



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)**

AND

INTO THE SINKING OF A VESSEL NORTH OF CHRISTMAS ISLAND OF 27 JUNE 2012 (SAR 2012 - 4259)

Introduction

1. On 25 June 2012 CEO Customs and Border Protection directed that an Internal Review into the capsized vessel north of Christmas Island of 21 June 2012 (SAR 2012 – 4106) be undertaken.
2. On 27 June 2012, another vessel went into distress and sank north of Christmas Island. While there were a number of people from this vessel that were rescued, there was nonetheless, loss of life ('the additional incident').
3. Acting CEO Customs and Border Protection has directed that the terms of reference for the Internal Review into the capsized vessel north of Christmas Island of 21 June 2012 be expanded to include the additional incident. These terms of reference are in addition to those issued by the CEO Customs and Border Protection of 25 June 2012.
4. The terms of reference for the expanded internal review are supported and endorsed by the Secretary Department of Defence, Chief of the Defence Force and CEO AMSA.

Review Task

5. You are to investigate the facts and circumstances surrounding the response to the additional incident from the time that the first information of the venture was received to the point when search and recovery operations ceased ('the period').
6. 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.
7. 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

8. 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.
9. 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 Pezzullo
Acting CEO
Customs and Border Protection

29 June 2012

Endorsed

Duncan Lewis
Secretary
Department of Defence
June 2012

David Hurley
CDF
June 2012

Mick Kinley
Acting CEO
AMSA
June 2012