



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT
LEGISLATION COMMITTEE

Reference: AusSAR's role in the search for the Margaret J in March 2001

THURSDAY, 19 SEPTEMBER 2002

CANBERRA

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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE

Thursday, 19 September 2002

Members: Senator Heffernan (*Chair*), Senator Buckland (*Deputy Chair*), Senators Cherry, Colbeck, Ferris and O'Brien

Participating members: Senators Abetz, Boswell, Brown, Carr, Chapman, Coonan, Eggleston, Chris Evans, Faulkner, Ferguson, Harradine, Harris, Hutchins, Knowles, Lightfoot, Mason, Sandy Macdonald, McLucas, Murphy, Payne, Ray, Stephens, Tchen, Tierney and Watson

Senators in attendance: Heffernan, Colbeck, Ferris and O'Brien

Terms of reference for the inquiry:

To inquire into and report on:

- (a) the role of Australian Search and Rescue (AusSAR) in the search for the fishing boat the *Margaret J* and its crew; and
- (b) all communications between AusSAR and the Tasmanian police regarding the role of the Tasmanian police in the search for the missing boat and other related matters

WITNESSES

BAIRD, Mr David, AusSAR General Manager, Australian Maritime Safety Authority 2

DAVIDSON, Mr Clive, Chief Executive Officer, Australian Maritime Safety Authority 2

YOUNG, Mr John, AusSAR Operations Manager, Australian Maritime Safety Authority 2

Committee met at 4.00 p.m.

CHAIR—I declare open this public hearing of the Senate Rural and Regional Affairs and Transport Legislation Committee. This is the committee's first hearing to consider matters in relation to the inquiry into the role of AusSAR in the search for the *Margaret J* fishing vessel in April 2001. While this matter was referred to the committee on 25 June 2001, the committee resolved not to proceed with this inquiry until the Tasmanian coroner had completed the coronial inquest and had handed down his findings. The coroner handed down those findings on Monday, 26 August 2002, and the committee now commences its hearings program.

Today's hearing is public and open to all. A *Hansard* transcript will be made of the proceedings which will be available from the committee secretariat or via the Parliament House Internet home page. It should be noted that the committee has authorised the recording, broadcasting and rebroadcasting of these proceedings in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings.

Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given before it. Any act by any person which may operate to the disadvantage of a witness on account of evidence given by him or her before the Senate or any committee of the Senate is treated as a breach of privilege. While the committee prefers to hear all evidence in public, if the committee accedes to such a request, the committee will take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of the evidence to the Senate. The Senate also has the power to order production and/or publication of such evidence. I should add that any decision regarding publication of in camera evidence or confidential submissions would not be taken by the committee without the prior reference to the person whose evidence the committee may consider publishing.

[4.02 p.m.]

BAIRD, Mr David, AusSAR General Manager, Australian Maritime Safety Authority

DAVIDSON, Mr Clive, Chief Executive Officer, Australian Maritime Safety Authority

YOUNG, Mr John, AusSAR Operations Manager, Australian Maritime Safety Authority

CHAIR—I welcome the witnesses from the Australian Maritime Safety Authority. Would you like to make an opening statement before questions?

Mr Davidson—No, thank you.

Senator O'BRIEN—Mr Davidson, could you explain for the committee why the witnesses we requested are not available today?

Mr Davidson—We had a request for a total of 10 officers from the Maritime Safety Authority. Apart from the ones who are present here today, all the others are duty officers within the RCC, the Rescue Coordination Centre. We got notice very early this week, just a couple of days ago. The roster is such that releasing more officers would have caused major disruption to the operation of the centre. On that basis, with the short notice available, we were unable to release anybody else to come along.

Senator O'BRIEN—If we wanted to take evidence from individual officers, could we negotiate a time with you?

Mr Davidson—Yes.

Senator O'BRIEN—Thank you. In relation to the legal representation of AMSA-AusSAR at the coronial inquest, who did the representation, how many days were involved and what was the cost to AMSA?

Mr Davidson—To the best of my recollection—and I will start with the representation—AMSA had seven witnesses called to the coronial inquest. Evidence was taken by the coroner over a six-week period and 21 days of hearings. We engaged Clayton Utz to act as advisers to us and they provided a lawyer for the duration of the hearings; we also had a barrister representing us, who was engaged by them.

Senator O'BRIEN—A legal counsel?

Mr Davidson—Yes.

Senator O'BRIEN—Do you know what the total cost of the legal representation was to AMSA?

Mr Davidson—We have provided that information before to the Senate estimates committee.

Senator O'BRIEN—I was not sure whether it was up to date.

Mr Davidson—It stands as it was last time at about \$397,000.

Senator O'BRIEN—Page 10 of your submission to this committee refers to your response to the coroner's findings. It is described as submission No. 3. It says that you—

AMSA's Chief Executive Officer and the Tasmania Police Commissioner—

Mr McCreadie—

have agreed to meet regularly each year—

Mr Davidson—Yes, that is correct.

Senator O'BRIEN—And you are to meet:

to discuss any issues concerning their—

I presume that means you and the Tasmanian police—

search and rescue operations;

Mr Davidson—Yes.

Senator O'BRIEN—What does 'regularly' mean? How often?

Mr Davidson—We have indicated that we would meet approximately annually, but we would meet more frequently if we felt that circumstances warranted that.

Senator O'BRIEN—I read 'regularly each year' to mean more than once a year, but I understand now. Perhaps I misinterpreted what you said. So any issue that arises in relation to search and rescue would be discussed at that meeting?

Mr Davidson—Yes.

Senator O'BRIEN—At the second dot point, you say:

AMSA and the Tasmania police are holding regular meetings and debriefings after certain search and rescue incidents to build on the relationships established at a joint workshop held in April 2002. The workshop discussed improved operational protocols, including standard advice for transfer of responsibility of search coordination;

Again, what does 'regular' mean?

Mr Davidson—Again, those meetings are to be scheduled. I am not sure how regularly we are planning them, but six-monthly or annually would be our target.

Senator O'BRIEN—How many meetings have there been?

Mr Davidson—We had a meeting in April.

Senator O'BRIEN—Okay.

Mr Young—We also had a debrief of a particular incident in May this year. A helicopter crashed near Lake Mackenzie.

Senator O'BRIEN—So there is not an agreed frequency. You are going to have meetings about particular incidents, but there is not an agreed frequency about a general recurrence of meetings?

Mr Davidson—Yes, there is an agreement about recurrent meetings and the intention is that we continue to keep the dialogue open on a regular basis in order to ensure that the officers maintain contact as changes take place. We would then aim to schedule a meeting.

Senator O'BRIEN—'Regular' means whatever you decide it will be?

Mr Davidson—Yes, jointly.

Senator O'BRIEN—In the past, were there debriefs about particular searches or is this a first?

Mr Young—This is the first I remember for some time with the Tasmania Police. We do conduct debriefs from time to time when there is a major incident and it appears that there is something to be learned from conducting an all-in debrief. The one in May is the first one I can remember for some time with Tasmania.

Senator O'BRIEN—Are these arrangements Tasmania specific or do you intend to apply them to other jurisdictions?

Mr Young—We are steadily extending them to other jurisdictions. We work at two levels. One is the level of regular meetings to discuss issues of continuity, and the other level is debriefs as required. They tend to ebb and flow with the nature of incidents. We have had a SAR workshop with Victoria recently, in mid-August. I have one planned with South Australia in November, and tentatively with the Northern Territory in October. We have had a number of debriefings this year in various parts of Australia depending on incidents that have occurred.

Senator O'BRIEN—Going back, you say that with major incidents in the past you have had these debriefs. Is AMSA now having debriefs with the jurisdictions—if I can put it that way—on a routine basis with incidents, or on a more routine basis?

Mr Young—It is probably fair to say that I am now doing more of them than I have in the past. Again, it depends on the ebb and flow of incidents and the particular case and whether we think there is something to be learned. We do all of these in conjunction with the police service of the particular state or territory so they are joint decisions. I should qualify the remark that

‘major’ is not actually the word I am looking for. It is an incident where we think that it is likely something can be learned because there has been a significant liaison between the two agencies.

Senator O’BRIEN—That would usually happen with a major incident though, wouldn’t it?

Mr Young—It would depend whether it was offshore or onshore or an aircraft. They do vary.

Senator O’BRIEN—Do I take it that you would have a debrief only if AMSA were involved?

