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Australian Government
Australian Customs and Border Protection Service

SAR 2013/4724
Internal Report

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Executive Summary

The Task

2. 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) into the actions of Customs and Border Protection, including Border Protection Command (BPC) and its assigned Defence assets, relating to Search and Rescue (SAR) 2013/4724 be conducted.

3. 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.

4. The Review has been supported by the Department of Defence (Defence) and the Australian Federal Police (AFP).

5. 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.

6. Senior officers from Customs and Border Protection, including BPC, Defence and AFP verified the key events timeline and narrative to ensure the accuracy of events referred to in this report.

The Narrative

7. The Review received nearly 400 documents and related media from the relevant agencies. This material was used to generate a key events timeline and narrative of the incident (Chapter 2). A short summary of the key events of the incident appears on Page 5.

Review of Policies, Processes and Procedures

8. 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.

9. The second and more substantial approach to this part of the Review of policies, process 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.

10. The Review noted that Customs and Border Protection including BPC 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 2013/4724.

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Acknowledgement

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

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Summary of key events for SAR 2013/4724 (SIEV 784)

12 July 2013

- At 11:17 the AFP received a telephone call from a Melbourne man advising that he had received a call from a vessel at 10:45 indicating they were in trouble.
- At 12:33 RCC emailed BPC requesting additional information support.
- Between 13:18 and 20:52 the AFP received 10 phone calls from a person onboard SIEV 784. These calls either indicated the vessel was in distress or provided position information. On each occasion the AFP immediately passed the information on to RCC.
- At 14:29 AMSOC passed RCC position information for SIEV 784.
- At 15:02 RCC emailed AMSOC issuing an Urgency Signal Broadcast.
- At 15:43 AMSOC received information advising as of 11:37 SIEV 784 was in good working order, with sufficient supplies but facing stormy weather.
- At 16:00 AMSOC advised RCC that if BPC assets will be required they should request *Triton* which will pre-position itself on the CZ.
- At 16:45 RCC called AMSOC advising that SIEV 784 was now disabled and taking on water. RCC also requested *Triton* be assigned to respond and AMSOC agreed and advised that "Best Speed" is approved.
- At 16:55 AMSOC called *Triton* directing her to respond to SAR 2013/4724.
- At 17:18 AMSOC provided RCC with updated position of SIEV 784.
- At 18:07 the AFP receive a call from SIEV 784 indicating that it is taking on water. This is passed on to RCC.
- At 18:07 *Garden City River* altered course to respond to SAR 2013/4724.
- At 20:33 *Garden City River* advised *Triton* that she has a radar contact at 5nm but she is only able to provide limited support.
- At 20:35 RCC advised AMSOC that they had just spoken to the vessel. SIEV 784 told RCC that they could see a large ship and that they were taking onboard water. RCC advised SIEV 784 to not shut off their engine and to keep making way.
- At 22:03 *Triton* arrived at SIEV 784's position and commenced launching her tenders.
- At 22:12 three members of *Triton* boarding party boarded SIEV 784 and conducted initial assessment of the condition of SIEV 784.
- At 22:17 the BC declared mass SOLAS.
- At 22:20 SIEV 784 sank; the PIIs and three members of the BP were in the water.
- At 22:22 Tender 2 recovered large numbers of PIIs while Tender 1 returned to *Triton* to embark a liferaft and lifejackets. Tender 2 is disabled due to debris clogging her jet intakes.
- At 22:38 a lifeless infant was identified in the liferaft.
- At 22:42 Tender 1 is recovered to *Triton* with one priority 1 casualty[1] on board (an infant). The BP members and Boat's Crew cared for him continuously conducting CPR in an attempt to revive him.
- At 22:44 *Triton*'s FRC launched to assist in the search for further survivors.
- At 23:00 HQJTF639 tasked *Bathurst* and *Warramunga* to respond to SIEV 784.
- At 23:50 HQJTF639 advised that *Albany* would be responding instead of *Warramunga*.

[1] The medical urgency with which the casualty is to be treated. Priority 1 equates to the injury being life threatening.

13 July 2013

- At 00:46 RCC advised AMSOC that information support for SIEV 784 is no longer required.
- At 00:51 *Garden City River* called *Triton* to report sighting a small child in a lifejacket upside down in the water.
- At 01:11 Tender 1 commenced searching for the small child sighted by *Garden City River*. She continues searching until 01:49, but was unable to relocate the child.
- At 01:20 *Bathurst* arrived at the location of SIEV 784 and is given a search plan by *Triton*.
- At 02:02 all rescued PIIs are now onboard *Triton* (88 surviving PIIs and one deceased). PIIs report 97 people were onboard. PIIs are distressed but no serious injuries suffered.
- At 03:01 Tenders 1 & 2 recovered, the FRC is abandoned and the liferaft destroyed.
- At 03:21 *Triton* released from tasking in order to land PIIs at Christmas Island. *Bathurst* assumed duties as OSC.
- At 03:49 *Albany* arrived at the scene and reported for duty to *Bathurst* as OSC.
- At 12:04 Customs and Border Protection staff at Christmas Island advise that PII transfer (including deceased) is completed (total 89).
- At 13:00 RAAF MPA is established in the search area.
- At 16:07 RAAF MPA sights a cluster of lifejackets.
- At 17:12 RAAF MPA sights submerged liferaft.
- At 17:23 RAAF MPA is at its prudent limit of endurance, 50% of search area covered.
- At 21:50 RCC advised BPC that *Bathurst* and *Albany* are released from the tasking.
- At 21:50 RCC emails AMSOC cancelling request for ADF assistance for SAR 2013/4724
- At 22:05 HQJOC issued a cease order for SAR 2013/4724.
- At 22:59 HQJTF639 emails all units supporting search and rescue stating that RCC has issued cancellation of search. While lifejackets and other debris were sighted, no further bodies or survivors were located throughout the search.

14 July 2013

- At 00:03 RCC email BPC stating that due to the high integrity of the search and the timeframe for survival having passed that the search is suspended.

NB: All times are AEST (+10)

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Recommendations

Recommendation 1

It is recommended that Customs and Border Protection Maritime Division consider acquiring appropriate video recording equipment and develop a policy about its use to record footage of SAR/SIEV incidents.

Recommendation 2

It is recommended that BPC consider the benefits of a modern automated and integrated maritime incident management system, which can manage multiple incidents simultaneously, recording and identifying key information and decisions across BPC. An integrated maritime incident management system would support data collection of maritime events and capture relevant information for subsequent review and would include the capture of the operations log, general operations plot from the Australian Maritime Information System (AMIS), written and voice messages, and streamed feeds including imagery from the Surveillance Information Management System and other sources.

Recommendation 3

It is recommended that in advance of any integrated maritime incident management system, BPC's use of additional officers to capture and record relevant information in support of watch floor officers during significant events, is reviewed to ensure the arrangements are optimised.

Recommendation 4

It is recommended that in advance of any integrated maritime incident management system, BPC should review the current coordination and information management arrangements between AMSOC and HQJTF639 to ensure an integrated view of all relevant information and decisions is available to appropriate decision makers. As part of this activity, BPC should also establish standard procedures to share imagery between agencies for incident management, post incident analysis and records.

Recommendation 5

It is recommended that any future ICT modernisation program consider rationalising the number of information and communication systems in use across BPC. The long term objective being the development of a common information and communication framework across BPC elements.

Recommendation 6

It is recommended that formal guidance and training should be considered for BPC staff in respect of effective telephone communication between control and command centres emphasising the need for accuracy, brevity and speed in receiving and communicating critical information.

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CHAPTER 1: Introduction

Terms of Reference

12. 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 SAR 2013/4724.

13. The Minute of Direction, including the Terms of Reference (TORs), is attached at Annex A.

Constraints and Limitations

14. This examination of the response to SAR 2013/4724 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).

15. The Review drew from documentary material from all relevant Commonwealth Government sources, notably Customs and Border Protection (including BPC), Defence and the AFP, with any relevant material appropriately verified by senior officials.

16. 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.

17. The Review took into account that the events could be the subject of a coronial inquiry 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 2013/4724, which can be identified from the material provided.

Methodology

18. Given the constraints and limitations detailed above, the following approach was taken to report against the TORs.

19. A Review team comprising of six officers from Customs and Border Protection and Defence was established on 23 July 2013. The Review team was supported by the ICT.

20. The first step for the Review was to collect all the relevant documents and related media for the incident. Requests were sent to BPC and the Maritime and Intelligence Divisions of Customs and Border Protection, Defence, AFP and the 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.

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21. 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.

22. 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.

23. 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.

24. 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.

25. The Review team identified six recommendations for action and six areas requiring further consideration. Each of these areas is addressed in a separate chapter of the report (Chapters 3 – 8).

Key source documents for the chronology and narrative

26. 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, Defence and AFP.

27. 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

28. Prior to submission of the final version of this report, senior officers from relevant agencies 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 2013/4724 appears at Chapter 2 of this report.

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Timings

29. 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 (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.

Nomenclature

30. A vessel is designated as a Suspected Irregular Entry Vessel (SIEV) in one of two circumstances. If the vessel is boarded for any reason by BPC within the Australian Contiguous Zone (CZ) or Australian Territorial Sea and determined to be carrying Potential Irregular Immigrants (PIIs) it will be assigned a SIEV designation by BPC. If a vessel that is boarded on the high seas for Safety Of Life At Sea (SOLAS) reasons and found to be carrying PIIs, once the PIIs are handed over to Australian authorities (usually at Christmas Island) the vessel will be designated as a SIEV by BPC.

31. The vessel that was the subject of SAR 2013/4724 was designated “SIEV 784” on 13 July when the PIIs it was carrying were landed at Christmas Island and handed over to Australian authorities there for processing. The vessel was never designated as a Contact of Interest (COI) or any other identifier used by Australian Government agencies nor was it apparent that it had its own name. Accordingly, for clarity the report refers to SIEV 784 throughout the report when referring to the vessel later designated as SIEV 784 on 13 July. It is recognised that this is strictly not in keeping with BPC naming conventions but the Review has done so in order to enhance clarity and reduce opportunities for confusion.

32. The documentation the Review examined variously refers to SIEV 784 as either sinking or capsizing. While it is possible that SIEV 784 experienced both sinking and capsizing at different points in the incident, the evidence suggests that SIEV 784 sank by the stern going down vertically out from under the people onboard her. Because the major parts of the incident occurred around the time when SIEV 784 sank, for purposes of consistency, throughout the report the Review have referred to SIEV 784 as having sunk.

Organisational arrangements - roles, responsibilities and relationships

33. 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.

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Australian Customs and Border Protection Service

34. 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

35. 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.

36. Customs and Border Protection at Christmas Island process commercial vessels that arrive at Christmas Island and Cocos (Keeling) Islands, 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.

37. 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 PIIs from Navy or Customs and Border Protection vessels (or the 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

38. BPC 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.

[redacted]

39. 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 Defence. COMBPC commands and manages BPC through BPC Headquarters in Canberra, which coordinates Custom and Border Protection assets via AMSOC. The same ADF officer is Commander JTF639 (CJTF639) and is delegated operational control of ADF force elements assigned in support of the enduring Whole of Government (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 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).

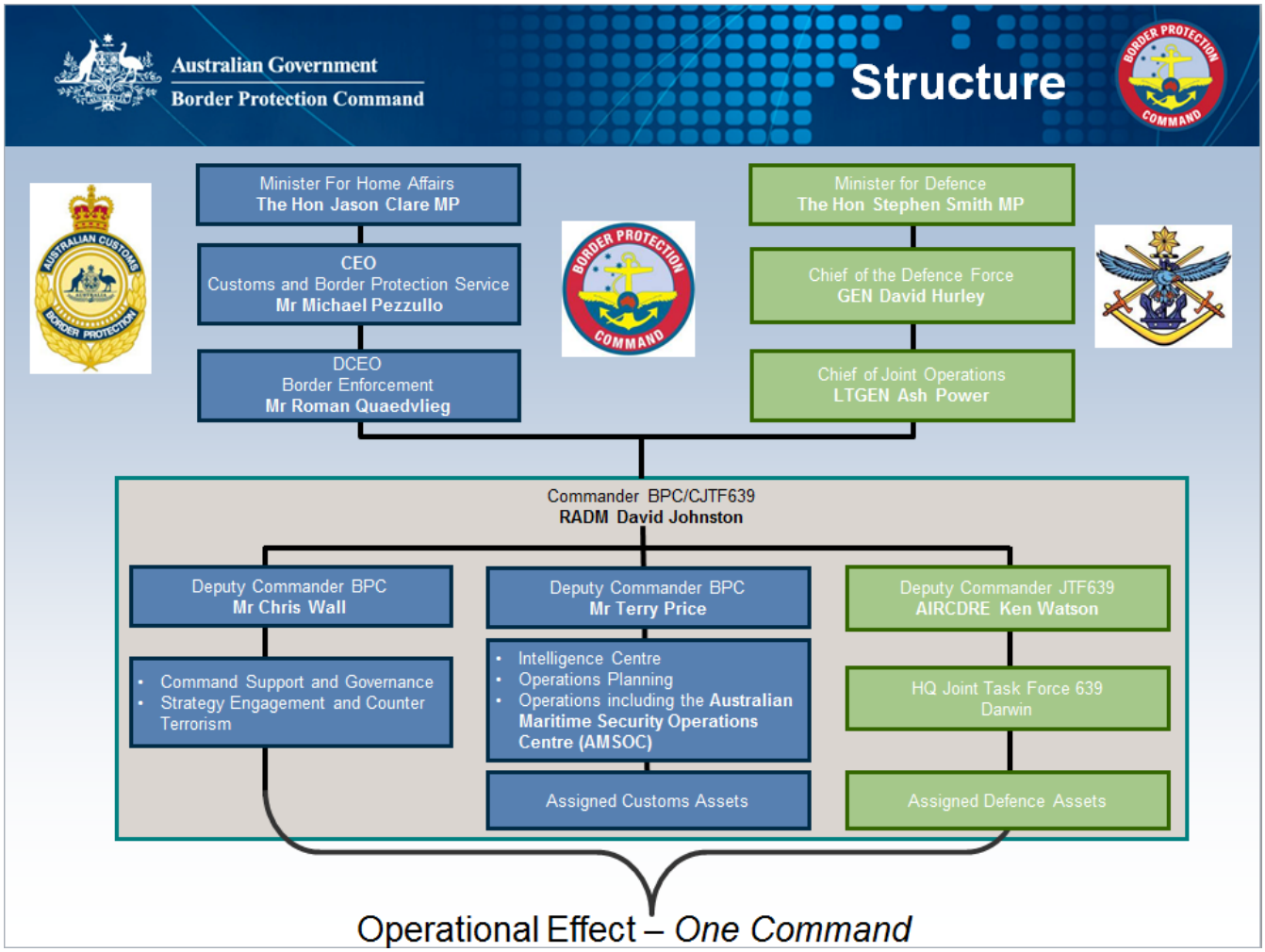

Figure 1: BPC Organisation

[redacted]

40. 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.

