

The Senate

Rural and Regional Affairs and
Transport Legislation Committee

Administration of AusSAR in relation to
the search for the *Margaret J*

August 2004

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CHAPTER ONE

OVERVIEW AND CONDUCT OF THE INQUIRY

Origin of the Inquiry

1.1 On 25 June 2001 the Senate referred the matter of the role of AusSAR in the search for the *Margaret J* to the Senate Rural and Regional Affairs and Transport Legislation Committee for inquiry.¹

1.2 AusSAR (Australian Search and Rescue) is the search and rescue division of the Australian Maritime Safety Authority (AMSA), charged with the provision of search and rescue services under section 6 of the *Australian Maritime Safety Authority Act 1990*.

1.3 The *Margaret J* went missing in April 2001. Tragically, the three men on board, Mr Ronald Hill, Mr Robert Kirkpatrick and Mr Kimm Giles, lost their lives.

1.4 Public controversy surrounded AusSAR's role in the search for the *Margaret J*. Concern about AusSAR's performance rekindled disquiet about AMSA's role in the search for the missing Tasmanian fishing vessel *Red Baron* in December 1995. The relationship between state and Commonwealth search and rescue agencies, and the transfer of responsibility for the search for the *Red Baron*, was a matter of particular concern. In response to criticism of AMSA's role, the agency said:

The reality is the coordination arrangements were inadequate at the time. There was no appropriate mechanism for determining which authority had responsibility. There were problems in the coordination.²

1.5 The Committee initially proposed to conduct its first public hearing into the matter on 19 July 2001. Following correspondence from the Tasmania Police, legal opinion from Mr K Bell QC and Ms D Mortimer of Douglas Menzies Chambers in Melbourne on behalf of the Australian Maritime Safety Authority (AMSA), and advice from Mr Harry Evans, Clerk of the Senate, the Committee resolved to defer hearings until a later date.

1.6 Issues raised by Tasmania Police concerned the inquiry's timing and potential to conflict with the coronial inquest and issues relating to speculation arising from media coverage. AMSA's legal advice indicated that the Committee's inquiry might prejudice the conduct of the coronial inquest.

1 Extract from *Journals of the Senate*, No. 194, 25 June 2001. The initial reporting date was 30 August 2001.

2 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Budget Estimates, 12 June 1997, p. 329

1.7 Further correspondence from Tasmania Police dated 9 August 2001, advised that the coronial inquest would be delayed and reiterated the original request to defer the inquiry until after the completion of the inquest. The Committee resolved to commence the inquiry and scheduled public hearings for 20 August 2001 in Canberra and 14 September 2001 in Launceston, Tasmania.

1.8 Correspondence dated 20 August 2001 from Mr Lorenzo Lodge, Crown Counsel, Tasmanian Office of Director of Public Prosecutions, outlined concerns that evidence obtained in the Committee's inquiry could pre-determine the issue and undermine the Coroner's determination. Based on this request, the Committee resolved to not proceed with scheduled public hearings and deferred the inquiry pending the Coroner's report.

1.9 The Committee tabled an interim report on 27 June 2002. This report indicated that the Committee had not completed its inquiry during the course of the 39th Parliament and recommended that the inquiry continue during the 40th Parliament. The recommendation was adopted by the Senate.³

1.10 The report of the Coroner, Mr Donald Jones, was released on Monday, 26 August 2002.

Conduct of the Inquiry

1.11 The Committee received and authorised for publication three submissions (see Appendix 1).

1.12 The Committee held two public hearings, in Canberra on 19 September 2002 and Launceston on 27 November 2002, hearing evidence from officers of AMSA, Tasmania Police and local mariner and life raft surveyor, Mr Jim Hooper (see Appendix 2).

1.13 Submissions and transcripts of the hearings are available at the Parliament House website www.aph.gov.au.

1.14 The Committee's findings are informed by submissions to this inquiry, evidence taken at public hearings, responses to questions on notice, and the coronial report.

