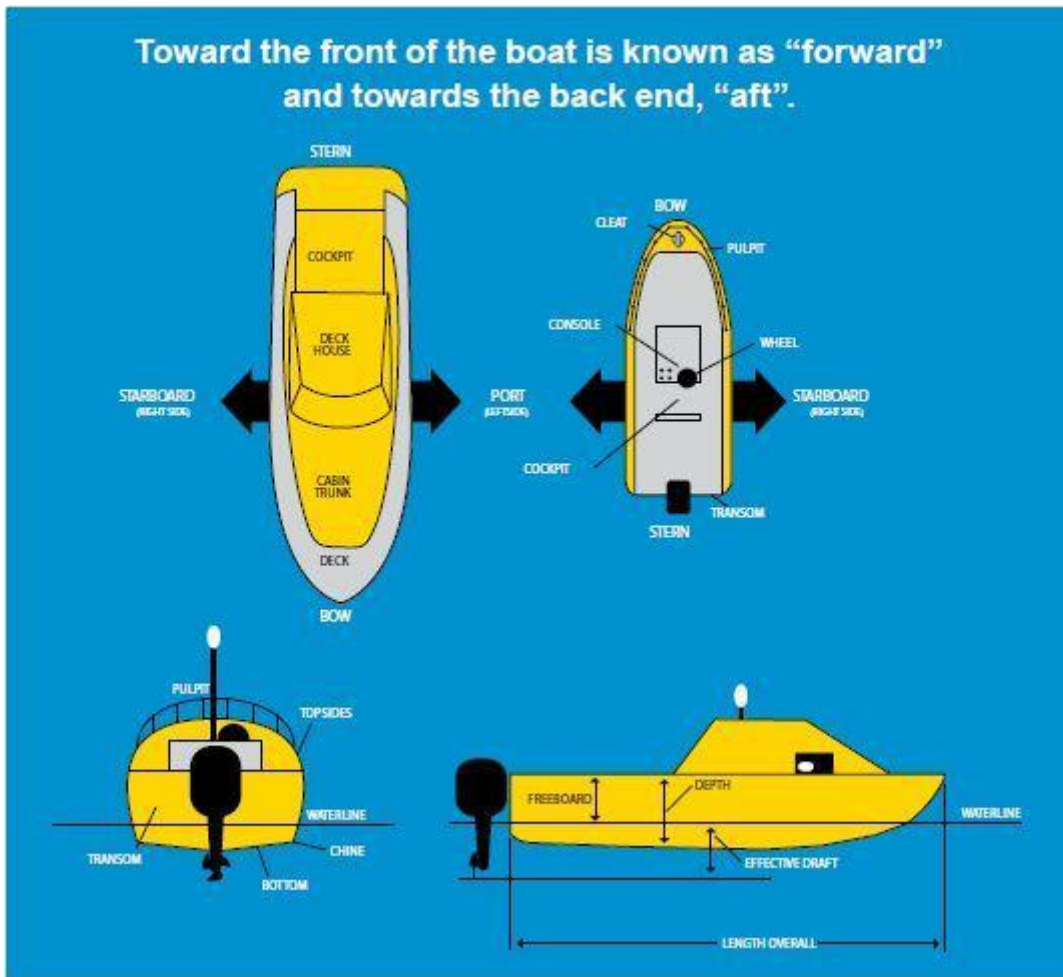
This page has been intentionally left blank

## Annex C: Glossary of Terms

<b>ACBP</b>	Armidale Class Patrol Boats
<b>ADF</b>	Australian Defence Force
<b>AEST</b>	Australian Eastern Standard Time
<b>AFMA</b>	Australian Fisheries Management Authority
<b>AFP</b>	Australian Federal Police
<b>AMSA</b>	Australian Maritime Safety Authority
<b>AMSOC</b>	Australian Maritime Security Operations Centre
<b>BASARNAS</b>	Indonesian Search and Rescue Agency
<b>BPC</b>	Border Protection Command
<b>CDF</b>	Chief of the Defence Force
<b>CEO</b>	Chief Executive Officer
<b>CJOPS</b>	Chief of Joint Operations
<b>CJTF639</b>	Commander Joint Task Force 639
<b>CNOC</b>	Customs National Operations Centre
<b>CO</b>	Commanding Officer
<b>COI</b>	Contact of Interest
<b>COMBPC</b>	Commander Border Protection Command
<b>CPR</b>	Cardiopulmonary Resuscitation
<b>CXT</b>	Christmas Island Time
<b>DIAC</b>	Department of Immigration and Citizenship
<b>EEZ</b>	Exclusive Economic Zone
<b>FFH</b>	Frigate Helicopter
<b>HA</b>	Humanitarian Assistance
<b>HMAS</b>	Her Majesty's Australian Ship
<b>HQJOC</b>	Headquarters Joint Operations Command
<b>HQJTF</b>	Headquarters Joint Task Force
<b>I&amp;G</b>	Instructions and Guidelines
<b>ICT</b>	Incident Coordination Team
<b>IMA</b>	Irregular Maritime Arrival
<b>JOC</b>	Joint Operations Command
<b>MFU</b>	Major Fleet Unit
<b>MPA</b>	Maritime Patrol Aircraft
<b>MV</b>	Merchant Vessel

<b>MWV</b>	Minor War Vessel
<b>NATSARMAN</b>	National Search and Rescue Manual
<b>nm</b>	Nautical miles
<b>NORCOM</b>	Northern Command
<b>OGA</b>	Other Government Agency
<b>ORV</b>	Operational Response Vessel
<b>OSC</b>	On Scene Coordinator
<b>PII</b>	Potential Irregular Immigrants
<b>POB</b>	Persons On Board
<b>PSIAT</b>	People Smuggling Intelligence Analysis Team
<b>RAAF</b>	Royal Australian Air Force
<b>RAN</b>	Royal Australian Navy
<b>RCC</b>	Rescue Coordination Centre
<b>RHIB</b>	Rigid-Hulled Inflatable Boat
<b>SAR</b>	Search and Rescue
<b>SIEV</b>	Suspected Irregular Entry Vessel
<b>SITREP</b>	Situation Report
<b>SOLAS</b>	Safety of Life at Sea
<b>SOP</b>	Standard Operating Procedure
<b>SRR</b>	Search and Rescue Region
<b>UCT</b>	Coordinated Universal Time

## Annex D: Maritime Terminology



Source: *New South Wales Boating Handbook 2013*  
[http://www.maritime.nsw.gov.au/sbh/general/boating\\_terms.html](http://www.maritime.nsw.gov.au/sbh/general/boating_terms.html)