41. Given the nature of the COMBPC/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.

Australian Maritime Security Operations Centre

42. 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 civil 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.

43. Located in Canberra, within BPC Headquarters, AMSOC is the primary focus for BPC operations when incidents arise.

Headquarters Joint Task Force 639

44. 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

45. 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.

46. 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.

47. 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 irregular maritime arrivals and illegal foreign fishing, is approximately 1.1 million sq nm (Figure 2).

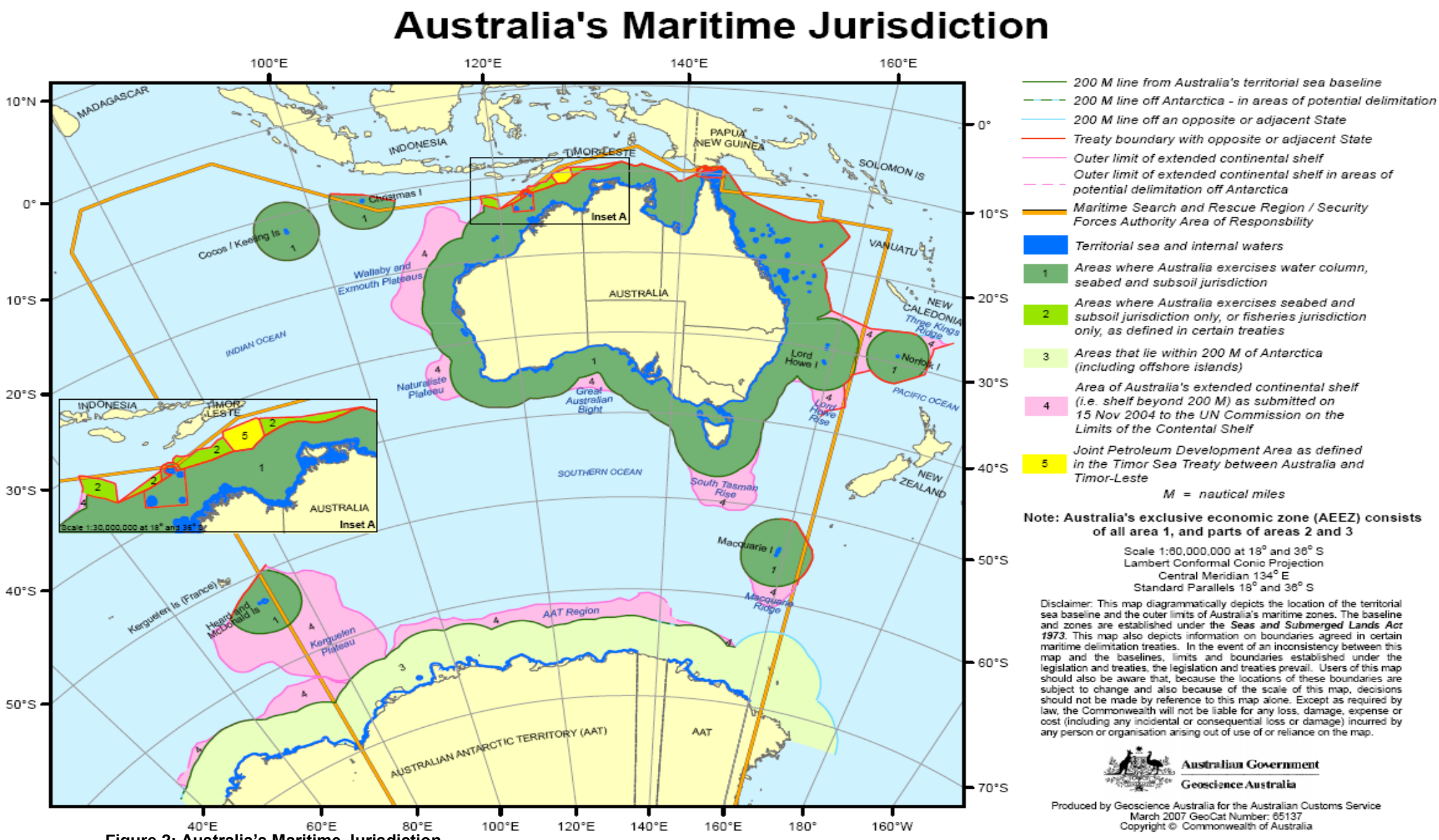

Figure 2: Australia's Maritime Jurisdiction

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48. 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.

49. No country is capable of providing continuous impenetrable surveillance coverage. For 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.

50. This reality is acknowledged by Government in that continuous surveillance of the Australian maritime domain is neither expected nor required from BPC.

Surveillance and Response Asset Deployment

51. BPC assets are finite and asset disposition is informed by the BPC mandate to respond to, mitigate or eliminate risk posed by the eight endorsed civil maritime security threats across the entire Australian maritime domain.

52. 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 search and rescue mandate, but rather to meet the requirements of a civil maritime security law enforcement mandate.

53. The interception of irregular maritime arrivals 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.

54. 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

55. In the normal course of events BPC has seven Customs and Border Protection *Bay* Class 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 vessels are restricted from operating out to Christmas Island, particularly during the cyclone season, due to their limited range and fuel holding requirements.

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56. 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 RANs 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.

57. 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.

58. 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.

59. Three RAAF MPA are available 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.

60. 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.

61. 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

62. 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

63. 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.

[redacted]

Australian Maritime Safety Authority – Rescue Coordination Centre

64. Australia's maritime and aviation SAR operations within the Australian Search and Rescue Region (SRR) are coordinated by Rescue Coordination Centre (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.

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CHAPTER 2: Narrative for SIEV 784

BPC operational activity 11 – 14 July in support of SAR 2013/4724 (SIEV 784)

66. In the period leading up to the arrival of SIEV 784, BPC was managing a significant level of operational activity across the west and north of Australia. Operational activity included support to RCC in three separate SAR incidents across both the Indonesian and Australian SRRs. 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 three SIEV arrivals with a total of 741 PIIs, the latter requiring the coordination of transport and reception arrangements.

Assets assigned to border protection duties 12 July 2013

67. Reflecting the high operational tempo being experienced at the time, four Operational Response Vessels (ORVs) were assigned to BPC on station at Christmas Island; the ACPB's, HMA Ships *Bathurst* and *Albany,* the ANZAC Class Frigate, HMAS *Warramunga* and ACV *Triton*. This increased number of assets was indicative of BPC taking a proactive stance to ensure that they were adequately resourced to meet the anticipated rate of SIEV arrivals. One RAAF MPA was scheduled for surveillance within the Christmas Island area.

Conditions

68. Over the period of the incident 12 – 13 July, the weather conditions to the north of Christmas Island in the vicinity of SIEV 784 were generally rough. At the time of the boarding a broad low pressure system existed over the area, generating winds of 12 – 17 knots from a south easterly direction, with sea state 3 – 5 (0.5 to 4 metres). The sky was overcast with scattered showers throughout. The sun had set at 20:51 and the significant events in this narrative took place in total darkness.

Initial advice - AFP advise RCC Australia

69. At 11:17 on Friday 12 July 2013 the AFP received a call from a man in Melbourne who had received a call at 10:45 from a person claiming to be on board a vessel "that was in trouble". The AFP immediately passed this information on to RCC. The vessel was later designated as SIEV 784. It was reported that no engine noise could be heard and only a partial GPS position was provided. The Melbourne man further advised that this information was also passed to the Victorian Police Service.

70. RCC Australia attempted to call the satellite phone number provided by the AFP three times at 11:45, 11:47 and 12:14, without any success.

71. Between 13:18 and 20:52 the AFP received 10 phone calls from a person onboard SIEV 784 either claiming the vessel was in distress or attempting to provide position information. After each call, the information was immediately passed on to RCC. The first of these calls to the AFP indicating SIEV 784 was taking on water was at 18:07.

[redacted]

[redacted]

Notification – 12 July 2013

72. At 12:33 RCC requested BPC support to determine whether any other Australian agency had relevant information that would assist in locating SIEV 784. At 14:29, BPC provided RCC Australia with a position for the vessel, as of 12:35, approximately 108 nm north of Christmas Island (Figure 3).

73. At 15:02 RCC issued an urgency broadcast to shipping seeking the assistance of vessels in the area to report any sightings of the vessel.

74. At 15:43 AMSOC received information advising as of 11:37 SIEV 784 was in good working order, with sufficient supplies but facing stormy weather.

75. At 16:00 RCC was advised by AMSOC that if BPC assets were required, they should request a Customs and Border Protection asset (i.e *Triton*). In advance of any SAR request *Triton* was then directed by AMSOC at 16:07 to pre-position itself at the Contiguous Zone (CZ). AMSOC also advised RCC that there were no air assets available at that time to support a SAR north of Christmas Island. This was because the RAAF MPA tasked with surveillance of this area had suffered a serviceability issue, rendering it non mission capable, and had to return to Darwin. A RAAF MPA joined the SAR at 13:00 on 13 July.

BPC Response

76. At 16:45 RCC requested that *Triton* respond to SAR 2013/4724 and proceed to the position of SIEV 784. This was based upon advice from RCC that the vessel was now disabled, was taking on water, the bilge pumps were unserviceable and there were in excess of 90 people on board. RCC also advised that they had contacted a merchant ship *Garden City River*[2] located to the north of SIEV 784 and requested her to provide whatever assistance possible. Shortly thereafter, AMSOC directed *Triton* to respond to the SAR and authorised her to proceed at "best speed". At 17:34, *Triton* advised AMSOC that a recalculated Estimated Time of Arrival (ETA) for *Triton* at the SIEV's position was 23:30.

77. At 17:18 AMSOC provided RCC with updated position for SIEV 784 at 15:40. At 17:45, RCC advised AMSOC the SIEV's updated position as of 17:01. Based on these and previous positions RCC determined that she was heading south at approximately 3.5 knots.

78. At 19:00 RCC advised AMSOC that it had been in further contact with SIEV 784 and was able to provide an updated position (as of 18:19) of approximately 87 nm north of Christmas Island. Based upon this, AMSOC advised that *Triton's* new ETA would be 22:00.

[2] *Garden City River* is a crude oil tanker and is not equipped with the facilities to recover and manage the transportation of large numbers of PIIs.

[redacted]

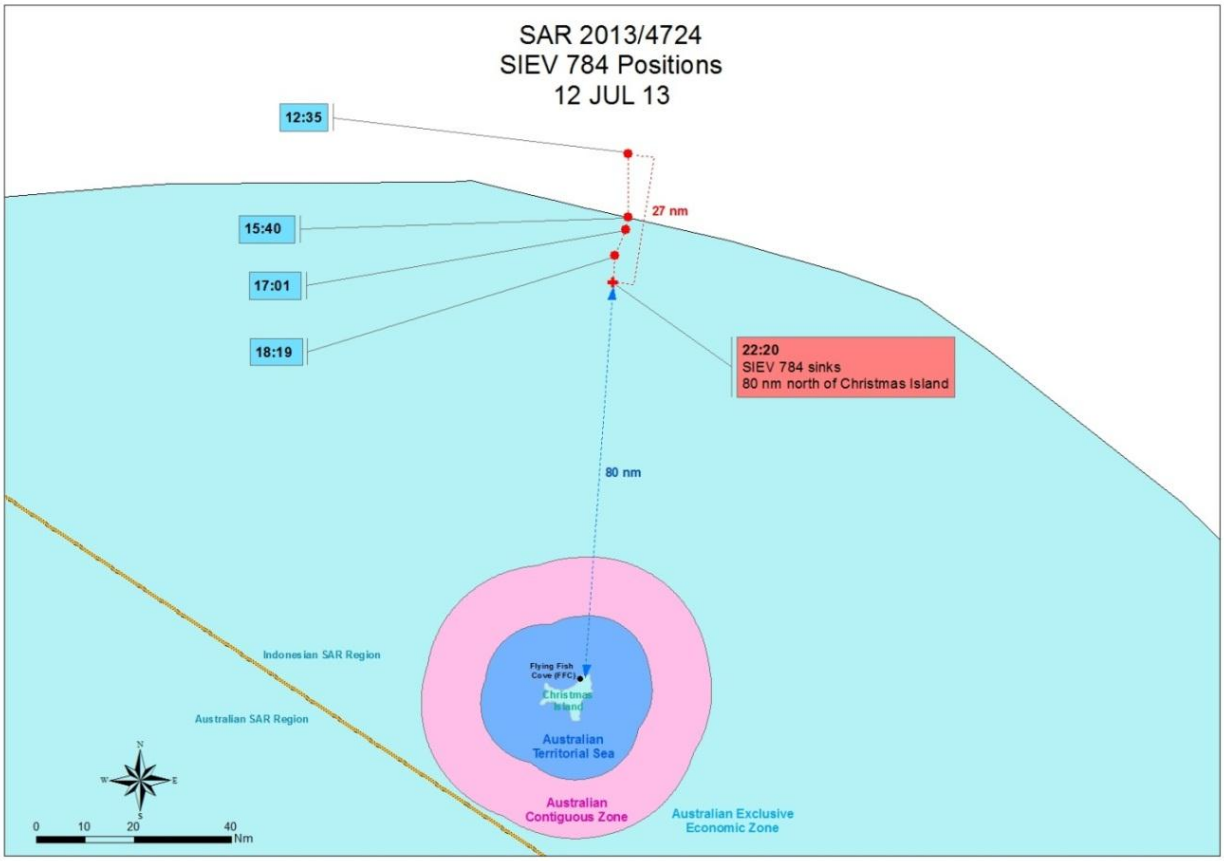

Figure 3: SIEV 784's positions

79. *Garden City River* advised *Triton* at 20:33 that she had SIEV 784 on radar at a range of five nm. Two minutes later, at 20:35 RCC advised AMSOC that they had just spoken to the vessel. SIEV 784 told RCC that they could see a large ship and that they were taking onboard water. RCC advised SIEV 784 to not shut off their engine and to keep making way.