Mr Young—We would talk to the police to determine what it is that they are doing. We will often have a debrief of our own for our own purposes. But essentially we talk to the police and decide whether we will have a joint debrief, and we have done a few of those recently.

Senator O’BRIEN—The third dot point on page 10 states:

AMSA and Tasmania Police jointly convened a successful public forum in Launceston in April 2002 when community and volunteer groups discussed ways to improve their input to search and rescue operations.

What were the outcomes of that forum?

Mr Davidson—There was quite an extensive number of outcomes from that forum. We could probably tender a more fulsome statement. Essentially, at the bilateral level between AMSA and the Tasmania Police, we established working relationships and a clear connection between the Rescue Coordination Centre search and rescue people and the Tasmanian divisional command structure, which is above the direct search and rescue level. Then at the volunteer and local level we put in place agreements and arrangements about connections and communications at the local level to ensure that local knowledge was tapped efficiently and effectively.

Senator O’BRIEN—Have you established timetables for the implementation of decisions made at the forum or is it not at such a specific stage yet?

Mr Davidson—I think there are timetables for some elements of it and not for others. A lot of the issues were actually resolved at the meeting.

Senator O’BRIEN—Perhaps you could give us that more fulsome list with that addition about timetables.

Mr Davidson—Sure.

Senator O’BRIEN—Thank you. The fourth dot point says:

AMSA has fully implemented in its AusSAR division a quality management system with third party certification to ISO 9001 standard that requires regular audits of search and rescue operations to identify any corrective actions to maintain standard procedures and processes.

When did that process actually commence and when was it completed?

Mr Davidson—The ISO 9001 certification? To the best of my recollection we would have set off on the intention of getting to ISO back in about 1998. Certification was achieved for the first time for a part of search and rescue, which was the National SAR School. They were the first group to get certification. I do not have that date with me but it would have been—

Senator O'BRIEN—This is the quality management system we are talking about?

Mr Davidson—The international quality management system, and parts of an organisation can achieve it. The National SAR School was the first group and that flowed out to the rest of AusSAR in 2001. 2000 would have been for the school, but I could stand to be corrected here and I will confirm those dates for you.

Senator O'BRIEN—Does all this process have a cost?

Mr Davidson—Yes, it does. We use a third party accreditation agency. ISO 9001 is not something you give to yourself; you actually follow a separate accreditation auditing group that comes in. You establish your procedures. You document what you do and you do what you have documented. The understanding of that is tested amongst the people in the organisation and that third party accreditation is then given by the separate agency.

Senator O'BRIEN—So who is the third party agency?

Mr Davidson—DLIQ.

Senator O'BRIEN—DLIQ—

Mr Davidson—That is their name.

Senator O'BRIEN—That is a company, an incorporated body—

Mr Davidson—Yes.

Senator O'BRIEN—What does that cost? Is there an annual cost?

Mr Davidson—Yes, there is an annual cost. You do an annual third party audit. The establishment cost is of the order of a few tens of thousands—probably \$30,000. But we are doing the whole organisation.

Senator O'BRIEN—The next dot point says:

AusSAR is continuing to develop its information technology system to optimise the electronic recording and display of operational information, such as search planning data.

When did that process start? Has it been a longstanding process or relatively recent?

Mr Young—The project to do this has been running for some time. In fact, when I took over my position in 1999 it was already under way. In July this year we delivered the first phase of that project. Search planning information is now captured—in fact, the processes are done on

computer based technology rather than manually on charts. That allows us to capture snapshots more effectively than we have been able to in the past.

Senator O'BRIEN—Snapshots? What do you mean by snapshots?

Mr Young—It means that when you have a chart, for instance, with a picture of what a search area looks like—where you intend to search and reasons for that—they are all displayed on screen. So you then capture that picture as a snapshot and keep it as a file, and it is then reproducible. The old method on a map meant you had to take it over, fold it, put it on a photocopier, et cetera. So it is quite an advance.

The second phase is in the course of delivery right now, and that will take processes for the tasking and allocation of aircraft into a search area and take them from manual processes into more automated processes. Again, we will be able to display that information more effectively.

Senator O'BRIEN—So I take it you have got lists of available search operators—

Mr Young—Yes.

Senator O'BRIEN—and they would be fed into your computer system.

Mr Young—Yes. They currently do that.

Senator O'BRIEN—That data would be there and there would be an automatic assessment of who was appropriate for a particular search—is that what you mean?

Mr Young—No. The search and rescue staff will still have to make the operational judgments they have always made. They include what aircraft are appropriate and how you would task them. But the process of assigning them to a search area and producing a brief—that sort of manual process—will now be much more automated. Quite importantly, we will capture that process more effectively than I think we have in the past, because it will be electronic.

Senator O'BRIEN—Do you mean you will be able to print out the instructions and keep them on file?

Mr Young—Yes.

Senator O'BRIEN—That sounds like a considerable investment by AMSA. What sort of investment is involved in this?

Mr Davidson—About \$1 million is being spent on the software development systems in total.

Senator O'BRIEN—Did you require new hardware?

Mr Young—We have melded the delivery of the system with the planned turnover of hardware. It is mainly PCs and desktops. They are replaced every three years and as we have brought new ones in we have brought the software with them.

Senator O'BRIEN—So the additional costs relate to routine replacement rather than special equipment for this program?

Mr Young—In the main, yes.

Senator O'BRIEN—At dot point 6 you say:

AMSA is fitting a Forward Looking Infra Red (FLIR) camera to Tasmania's search and rescue helicopter (the first aircraft in the State to have FLIR) to assist its night search capability.

Is that in response to issues that arose from the *Red Baron* incident?

Mr Davidson—I would not say it arose from any particular incident. In 2000 we went to government with an overall proposal for the acquisition of a forward looking infra red capacity in recognition of the fact that a lot of our searching has to cease at nightfall because we do not have the capacity to do night searching. The forward looking infra red capacity allows some night searching capability and that is the principal basis behind that.

Senator O'BRIEN—That is certainly why you would buy forward looking infra red—to be able to use it. Given that in the evidence we received about the *Red Baron* incident all of the helicopters with infra red capacity were based in Victoria, are you specifically equipping Tasmania?

Mr Davidson—We are certainly equipping Tasmania because there is no other capability in Tasmania with forward looking infra red. Part of the agreements and discussions I have had with Commissioner McCreadie and Deputy Commissioner Jack Johnston related to a joint venture arrangement where we would meet the capital cost of fitting the forward looking infra red to the helicopter that the police have under contract for their purposes. We are sharing training and experience costs on the operation of that system because it would be of benefit for both normal police work and our search and rescue work. So we are leveraging advantage out of that for both parties.

Senator O'BRIEN—Sorry, remind me: when did you make the request to government for that?

Mr Davidson—I think our proposal went up in the 2001-02 budget preparation process.

Senator O'BRIEN—So it would have been very early in 2001?

Mr Davidson—Its formulation within AMSA probably goes back to 2000 but I would need to confirm that.

Senator O'BRIEN—In attachment G to your submission, your response to the coroner's recommendations, can you advise which states and territories have responded to your approaches in relation to these recommendations and what follow-up arrangements are in place?

Mr Davidson—I am not sure of the exact date of it but we tendered the full list of recommendations that had come from the coronial inquiry to the recent Australian Maritime Group and the National Marine Safety Committee meeting. The item which is specifically being picked up is recommendation 4, that life rafts be fitted with an emergency position indicating radio beacon. That is already in the new national standard for commercial vessels in part C, section 7, which is currently open for public comment and will be closing soon. That standard is issued by the states and territories under their regulatory regime.

Senator O'BRIEN—Are you planning to review the education program in relation to EPIRBs?

Mr Davidson—All of those matters have been put before the National Marine Safety Committee since the coroner brought down his report. Within a few days we took the report to that group. The actual work plan is something that we are going to have to pull together with the states over the next period of time.

Senator O'BRIEN—Could you supply on notice the dates of the meetings that you refer to in your answers?

Mr Davidson—Yes, certainly.

Senator O'BRIEN—In your response to recommendation 8 you say that you will be promoting these issues at the annual meeting of the National Search and Rescue Council. When does that take place?

Mr Baird—The next meeting is in Darwin in October.

Mr Young—I think it is 11 and 12 October.

Senator O'BRIEN—Is that the regular timing?