1.15 While the Committee's work was informed by the coronial report, the Committee did not seek to duplicate the inquiry undertaken by the Coroner pursuant to Tasmanian legislation. The Committee notes that the coronial inquiry involved 21 days of extended sitting hours, evidence by 48 witnesses, 208 exhibits and a transcript of proceedings that stretched to 3 700 pages.⁴

3 The reporting date was extended to 12 December 2002 and subsequently to 26 June 2003, 4 December 2003, 11 March 2004, 27 May 2004, 5 August 2004 and 12 August 2004.

4 Coroner's Report, 26 August 2002, p. 1

1.16 The Committee delayed public hearings, and has subsequently delayed the presentation of its report, in order to minimise the creation of difficulties for any legal proceedings, including criminal prosecutions and civil suits, arising from the search for the *Margaret J.*

CHAPTER 2

BACKGROUND AND EVIDENCE TO THE INQUIRY

Introduction

2.1 The following chapter outlines the background and events that led to the Committee's inquiry into the role of AusSAR in the search for the *Margaret J* and crew. It will provide an overview of the vessel's movements and the timeline of the voyage and foundering. The chapter also examines the salient issues arising from the coronial inquest into the deaths of the crew and in evidence to this inquiry.

The *Margaret J*

2.2 The fishing vessel *Margaret J* departed from its home port of Ulverstone, Tasmania on 7 April 2001 and sailed to Stanley on the first leg of a planned fishing trip. The vessel carried two crew members, Mr Hill and Mr Giles, and collected a third, Mr Kirkpatrick, at Stanley.¹

2.3 The vessel left Stanley on 9 April 2001 with the intention of sailing to and fishing around Robins Island.²

2.4 The crew planned to return to Ulverstone via Stanley on 12 April 2001. The *Margaret J* failed to return and was reported as overdue on 13 April 2001.³

2.5 The Coroner's report notes the lack of direct evidence in establishing the circumstances surrounding the foundering of the *Margaret J*. The Coroner's findings were based on circumstantial evidence and the probable circumstances in which the vessel sank and the three men aboard lost their lives.

2.6 The Coroner found that the *Margaret J* sank on its day of departure, 9 April 2001. The Coroner also found that the three crew members launched and entered the vessel's life raft at that time. He estimated the probable time of sinking as approximately 11:27am, based on a mobile phone call made by one of the crew and the time at which a recovered clock had stopped. No radio contact was made and neither of the two Emergency Position Indicating Radio Beacons (EPIRBs) on board the vessel was activated.⁴

1 Coroner's Report, 26 August 2002, p. 15

2 Coroner's Report, 26 August 2002, p. 15

3 Coroner's Report, 26 August 2002, p. 15, 19

4 Coroner's Report, 26 August 2002, pp. 17-18

The Search for the *Margaret J*

2.7 Before embarking on a chronology of events with regard to the search in question, it is useful to refer to the division of responsibility between state and Commonwealth agencies when a search and rescue operation is initiated.

2.8 The agreed demarcation of responsibilities, reflected in the National Search and Rescue Manual ('the Manual'), holds that state authorities are responsible for coordinating searches and rescue operations for fishing boat or pleasure craft crew. This is confirmed in a specific search and rescue agreement between the Commonwealth and Tasmania.⁵

2.9 The protocol for transferring responsibility for coordinating search and rescue operations is the subject of further discussion later in the report.

2.10 In accordance with this division of responsibilities, Tasmania Police coordinated the initial search for the *Margaret J*. On 13 April 2001, Tasmania Police authorised an aerial search from Smithton to Cape Grim. An additional aerial search was organised by the friends and family of Mr Kirkpatrick. The search area covered the coastline between Smithton and Cape Grim, all rocky outcrops and islands including Trefoil Island, Steep Head, South Black Rock, Albatross, Bird, Stack, Hunter, Three Hummock, Walker and Robbins Islands and Penguin Islet.⁶

2.11 On 14 April 2001, two aircraft and one helicopter searched the same area and extended the search eastwards. The Tasmania Police vessel *Van Diemen* searched the Hunter Island group of islands.⁷

2.12 On 15 April 2001, police vessels continued to search south to Studlands Bay and north to the western side of Hunter Island and other offshore islands to the west. At approximately 10.30pm on 15 April, Tasmania Police suspended the search until "further information was available".⁸

2.13 The decision to suspend the search on 15 April 2001 was based on AusSAR's response to a facsimile from Tasmania Police outlining the search procedures to date and requesting assistance to search the greater Bass Strait area.