80. *Garden City River* updated *Triton* at 20:44 to advise they were one mile from SIEV 784 who was flashing lights in their direction (Figure 4). They reported that SIEV 784 was now on a north easterly heading and making very slow headway, they also described that there were 10 people visible on deck, some of them wearing lifejackets.

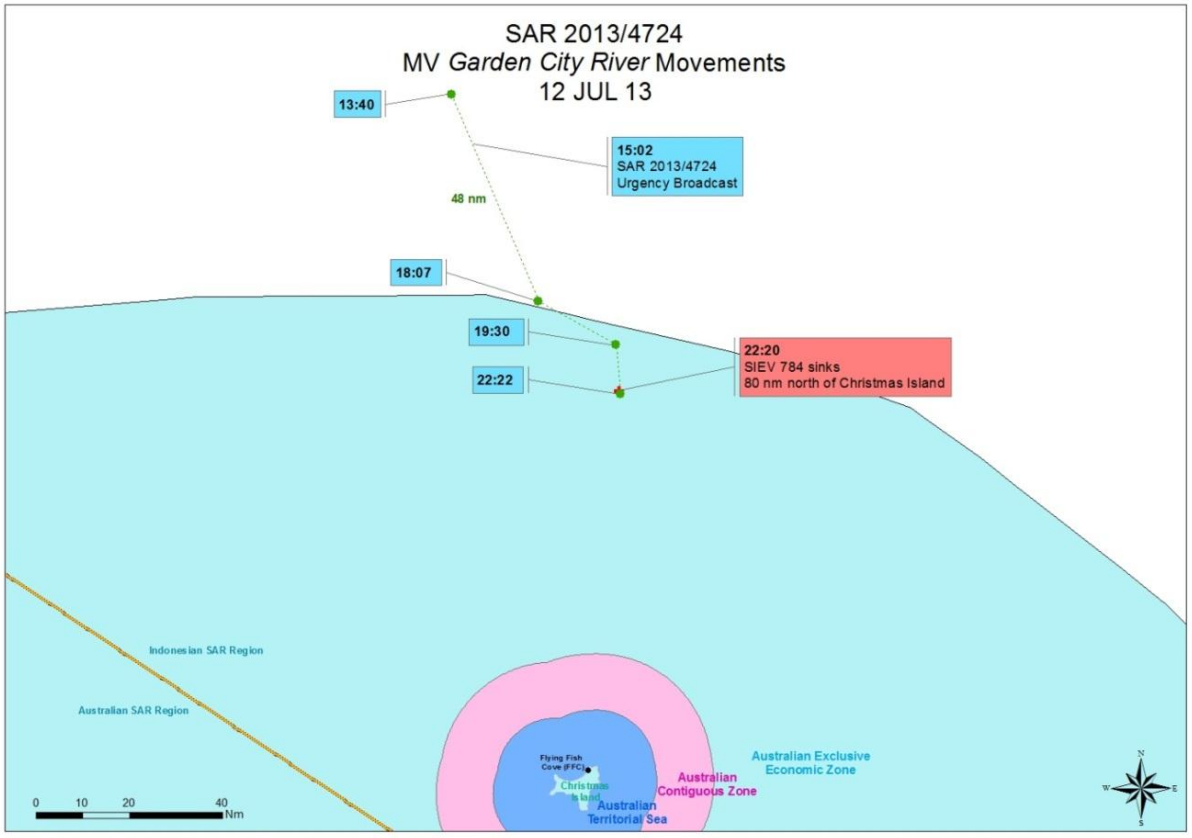

Figure 4: *Garden City River*'s Movements

81. At 21:01 *Garden City River* advised *Triton* that they were six cables (1200 yards) from SIEV 784 and it was no longer making way. After learning that SIEV 784 was not making way, *Triton* requests that *Garden City River* alter course to the south to close *Triton* in order to entice SIEV 784 to resume making way and follow her.

82. At 21:41*Triton* briefed AMSOC that the weather conditions were outside the parameters for what is considered safe for normal operations and obtained approval to launch her tenders.

Triton arrives at SIEV 784's position

83. Sunset on 12 July occurred at 20:51 and by the time *Triton* arrived at SIEV 784's location total darkness had set in. At 22:03 *Triton* arrived at the position of SIEV 784 and commenced launching her tenders. In addition to a boat's crew of a Coxswain and a Bowman, [redacted][3] carried a Boarding Party (BP) consisting of eight personnel and was the lead boat for the boarding operation.[redacted] was the tender working in support of the BP and carried a boat's crew of two personnel and was loaded with SOLAS lifejackets should they be required by the PIIs.

[3] [redacted] and [redacted] are used when undertaking boarding and recovery operations, and are critical components of the parent capability of *Triton*.

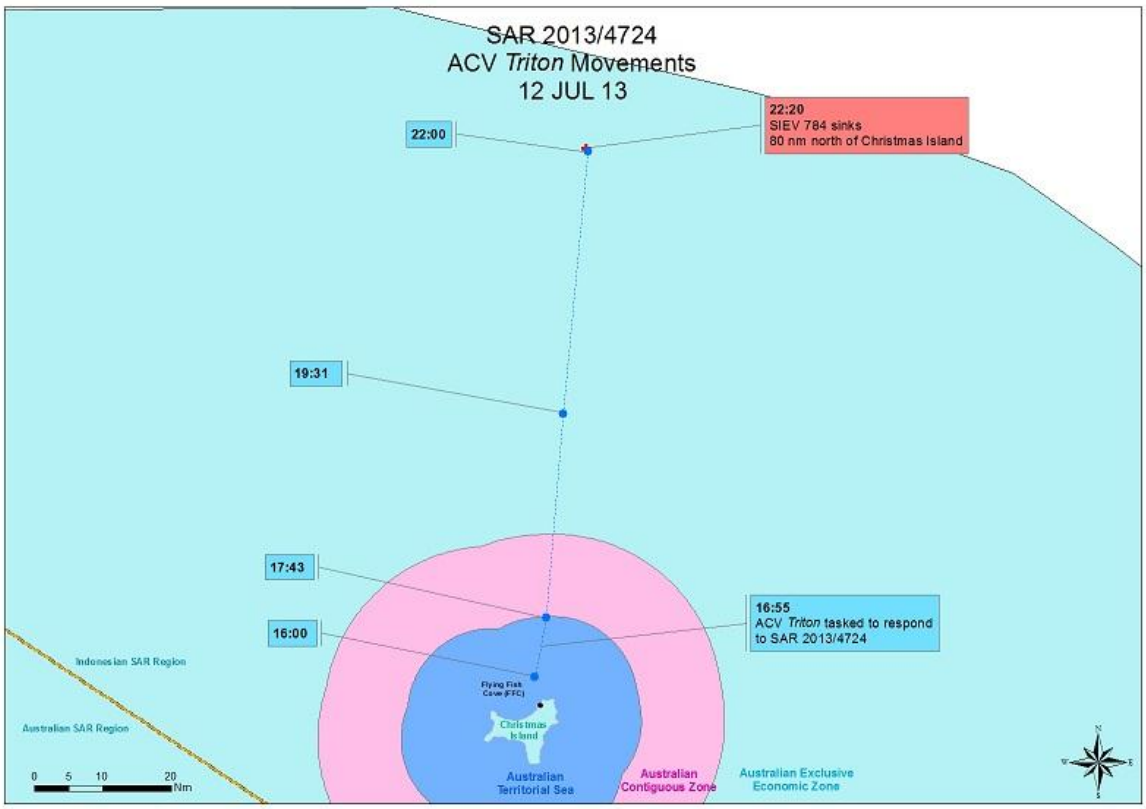

Figure 5: ACV *Triton*'s Movements

84. At 22:12 three members of the BP boarded SIEV 784 and immediately conducted an initial safety inspection. The Boarding Commander (BC) assessed the vessels condition noting approximately 20 centimetres of water in the engine bay bilge below the engine block. The engine was dead and the bilge pump was being manually operated. At the time of boarding, SIEV 784 was stopped in the water on a westerly heading with the weather on her port side. The BC observed seeing people under the foredeck and instructed them to come out onto the deck. Very few of the PIIs on board were wearing lifejackets and the BC called for Tender 1 to pass the SOLAS lifejackets to the BP onboard SIEV 784. Once this was done, the BP commenced distributing these and assisted the PIIs to put them on.

85. At 22:15 the vessel's bow had been pushed on a more north westerly heading and its stern was now more open to the weather. Waves were occasionally coming over the stern, and at this stage the water in the engine bay bilge was approximately 50-60 centimetres deep. The BP urgently called for the portable bilge pump aboard Tender 2. This was transferred to the BP on board SIEV 784 at 22:17 but there was no time for it to be brought into operation before the BC declared a mass SOLAS.

86. At 22:19 the vessel was sitting deep in the water and was down by the stern. She began to list to port and the passengers were directed to move to the starboard side in order to counteract this. This action appeared to stabilise the vessel. It was at this point that the vessel began sinking rapidly by the stern with the bow sitting higher than normal.

87. At 22:20, when it became apparent that SIEV 784 was about to sink, the BC gave the order to abandon ship. Just after doing so, the vessel sank out from under them and the BP and PIIs were left in the water.

Recovery of PIIs

88. As SIEV 784 was sinking at 22:20, Tender 2 was stationed close on her port side. As Tender 2 manoeuvred into the struggling survivors and the debris, her crew encouraged them to swim towards them and as they reached the tender began to pull people from the water. Along with numerous PIIs, two of the BP (including the BC) were recovered, but the third member could not be seen, because he had abandoned her from the starboard side.

89. As Tender 2 moved further into the debris field and continued recovering people from the water, its starboard engine failed because of debris clogging the jet's intake. Shortly thereafter the port engine began to fail, also due to ingesting debris. Tender 2 situation was that her starboard engine was shut down, and the port engine was reduced to 40%, and she was quickly becoming overloaded with the large number of survivors being lifted onboard (Figure 6).

90. As SIEV 784 was sinking and as Tender 2 moved into the debris field, Tender 1 remained in her position astern of Tender 2 providing light over the area. With Tender 2 now disabled and overloaded, Tender 1 Coxswain quickly conferred with Tender 2 Coxswain and made the decision for Tender 1 to remain clear of the debris field so as not to also become disabled.

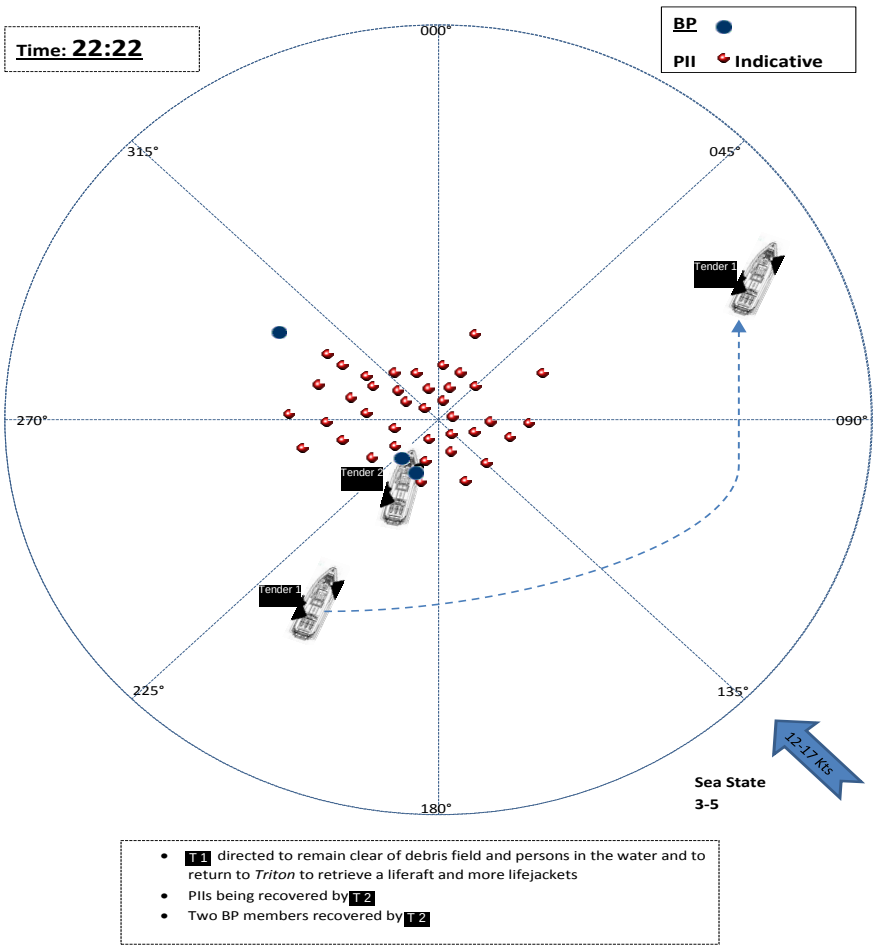

Figure 6: Tender 1 and Tender 2 movements at 22:22[4]

[4] Diagrams 6, 7, 8 and 9 are intended to indicate the relative movement and positioning of Tender 1 and Tender 2 to the PIIs and BP members in the water. It is not a representation of the exact number of PIIs at any given point in the rescue effort nor of actual distances involved.