Mr Baird—It is an annual event and the timing is usually about then with negotiations between the parties to determine a suitable date.

Senator O'BRIEN—You mention regular meetings between AMSA and state and territory police officers. Does that mean that there are regularly scheduled meetings between AMSA and officers of every state and territory with regard to search and rescue?

Mr Davidson—As we indicated earlier, we are working on making that a regular arrangement.

Senator O'BRIEN—There are not now, but you are working on it?

Mr Davidson—That is right.

Senator O'BRIEN—With which states and territories are there now regular meetings?

Mr Davidson—Tasmania, Victoria and South Australia.

Mr Young—There are a number of states, South Australia and Queensland in particular, that run their own occasional state search and rescue coordinating committees and invite AusSAR to join them. Those are the best forums for the purpose. What we are trying to do is to foster such arrangements with other states that do not have them at present.

Senator O'BRIEN—I have a number of questions, as I have had in the past, about the version of the search and rescue manual that was in force at a given time. As I recall it, there was a 1995 version of the manual which remained in place for some time. AMSA then had a consultant do some work on consolidating amendments to the manual. When was the 1995 version of the manual withdrawn and replaced?

Mr Young—I am sorry, I do not have a long history with this. The current national search and rescue manual is dated July 1997, when AusSAR came into existence. It has been the national search and rescue manual from then on.

Senator O'BRIEN—The July 1997 version is the latest version?

Mr Young—That is correct.

Senator O'BRIEN—Was that version of the manual in circulation and in the hands of the Tasmanian police in April last year?

Mr Young—I would assume so. I do not know for sure. The Tasmanian police are represented on the national search and rescue council, which is the body that approves the manual. I would imagine they would have the manual.

Senator O'BRIEN—Does the 1997 version contain amendments which have been added since 1997?

Mr Young—No, it has not been amended.

Senator O'BRIEN—I recall that I asked some questions about this manual in May 2000. You advised that AMSA had spent certain moneys engaging Mark Power and Associates to develop what you described as a quality assurance manual. Is that the same manual?

Mr Young—To the best of my recollection, AMSA engaged Mark Power to assist with its internal procedures manual, not the national search and rescue manual.

Senator O'BRIEN—What relevance does the internal procedures manual have to the national operating manual?

Mr Young—The internal procedures manual is intended specifically for AusSAR purposes—the three sections of AusSAR—and particularly for the Rescue Coordination Centre. It is tailored specifically for our purposes. The national search and rescue manual tends to be an interface document that tells everyone how they will work together. The two documents perform separate purposes.

Senator O'BRIEN—The national one tells the state bodies how they will work with AusSAR and vice versa. Is that right?

Mr Young—The national manual is effectively a set of procedures and guidance about how all agencies will operate so they all understand what they are doing. All the agencies, to the best of my knowledge, have more detailed instructions sitting under those that are effective for their own organisations. AusSAR does and I am quite sure all the police services do.

Senator O'BRIEN—For what you described as the internal manual, I think you advised that the original cost of the Mark Power and Associates contract was \$100,000. The contract price was increased to \$160,000 in September '98 because staff were too busy to assist Mr Power. Then changes to the operating environment added to Mr Power's task and he was given a second contract, not exceeding \$120,000, which was still running in February last year. When did it end?

Mr Davidson—I think we would have to take that on notice.

Senator O'BRIEN—Has it ended?

Mr Davidson—Yes.

Senator O'BRIEN—Do you know what it ultimately cost?

Mr Davidson—I would have to come back on that.

Senator O'BRIEN—When did the product of their work go into circulation?

Mr Young—To the best of my recollection, the procedures manual that I was describing came into force in, I think, April 2000 or thereabouts. My memory is hazy.

Senator O'BRIEN—Were you still working on aspects of it last year?

Mr Young—Perhaps. I am sorry that I am not across that issue.

Mr Davidson—The documents are a living entity; they are continuously updated and reviewed. It does not surprise me that they were brought into force and then they kept working on them.

Senator O'BRIEN—I am interested to know what was in place in April last year and what changes have taken place since April last year. Does anyone know?

Mr Young—In April last year the guiding documentation was the *National Search and Rescue Manual* and a manual called the *AusSAR Procedures Manual*, which is loaded on our Intranet. The two of them are complementary. The *AusSAR Procedures Manual* is amended on a regular basis as the environment changes or as we learn little lessons that we want to incorporate, so that is a continuously evolving document.

Senator O'BRIEN—So it could have changed quite substantially since April last year?

Mr Young—Some elements would have changed.

Senator O'BRIEN—Which changes evolved as a result of the *Margaret J* search experience? Can you detail those for us? I am not necessarily asking for that now.

Mr Young—We could certainly take it on notice.

Senator O'BRIEN—Can you tell us when those changes were implemented?

Mr Young—Yes.

Senator O'BRIEN—Can you supply us with a copy of the procedures manual that was in force as at Easter 2001?

Mr Davidson—You asking us to provide the manual that was on foot at that date?

Senator O'BRIEN—Yes, and the changes that have been made.

Mr Davidson—And then identify the changes since then?

Senator O'BRIEN—Yes.

Mr Davidson—Yes, we can do that.

Senator O'BRIEN—With an indication of which changes are in response to the experience of the *Margaret J* search.

Mr Davidson—Okay. I am not sure how big a task that is but we will have a look at it.

Senator O'BRIEN—I take it that it is a computer based system.

Mr Young—It is effectively a Web based system delivered internally.

Senator O'BRIEN—Presumably you keep records of changes that are made, for back-up purposes and the like.

Mr Young—Yes.

Senator O'BRIEN—I understand you also engaged a consultant to look at the operations of the rescue coordination centre in May 2000. Is that work completed?

Mr Davidson—It does not immediately ring a bell when put in those terms.

Senator O'BRIEN—Perhaps I can get some clarification. That is my understanding of what occurred. I do not have the estimates *Hansard* with me, so there may be a better term. I think you understood the question and told me there was a \$40,000 cost.

Mr Davidson—I will need to go and have a look at what the detail of that question was.

Senator O'BRIEN—There was also a consultant engaged to look at the shift rosters, at a cost of \$16,000.

Mr Davidson—Would you repeat that please?

Senator O'BRIEN—There was a consultant, Dr Meredith Wallace of Health and Workplace Behaviour Pty Ltd, who was engaged to look at the shift roster arrangements for AusSAR at a cost of \$16,000.

Mr Davidson—Yes.

Senator O'BRIEN—A lighting engineer?

Mr Davidson—Yes, I will look at those.

Senator O'BRIEN—So there has been a considerable amount of money and resources spent on getting arrangements right within AusSAR over the years: getting the environment right and getting the procedures right for the management of the functions of AusSAR. Is that a fair comment?

Mr Davidson—I think that is a fair comment.

Senator O'BRIEN—Isn't it therefore of considerable concern that there are so many aspects of the *Margaret J* search, from AusSAR's point of view, that attracted the criticism of the coroner?

Mr Davidson—I would not agree that it is of considerable concern. I think there are a number of issues that were highlighted and that do not go to issues associated with rostering or the lighting within the centre. From my perspective, they go to issues associated with communications, accuracy of taking contemporaneous notes which accord with telephone conversations, and procedural issues. We are always looking for improvements in our practices. We can always do better. We are never satisfied. The basis of our approach is continuous improvement.

Senator O'BRIEN—Is it fair for the parliament to oversee the operations of AusSAR to see whether the steps it is taking to achieve the best possible outcome are appropriate, value for money and achieve the desired levels of operational capacity?

Mr Davidson—It is my understanding that the funding of AusSAR comes through government appropriations, and it is quite appropriate that the Senate and the parliament review those things, yes.

Senator O'BRIEN—There was another search which has also been before this committee and is currently being looked at by a coroner—that is, the Whyalla Airlines aircraft crash that occurred on 31 May. I want to go to this because it is an example of AusSAR working with state search and research organisations; in this case the South Australian police. There were problems with that search as well, weren't there?

Mr Davidson—Not that I am aware of.

Senator O'BRIEN—You were not aware that there were problems related to, among other matters, the information flow between AusSAR, the state search coordination centre and the local search headquarters?

Mr Davidson—That is a matter that I believe the coroner is hearing virtually as we speak. From our perspective, again, there are lessons to be learnt—things could be better. Were there problems? I do not believe so.