2.14 AusSAR's reply stated:

Search actions detailed in Ref A [Tasmania police description of search] fully supported. However, in view of length of time vessel has now been missing (6 days) consider further search activity impractical due to size of potential search area and little likelihood that persons in the water would

5 AMSA, Submission 1, pp. 2-3

6 Coroner's Report, 26 August 2002, p. 20

7 Coroner's Report, 26 August 2002, pp. 20-21

8 Coroner's Report, 26 August 2002, p. 21

have survived. Based on Ref A, consider police search would have located the vessel or survivors had they been in the police search area. It is noted that vessel had the means to communicate a distress situation had it been able to; namely, HF and VHF radios and an EPIRB. No confirmed beacon has been detected in the area over the last week. In the absence of further intelligence AusSAR does not intend conducting a search of the greater Bass Strait.⁹

2.15 On 16 April 2001, the *Margaret J* was located in approximately 15 metres of water by a passing aircraft. Tasmania Police conducted a search of the vessel, specifically searching for the bodies of the crew. Information supplied to police regarding the existence of a life raft was not conveyed to police divers.¹⁰

2.16 On 17 April 2001, Tasmania Police requested information on drift patterns from AusSAR. The information provided indicated a minimum possible search area of 50 000 square nautical miles. AusSAR advised Tasmania Police that:

...it would not be possible to search an area of this size because we could not get enough search aircraft to cover the minimum area in one day. Typically it would take over 100 aircraft (with track spacing of one nautical mile), each doing a four hour sortie and if this was not achieved it would take even more aircraft each subsequent day because the search area will continue to grow with the extra drift time.

AusSAR recommends that without some specific new information to indicate that the missing men are actually in the life raft or some information about the location of the life raft that it is not possible to mount a realistic search effort.¹¹

2.17 Based on this advice from AusSAR, Tasmania Police again suspended the search for the crew of the *Margaret J*.¹²

2.18 The *Margaret J* was salvaged on 30 April 2001 and, following a review of the available evidence and at the request of Tasmania Police, AusSAR assumed responsibility for the search coordination that afternoon.¹³ It was then determined that a search of the uninhabited islands around Flinders Island should be undertaken.¹⁴

2.19 On 2 May 2001, the life raft from the *Margaret J* and the body of one crew member was located on Prime Seal Island. A second body was located on Flinders Island. The body of Mr Kirkpatrick was not found.¹⁵

9 Message sent from RCC Australia to Police Devonport, AUSSAR 01/2688 of 15 Apr 01

10 Coroner's Report, 26 August 2002, pp. 29-32

11 Facsimile message to Insp. Lindsay, Devonport Police from AusSAR, 17 April 2001

12 Coroner's Report, 26 August 2002, p. 35

13 Coroner's Report, 26 August 2002, p. 39 & 42

14 Coroner's Report, 26 August 2002, p. 38

15 Coroner's Report, 26 August 2002, pp. 42-43

Issues

- 2.20 The primary issues raised in evidence to this inquiry pertained to:
- (a) The life-saving potential of a better coordinated and more effective search and rescue effort following reports of the missing *Margaret J* crew;
 - (b) The effectiveness of communication between AusSAR and the Tasmanian Police, particularly with regard to the transfer of responsibility for search and rescue coordination from State to Commonwealth authorities; and
 - (c) The accuracy and effectiveness of AusSAR's information recording and documentation procedures.

Survival prospects for the crew of the Margaret J

2.21 The Coroner found, on the basis of the limited evidence available, that the three crew members died on 11 April 2001.¹⁶ In relation to the possibility of a more effective coordination of the rescue effort saving the lives of the crew, he stated that:

I am satisfied that at the time the matter was first reported to police (13 April 2001), the crew of the *Margaret J* had perished.

It therefore follows that a search of the waters to the east of what was subsequently identified as the splash point¹⁷ would not have saved the lives of the three (3) men.

I further find that it would not have been reasonable to expect that a search should have been undertaken further to the east in the initial stages of the search due to the lack of communication from the vessel and the absence of a splash point.