91. At 22:22 after gaining approval from *Triton*, [redacted] returned to *Triton* to retrieve a liferaft while [redacted] continued rescuing the PIIs. Once back at *Triton*'s location, [redacted] made several attempts at being hoisted onboard but the weather conditions made this dangerous. Instead of being hoisted onboard, [redacted] stood off *Triton's* port quarter while more lifejackets and a liferaft were tossed into her from *Triton's* Quarterdeck.

92. At 22:27 *Triton* contacted AMSOC to advise them that SIEV had sunk. AMSOC immediately called RCC to advise them of this development and request *Garden City River*'s assistance.

93. While [redacted] was retrieving the liferaft, [redacted] continued to recover PIIs from the water. At 22:30 the third member of the BP (who had abandoned SIEV 784 from its starboard side) was sighted on the far side of the PIIs and [redacted] manoeuvred towards him very slowly using the damaged port engine only, moving through the remaining PIIs and recovering them as she went ahead (Figure 7).

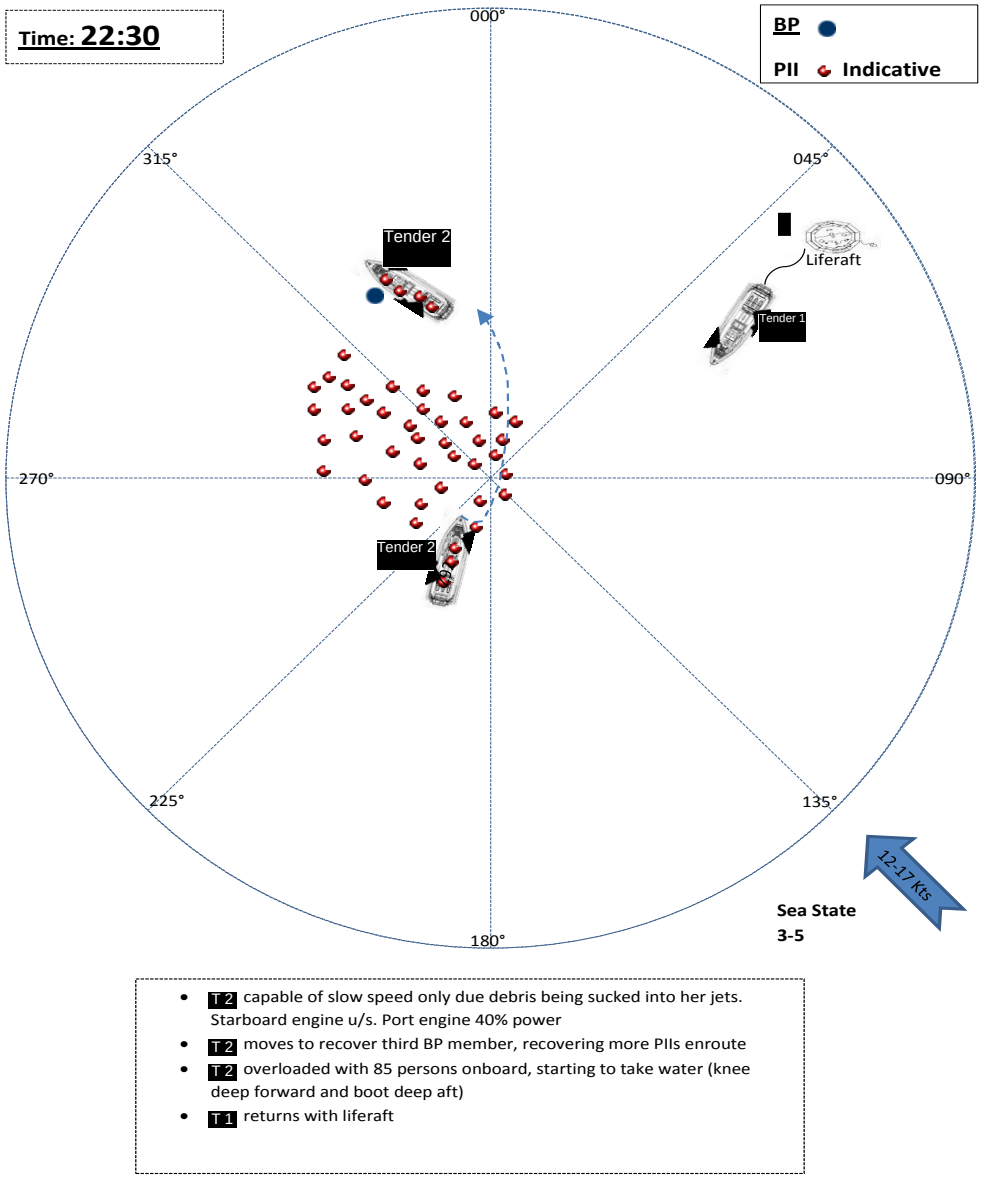

Figure 7: [redacted] returns with liferaft, [redacted] recovers 3rd BP (refer to footnote 4)

94. The BP member was recovered and shortly thereafter, at 22:34 Tender 1 arrived back at the scene and deployed the liferaft (Figure 8). By this time, Tender 2 had an estimated 85 PIIs onboard and was grossly overloaded and had taken on an excessive amount of water. Deploying the liferaft helped to ease the overloading that Tender 2 was experiencing by her being used as holding platform for the PIIs.

95. The painter line of the liferaft was passed to Tender 2 and the crew coordinated moving PIIs into it so as to lessen the overloading on the tender. Tender 2 crew struggled to keep the liferaft alongside and at one point it was blown astern before being hauled back alongside.

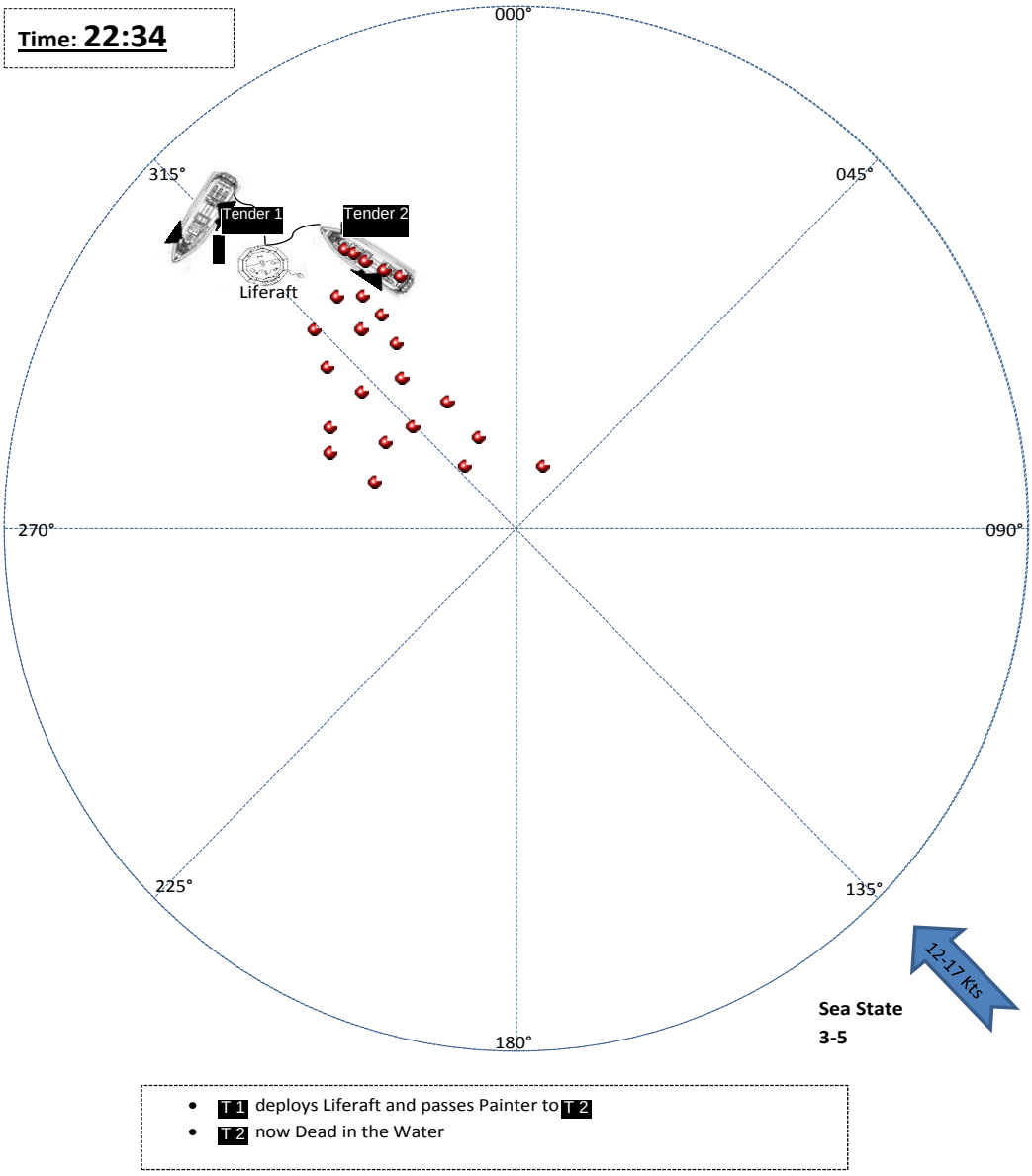

Figure 8: Tender 1 deploys liferaft and passes it to Tender 2 (refer to footnote 4)

96. At 22:38 a lifeless infant was identified in the liferaft (it is not known whether the infant was in this state upon entering the liferaft). A PII (believed to be the child's father) passed the infant to a member of the BP onboard Tender 2 who moved to a more stable part of the tender and immediately started to perform Cardiopulmonary Resuscitation (CPR). Tender 1 was called alongside and the infant was passed across. Ten PIIs also scrambled aboard and Tender 1 returned to *Triton* as fast as possible, and were recovered by *Triton* at 22:42. Throughout the period from when the infant was passed from his father in the liferaft to when he was taken out of Tender 1 after it had been recovered in *Triton*, the BP members and boat's crew caring for him conducted CPR in an attempt to revive him.

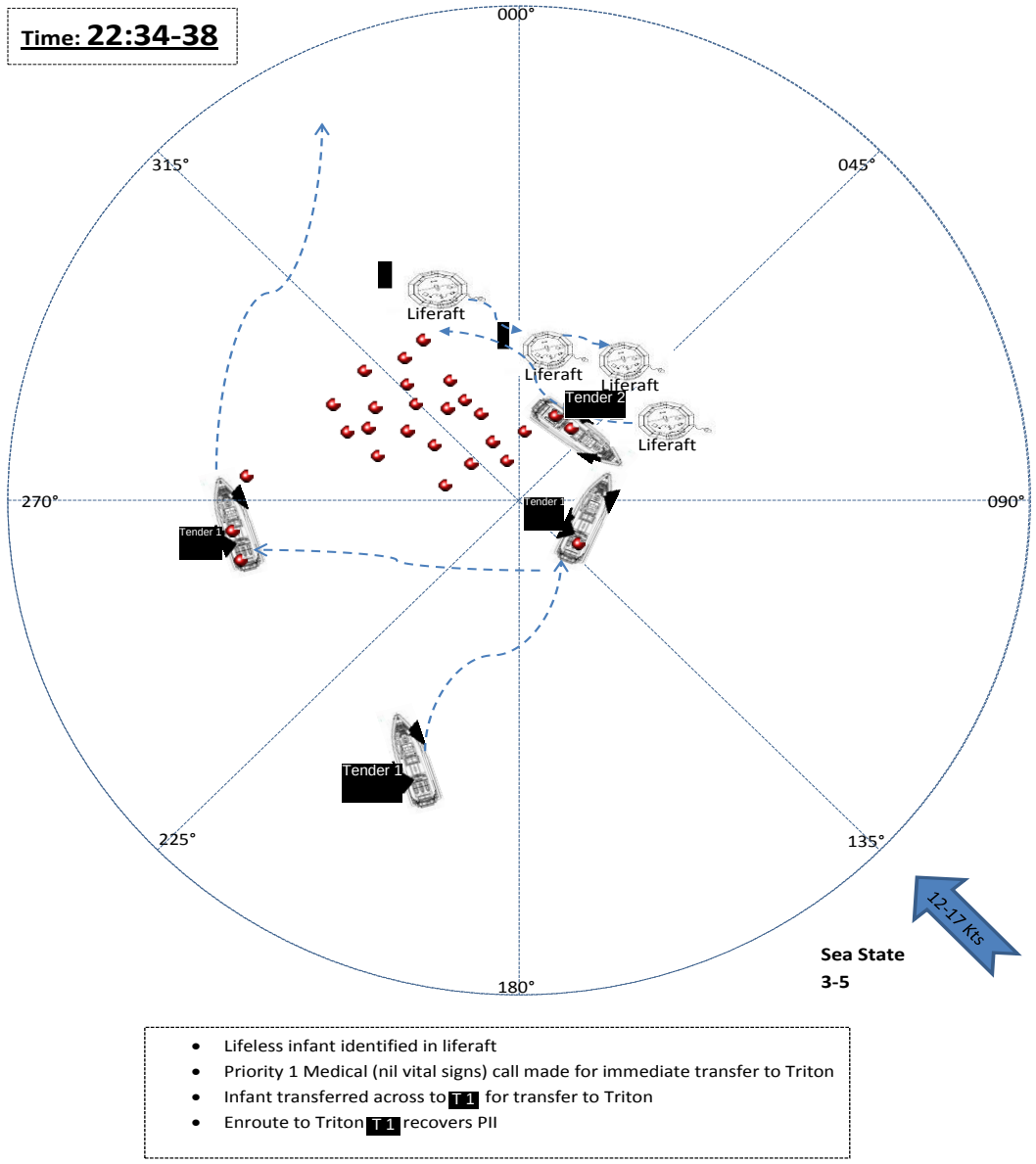

Figure 9: Liferaft secured alongside Tender 2 Infant transferred to Tender 1 and then *Triton* (refer to footnote 4)

97. At 22:42 she was hoisted onboard and the infant was passed to the ship's medical staff. Despite their best efforts, the medical staff were not able to revive the infant and at 23:07 *Triton* called AMSOC to advise that the infant was deceased (Figure 9).