Senator O'BRIEN—As I understand it, whether you want to call them problems or not, they led to a shouting match between AusSAR and the South Australian police at the debriefing. You are not aware of that?

Mr Davidson—I have no comment to make.

Senator O'BRIEN—You are not aware of that? Is that what you are saying?

Mr Davidson—I am not aware of that.

Senator O'BRIEN—Okay. Ms Barrell told us those problems flowed from the fact that there was no shared and common understanding of the division of responsibility for search and rescue between the two respective agencies: AusSAR and the South Australian police. Can you tell me what actions have been taken, if any, to correct communication problems with the South Australian police?

Mr Davidson—Apparently none.

Mr Young—The South Australian police run their quarterly state SAR coordinating committee meetings, and we attend those on a regular basis. If there are any issues to be addressed out of particular incidents, or more generally, that is the place for them to be raised. I am not aware of any of the communication problems that you are suggesting.

Senator O'BRIEN—You are not aware of them? Okay. It is interesting then that we appear to have been told something different. I understood that Ms Barrell also referred to internal staffing issues that pertain to the difficulties between AusSAR, the state search coordination centre and the local search headquarters. Are you aware of those?

Mr Davidson—As I said, that is a matter that the coroner is looking at at the moment. If he draws out from his inquiries that there is an issue that needs to be addressed, we would look at how we could ensure there are no issues in the future. I have to say I am not across the detail of that at the moment; we were not expecting discussion around that. I am not aware, from the information I have from the coronial inquiries—which, as I said, are going on virtually as we speak—that any issue on the search and rescue has come up at all.

Senator O'BRIEN—The reason I asked the questions was that I was given a different understanding. Obviously, if there had been problems relating to the communication and information flow in a prior incident and again with a subsequent incident—the *Margaret J* incident—you would agree, wouldn't you, that it is relevant to draw a response from you as to why experiences in the first search did not lead to corrections of the problems that emerged in the second?

Mr Davidson—I agree.

Senator O'BRIEN—For the record, I am raising it not for the purposes of examining the Whyalla incident but only for the purposes that I have just outlined. Would it be fair to say that no special look at the relationship with the South Australian agency, or state agencies generally, has arisen from the Whyalla incident? I think that follows from what you were saying, but I want to have it clear.

Mr Davidson—Yes; there has been no special look at it.

Senator O'BRIEN—I will go on to the communications between AusSAR and the Tasmanian police over the period 13 April to 15 April and then around 30 April. According to the brief you provided to the committee, AusSAR was advised on 13 April by the pilot of a light aircraft that a vessel was overdue, and at 1.00 p.m. on that day the Tasmanian police contacted AusSAR about the missing boat, the *Margaret J*. At 4.41 p.m. that afternoon Constable Archer contacted Mr Neilson from AusSAR and asked what was required for AusSAR to run the search. He was properly told that AusSAR would not look at taking over the search until the state had exhausted its resources.

CHAIR—Senator O'Brien, I remind the committee that anything that is before the coroner—

Senator O'BRIEN—I am asking now about the *Margaret J*.

CHAIR—I realise that, but if you were to divert back to other issues that might be before the coroner it would need to be remembered.

Senator O'BRIEN—I am not sure what we need to do—whether we need to. The fact is that there is another inquiry which we are not proceeding with in deference to the coroner. Whether there is a real concern on that is another issue. I was not seeking to open it up by making the

point that an issue arises from matters which may be common. On the night of 13 April, Constable Archer spoke to Mr Johnston at AusSAR seeking advice on how to calculate some drift numbers. Mr Johnston said that a splash point or last known point was needed to provide accurate assistance, and that the very limited information Constable Archer was providing was not much use. Does anyone here know exactly what information about the *Margaret J* Mr Johnston had before him at that time?

Mr Davidson—No. We could infer it from the transcripts and the SAR file, which we have previously tendered to the committee, but there is very limited information.

Senator O'BRIEN—We know that AusSAR was advised when the vessel left and where it left from—that is a fair comment, isn't it?

Mr Davidson—Yes.

Senator O'BRIEN—AusSAR was advised that the vessel had gone missing around Hunter Island?

Mr Davidson—Yes.

Senator O'BRIEN—AusSAR had a detailed description of the missing vessel?

Mr Davidson—No.

Senator O'BRIEN—Why do you say that? What details did it have—or what details were missing?

Mr Davidson—I would need to confirm that. To the best of my recollection, we were advised of its name and that it was a Storm Cat, and not much more at that stage. I am not sure exactly when details of the equipment fit and so forth were passed over.

Senator O'BRIEN—Am I correct in saying that AusSAR did not do any drift calculations for Constable Archer on 13 April?

Mr Davidson—Not that I recollect.

Mr Young—No.

Senator O'BRIEN—If Mr Johnston did some, you are not aware of them?

Mr Davidson—No, I do not think any were done, but we can check on that for you.

Senator O'BRIEN—On that same day, a search was being conducted for a missing aircraft—AusSAR was conducting that search for an aircraft missing around Tasmania on that day, wasn't it?

Mr Davidson—It was.

Senator O'BRIEN—It went missing on 4 April.

Mr Davidson—Yes.

Senator O'BRIEN—No flight plan.

Mr Davidson—Correct.

Senator O'BRIEN—How would you calculate a search area for that aircraft on very limited information, with the aircraft missing for a considerable time?

Mr Young—We went through the sort of process that we would normally do, and that is to gain as much intelligence information as we could on the aircraft. I do not recall the sequence of events; what I do know is that intelligence became available over a period of time. For example, we discovered that the aircraft had, if I recall correctly, spoken on the frequency near Wynyard, so we knew he had passed there. We discovered after some time that he intended to fly from—again, if my memory serves me right—Devonport or Launceston to Hobart, although we did not know the route. We did a little searching based on that information, but there really was not much we could do. We then discovered some days later that a fishing vessel some miles off Strahan had sighted the aircraft. That gave us more information, and we recommenced looking based on that. With some intelligent looking at maps and theorising what this pilot may have done, we eventually found some wreckage.

Senator O'BRIEN—Yes, I recall looking at that. I come back to my original point that you did not do any drift calculations for Constable Archer when he requested the assistance of AusSAR on 13 April. Admittedly, he had sketchy information, but he had enough general information to know that the vessel was likely to have encountered problems around Hunter Island in Bass Strait. Perhaps you cannot answer these questions and only he can.

Mr Davidson—The only response I can give to that is that those matters were looked at by the coroner, and the coroner concluded that the initial actions taken were thorough and appropriate.

Senator O'BRIEN—I might not agree with the coroner. I am asking a question in this regard as to why drift calculations were not made on what would appear to have been a reasonable request, and not an onerous request, of AusSAR.

Mr Davidson—My best recollection is that the request was based on, at that stage, absolutely no knowledge about where the vessel had foundered, and there was no starting point for doing any predictive modelling.

Senator O'BRIEN—You probably had more information than you did for searching for that aircraft that you were searching for.

Mr Davidson—I would not want to try and draw a comparison between the two—

Senator O'BRIEN—Obviously, I am.

Mr Davidson—but I do not think we did.

Senator O'BRIEN—You did not know in any certain way at all where this aircraft had splashed down. We have just been told about the nature of the information you had—it took some time to devise a search pattern. Admittedly, you had accepted responsibility for that search.

Mr Davidson—We automatically have responsibility for missing aircraft.

Senator O'BRIEN—Yes, that is right.

Mr Davidson—I think the issue here is that the methodology for gathering information, and the forensic act of working out what has taken place, is one that any party involved in search and rescue has to go through. The actions that we took in relation to the missing aircraft were: a methodical process of gathering information and talking to the known colleagues and relatives of the individual to determine what their intentions were, where they went and what they were planning to do. That is exactly what the Tasmania Police did in relation the *Margaret J*.

Senator O'BRIEN—What would your internal manual have told Mr Johnston to do with regard to the request by Constable Archer for that assistance on drift calculations?

Mr Davidson—We would have to come back to you on that. We would not have the internal manual for that with us, and I would hazard a guess that it may not actually give a satisfactory answer.

Senator O'BRIEN—What would be involved in establishing a drift pattern? Would your computer system in April last year have assisted Mr Johnston at that time in regard to calculating drift patterns?

Mr Young—The answer is: not very much. The computer system at the time was essentially an ocean drift planning tool, not really effective for coastal areas. For coastal areas you simply need to make estimates based on a look at the chart.