To suggest that a large number of planes should have been launched for a vessel that may or may not have sunk, for a life raft that may or may not have been launched, would have been placing the lives of a number of searchers at risk. Such a risk in the overall circumstances was not warranted.¹⁸

2.22 The Committee notes the evidence of forensic pathologist Dr Kelsall to the coronial inquiry estimating the time of death of Mr Hill as between 9-16 April and that of Mr Giles between 16-27 April 2001.¹⁹ In evidence to the Committee the CEO of AMSA, Mr Davidson, interpreted Dr Kelsall's evidence as follows:

16 Coroner's Report, 26 August 2002, pp. 44-48

17 The term splash point refers to the location at which the crew abandoned the foundering vessel

18 Coroner's Report, 26 August 2002, pp. 48-49

19 Coroner's Report, 26 August 2002, p. 43

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.²⁰

2.23 In his evidence to the Committee, local marine expert Mr Jim Hooper stated that the men would have lived beyond April 11. He based this assertion on the resilience of the life raft, which he had recently serviced, the quantity of rations that had been consumed by the crew and his estimation of the warmer water temperature in Bass Strait at that time of the year.²¹

Communication between authorities and transfer of responsibility

2.24 Early communications between the Tasmanian Police and AusSAR focussed on seeking advice as to a potential search area based on the likely drift of the missing crew. AusSAR's refusal to attempt to calculate a drift pattern on April 13 was addressed by the Coroner, stating that:

In respect of the request for the drift pattern, Mr Adrian Johnson, an AusSAR officer, indicated without a reliable splash point the figures would be meaningless, and I have no hesitation in accepting this statement. At this point in time the vessel could have been anywhere, and without basic information of a last sighting or position, it would be impossible to calculate the effects of wind or current on a vessel.²²

2.25 Under the relevant 1977 search and rescue agreement between Tasmania and the Commonwealth, transferring responsibility from Tasmanian authorities to AusSAR occurs, "should an operation which is the responsibility of [Tasmanian] Authority overreach that Authority's capacity, responsibility will be transferred to, and accepted by, the Commonwealth Authority".²³

2.26 The Committee notes that this 1977 arrangement was not as clearly defined as that with other states under the same agreement, whereby a transfer of responsibility occurs by mutual agreement as to overreached capabilities.²⁴

2.27 On 13 April 2001 an AusSAR officer explained this arrangement to Tasmania Police, who had just received report of the missing vessel, indicating that AusSAR

20 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 19 September 2002, pp. 28-29

21 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 27 November 2002, pp. 58-62

22 Coroner's Report, 26 August 2002, p. 27

23 Quoted in Coroner's Report, 26 August 2002, p. 25

24 Australian Maritime and Safety Authority, Submission 3, Attachment D

would take over only after an adequate search had been undertaken and Police resources would not allow a more extensive search.²⁵

2.28 The Committee finds that a transfer of responsibility consistent with the search and rescue agreement between Tasmania and the Commonwealth could have been effected on 15 April 2001. It is clear that an intended transfer request from Tasmania Police was thwarted by AusSAR's reluctance to assume responsibility for coordination of the search for the *Margaret J.*²⁶

2.29 In relation to a recorded telephone conversation between Mr Lloyd of AusSAR and Constable Archer of Tasmania Police on 15 April 2001, relating to a Tasmania Police request for assistance, the Coroner notes:

... Constable Archer was taken by surprise by the approach of Mr Lloyd and does not proceed with what was his obvious intention, of transferring coordination to AusSAR.²⁷

2.30 In a response to a question taken on notice from the Committee about this matter, AMSA said:

The Police facsimile asked for assistance with a search of the Bass Strait area. AusSAR responded by facsimile ... indicating that AusSAR fully supported the Police search actions but concluded that further search activity was impractical given the length of time (six days) since the vessel was last sighted because of the size of the search area and the little likelihood of survival of anyone in the water. AusSAR noted that no communication had been received although the vessel had a radio and distress beacon. In the absence of further intelligence AusSAR advised that it was not intending to search the greater Bass Strait.²⁸

2.31 The Committee notes AMSA's statement that Tasmania Police "asked for assistance with a search of Bass Strait". While this may have not constituted a direct request for a transfer of responsibility, it suggests that as of April 15 the Tasmania Police communicated to AusSAR that the search effort had gone beyond their operational capacity.