98. Once the infant and the ten PIIs were transferred onto *Triton*, Tender 1 returned to Tender 2 with a Guardline Engineer to assist in repairing her engines' defects. With the loss of Tender 2 propulsion, the overall capacity to search for further survivors and transport those already rescued to *Triton* was effectively reduced by half. At 22:44 *Triton* launched her Fast Recovery Craft (FRC) to assist in the search for any other survivors. Communications with the FRC was complicated by her radio not operating and it wasn't until 23:34 that she received a replacement radio.

99. At 22:51 RCC signalled HQJOC formally requesting ADF assistance for SAR 2013/4724.

100. At 22:56 *Z92* reported that there were 51 persons onboard the tender and 25 persons (including five Customs and Border Protection personnel) onboard the liferaft. Tender 1 was ferrying PIIs between Tender 2 and *Triton* and this continued until all of the PIIs were in *Triton* (at 02:02 13 July). At 22:59 with the numbers onboard now more manageable, the Coxswain of Tender 2 assessed that another liferaft was not required in the recovery effort.

101. At 23:05 HQJTF639 called AMSOC to advise that *Warramunga* (ETA 3 hrs) and *Bathurst* (ETA 2 hrs) had been tasked to assist *Triton*.

102. At 23:06 RCC signalled the Indonesian SAR agency BASARNAS to inform them of the SAR and to request assistance for both marine and aviation assets to assist in the recovery of PIIs from the water. BASARNAS later indicated that they would investigate what, if any, assistance they could provide to SAR 2013/4724. As it eventuated, BASARNAS did not provide any marine or aviation assets.

103. Tender 2 reported at 23:12 a total of 40 persons (eight Customs and Border Protection personnel) onboard and 25 persons onboard the life raft. *Triton* advised AMSOC at 23:25 that 87 PIIs were now accounted for and the priority was to search for a possible 10 missing PIIs. The BC was transferred to *Triton* to assist command on the Bridge as the On Scene Commander (OSC) while *Triton* continued to search the area with the assistance of Tender 1, the FRC and *Garden City River*.

104. Following a request from RCC, CJOPS released Task Order 091/13 at 23:38 directing CJTF639 to provide ADF assets to RCC for assistance to SAR 2013/4724 and for him to serve as the SAR commander to control and coordinate the Defence assistance provided.

105. At 23:40 *Triton* received a call from AMSOC to advise *Bathurst*'s ETA was now 01:45 on 13 July. Shortly after at 23:51 AMSOC called *Triton* to advise that *Albany* was now responding instead of *Warramunga* and that *Albany*'s ETA was approximately three hours (02:51 13 July).

106. Acting as the OSC, *Triton* requested *Garden City River* to search in direction of drift (300˚T) in support of the rescue effort and at 23:54 *Garden City River* advised that they were complying and undertaking a search of the area.

Post Incident Search and Recovery – 13 July 2013

107. At 00:33 *Triton* reported being hit by a squall, sea state 5, rough seas, medium to heavy swell.

108. RCC emailed AMSOC at 00:46 advising that information support for SIEV 784 was no longer required.

109. Shortly after, at 00:49 *Triton* called AMSOC to advise that a female PII had reported she was missing a five year old child and that no five year old child had been rescued.

110. At 00:51 *Garden City River* called *Triton* to report sighting a small child in a lifejacket who was upside down; this information was forwarded to the AMSOC and recorded at 01:04. *Triton* dispatched Tender 1 to assist *Garden City River* to relocate the child but their's and the subsequent efforts by *Garden City River* to relocate the child proved unsuccessful.

111. At 01:20 *Bathurst* arrived on scene and was directed by *Triton* to commence a creeping line ahead 0.5 nm either side of 300˚T radial. As the OSC *Triton* was now coordinating the search activities of the three ships involved as well as managing the large number of PIIs that had survived the sinking of SIEV 784.

112. Onboard *Triton* at 02:02 it was recorded that in total Tender 1 had ferried 88[5] survivors and 1 deceased onboard and that no PIIs remained in any of *Triton*'s tenders or the liferaft. At 02:16 *Triton* passed this information to AMSOC. It was also noted that the PIIs reported there were 97 on board SIEV 784 and this information had been repeated several times by the PIIs. The PIIs were distressed, however the medical team in *Triton* assessed that none of them had suffered any serious injuries.

113. At 02:25 *Triton* decided that due to the weather conditions they were unable to safely recover their FRC and that after transferring the outboard motor and the boat's crew, it was abandoned. By 03:01 both tenders Tenders 1 & 2 had been recovered and the liferaft had been destroyed.

114. At 03:21, *Triton* was released from SAR 2013/4724 in order to land the PIIs at Christmas Island and *Bathurst* assumed duties as OSC. At 03:49 *Albany* arrived at the scene and reported to *Bathurst* for duty and commenced search activity.

[5] Following the arrival of the PIIs on Christmas Island interviews indicated that there may have been up to 92 PIIs on board SIEV 784.

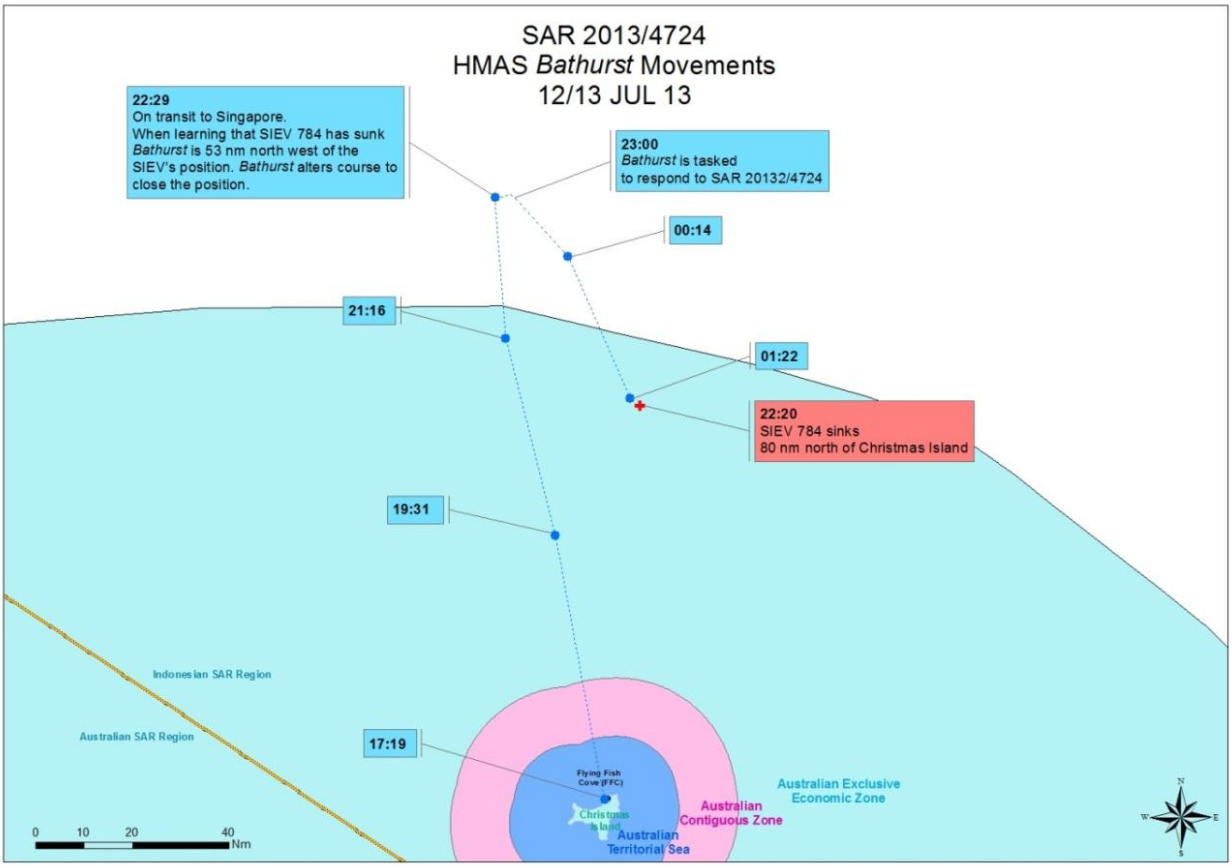

Figure 10: HMAS *Bathurst* Movements

115. After the departure of *Triton*, under *Bathurst*'s direction, the remaining surface vessels continued a coordinated search of the area for any further survivors. While lifejackets and other debris were sighted, there were no further sightings of either survivors or bodies.

116. At 07:10 RCC emailed AMSOC their air search plan for the RAAF MPA and three Corporate Jets that would join the search later in the day. At 07:47 *Bathurst* reported to RCC and BPC that she had located *Triton*'s FRC, which was recovered by *Bathurst*, and the liferaft. *Bathurst* also detailed the search plan that she, *Albany* and *Garden City River* were conducting to RCC.

117. *Garden City River* sighted what they thought was the semi-submerged hulk of SIEV 784 at 10:05, approximately 4nm from the position where she sank. *Garden City River* advised *Bathurst* that this vessel was the same in appearance as the SIEV identified the previous night[6].

118. Due to the significant number of PIIs suffering psychological distress, mental health support services[7] were offered to the PIIs while they were on board the *Triton* and following their arrival at Christmas Island. After arranging support from both *Warramunga* and Customs and Border Protection staff at Christmas Island, at 10:25 *Triton* commenced disembarking PII's at Christmas Island.

[6] The Review later identified the hulk sighted by *Garden City River* as SIEV 783 (SAR 2013/4702) , not SIEV 784, which *Bathurst* and *Triton* had transferred 197 PIIs from on the morning of 12 July.
[7] These and other services were extended to the Customs and Border Protection Marine Unit officers.

119. At 11:08 *Bathurst* provided RCC with their latest drift assessment and requested updated search areas. At 12:30 *Bathurst* received these and advised RCC of its intent to continue with the search while daylight remains.

120. At 13:00 the RAAF MPA arrived on station. It conducted the search plan previously developed by RCC and during its patrol it sights an upturned hulk (the same one previously sighted by *Garden City River*), a cluster of life jackets and a submerged liferaft (from *Triton*). At 17:23 the aircraft is at its prudent limit of endurance and discontinues the search after having covered 50%[8] of search area (Figure 11).

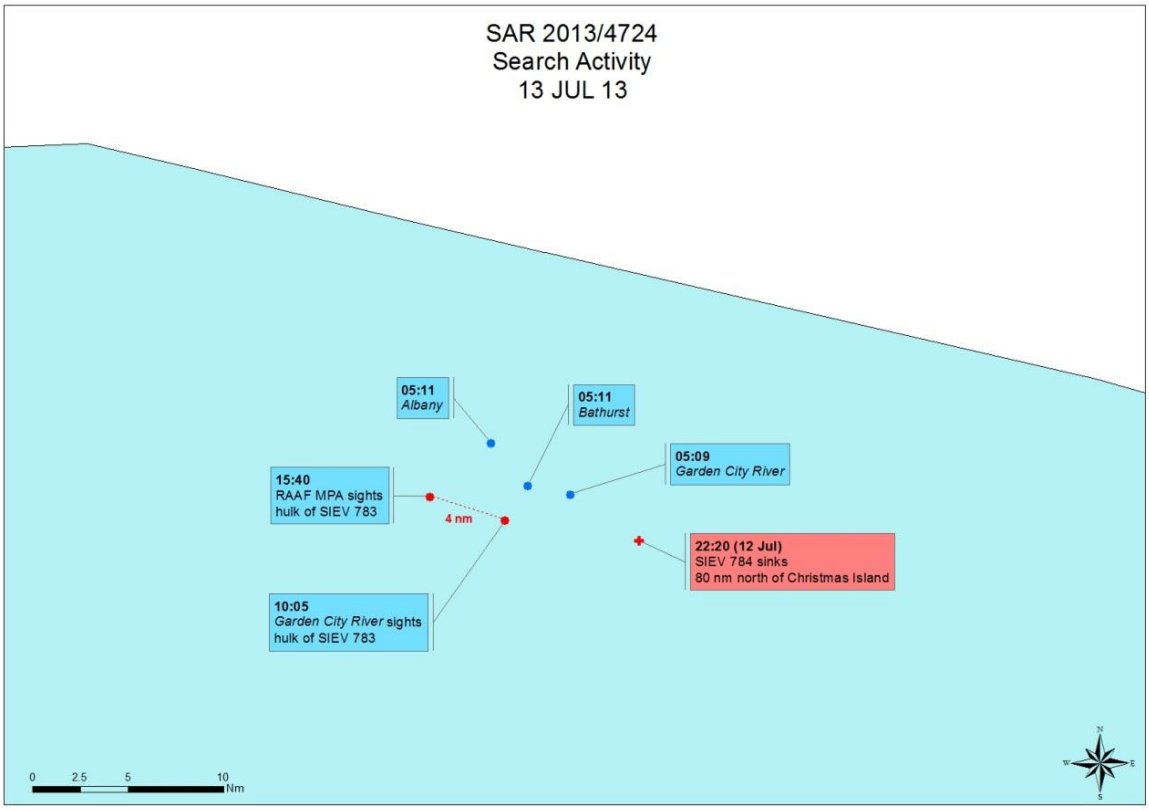

Figure 11: Search Activity

121. At 20:40 *Bathurst* advised RCC that 90% of search area has been completed and anticipated completing 100% by last light (in approximately 30 minutes).