Senator O'BRIEN—Has that changed?

Mr Young—Yes, it has. We have introduced a new system that produces more accurate coastal predictions.

Senator O'BRIEN—When did that happen?

Mr Young—If memory serves me right, earlier this year.

Senator O'BRIEN—Was that just a natural evolution, or was it driven by experience such as the *Margaret J* search?

Mr Young—It was certainly driven by experiences over many years. The project had been running for a significant period before the *Margaret J* event.

Senator O'BRIEN—So you are telling me that, in April last year, if Mr Johnston had had make calculations, he would have needed to assume what is described as the splash point, and then he would have needed to make manual calculations, if he was going to respond meaningfully to Constable Archer's request?

Mr Young—That is basically correct. But the system would not have assisted.

Senator O'BRIEN—Do you have any idea of how much time would be involved in such a process?

Mr Young—I would prefer to take that on notice and put it to my staff.

Senator O'BRIEN—I would be very happy if you were to do that and give us some idea of how much time would be involved, given what would appear to have been not unreasonable assumptions of a splash point in the vicinity of the area where the boat was headed.

Mr Young—Yes.

Senator O'BRIEN—You have identified, under the heading 'Saturday 14 and Sunday 15 April 2001' that:

... Police coordinated an extensive and thorough search ... the north west coast—

of Tasmania. You say that the police:

... also investigated some possible flare sightings and gathered further intelligence about the sea and tidal conditions.

Did you have that information as well? Did AusSAR have input into the police search for the *Margaret J* over this period—that is, 13, 14 and 15 April?

Mr Davidson—I believe we did, but again we need to confirm that. We would have to take it from the transcripts.

Senator O'BRIEN—There were a number of contacts with the police over those days. I would like to know what sort of detail AusSAR had accumulated about the *Margaret J* over that period. Can you answer that, or would we need to talk to someone else?

Mr Davidson—We provided the entire file in relation to the search and rescue. I am not sure what analysis you are looking for us to provide to you additional to the accumulation of data that is in that file. That constitutes the file as it was built up; that constitutes the transcripts that were transcribed from the conversations that took place, and the transcripts in here are matched to contemporaneous notes taken by the staff. This is the file that would have sat in the search and rescue centre and would have been referred to by officers as each day went by and they were looking at the progressive build-up. I am not sure what more we can do.

Senator O'BRIEN—Indeed you may not. I do not have the file you are referring to in front of me. It may be in my office.

Mr Davidson—These papers were tendered to the committee some months ago.

Senator O'BRIEN—I have the transcripts but not the contemporaneous notes. Mr Davidson has two files in front of him; I do not appear to have the smaller one. I am told that they will be supplied. It will not be productive to look at them while I ask questions. I will look at this later, but does it contain copies of all the electronic traffic that might have come in in that period? I am referring to the incident file, the smaller of the two files that you have in front of you.

Mr Davidson—The incident file contains all the material that was exchanged. Very little electronic traffic existed. The principal form of communication was telephonic because most conversations took place with the police. Some faxes were exchanged and some calculations were done at various stages during the period.

Senator O'BRIEN—Can I go, then, to the transcript of a conversation between Constable Archer, Mr Threlfall and Mr Lloyd—at tab 12 in the large file—at 5 p.m. on 15 April. Mr Lloyd asked for a considerable amount of detail from Constable Archer. Do you know whether that was provided, or should I be looking at the other file?

Mr Davidson—Sorry, on which page of the transcript?

Senator O'BRIEN—It is at tab 12.

Mr Davidson—Yes, I have it.

Senator O'BRIEN—Would he have faxed details of what he had done—what areas you had been searching, how long you had been searching, and what you had been searching with? Basically, it would be a potted history of what you had done with your proposals on it. I cannot see a page number on that page. It is at the top of one page—I think it is the fourth page.

Mr Davidson—There was a fax that was sent. It is in the file at folio 14.

Senator O'BRIEN—Is the file that you have your hands on now the file that was in front of the officers on that weekend? Does it contain everything that they had recorded?

Mr Davidson—Yes. They keep notepads where they write down contemporaneous notes of telephone calls. Any faxes that come in go onto the file.

Senator O'BRIEN—From what I have in front of me, Graham is apparently being spoken to and he is asking for a fax of details of what has been done et cetera. Presumably that is already on file if it is being communicated.

Mr Davidson—I do not know. I would need to go to the specific issue that you are trying to address there and have a look.

Senator O'BRIEN—Graham Lloyd is the person. If that file that you have in front of you was available, why did Mr Lloyd have to ask for details of what had been done? Were there

numerous communications with the Tasmanian police about what was happening over the weekend?

Mr Davidson—There had been telephone conversations but with respect to the provision of information that was the first request for the detail of what had been done.

Senator O'BRIEN—Mr Lloyd apparently conducted a review of that information and was of the view that the men had been missing too long to have survived. That is not in that particular conversation; it happened subsequently. Let's leave that for the moment. You advise in your submission that as at 15 April the search area was about 44,500 square nautical miles. How would AusSAR approach a situation such as that? I assume you would look at a search area and, within that area, determine a subarea, so to speak, and apply available resources to a search of the most likely area rather than try to cover the whole lot.

Mr Davidson—No, Senator. The search area, in fact, is based on equal likelihood. The manner in which the drift planning takes place is probability analysis, which escalates. Therefore, the search area is in equal likelihood with whatever you are drift planning against within that area. The search activity that you plan would cover the area. Generally it is a circle which is then squared off for logical reasons to do with aircraft tasking.

Senator O'BRIEN—So there was the five o'clock phone call between Mr Lloyd and Constable Archer, and then at 5.20 Mr Lloyd calls Constable Archer back and advises that, because of the lapse of time from when the boat went missing, no-one could have survived. That is at tab 13 of the lever arch file.

Mr Davidson—At that stage the analysis suggested that, in view of the length of time the vessel had been missing—six days—it was considered that further search activity was impractical due to the size of the potential search area and the little likelihood that persons in the water would have survived.

Senator O'BRIEN—I now go to 17 April. Your note advises that at 3.00 p.m. AusSAR was advised that the vessel had been located and police asked that AusSAR develop a drift plan. You advised that you asked for a source of local information about the effects of wind and current in the area. I presume you asked the police.

Mr Davidson—We asked the police for a person with local knowledge.

Senator O'BRIEN—And AusSAR talked to some local fishermen?

Mr Davidson—Yes, they talked to a local fisherman.

Senator O'BRIEN—Is it normal procedure in relation to drift calculation to talk to the locals?

Mr Davidson—Yes, it would be, particularly when there is complicated local knowledge: tidal patterns, windage issues and so forth. A drift plan on a macro scale, which is the tool that we use, would not deal with the very localised information, and you get that from local knowledge.

Senator O'BRIEN—When we talk about a local area, we are talking about a 45,000 square kilometre area.

Mr Davidson—I think we are talking at cross-purposes, Senator.

Senator O'BRIEN—Perhaps we are; that is why I am trying to be clear on what you are saying. We are looking at a search area which we identified is about 45,000 square kilometres, so what other work would be done? Would you contact the Met Bureau? Would you have your own charts and information?

Mr Young—We would gather any information that we thought could contribute towards developing a good drift plan. In this particular case, we went to the Met Bureau. We look for winds during the period of the event and sometimes for some period beforehand because a particular wind can set up a current on the surface of the sea. We go to locals who may know where the water is moving to, because it is often difficult to predict from charts. It is the taking of that information and then using it in the drift planning tool that results in a particular search area. In this particular case, the datum that we had and the information that we gleaned from the Met Bureau, local sources and our own sources, like charts and the pilot, came up with the defined search area.

Senator O'BRIEN—How long did it take to devise that search area?

Mr Young—I am speculating as I was not there, but I would think probably a couple of hours.

Senator O'BRIEN—AusSAR advised that the search area at that point, around 50,000 square nautical miles, would require 100 aircraft for a reliable search effort. You are telling us that you did not consider estimating a most likely zone within this larger area.

Mr Davidson—I am sorry; I missed that last point.

Senator O'BRIEN—If I interpret your earlier answers correctly, I think you told us that you would not have estimated a most likely zone within this larger area.

Mr Davidson—No. It is all the same likelihood.

Senator O'BRIEN—In terms of a search, does AusSAR prioritise how it uses aircraft when it comes to a large area like that? If there is a 50,000 square nautical mile search area, are you going to make sure that every aspect of it is searched to the same extent?

