



Australian Government
**Australian Customs and
Border Protection Service**

Customs House
5 Constitution Ave
Canberra ACT 2601

10 February 2012

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

Clarification of Evidence – Senate Estimates Hearing of 18 October 2011

I am writing to clarify information I provided in response to questioning from Senator Brandis at the 18 October 2011 hearing of the Legal and Constitutional Affairs Legislation Committee and to apologise to the Committee for inadvertently providing incorrect information.

At page 81 I said: *The usual procedure in these situations is that we will telephone AMSA and we will email AMSA with information as soon as it comes to hand that there is possibly a vessel in distress, which is what occurred on the day that we are referring to here.*

While reviewing the response to Question on Notice 38, it came to my attention this procedure was not formally in place at the time. My responses reflect what has since become the agreed procedure.

The times identified for Question on Notice 38 show a time frame of about three and a half hours from initial advice about a potential vessel in distress to notification to AMSA.

The facts are:

- At 12.00 AEST on Saturday 3 October 2009 Customs and Border Protection (Canberra) received information from the Australian Embassy, Jakarta, regarding a potential vessel in distress. Information received indicated that the vessel was 100 kilometres from Christmas Island and taking on water.

- A partial coordinate was provided with the information, which indicated an alternate vessel location. The partial coordinate indicated an area around 3.43 square kilometres, approximately 200 nautical miles from Christmas Island, approximately 17 nautical miles off the coast of Java and within the Indonesian Search and Rescue Region. The information received was classified, ambiguous and unverified.
- 12.10 AEST reports of the potential vessel in distress including the partial coordinate were conveyed to the BPC watch-keeping officer in the Australian Maritime Security Operations Centre (AMSOC).
- Based on this information staff in the AMSOC (Canberra) in collaboration with Defence Joint Taskforce 639 (Darwin), commenced investigating the location, availability, fuel and logistics status of BPC assigned assets. Concurrently, intelligence areas commenced assessment of the credibility and veracity of the report by reference to existing information holdings regarding potential ventures.
- AMSOC contacted Australian Customs Vessel *Oceanic Viking* and determined its location was approximately 360 nautical miles south east of the partial coordinate. The crew of the ACV *Oceanic Viking* were briefed on the reported information. An Armidale Class patrol boat (HMAS *Albany*) assigned to Border Protection Command was proceeding to the northern approaches to Christmas Island and its capacity to intercept the reported vessel was also assessed.
- In view of the paucity of information regarding the status, location, course and speed of the reported vessel, assessments were made in relation to the course most likely to locate it.
- At 13.19AEST ACV *Oceanic Viking* was directed to the partial coordinate 200 nautical miles from Christmas Island. HMAS *Albany* remained on task in the vicinity of Christmas Island noting the possibility of the alternate location of the reported vessel closer to Christmas Island.
- During this period, calls were also being made about availability of aircraft to fly from Darwin.
- AT 13.22 AEST Commander Border Protection Command and the on-call BPC Director discussed the ongoing operational response to the report. As a result of this discussion, Commander BPC requested the on-call Director make arrangements to notify AMSA of the potential vessel in distress, pending approval for release of the information from the originating agency.
- The on-call Director contacted the on-call Intelligence officer to formally progress this request via secure systems used to liaise with the originating agency.
- During this period, Customs and Border Protection officers continued to seek further and better particulars regarding the location of the vessel and the nature of its distress to inform any subsequent operational response.
- At 14.35 AEST the on-call Intelligence officer followed up telephone discussions with a secure communication to the originating agency requesting positional data on the potential vessel in distress at an unclassified level for passing to AMSA for search and rescue purposes.

- At 14.49AEST the originating agency approved disclosure of the partial coordinates at an unclassified level and sought further discussion on the information and specific text to be disclosed.
- By 15.33 AEST the information and set of words were settled and the approved text was emailed to AMSA.

Could you please provide this clarification to the Committee.

Yours sincerely

Marion Grant
Deputy Chief Executive Officer
Border Enforcement