122. At 21:50 BPC is advised by RCC that *Bathurst* and *Albany* are released from SAR 2013/4724 tasking as is *Garden City River*.

123. At 21:58 *Bathurst* was directed to detach and proceed to SAR 2013/4753. At 22:05 CJOPS issues the CEASO formally cancelling ADF support to the SAR.

124. At 00:03 14 July RCC advised BPC that due to the integrity of the search and that medical advice they had received was that survival was no longer possible, search activities for SAR 2013/4724 had been suspended. At 08:55 RCC emailed AMSOC cancelling their original Urgency signal.

[8] Three other aircraft (corporate jets) were employed by RCC in this SAR effort. Their mission reports were not available to the Review

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CHAPTER 3: Prior knowledge of the arrival of SIEV 784

Findings

- The Review found that BPC's [redacted] daily assessments for the period 12-14 July did note the possible arrival of six SIEVs in the area of Christmas Island. The correlation of SIEV 784 against known intelligence holdings was completed on 8 August. SIEV 784 was assessed to be almost certainly associated with one of the six possible SIEV arrivals.
- The Review found that there was no information to indicate that SIEV 784 was experiencing any difficulties prior to the initial alert received by AFP at 11:17 on 12 July.
- The Review found that the handling of intelligence and other relevant information in the lead up to the incident was appropriately managed.

125. The Customs and Border Protection People Smuggling Intelligence Analysis Team coordinates the process that assesses daily the maritime people smuggling threat picture to Australia based on all available sources. It considers actions occurring both within and beyond Australia.

126. 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.

127. The Review found that BPC's [redacted] daily assessments for the period 12-14 July did note the possible arrival of six SIEVs in the area of Christmas Island. There were no indications the vessel designated SIEV 784 was experiencing difficulties prior to the initial alert received by AFP at 11:17 on 12 July.

128. [redacted] Activities to correlate SIEV 784 against known intelligence holdings was completed on 8 August. SIEV 784 was assessed to be almost certainly associated with one of the six possible SIEV arrivals.

129. The Review noted that the handling of intelligence and other relevant information in the lead up to this incident was appropriately managed.

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[redacted]

CHAPTER 4: BPC's initial support to RCC in response to SAR 2013/4724

Findings

- The Review found that BPC responded to RCC requests for information support in a timely manner, providing important information to support RCC in coordinating its response to this vessel.
- The Review found that BPC's initial response to position *Triton* at the CZ, in advance of RCC requesting BPC assistance, was appropriate and demonstrated a proactive approach ensuring the response time to provide support to this vessel was minimised.
- The Review found that the response by BPC to the RCC request for assistance in relation to SAR 2013/4724 was both timely and effective.
- The Review found that the tasking of *Triton* to respond to SAR 2013/4724, over that of *Albany* and/or *Bathurst*, was appropriate. This decision took into account all factors known at the time including the refuelling schedule of the RAN Ships, *Bathurst's* crew fatigue situation and *Albany's* defective tender.

BPC initial support

130. At 12:33 12 July, RCC requested support from BPC to assist in the relocation of a vessel reported by the AFP as possibly being in distress.

131. At 12:50 BPC contacted various government agencies who might have some knowledge of the vessel and at 14:29 was able to provide RCC with information that indicated the vessel was approximately 108 nm north of Christmas Island as of 12:35.[9]

132. BPC continued to deliver this support providing further updates on the location of this vessel prior to the arrival of *Triton*.

133. The Review noted that BPC's response to RCC's requests for support was provided in a timely manner, and provided important information to support RCC in coordinating its response to this vessel.

BPC initial maritime surface response

134. Following RCC's initial advice on the morning of Friday 12 July that a vessel may possibly be in distress, AMSOC advised RCC that any request for BPC assets to provide assistance should specifically ask for a Customs and Border Protection asset (i.e *Triton*). AMSOC also advised RCC that there were no air assets available at the time. The rationale for this was that the three RAN ships force assigned to Operation RESOLUTE and under HQJTF639 operational control (*Albany*, *Bathurst* and *Warramunga*) were either refuelling or scheduled to refuel at Christmas Island, and *Bathurst* was scheduled to transit to Singapore for maintenance. Issues of crew fatigue in *Bathurst* and the unserviceability of one of *Albany*'s tenders also factored into the decision to task *Triton*. The decision to utilise *Triton* was made by AMSOC in

[9] It should be noted that this initial request for information from RCC was not a request for BPC to provide assistance to the vessel nor to participate in a SAR to locate her.

consultation with HQJTF639 which also took into account *Tritons* availability and capabilities should it be required to take on a large number of PIIs.

135. The Review noted that at 16:07, in advance of any SAR request, AMSOC had directed *Triton* to preposition at the CZ to reduce its response time should RCC request any assistance in responding to SIEV 784. When *Triton* was tasked to respond to SAR 2013/4724 at 16:55 she was approaching the inner boundary of the CZ to the north of Christmas Island. Directing *Triton* to preposition herself on the CZ prior to her being tasked to respond to SAR 2013/4724 enabled her to arrive at SIEV 784's location approximately 45 minutes earlier than if she hadn't.

136. *Warramunga* and *Bathurst* were tasked to provide assistance to *Triton* after SIEV 784 had sunk. A short time later at 23:50 HQJTF639 determined that *Albany* would respond instead of *Warramunga*. This change in ships was in response to *Warramunga*'s concern about her fuel state.

137. The Review noted that the overall response by BPC to the RCC request to support SAR 2013/4724, and specifically the tasking of *Triton* to respond to SAR 2013/4724, over that of *Albany* and/or *Bathurst*, was appropriate and timely.

CHAPTER 5: Effectiveness of the Boarding Party and *Triton*'s Actions

Findings

- The Review found that by providing and fitting lifejackets to the PIIs shortly after boarding SIEV 784, and the recovery actions by *Triton* and her tenders, BPC personnel most likely minimised the loss of life that could have otherwise occurred.
- The Review found that the actions of the BP and *Triton* showed considerable bravery, professionalism and lateral thinking in meeting the challenges and complexities of the rescue effort and most likely resulted in preventing further loss of life.
- The Review found that the actions of the BP did not contribute to the sinking of SIEV 784. Specifically, the BP did not direct the crew of SIEV 784 to turn off their engine or to stop making way.
- The Review found that SIEV 784 sank as a result of being swamped by two large waves shortly after being boarded by *Triton's* BP. By not making way through the water, SIEV 784's beam/stern was presented to the sea which left her vulnerable to being swamped.

138. The boarding of SIEV 784 and subsequent rescue were complicated by taking place well after sunset, under overcast skies and with no ambient light available. The decision to board SIEV 784 was made by the BC as it was apparent that the PIIs were in distress, and that the vessel was subjected to the full conditions of the weather and the sea due to the engine not operating[10]. One of the first actions of the BP upon boarding SIEV 784 was to ascertain whether lifejackets were available to the PIIs and call for Tender 1 to provide their stock of light-equipped SOLAS lifejackets. The speed with which this was achieved enabled the majority of the PIIs to don a lifejacket prior to SIEV 784 sinking out from under them. The Review considers this to be a major factor in minimising the loss of life.

139. The Review found that by providing and fitting lifejackets to the PIIs shortly after boarding SIEV 784, and the recovery actions by *Triton* and her tenders, BPC personnel most likely minimised the loss of life that could have otherwise occurred.

140. The BP and *Triton* further demonstrated resourcefulness in attempting to bring the portable bilge pump into action and in rigging a lifeline astern of *Triton*. These measures are good examples of their tactical agility and readiness to adapt to the rapidly changing situation.

141. The EC on board *Triton* made sound decisions to assist and coordinate responses to the developing situation. Further lifejackets and another liferaft were prepared for deployment if required from *Triton*. Once the EC realised Tender 2 was disabled and overcrowded a decision was made to deploy a life line astern of *Triton* and to use the FRC to assist with the recovery and search for PIIs.

[10] Generally, interception can only occur lawfully once a vessel enters the contiguous zone (broadly 24 nautical miles from the baseline). The rationale for boarding SIEV 784 outside the contiguous zone was to provide assistance to her in what the BC ascertained to be a SOLAS situation in line with Australia's international obligations.

142. The Review noted that the level of local command and control utilised during the incident was effective and supported the actions and decisions made by the BC, the EC and the tender Coxswains. The information flow between *Triton* and the tenders was effective and resulted in quick and efficient measures to assess the situation and take appropriate action.

143. Overall the Review found that the actions of the BP and *Triton* showed considerable bravery, professionalism and lateral thinking in meeting the challenges and complexities of the rescue effort and most likely resulted in preventing further loss of life.

Figure 12: Tender approaching SIEV 784

Why did SIEV 784 sink?

144. Upon boarding the BP found that SIEV 784 had approximately 20 cm of water in its engine bay bilge and one of the PIIs was operating a manual bilge pump. The engine was stopped and in the short time remaining before she sank there was no opportunity to restart it.

145. It is not known whether SIEV 784's engine being stopped was the result of a deliberate act by the crew or the PIIs, water ingress or some other mechanical fault. In the SIEV 784 crew statements to the AFP two of the three crewmen claimed that the BP instructed them to turn the engine off and the third stated that the engine stopped because of water ingress. The available information from *Garden City River* as they closed SIEV 784's position was that the vessel was not making way. Additionally, the BC confirmed when he boarded SIEV 784 that vessel was not making way and her engine was stopped.

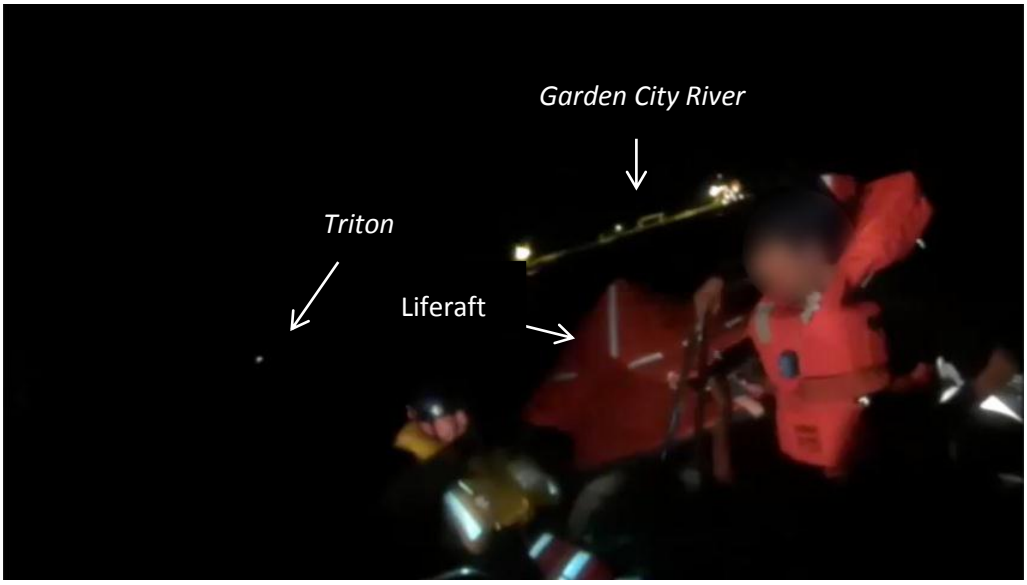

Figure 13: *Z92* and the life raft holding rescued PII (Note: *Garden City River* and *Triton* in the background)

146. The Review notes advice from BPC that cutting their engines is a tactic used by people smuggling ventures as a means of encouraging a boarding, but it is a dangerous practise particularly for vessels that are of dubious seaworthiness and manned by inexperienced and un-seamanlike crews. By not making way, SIEV 784 increased the likelihood of its stability being compromised, particularly in the prevailing weather conditions and her overloaded state.

147. The Review acknowledges the efforts by Customs and Border Protection and Defence assets to avoid such situations occurring, specifically the development and ongoing implementation of policy articulating mechanisms which encourage the crews of SIEVs to continue making way. That said, the Review does recognise that despite all possible measures being taken to ensure the safety of SIEVs, their crews will not necessarily comply with Australian officials' instructions, consequently safe boardings and interventions will continue to be challenging.

148. The Review found that the actions of the BP did not contribute to the sinking of SIEV 784. Specifically, the BP did not direct the crew of SIEV 784 to turn off their engine or to stop making way.

149. As the BP were conducting their initial safety inspection, SIEV 784's bow had been pushed by the sea around towards the north west which resulted in her stern being presented to the sea. At 22:15 a large wave came over her stern and the water ran down into her bilge. This was of concern as the BC did not know at the time if the water would wash off the decks through any scuppers or if the water was washing into the vessels bilge (filling up the vessel). At this point it was estimated that there was 50- 60 cm of water in the bilge. The BP called for a portable bilge pump and Tender 2 came back alongside and passed across their pump and hoses. Just after passing the pump across, another large wave came over the stern and the vessel settled lower in the water.

150. It became apparent to the BC that SIEV 784 was in imminent danger of sinking and at 22:17 he radioed *Triton* declaring a "mass SOLAS". SIEV 784 listed heavily to port and the BP coordinated moving the PIIs to starboard in order to compensate for the list and right the vessel.