Mr Young—If there is adequate information available that suggests that some areas are more likely than others—and that would not come from the drift planning tool; it would come from some other form of intelligence—particularly at a time of scarce resources, we would prioritise where we put the aircraft.

Senator O'BRIEN—You advise that such a search would involve a degree of risk to searching aircraft and their crew. What do you mean by that?

Mr Davidson—Tasking aircraft to fly at relatively low levels in conditions that might not be ideal, of its very nature puts the crews at risk.

Senator O'BRIEN—So they would be operating unsafely in the search?

Mr Davidson—They are operating to appropriate safety parameters. There is no breach of safety rules. However, even under the CASA regulations there is the capacity for aircraft to declare an emergency situation and fly outside the parameters. That usually involves flying lower than regulated levels allow and that is not unknown, particularly in search and rescue situations. If you are tasking a large number of aircraft into an area, you start to introduce risk.

Senator O'BRIEN—So that is the degree of risk you are talking about.

Mr Davidson—Yes.

Senator O'BRIEN—I think you said something like a code D procedure is engaged. Did I understand that correctly?

Mr Davidson—I am not sure.

Senator O'BRIEN—It is a procedure whereby the safety parameters set down by CASA are exceeded by pilots in a search. Is that the degree of risk you were talking about?

Mr Davidson—Essentially, the mere fact that you are tasking a relatively large number of aircraft—however many that might be—into a known area can introduce potential conflict and potential risk. You have aircraft flying visual flight rules. The aircraft are using see-and-be-seen rules, they are going to and from an airport and have to manage themselves in transit between the airport and the search area, and they must manage their accuracy over the search pattern we are putting them onto. All of those things, by their very nature, introduce an element of risk, and we do not ignore that fact.

Senator O'BRIEN—I am trying to understand what importance we should place on that submission. What you are saying is that there is a degree of risk with any search procedure that you routinely commission.

Mr Davidson—I am not sure how you want me to answer that.

Senator O'BRIEN—You are saying there is a degree of risk. I am putting to you that there is a degree of risk in any search by aircraft that AusSAR commissions. That is what you are talking about.

Mr Davidson—Yes.

Senator O'BRIEN—So there was not an uncommon risk with this procedure?

Mr Davidson—I am not sure which particular event or time we are talking about, but the issue would have been associated with a large number of aircraft and, the more aircraft you have in the area, the more your risk goes up.

Senator O'BRIEN—At 4 p.m. on 30 April, the Tasmanian police informed AusSAR that the *Margaret J* had been salvaged and that the life raft appeared to have been launched by the crew. AusSAR was requested to take over the coordination and reactivate the search. In the AusSAR submission, you advise us that a general broadcast was made to shipping to look out for the raft and that a new drift plan was developed. You advise that the new search area was 200,000 nautical miles. On 1 May you advise that AusSAR undertook a systematic analysis of police search actions. When was that work done? Was it done on 30 April or on 1 May?

Mr Davidson—On 1 May.

Senator O'BRIEN—You then made a decision as to what area you could practicably search. In your submission you say:

AusSAR concluded that the only practical search would be of the Northern Tasmanian coastline, Stanley to Banks Strait and off-lying islands including the Furneaux, Curtis, Hogan and Kent groups.

So there was a selective search. The most likely areas, or the most practical areas, were chosen to be searched. That is what that means, isn't it?

Mr Davidson—There was nothing at that stage in terms of searching over a large area. The only practical option at that stage was to fly along the beaches and look for any debris or evidence that might have washed up, and that is what was undertaken on, as I recollect, 2 May.

Senator O'BRIEN—It may have been undertaken on that day. You told us that the conclusion was reached that:

... the only practical search would be of the Northern Tasmanian coastline, Stanley to Banks Strait and off-lying islands including the Furneaux, Curtis, Hogan and Kent groups. Two fixed wing aircraft were tasked to commence early morning on 2 May.

What area was to be searched?

Mr Davidson—They were flying along the beaches. They did not search any water. They carried out what is called a littoral search. They just flew along the beaches looking for any debris.

Senator O'BRIEN—Very early on the morning of 2 May, the life raft was discovered. Can you explain why there was a difference? The view of AusSAR on 15 April was that the men could not be alive. I think Mr Lloyd said that at about 5.20 p.m. Why would it not have been possible for AusSAR to suggest a similar search arrangement, sometime around 15 April?

Mr Davidson—The search on 2 May, or thereabouts, was not looking for survivors. It was to see if any flotsam and jetsam had washed ashore. The search went from Stanley, which was virtually the point at which the vessel had left, right across the northern Tasmanian coast and

along the beaches of the islands on the eastern side of Bass Strait. At that stage, there was no suggestion whatsoever that we were looking for survivors.

Senator O'BRIEN—AusSAR officers did not think there would be any survivors on 15 April?

Mr Davidson—That is correct. On the information they had in front of them at that time, there was no indication that the life raft had been deployed or that there was any chance that anyone had got into it. All the presumptions were that the people had been in the water and, therefore, survival was regarded as impossible.

Senator O'BRIEN—I recall there was a conversation on about 17 April between Brian Willey of Search and Rescue and Dean Murray of the Royal Flying Doctor Service. I take it from that conversation that Mr Murray was not prepared to say that, if the men were in a life raft, they would certainly not have survived. That was what I took from the conversation. Have you read that transcript, Mr Davidson?

Mr Davidson—Yes, I have read that particular part of the transcript. I think that the information that would have allowed a considered view to be formed was probably not in front of the RFDS doctor at that stage. There were presumptions made about water temperature, air temperature and the conditions they would have gone through.

Senator O'BRIEN—Obviously, he did not know what dinghy they might have been in. He did make some comments about whether they were in the water, as distinct from not in the water.

Mr Davidson—Yes—in which case the conclusions drawn are pretty broad.

Senator O'BRIEN—They would have to have been. I presume there would have been a purpose in ringing them. Do you know what that purpose was?

Mr Davidson—To get some advice.

Senator O'BRIEN—Was there anything more formal than that? Was any other advice obtained as to the probability of survival?

Mr Davidson—I would need to check on that. The national SAR manual and, certainly, manuals available within the centre give the normal probability of survival in various conditions associated with water temperature and hypothermia, and the expected duration of survival.

Senator O'BRIEN—If you are in the water?

Mr Davidson—Yes: for people in the water.

Senator O'BRIEN—Does your manual give any other information about probability of survival in the type of life raft that these men were obviously in?

Mr Young—That is a much more difficult proposition, and the data available are not nearly as good. We—Australia and the international search and rescue community—do not have good graphs, tables or data for that kind of scenario.

Senator O'BRIEN—I guess that means that whether you could form a reliable view as to the likelihood of the men surviving in the circumstances would very much depend on your assumptions. You obviously had to assume when the boat sank, which was difficult, and you had to assume the condition of the men when they went into the life raft—if you were assuming they were in it. I am wondering how AusSAR could have given reliable advice to Tasmania Police at that time about the probability that the men were no longer alive.

Mr Davidson—You are saying 'give reliable advice'. What they can do is give professional judgments about the circumstances—based, as you say, on the assumptions that are made and the information that is provided.

Senator O'BRIEN—Professional?

Mr Davidson—Yes.

Senator O'BRIEN—I thought we just heard that this is a very difficult area for predictions to be made. What would they base their judgments on?

Mr Davidson—It is a difficult area. Judgments have to be based on a whole range of factors. One has to make a decision, and that was the judgment that was communicated to people at the time. As you say, the circumstances go to the fitness levels of the individuals, the conditions at the time of taking to the life raft—whether the sea conditions were benign or particularly aggressive, and so on. In this case, it was a 10-man life raft with potentially two or three people on board. In those circumstances, stability of the life raft is a real issue, particularly in high winds. It could well roll over a number of times, which can cause serious injuries to the individuals and further jeopardise any chance of survival. All those sorts of factors are taken into account by officers within AusSAR, based on many years of experience in that area.

Senator O'BRIEN—Was AusSAR involved in the search for the two men who were recently found after 14 days in a life raft? It has been in the papers in the last couple of days; you would know about it.

Mr Davidson—Yes, I do know about that; the answer is no.

Senator O'BRIEN—Those were different weather conditions. What assumptions were made in that case?