2.32 The clearest opportunity for the transfer of responsibility occurred on 17 April 2001, the day after the sunken vessel was located (and consequently a splash point had been identified). On this occasion advice was sought from AusSAR on possible drift patterns and a likely search area (see paragraph 2.16).

25 Coroner's Report, 26 August 2002, p. 26

26 Coroner's Report, 26 August 2002, pp. 28-29

27 Coroner's Report, 26 August 2002, p. 29

28 Rural and Regional Affairs and Transport Legislation Committee, Response to question on notice, Canberra, 19 September 2002, p. 19

2.33 In evidence to the Committee, Tasmania Police officers indicated that they were unable to conduct a search of the magnitude required to locate the missing life raft:

We were positioned and capable of conducting coastal searches, which we had done to that point. When you are getting involved in a search of the magnitude of Bass Strait, which involves two jurisdictions – Tasmania and Victoria – you then start to get to the point where it is way beyond the capabilities firstly to conduct the search and secondly to conduct it.²⁹

2.34 The Committee notes that Tasmania Police's decision to suspend the search for a second time was again based on insufficient resources and AusSAR advice that it was not possible to mount a realistic search effort (see paragraph 2.17). A transfer of responsibility for the search did not occur; the search was suspended by the Tasmanian authorities on the advice of AusSAR, not by AusSAR itself.

2.35 In relation to AusSAR's responsibilities following the location of the sunken vessel on 30 April 2001, the Coroner concluded that:

Had AusSAR been placed in the position of being responsible for the search on the 17th April 2001, I believe they would have ... coordinated a search of the uninhabited islands in Bass Strait, which may have led to an earlier retrieval of the life raft.

It is regretful that AusSAR did not give closer consideration to the situation as at the 17th April and offered to undertake a review of the search at this time.³⁰

The Committee supports the Coroner's conclusion on this point.

2.36 AMSA emphasised to the Committee that what they judged to be a remote possibility of locating survivors was not worth the risk associated with attempting to undertake a comprehensive search over a large area of Bass Strait on 17 April 2001.³¹ In evidence to the Committee officers contrasted this judgment with the 30 April 2001 decision to conduct a search of the northern Tasmanian coast and along the beaches on islands on the eastern side of Bass Strait, which soon after located two of the bodies. In evidence to the Committee, they stated that this later search was for debris, not survivors, and was therefore targeted more precisely at coastline areas.³²

2.37 The Committee is not comfortable with AMSA's explanation of the decision-making that rejected AusSAR-coordinated search activity on 15 and 17 April 2001 but

29 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 27 November 2002, pp. 40-41

30 Coroner's Report, 26 August 2002, p. 38

31 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 19 September 2002, pp. 23-24

32 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 19 September 2002, p. 24

endorsed such coordination on 30 April 2001. The success of the restricted search activity on 30 April 2001 leaves the Committee unwilling to accept that earlier similarly targeted search activity would not have yielded a similar result.

Information recording and documentation

2.38 The Committee notes that deficiencies were present in the information recording procedures of both state and Commonwealth authorities. In relation to AusSAR, the Coroner regretted an absence of accurate note keeping of conversations held and actions taken, resulting in inconsistent information being available to him on which to reach positive findings.

2.39 He specifically referred to a lack of recorded information on AusSAR's understanding of whether or not the Tasmania Police had already searched Flinders Island when responsibility was transferred. This, it was stated, restricted the Coroner's capacity to draw conclusions as to the accuracy of conflicting statements regarding this aspect of the search.³³

2.40 Moreover, the Coroner highlighted AusSAR's mishandling of information on the ship's generator and its effect on the seaworthiness of the *Margaret J*. Citing dramatic changes - over a short period of time - of recollected facts passed between AusSAR officers, the Coroner stated that:

There is a need to ensure that information received is accurately recorded and should not be subject to embellishment.³⁴

2.41 In evidence to the Committee, AMSA conceded that the *Margaret J* incident had highlighted problem areas in the organisation's procedures:

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.³⁵

2.42 The Coroner also made a number of criticisms of the recording procedures of Tasmania Police. However, the Committee notes the terms of reference and its