[redacted]

151. The Review found that SIEV 784 sank as a result of being swamped by two large waves shortly after being boarded by *Triton's* BP. By not making way through the water, SIEV 784's beam/stern was presented to the sea which left her vulnerable to being swamped.

152. At 22:20 the BC gave the order to abandon ship just before SIEV 784 sank from underneath the BP and the PIIs.

Operating jet powered tenders in debris rich areas

153. Ingesting debris into the intakes of jet powered tenders has been a factor in previous Customs and Border Protection rescues of PIIs during SOLAS incidents. Recommendations about modifying or changing the propulsion systems of tenders 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.

154. As a result of those investigations, specifically in response to the SIEV 221 recommendations, the following determinations have been made by Customs and Border Protection Maritime Division:

    a. The tenders in the new Cape Class Patrol Vessels will be equipped with inboard engines and propeller drives. Propeller guards are being examined to reduce the likelihood of injury to people in the water;

    b. ACV Ocean Protector and its successor (ACV Ocean Shield) will remain equipped with jet drive boats due to the reduced likelihood of injury to people in the water noting these vessels are more frequently required to conduct rescues of large number of survivors;

    c. ACV Ashmore Guardian and its successor (ACV Thaiyak) will retain jet driven boats as they are more highly suited to operating in very shallow reef areas; and

    d. Triton is scheduled to decommission in June 2014, and will consequently retain the current jet drive ship's boats until that time.

155. The Review noted that Customs and Border Protection are currently trialling the use of a new design of propeller guards on the tenders assigned to the *Cape* Class Patrol Boats. If these trials prove successful, the guards will be fitted to all propeller driven tenders across the Customs and Border Protection fleet.

Night vision capability

156. Sunset on 12 July was at 20:51 and the boarding and subsequent rescue operations were conducted in what was effectively a period of total darkness with no ambient light available.

157. During the approach to SIEV 784 *Triton* did not have a night vision capability and their ability to "see" SIEV 784 and gain an appreciation of her condition was limited to tracking her on radar and through monitoring the bearing of her lights visually. Similarly, the insertion of the BP and the rescue of the PIIs took place in total darkness with only limited lighting available and without the benefit of any form of night vision capability[11]. The BP would have benefitted from having such a capability by being able to more quickly locate people in the water who were not wearing light-equipped SOLAS lifejackets.

[11] *Triton* is in the process of being equipped with hand held night vision goggles. The remainder of the Customs and Border Protection fleet is currently being fitted with robust night vision systems.

[redacted]

Video recording capability

158. The Review benefited from the video footage that was taken by several key members of the BP and this enabled a comprehensive understanding of the fast moving environment that the incident took place in. Having BP members issued with “Go Cam” style camera equipment would enhance their ability to record an incident for playback and investigative purposes.

Recommendation 1

It is recommended that Customs and Border Protection Maritime Division consider acquiring appropriate video recording equipment and develop a policy about its use to record footage of SAR/SIEV incidents.

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CHAPTER 6: The search for additional survivors

Findings

- The Review found that on 13 July BPC provided significant support to RCC in relation to SAR 2013/4724 but despite their best efforts, no further survivors were found.

Search for survivors

159. The search for survivors following the sinking of SIEV 784 involved a total of four surface assets, their associated tenders (where possible) and four aircraft. The search for survivors was conducted from the time of the sinking until last light on 13 July and then was subsequently suspended by RCC at 00:03 on 14 July based on the search integrity and medical advice that indicated that survival was no longer possible.

During this 22 hour period, the surface search conducted by the vessels had covered over 100 sq nm with the air search covering over 445 sq nm. Search patterns were based on the direction of the wind and sea, giving the likely direction of drift at the time.

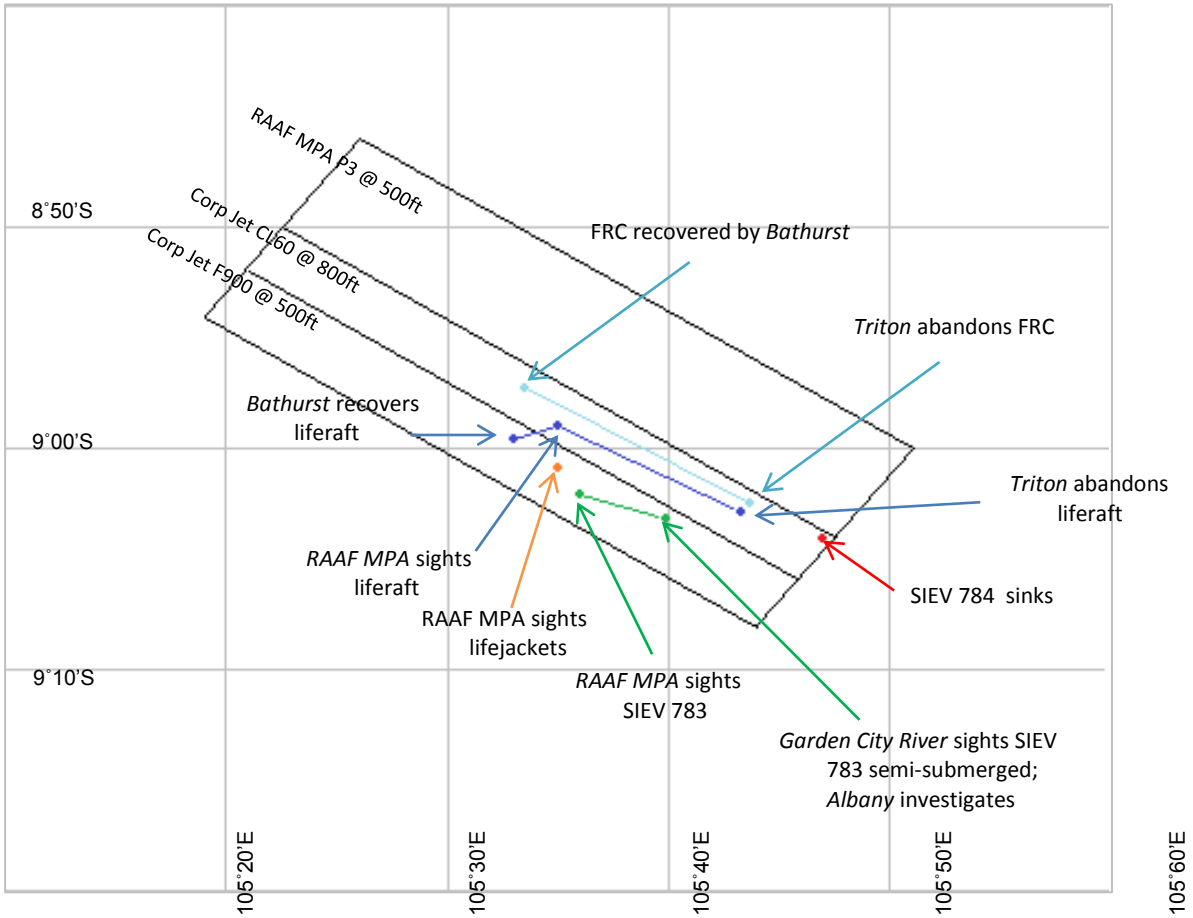

Figure 14: Sightings and Air Search[12]

161. Figure 14 provides an indicative overview of the RCC search plan for the RAAF MPA and the initial two corporate jets assigned.

[12] Map is not to scale, do not use for navigation purposes

[redacted]

162. Outside of the immediate search and rescue of PII by *Triton* there was only one further sighting of a person by search assets. At 00:51 on 13 July, *Garden City River* sighted a small child, thought to be a young girl, in a lifejacket who was upside down. However they lost sight of her in the darkness.

163. In an attempt to relocate the small child, *Triton* dispatched [redacted] who searched the area of the sighting from 01:11 until 01:49, sadly she was not seen again. Upon completion of the search for the small child, [redacted] returned to [redacted] and recommenced ferrying PIIs to *Triton*.

Sighting of hulk on 13 July

164. On the morning of 13 July *Garden City River* sighted a semi submerged hulk of a vessel that it believed to be SIEV 784. This was reported to the OSC and *Albany* was dispatched to investigate. *Albany* closed to a distance of approximately 100 yards from the hulk and conducted an external inspection and observed nothing of significance. That afternoon at 15:40 the RAAF MPA assigned to the search sighted the same hulk. The Review subsequently confirmed that this hulk was in fact SIEV 783 (from SAR 2013/4702) and not SIEV 784. SIEV 783 had been boarded by *Bathurst* on 12 July and the PIIs onboard transferred to Christmas Island.

How many PIIs were missing following the sinking of SIEV 784?

165. At 02:02 *Triton* reported to AMSOC she had a total of 88 survivoring PIIs and one deceased onboard with no PIIs remaining in any of *Triton's* tenders or the liferaft. It was also noted that the PIIs reported there were 97 on board SIEV 784 and this information had been repeated several times by the PIIs.

166. Initially onboard *Triton*, and then later at Christmas Island, the PIIs were asked about whom they had travelled with and whether there were other people still missing. Two girls, aged four and five years, were identified as missing. The youngest child had not been wearing a lifejacket at the time of the sinking of the SIEV and was last seen in the crew cabin with her parents. The other child had been wearing a lifejacket, though this had not been clipped closed and was too big[13]. It is not known whether the lifejacket this child was wearing was provided by the BP or was one previously provided to her from the crew of SIEV 784. She was also last seen inside the cabin with her parents. While it is not possible to be conclusive, at this time, no adults were identified as missing.

167. Many of the PIIs indicated that they believe 97 or 98 persons were onboard (PIIs and crew), which aligns with the reports from the BP. Based upon available information obtained from the survivors during interviews on Christmas Island the total may have been 92. There were two PIIs who also indicated that, based on a head count made prior to boarding, they believed there were 92 people onboard. Based on this belief, the indications are that three people, two of which were children, may be missing from the sinking of SIEV 784.

168. The Review notes that while attempting to provide some insight regarding the number of people missing from SIEV 784, it is not the appropriate nor competent authority to make any formal or qualified assessment.

[13] The light equipped SOLAS lifejackets provided to the PIIs came in four sizes; infant, juvenile (0-14 kgs), juvenile (14-42 kgs) and adult (40+ kgs).

[redacted]

CHAPTER 7: Decision Making, Information Flow and Communication within BPC

Findings

- The Review found that in general, procedures and processes relating to the exchange of information were complied with and appropriate in support of SAR 2013/4724.
- The Review found that there are opportunities to enhance communication and information flow between AMSOC and HQJTF639 which would support enhanced situational awareness and decision making.

Communication and information flow

169. BPC is a multi-agency maritime law enforcement authority, which in concert with other Government agencies and stakeholders, undertakes the composite tasking of assets and resources from both Defence and Customs and Border Protection. In coordinating and managing information and assets BPC is reliant on effective communications 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.

170. Throughout the operational activity associated with SAR 2013/4724 the flow of information between the RCC, AMSOC, HQJTF639, and maritime and air assets involved was generally effective and facilitated timely and appropriate decision making.

171. The Review did note that a number of key challenges were inherent in managing the flow and interpretation of information across such a diverse and distributed network of agencies, headquarters and assets. During the incident, the AMSOC supervisor and staff were required to utilise up to seven different systems to obtain and disseminate information in a timely manner within BPC and with other stakeholders. The complexity of managing information across this diverse range of systems increases the risk of miscommunication and misinterpretation of information. The key communication challenges can largely be attributed to the physical separation of entities and the differing means of communication (largely system driven) across the various organisations and assets. Making operational decisions while contemporaneously recording information can be challenging in a high tempo, multi-dimensional environment. This can be further complicated by varying levels of knowledge and access to all relevant information by individual AMSOC staff members.

172. The Review noted that over the course of SAR 2013/4724, information provided to BPC was appropriately captured but was not always readily available to all decision makers. For example phone messages containing information important to decision makers had been recorded on paper and stored on the physical file. However this information had not been transcribed to the electronic operational log. Information such as *Triton's* position, the drift pattern and number of survivors was requested on multiple occasions. This repeated questioning of *Triton* for information that AMSOC already had, particularly during a period of intense and dangerous activity, did not value add but rather needlessly complicated the flow of information from *Triton* to AMSOC and could only serve to distract *Triton's* attention at crucial moments in the incident.

[redacted]

173. Given the exceptionally high operational tempo and with information managed across a diverse network of stakeholders, the ability to capture and share information and decisions quickly and accurately is essential. The Review also considers the use of additional officers during high tempo operations to capture and record relevant information in support of watch floor officers would enhance incident management.

174. The difficulty in managing important detailed information serves to highlight opportunities for the development of a more structured and formalised process for receiving, recording and disseminating information and operational guidance during BPC operations.

175. The Review found that there are opportunities to enhance communication and information flow between AMSOC and HQJTF639 which would support enhanced situational awareness and decision making.

176. A modern automated and integrated maritime incident management system which can manage multiple incients simultaneously, recording and identifying key information and decisions, would provide a single point of truth accessible across BPC. A system meeting these requirements was proto-typed by Customs and Border Protection's Maritime Divison, as part of the spiral development of AMIS. Final development and introduction of this capability would improve operational data collection, decision making recording and governance, together with providing data retention for subsequent review, coherent with the data capture and fusion that currently exists through AMIS and the related suite of maritime operational command support systems. Linkage to the existing operational systems ensures a ground truth on which data is displayed to decision makers, including the ability to back-track contact history.

177. In the absence of such a system, BPC should review the current coordination and information management arrangements between AMSOC and HQJTF639 to ensure an integrated view of all relevant information and decisions is available to appropriate decision makers.

178. The Review has included a table (Annex C) as an example of an approach which may support the sharing of this type of information in advance of any future case management system.