Mr Baird—The information we had was that the fishing boat was on a voyage from Southport to Noumea and that it was reported overdue. Some time after that report was received, the two men were found.

Senator O'BRIEN—So there were no assumptions made?

Mr Baird—Assumptions were starting to be made about where one would possibly conduct a search over an area of some 750 miles. I am not aware of what actual assumptions were made in that particular case.

Senator O'BRIEN—Let us get back to the *Margaret J* raft. Did AusSAR know what the special insulation features of the raft were?

Mr Davidson—No; I do not think that that information was available at that time. On the 15th, there was no knowledge of whether a life raft had been deployed at all. On the 17th, after the vessel had been discovered and dived upon, it was noticed that the life raft had broken away. Again, there was no certainty that it had been actively deployed and used. I do not think we had information on what the insulation properties of the life raft were.

Senator O'BRIEN—I am not sure about that. In Mr Willey's conversation that we referred to earlier, he says that he imagined that sitting in a life raft with a few inches of insulation, even for a week, would be difficult. The implication is that he knew they had an insulated life raft, isn't it? It is on the third page at tab 25.

Mr Davidson—I vaguely recollect the reference you are talking about. I am not sure that it shows that he knew. He said 'even if'—I think that is what you said—so there was a possibility that there was such a situation.

Senator O'BRIEN—He could not rule it out. So would it be fair to say that AusSAR officers needed to make that assumption in assessing whether there was a likelihood that the men were still alive?

Mr Davidson—They would take into account all factors that they knew about. Where they had uncertainty, they would take parameters, and those would be allowed for.

Senator O'BRIEN—Can we presume—or do we need to ask someone else about this—that they assumed that the men were in an insulated life raft?

Mr Davidson—I think we could make that assumption. I think we are both trying to read the minds of the people who were involved at the time. But clearly, from the transcripts, there is the suggestion of a possibility that it was insulated—and so that was, in a sense, allowed for.

Senator O'BRIEN—I realise that you are making some assumptions and so am I, because we do not have the people in front of us who were making the decisions. It may be better to ask them what they had in their minds.

Mr Davidson—We have tabled the coronial affidavits and the transcripts from those, and a lot of those matters were tested during the coronial inquiry.

Senator O'BRIEN—Can you point me to the passages which will reveal that? We only received that material last night. Thursday is a busy day; it does not allow us the opportunity to assess things before a hearing on Thursday afternoon.

Mr Davidson—We can come back and identify those particular things, because the coroner himself did look into the whole range of issues of survivability, at quite some length.

Senator O'BRIEN—I was very interested in his assessment of that. On page 43 the coroner refers to certain medical evidence in his finding. The actual medical evidence that he refers to:

... approximated the death of Mr Hill as between the 9th—16th of April 2001 and that of Mr Giles between the 16th—27th April 2001.

He finds something quite different, but that is the evidence he recites.

Mr Davidson—That is from the pathology—

Senator O'BRIEN—Yes; from the findings of the pathologists, Dr Kelsall and Dr Collins. He says they disclose that they are both of a similar view, that both Mr Hill and Mr Giles died in the life raft.

Mr Davidson—That was a conclusion that he came to.

Senator O'BRIEN—Yes; that is on page 43 of his report.

Mr Davidson—My understanding is that the pathologists examined the bodies and concluded from the examination of those bodies the approximate time of death, and that from other forensic evidence it was apparent that they had in fact died in the life raft.

Senator O'BRIEN—Yes; that was Professor Robertson's precise view.

Mr Davidson—That is right. And then from other evidence as to how long it would have taken for the life raft to have crossed to Flinders Island and to Prime Seal Island he concluded, as I understand it, where he got to.

Senator O'BRIEN—Sorry? He concluded where he got to?

Mr Davidson—Where he made his findings.

Senator O'BRIEN—I do not want to debate his finding with you; that serves no purpose. It seems rather speculative, but that is the medical evidence. But the point is that, as distinct from the coroner's finding, both the pathologists believed that one of the men was alive at least until the 16th—that is the pathologists' finding.

Mr Davidson—I do not think I would draw quite that same conclusion.

Senator O'BRIEN—It does say that he died between the 16th and the 27th.

Mr Davidson—I am not an expert in analysing pathologist reports. My understanding of it is that what the pathologists concluded was from an examination of the bodies. That was the period that they could determine, as best they could, the time of death—given the evidence in

front of them. Other factors had to be brought to bear in order to refine that, and that was indeed what the coroner did.

Senator O'BRIEN—I have not read the pathologists' report. Have you read the pathologists' report, Mr Davidson?

Mr Davidson—I have glanced at it, yes—some many months ago.

Senator O'BRIEN—Is the coroner's recital not a fair reflection of what they found?

Mr Davidson—No. I agree with it. It is a fair recital.

Senator O'BRIEN—It struck me that the approximation of the time of death of Mr Giles means that it was probable that he was alive until at least 16 April.

Mr Davidson—I think I have been over that. I do not make that interpretation.

Senator O'BRIEN—You do not make that interpretation, from what?

Mr Davidson—All the evidence gathered by the coroner.

Senator O'BRIEN—No. I am asking about the pathologists' evidence, as distinct from the supposition that necessarily finds its way into the coroner's finding. He does have to suppose certain things, doesn't he? He does not know what happened in the life raft. No-one can know.

Mr Davidson—I take it that the long time that had elapsed from the time that death had occurred until the bodies were found, and the amount of evidence that the pathologists had to go on to determine with any precision when in fact death had occurred, made it virtually impossible and extraordinarily difficult, and that therefore resulted in—from my reading of it—the wide band of time.

Senator O'BRIEN—Is that what they said, or is that your interpretation?

Mr Davidson—It is the best of my recollection of their report.

Senator O'BRIEN—It would be interesting to see that. On 2 May there was a telephone conversation between Sam Hughes of Search and Rescue and Darren Hopkins of Police Search and Rescue in Tasmania. Are you familiar with the detail of that conversation? Mr Hopkins said:

I was just spoken to by my Commander who's been talking to one of the Deputy Commissioners about ensuring that we don't have a divided approach to what has happened and that both AusSAR and police sort of have a more united approach to it.

It sounds like they are seeking to agree to put a common view to whatever inquiries are made of them.

Mr Davidson—My recollection, Senator, was that the media at that stage, having spoken to one party, were purporting to present that to the other party and seeking to generate controversy and dissent, and basically winding the situation up. In that circumstance, I think it was not inappropriate that the two organisations should get together and make sure that they had the facts properly on the table, and that the truth was brought out transparently—rather than leaving it to the media to generate an exciting story.

Senator O'BRIEN—Mr Hopkins said:

And I think if we start sort of trying to cast blame on others and all that it will come across very untoward. If we just stand united and say we were supported by, our decisions were supported by AusSAR at that point. And we support any decisions they made when they took it over.

Mr Davidson—That is exactly what happened, Senator. Any reading of the transcripts would show that is indeed what took place.

Senator O'BRIEN—Why would he have to say that about not casting blame on one another? Is that something that you expected would happen, or that he expected would happen?

Mr Davidson—As I said, to the best of my recollection, at that time the media were purporting to have talked to one party, alleging that the conversation had been of a particular nature and asking for comment, criticism and so forth; and so this conversation was quite appropriate in the circumstances.

Senator O'BRIEN—Is this normal procedure? Should I understand that this is the sort of normal procedure that happens between the agencies, where there was media comment occurring—that there would be some sort of coordination of the response?

Mr Davidson—I would not say that you would find within my organisation a 'procedure' which says, 'Contact the other agencies and ensure that we have a unified position,' or whatever; it is a matter of generally making sure that, when the media talk to us, we talk about what we know about and that, when the other search and rescue agencies are talked to by the media, they respond in relation to their actions and their understandings of the situation and do not criticise one another or comment on the performance of the other and so on.

Senator O'BRIEN—Before that time, had AusSAR commented to the media about the search?

Mr Davidson—I cannot comment on exactly what had taken place at that stage, but my recollection is that the media were pretty interested in what had transpired and were phoning around to try and find out information.

Senator O'BRIEN—The implication of what you have just told us is that there was a suggestion that different things had been said. You do not know whether there had actually been contact between AusSAR and the media about this incident before this phone call; is that what you are telling us?

Mr Davidson—I am pretty certain that at that stage the media were in contact with everybody, but I would need to go and talk to the people directly involved in the media unit and see what happened, to the extent that they could recollect.