33 Coroner's Report, 26 August 2002, p. 42

34 Coroner's Report, 26 August 2002, pp. 51-52

35 Rural and Regional Affairs and Transport Legislation Committee, *Transcript of Evidence*, Canberra, 19 September 2002, p. 13

emphasis on inquiring into the role of AusSAR, rather than Tasmania Police, in the search for the *Margaret J*. The Committee also notes advice from the Clerk of the Senate indicating that the Committee does not have the authority to pass judgment on, or censure the conduct of, state office holders.³⁶ Accordingly, the Coroner's criticisms of Tasmania Police's procedures will not be addressed in this report.

36 Correspondence from Clerk of the Senate dated 17 August 2001

CHAPTER 3

CONCLUSIONS

Crew of the *Margaret J*

3.1 The Committee notes that the conclusions of the Coroner in relation to the estimated time of death of the crew of the *Margaret J*.

3.2 The Committee recognises the anguish experienced by the family and friends during the search for the *Margaret J* and extends its deepest sympathy for their loss.

3.3 The Committee's findings are informed by a commitment to strengthening the effectiveness of AusSAR's performance and maintaining community confidence in the national search and rescue agency.

Responses to AusSAR's identified deficiencies

3.4 The Committee's primary source of concern stems from the issues - raised by the Coroner and in evidence to the Committee - relating to the effectiveness of AusSAR's systems for guiding the conduct of search and rescue operations. Principally, these relate to:

- (a) The relationship between AusSAR and state authorities;
- (b) Protocols for officially transferring search and rescue responsibilities from state police to AusSAR; and
- (c) The accurate recording of information gathered by AusSAR.

3.5 These issues were addressed by the Coroner in making the following recommendations and comments:

8. *There needs to be a closer working relationship between those officers in Tasmania Police who are involved in Search and Rescue and those employed by AusSAR.*

This should include meetings or conference on at least an annual basis when ideas, techniques and all matters relevant to search and rescue could be discussed, and would have the added advantage of ensuring that each organisation and its members can appreciate the role of the other, which, in my view, would lead to an improved system.

...

- 14 *Need to ensure that information is accurately recorded.*

... criticism of AusSAR would be in relation to their failure to accurately record information supplied and accurately convey such information to senior officers who are required to endorse actions to be undertaken.

...

17. *There should be adopted a standard form to be used for the transfer of responsibility.*

There is little doubt, if a standard form had been readily available and had formed part of the manual, either the Police Manual or the National Manual, transfer of responsibility for the search of the life raft and the crew would have been passed to AusSAR at an earlier date...¹

Relationship with state authorities

3.6 In response to Recommendation 8 in the Coroner's report, AMSA emphasised ongoing efforts to improve AusSAR's working relationships with state authorities via various meetings, debriefing sessions and workshops. The Committee was advised that AMSA and Tasmanian authorities had met in Launceston for a joint workshop in April 2002 to discuss improved operational protocols, followed by regular meetings and debriefings after particular search and rescue incidents.² While welcoming evidence of the April 2002 workshop, the Committee is concerned that not all state and Commonwealth officers responsible for important decisions on the conduct for the search of the *Margaret J*, including decisions about the transfer of responsibility for search and rescue coordination, participated.

3.7 In evidence to the Committee, AMSA indicated that coordination processes between AusSAR and state authorities had been defined in greater detail in the National Search and Rescue Manual ('the Manual').³

3.8 Section 1.3.14 of the Manual firmly encourages overreached authorities to request early assistance, warning that delay "may lead to reduced chances of survival and/or significant increase in the size of the search area".⁴

3.9 The Committee also notes section 1.3.29 of the Manual. This outlines the information sharing procedures that must be undertaken between multiple search and rescue authorities, where full coordination responsibility has not been transferred, but where certain functions have been passed to another authority. For example, this may occur where assistance when an air search is requested of AusSAR by a state authority. These procedures include:

- (a) Initial consultation with all participating authorities;
- (b) Frequent reviews by mission coordinators; and

1 Coroner's Report, 26 August 2002, pp. 56-60

2 AMSA, Submission 1, p. 10

3 Rural and Regional Affairs and Transport Legislation Committee, Response to question on notice, Canberra, 19 September 2002, p. 12

4 http://natsar.amsa.gov.au/Manuals/Search_and_Rescue_Manual/Chapter_1.pdf, as at 22 July 2004

(c) The production of overall situation reports at regular intervals.⁵

3.10 The Committee is of the opinion that the Manual presently provides appropriate guidance as to the coordinating roles and responsibilities of authorities jointly assisting in a search and rescue operation. However, the Committee recognises that inadequate understanding of the protocols by state and/or Commonwealth officers negates their effectiveness and, in some circumstances, may impede the effective coordination of search and rescue activities and put lives at risk.