179. The Review also found that as the practice of taking still and video images by those on scene becomes more common place, the opportunity for providing visual information to decision makers across BPC becomes possible. The technical issues and cost of data transfer in offshore situations makes real time transfer difficult, however the provision of imagery, both in real time/near real time and post events, will assist with incident management, anaylsis, learnings and records. Establishing a standard procedure of sharing imagery in real time/near real time between the agencies involved would provide this additional source of information in a timely manner, ensuring decision makers have all revelent information available to them.

[redacted]

Recommendation 2

It is recommended that BPC consider the benefits of a modern automated and integrated maritime incident management system, which can manage multiple incidents simultaneously, recording and identifying key information and decisions across BPC. An integrated maritime incident management system would support data collection of maritime events and capture relevant information for subsequent review and would include the capture of the operations log, general operations plot from the Australian Maritime Information System (AMIS), written and voice messages, and streamed feeds including imagery from the Surveillance Information Management System and other sources.

Recommendation 3

It is recommended that in advance of any integrated maritime incident management system, BPC's use of additional officers to capture and record relevant information in support of watch floor officers during significant events, is reviewed to ensure the arrangements are optimised.

Recommendation 4

It is recommended that in advance of any integrated maritime incident management system, BPC should review the current coordination and information management arrangements between AMSOC and HQJTF639 to ensure an integrated view of all relevant information and decisions is available to appropriate decision makers. As part of this activity, BPC should also establish standard procedures to share imagery between agencies for incident management, post incident analysis and records.

Recommendation 5

It is recommended that any future ICT modernisation program consider rationalising the number of information and communication systems in use across BPC. The long term objective being the development of a common information and communication framework across BPC elements.

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CHAPTER 8: 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 did not impact upon 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

180. 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.

181. 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.

182. 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.

183. 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.

184. 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.

185. Overall, the 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.

[redacted]

Very high importance policies, processes and procedures

186. 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 2013/4724.

187. The Review noted 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.

188. 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 policies, processes and procedures relating to SOLAS and SAR were written with the aim of ensuring that potential SOLAS and SAR situations are identified quickly and information is passed on to RCC with the appropriate priority, accuracy and clarity.

189. 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*.

190. 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 rapid escalation of events leading to a mass SOLAS situation.

191. 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.

192. A key document for guidance of Customs and Border Protections Officers engaged in the maritime environment is the Boarding Operations Manual. In assessing the processes, procedures and actions of the crew against the instructions and principals set out in the document, the Review noted that compliance with this document was very high. The Boarding Operations Manual highlights that the basic mariner safety principles of common sense and mutual support apply at all times. The actions of *Triton*'s crew during this event reflected this principal to a very high degree. The Review also had the opportunity of discussing the events with the BC in *Triton* and found his knowledge and understanding to be very sound.

193. While the Review considered the statements provided by *Triton's* crew and the guidance in paragraphs 20.4 and 20.5 of the Boarding Operations Manual in regards to the preparation of statements, it would be inappropriate for the Review to comment on these statements as they form part of criminal and coronial investigations.

[redacted]

[redacted]

High importance policies, processes and procedures

194. 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. The Review noted that there was a high degree of compliance.

195. The 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. In general terms, it is rated as being of high relevance in the normal operating environment, however in this incident due to the location and circumstances there was no direct Indonesian involvement other than the request for assistance to BASARNAS from RCC.

196. 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. Other documents, such as *Commercial Shipping Rescuing Persons at Sea* and *Identifying the Most Appropriate Resource*, are rated of high relevance to this incident but are documents more focussed on RCC functions and activities, and were therefore not examined.

Medium and low policies, processes and procedures

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

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

Additional policies, processes and procedures

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

200. 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.

201. The Review also noted that there is a need for formal guidance for officers engaged in telephone communication between control centres when managing SOLAS and SAR incidents. The use of a standard telephone communication protocol that stipulates a structured form of reporting information is essential for the efficient management of operational information and command and control.

202. There are numerous policy documents, associated documents and I&Gs on related subjects spread across a number of work areas. This makes it difficult to ensure that the full range of policy guidance is being complied with. Consideration should be given to drawing these various documents together into one unified volume setting out the Customs and Border Protection's approach to all maritime matters including but not

[redacted]

limited to, SIEV, SAR, boarding, communications, command and control, evidence and WHS.

203. The Review notes that this work is currently being considered by Customs and Border Protection Martime Division.

204. While the Review notes that some policies, processes and procedures appeared to have been developed separately by Customs and Border Protection and Defence, the Review noted 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.

Recommendation 6

It is recommended that formal guidance and training should be considered for BPC staff in respect of effective telephone communication between control and command centres emphasising the need for accuracy, brevity and speed in receiving and communicating critical information.

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.

[redacted]

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]

[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.

[redacted]

[redacted]

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]

[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]

[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

[redacted]

Annex B: Capabilities and Limitations

ACV *Triton*	
Vessel involved	ACV *Triton*
Role in SAR 2013/4724	First vessel to respond to SAR 2013/4724. Rescued PIIs and was initial OSC
Flag	Australia
Type	Patrol Boat
Launched	1998 (leased to Customs and Border Protection December 2006)
Length	98 metres
Beam	22.5 metres
Speed	20 knots
Maximum Range	12,600 nautical miles
Displacement	2,236 tonnes
Crew	A civilian maritime crew of 14, and can carry up to 28 armed Customs Boarding Party officers.
Surveillance Sensors	Search and Navigations radar

Capabilities attached to the parent system ACV *Triton*: two x Norsafe Magnum 850 tenders Tenders 1 & 2	
Length	8.87 metres
Beam	3.27 metres
Speed	35 knots with three crew
Maximum Range	60 nautical miles
Engine type:	Inboard Diesel
Standard engine size:	2 x 250Hp
Weight boat with equipment:	4.300 kgs
Propulsion:	2 X Waterjet
Deployment and Recovery	- The tenders are designed to launch and recover up to 12 persons and boarding equipment to and from the Norsafe davits; - The tender maximum boat load with 12 persons (100kg each and 200g Extra Load) is 6150kgs; - The tenders are restricted to ship speed up to 6 knots at launch and recovery;

Armidale Class Patrol Boat	
Vessel involved	HMAS *Bathurst*
Role in SAR 2013/4724	Search for survivors and OSC
Flag	Australia
Type	Patrol Boat
Launched	2006
Length	56.8 metres
Beam	9.5 metres
Speed	25 knots
Maximum Range	3,000 nautical miles
Displacement	270 tons
Crew	21
Surveillance Sensors (applicable to SAR 2013/4724)	Surface Search & Navigation Radar,Toplite Electro Optical Surveillance System

Armidale Class Patrol Boat	
Vessel involved	HMAS *Albany*
Role in SAR 2013/4724	Search for survivors
Flag	Australia
Type	Patrol Boat
Launched	2006
Length	56.8 metres
Beam	9.5 metres
Speed	25 knots
Maximum Range	3,000 nautical miles
Displacement	270 tons
Crew	21
Surveillance Sensors (applicable to SAR 2013/4724)	Surface Search & Navigation Radar,Toplite Electro Optical Surveillance System

ANZAC Class Frigate	
Vessel involved	HMAS *Warramunga*
Role in SAR 2013/4724	Briefly assigned to SAR. No actual participation
Flag	Australia
Type	Frigate Helicopter (FFH)
Launched	1998
Length	118 metres
Beam	14.8 metres
Speed	27 knots
Maximum Range	6000 nautical miles
Displacement	3,600 tonnes
Crew	174
Surveillance Sensors (applicable to SAR 2013/4724)	Search and Navigation radars, Toplight Electro Optical System

MV *Garden City River*	
Role in SAR 2013/4724	Assisted in rescue of PIIs and subsequent search
Vessel type	Crude oil tanker
IMO	9302970
MMSI	564726000
Call sign	S6AJ8
Flag	Singapore
Year Built	2005
Length	243 metres
Beam	42 metres
Speed	11.7
Gross Tonnage	56,146 tons

[redacted]

RAAF AP-3C Maritime Patrol Aircraft	
Role in SAR 2013/4724	Aerial search for survivors on 13 July
Standard Crew	10-12
Transit Altitude	Up to 33,000 ft.
Transit Air speed	340 knots
Surveillance Altitude	500 – 5000 ft.
Surveillance Speed	220 – 340 knots
Surveillance Distance	4000 nautical miles
Endurance	12 + hours
Sensor Suite	Radar, Electro-optical system, acoustics, magnetic anomaly detector

[redacted]

Corporate Jet 1 - CL60	
Role in SAR 2013/4724	Aerial search for survivors on 13 July
Speed	460 – 475 knots
Range	3,365 nautical miles
Ceiling	41,000 ft.

Corporate Jet 2 - F900	
Role in SAR 2013/4724	Aerial search for survivors on 13 July
Speed	510 knots
Range	3,995 nautical miles
Ceiling	36,000 ft.

Corporate Jet 3- G150	
Role in SAR 2013/4724	Aerial search for survivors on 13 July
Speed	430 – 460 knots
Range	3,000 nautical miles
Ceiling	45,000 ft.

Annex C: Incident Awareness Screen Example

SAR 2013/XXXX AS AT 13 0350K JUL 13	
Details	SIEV called for assistance. RCC issued SAR Urgency and upgraded to SAR Distress at 12 2245K Jul 13. Vessel capsized with approx. 97 POB and 3 members of TRITON Boarding Party. All Boarding Party recovered and 89 PII (1 deceased) recovered. Assess 8 people remain missing. Vessel not visible on surface. MV *Garden City River* on scene but unable to support due to weather conditions.
Weather	Sea State 5 with moderate to heavy swells. Visibility nil with light.

SURFACE PLATFORMS			
Asset	Location	ETA	Comments
TRITON	09 04.3385S 105 46.953E AS AT 13 0350K Jul 13	13 0938K Jul 13 AT CI	89 PII on board (1 deceased); 3 x PII non urgent medical 1 x FRC abandoned 1 x Life Raft destroyed 1 x Tender U/S
BATHURST	09 05.3555S 105 47.753E AS AT 13 0240K Jul 13	At SAR location	On Scene Commander Searching for survivors on bearing 300 from hull capsize
ALBANY	09 05.368S 105 45.453E AS AT 13 0330K Jul 13	At SAR location	Searching for survivors on bearing 300 from hull capsize
MV GARDEN RIVER CITY	09 05.3752S 105 46.722E AS AT 12 2345K Jul 13	At SAR location	Providing a lee. Cannot respond further due to weather.

AIR PLATFORMS			
Asset	Location	ETA	Comments
NIL			

LAND SUPPORT			
Asset / Agency	Location	Support	Comments
ACBPS	Christmas Island	Transfer of PII	Transfer to commence with barge at 13 1130K Jul 13 EAP available to support TRITON crew

COI AS AT 12 1550KAUG 13	
Details	C/S xxx sighted COI at (PSN) with approx. 70 POB. COI is underway and is riding high in the water. COI is on a heading of xxx at approx. 5 knots.
Weather	Sea State 2 with light swells.

SURFACE PLATFORMS			
Asset	Location	ETA	Comments
ASHMORE GUARDIAN	xxxxxxxx AS AT xxxxxxxx	At AI	AI duties
MAITLAND	xxxxxxxx AS AT xxxxxxxx	Approx. 12 1835K to COI	On Scene Commander Responding to COI
ALBANY	xxxxxxxx AS AT xxxxxxxx	At AI	AI response vessel

AIR PLATFORMS			
Asset	Location	ETA	Comments
C/S xxx	xxxxxxxx AS AT xxxxxxxx	Approx. 12 1715K to COI	Returning to Darwin Pictures of COI obtained

LAND SUPPORT			
Asset / Agency	Location	Support	Comments
BPC IC	Canberra	Intelligence	REP 1056/13 REP 1058/13

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Annex D: Glossary of Terms

ACBPS	Australian Customs and Border Protection Service
ACPB	Armidale Class Patrol Boats
ADF	Australian Defence Force
AEST	Australian Eastern Standard Time
AFMA	Australian Fisheries Management Authority
AFP	Australian Federal Police
AMIFC	Australian Maritime Information Fusion Cell
AMIS	Australian Maritime Information System
AMSA	Australian Maritime Safety Authority
AMSOC	Australian Maritime Security Operations Centre
BASARNAS	Indonesian Search and Rescue Agency
BC	Boarding Commander
BP	Boarding Party
BPC	Border Protection Command
CDF	Chief of Defence Force
CEO	Chief Executive Officer
CJOPS	Commander Joint Operations
CNOC	Customs National Operations Centre
CO	Commanding Officer
COI	Contact of Interest
COMBPC	Commander Border Protection Command
CPR	Cardiopulmonary Resuscitation
CZ	Contiguous Zone
DCOMBPC	Deputy Commander Border Protection Command
Defence	Department of Defence
DIAC	Department of Immigration and Citizenship.
EC	Enforcement Commander
EEZ	Exclusive Economic Zone
E&I	Enforcement and Investigations Division
ETA	Estimated Time of Arrival
FRC	Fast Rescue Craft
HMAS	Her Majesty's Australian Ship
HQJOC	Headquarters Joint Operations Command
HQJTF639	Headquarters Joint Task Force 639
ICC	Incident Coordination Centre
ICT	Incident Coordination Team

I&G	Instructions and Guidelines
JOC	Joint Operation Command
IMA	Irregular Maritime Arrival
MFU	Major Fleet Unit
MPA	Maritime Patrol Aircraft
MOSD	Maritime Operations Support Division
MV	Merchant Vessel
NATSARMAN	National Search and Rescue Manual
NM	Nautical Miles
ORV	Operational Response Vessels
OSC	On Scene Commander
PII	Potential Irregular Immigrants
RAAF	Royal Australian Air Force
RAN	Royal Australian Navy
RCC	Rescue Coordination Centre
SAR	Search and Rescue
SIEV	Suspected Irregular Entry Vessel
SITREP	Situation Report
SQ NM	Square Nautical Miles
SOLAS	Safety of Life at Sea
SRR	Search and Rescue Region
SS	Sea State
TS	Territorial Sea