Senator O'BRIEN—At Tab 143, Angela McLaren from the *Advocate* gets referred to Ben Mitchell. I did not see any others. I guess that does not mean that contact was not made with Mr Mitchell direct. Could you clarify that?

Mr Davidson—Yes.

Senator O'BRIEN—Can you tell us—or perhaps take this on notice—the basis for Mr Lloyd's advice to Constable Archer at 5.20 p.m. on 15 April that no-one could have survived? That is at tab 13.

Mr Davidson—So you are asking for the basis of that advice?

Senator O'BRIEN—Yes. Can you provide it? Is that a possibility? I do not necessarily mean now.

Mr Davidson—We would have to come back to you about it. But it would be based on material that was provided to the coroner so, yes, we can do that. I want to draw your attention to page 7 of our submission. The second dot point, which is taken from the coroner's report, says:

- *In my view, the search and the reason as to why the search was suspended [on 15 April 2001] are unassailable. I stress that I am not utilising hindsight to make this finding, and whilst with hindsight one could say that Flinders Island should have been searched, there was no reason to presume at that time that the vessel had sank, that a life raft had been deployed or anything else to suggest that survivors may have been carried to Flinders Island.*

Senator O'BRIEN—That is an interesting finding. I would be interested to know what was in the mind of the officer who made the recommendation at the time—whether it was a recommendation or advice or speculation; I am not sure what categorises it. Aspects of the coroner's finding are interesting. In terms of the issue of the negotiation of agreements between the Commonwealth and the states, whom should I ask questions of? Should I ask you, or should I be asking the department or someone else?

Mr Davidson—The original agreements that were put in place by the department are now our responsibility. We are responsible for those agreements, so you can ask me.

Senator O'BRIEN—The existing agreement between the state of Tasmania and the Commonwealth is 25 years old. Are the lives of other agreements similar?

Mr Davidson—Yes.

Senator O'BRIEN—The interchange between the Commonwealth and the states in this area is regular. Does that lead to any subordinate agreements, if I can put it that way, as to operational matters?

Mr Young—Sorry, Senator?

Senator O'BRIEN—I am trying to think of a way of putting it—I mean where you go and meet with the states. You have your overarching Commonwealth-state agreement and then you have procedural agreements. Should we read the matters that are agreed in these agency state-Commonwealth meetings as adding to the Commonwealth-state agreement in any way, fleshing it out?

Mr Young—They do at an operational level. The state-Commonwealth agreements for marine search and rescue are really quite brief and to the point. The whole *National Search and Rescue Manual* builds on that at an operational level. As I indicated earlier, each agency then has its own instructions and we have a liaison process that revisits the *National Search and Rescue Manual* and operational level procedures. Those regular liaisons do not actually revisit the prime Commonwealth-state agreements, although AMSA has taken other actions to try to foster that process.

Senator O'BRIEN—I am trying to understand whether, to get a full appreciation of the Commonwealth-state agency relationship, we should have in front of us not just the short passage which specifies those areas of responsibility but the full operational manual as well.

Mr Young—To understand the relationship and the way it works in practice, I think you have to go well beyond those simple agreements.

Senator O'BRIEN—Should I understand that everything in the manual falls within the terms of the 1997 agreement with regard to Tasmania—in other words, that there are no areas where it exceeds the charter provided by the 1977 agreement?

Mr Young—To my understanding, that is correct, that the procedure is a baseline from which the *National Search and Rescue Manual* is developed. Other elements of search and rescue that are covered in the *Search and Rescue Manual* were not envisaged in that agreement—for example, the whole of aviation search and rescue.

Senator O'BRIEN—Is it envisaged that the 1977 agreement will be up for renegotiation at any particular time?

Mr Davidson—We have already commenced the process of looking to revisit it and bring it up to contemporaneous arrangements. Since its establishment, the COSPAS-SARSAT system has been put in place with EPIRBs, and the generation of the alerts and how they come to people is changing with time. We ought to make sure that it is a sensible package. We have already commenced discussing that with the states.

Senator O'BRIEN—How sensible is the delineation between the responsibility for aircraft search and the responsibility for marine vessel search? You had a responsibility in relation to that aircraft in Tasmania that we talked about; the ball was in your court straightaway.

Mr Davidson—Yes. Under Commonwealth-state division of responsibility arrangements, aviation is wholly managed by the Commonwealth, so the regulation of all aircraft is handled by the Commonwealth. The framework for notification and discovery of SAR incidents in that arena typically comes through Commonwealth agencies—Airservices if an aircraft is overdue, and so on. It is most likely that we get it through that arrangement. They also all carry EPIRBs;

they are called ELT on aircraft, but they have same effect, the same frequencies. Under that arrangement, the Commonwealth accepts the primary responsibility. In relation to small craft, the division of responsibility is differently managed, hence the genesis of the 1977 agreement.

Senator O'BRIEN—Some changes to the boundaries are taking place between the Commonwealth and the states in relation to maritime—trade certainly—but probably not in relation to pleasure and fishing vessels.

Mr Davidson—No. The fundamental division of responsibility is going to remain essentially as described in the agreement—that is, that small vessels that come under state jurisdiction for regulation will be typically searched for by state entities.

Senator O'BRIEN—In relation to the agreement—forgive me, I have not paid complete attention to the manual—is the arrangement between Tasmania and the Commonwealth with regard to handing over the responsibility for a search contained in the manual?

Mr Young—Yes, it is. The arrangement itself is written into the manual as an appendix, so you can find the words written in there.

Senator O'BRIEN—That manual would have been on the desk in AusSAR in Canberra and it would be there every day?

Mr Young—It is certainly available, yes.

Senator O'BRIEN—Would it be referred to routinely by your officers, if they were dealing with a Tasmanian search, so they knew the words they needed to hear?

Mr Young—My officers would not need to refer to this manual frequently. They actually know its contents, particularly as it refers to coordination issues. But it is always there if they need it for reference.

Senator O'BRIEN—So they would not need it to refresh themselves if there was a request to take over a search?

Mr Young—As a general rule, if they were asked to take over a search they would not need to refresh themselves to know what they needed to do. If they needed to refresh themselves it would be there available for them.

Senator O'BRIEN—I am just curious about why the now well-known memo on the file talks about the Tasmanian police requesting to take over the search when at the coronial inquest the officer apparently changed his view.

Mr Young—As a witness at the coronial inquest, I did not listen to the evidence of the other officers.

Senator O'BRIEN—So we would need to talk to that officer, would we?

Mr Davidson—Perhaps I can talk about the situation as we within AMSA understand it to be and as indeed the officer intended. I think you can read it in the affidavit, but essentially in formulating what was then the beginnings of the incident file—which is an electronic version that is developed—the reading of the papers that were on the desk at the time and using the contemporaneous notes, an interpretation was made that was wrong. That interpretation was not reflected in the transcripts. There was a lot of confusion about that. It is meant to be a very short characterisation of the incident so that in future if someone is trying to locate an incident you have the key words and a core description of what it looks like. It is not a definitive record. It is not meant to be a record which is 100 per cent accurate. We would like it to be 100 per cent accurate, but from the handwritten notes of the telephone conversations the interpretation was made and transferred into that incident report; and, having been created, it lived on.

Senator O'BRIEN—Sure. I am just curious. If that was the view come to, the officer would have known the obligation of AusSAR to take over the search, wouldn't he? I thought that was implication from Mr Young's earlier answer.

Mr Davidson—I would certainly hope that would be the case, yes.

Senator O'BRIEN—That is the difficulty with the proposition you advance: the officer in writing that would have known what the obligation of AusSAR was.

Mr Davidson—It is evident that, in formulating the short characterisation of the incident in the incident register, the inconsistency with the manual and the protocols obviously did not occur to him at the time.

Senator O'BRIEN—Perhaps he could say what occurred to him at the time.

Mr Davidson—That issue was extensively investigated by the coroner. We could probably tender the transcript of that if you would like.

Senator O'BRIEN—Is that not already tendered?

Mr Davidson—Yes, it is.

Senator O'BRIEN—At this stage I do not have any other questions. However, as I said, the information you provided shortly before today's hearing may raise others. I will raise with the committee how we will proceed further.

CHAIR—I thank the witnesses for their evidence. A *Hansard* copy of your evidence will be made available to you.

Committee adjourned at 6.09 p.m.