3.11 The Committee is not satisfied that Tasmania Police or AusSAR demonstrated effective understanding of the protocols related to the transfer of coordination responsibility during the search for the *Margaret J*.

Accurate recording of information

3.12 Internal operational protocols contained in the AusSAR procedures manual were updated (particularly section 3.4.2.4).⁶ This section stipulates the manner in which information is to be recorded when it is received.

3.13 The Committee notes, however, that the protocols for recording incident information existing in April 2001 should have provided sufficient guidance to AusSAR officers involved with the search.⁷ Section 3.4.2.4, stipulating the manner in which incident information is to be kept, appears not to have been observed in particular instances during AusSAR's communication with Tasmania Police.

Formalising the transfer of responsibility

3.14 The completion of a standard form is now a compulsory requirement for the transfer of search and rescue responsibility. This is included in section 1.3.7(d) of the current version of the Manual.⁸ The Committee also notes the protocols specified in section 1.3.7, including the requirements for consultation between the mission coordinators of each authority before a transfer, and for the documentation and passing of all details of action already taken to the authority taking over.⁹

5 http://natsar.amsa.gov.au/Manuals/Search_and_Rescue_Manual/Chapter_1.pdf, as at 22 July 2004

6 Rural and Regional Affairs and Transport Legislation Committee, Response to question on notice, Canberra, 19 September 2002, p. 12

7 AusSAR Procedures Manual as at April 2001, section 3.4.2.4

8 http://natsar.amsa.gov.au/Manuals/Search_and_Rescue_Manual/Chapter_1.pdf, as at 22 July 2004

9 http://natsar.amsa.gov.au/Manuals/Search_and_Rescue_Manual/Chapter_1.pdf, as at 22 July 2004

Conclusion

3.15 The Committee finds it cannot conclude whether more effective coordination of the search for the *Margaret J* would have yielded a positive outcome. This finding does not ameliorate the Committee's concern about ineffective communication between AusSAR and the Tasmanian authorities and the absence of appropriate record keeping by AusSAR officers during the search for the *Margaret J*.

3.16 Although the Committee is satisfied with the protocols for the coordination of search and rescue operations now accessible through 'the Manual', the Committee is of the view that a more formal arrangement utilising clearly written and accessible protocols would have been of considerable value at the time the search for the *Margaret J* and its crew was being undertaken.

3.17 The Committee concurs with the Coroner's finding that the Tasmanian officers were not confident or assured in their dealings with AusSAR, and that more assistance in guiding these officers through the process would have been beneficial.¹⁰ Clear operational protocols available to state authorities would have assisted this occurring. The Committee urges AMSA to ensure AusSAR officers adhere to these protocols at all times when communicating with and assisting other search and rescue authorities.

Senator the Hon. Bill Heffernan
Chair

Appendix 1

List of Submissions

1. Name withheld
2. Mr Brian Hollingsworth
3. Australian Maritime Safety Authority
4. Confidential

Appendix 2

Witnesses who appeared before the Committee at the Public Hearings

*Thursday, 19 September 2002
Parliament House, Canberra*

Australian Maritime Safety Authority
Mr Clive Davidson, Chief Executive Officer
Mr David Baird, General Manager
Mr John Young, AusSAR Operations Manager

*Wednesday, 27 November 2002
Launceston, Tasmania*

Tasmania Police
Inspector Ian Lindsay
Constable Gilbert Pearce, Master, Police Vessel *Van Diemen*, Marine and Rescue
Division
Constable Steven Archer, Marine and Rescue Services

Tamar Marine Pty Ltd
Mr Jim Hooper

