



Australian Government

**Australian Customs and
Border Protection Service**

TERMS OF REFERENCE

INTERNAL REVIEW INTO THE CAPSIZED VESSEL NORTH OF CHRISTMAS ISLAND OF 21 JUNE 2012 (SAR 2012 - 4106)

Introduction

1. On 21 June 2012 a vessel carrying a number of potential illegal immigrants went into distress north of Christmas Island. Whilst a number of people on the vessel were rescued, there was significant loss of life.
2. CEO Customs and Border Protection has directed that an Internal Review ('the review') of the incident be undertaken. The review is supported and endorsed by the Secretary Department of Defence, Chief of the Defence Force and CEO AMSA.

Review Task

3. You are to investigate the facts and circumstances surrounding the response to the incident from the time that the first information of the venture was received to the point when search and recovery operations ceased ('the period').
4. You are to:
 - a. produce a narrative of events drawn from all available sources for the period, appropriately verified by relevant senior officials;
 - b. identify the relevant policies, processes and procedures applicable to the response to the incident
 - c. ascertain whether the relevant policies, processes and procedures were applied during the incident and whether they were effective;
 - d. identify whether any changes to policies, processes and procedures should be considered to improve the response to any possible similar occurrences; and
 - e. identify issues that require further investigation or analysis.
5. In conducting the review and preparing the report it is necessary to be cognizant of the potential for parallel investigations (including Coronial or Parliamentary inquiries) to be conducted. All reasonable measures are to be taken to ensure that there is no conflict between the conduct of the Internal Review, and those potential inquiries.

Documentation

6. The following are to accompany the report:
 - a. the Internal Review direction;
 - b. all source documents used to compile both the narrative and detailed chronology of events; and
 - c. copies of relevant policies, processes and procedures applicable to the response to the incident.
7. Appropriate measures are to be taken to ensure that any privileged or confidential material (including national security or intelligence material) is appropriately handled, including in the preparation of classified annexures to the final report.

Michael Carmody
CEO
Customs and Border Protection
25 June 2012

Endorsed

Duncan Lewis
Secretary
Department of Defence
25 June 2012

David Hurley
CDF
25 June 2012

Mick Kinley
Acting CEO
AMSA
25 June 2012