

[3.20 p.m.]

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

CHAIR—Welcome to the committee, Mr Davidson. I apologise that we have taken so long to come to you this afternoon and that you have been called much later than the time we gave you. Unfortunately that is the way this has worked out. Do you have an opening statement?

Mr Davidson—I do have a brief opening statement. AMSA is Australia's national maritime safety agency and has responsibility for maritime safety, protection of the marine environment, and aviation and marine search and rescue. In its search and rescue capacity, AMSA had an indirect involvement with three of the 12 interceptions of suspect illegal entry vessels, SIEVs, which occurred between early September and mid-December last year, as identified by Rear Admiral Smith at an earlier hearing. AMSA also had a minor involvement, after the event, in the case of the vessel that has become known as SIEVX, which was reported to have foundered on 19 October last year in Indonesian waters. In each case, AMSA was not involved in active search and rescue operations but received information about these vessels from other agencies and in three cases relayed information to the Indonesian search and rescue authority BASARNAS.

AMSA's division of Australian Search and Rescue, known as AusSAR, operates a 24-hour rescue coordination centre in Canberra, which is responsible for the national coordination of both maritime and aviation search and rescue. Australia's search and rescue region covers almost 53 million square kilometres—or one-tenth of the earth's surface—and comprises the east Indian, south-west Pacific and Southern oceans. Our search and rescue region borders a number of other countries' designated search and rescue regions and we have a number of arrangements with our regional neighbours concerning cooperation in search and rescue operations. Indonesia and Australia have such an arrangement underpinning cooperation between AMSA and the Indonesian search and rescue authority BASARNAS. AMSA also works in close cooperation with Coastwatch and the Australian Defence Force in conducting search and rescue operations, particularly when it involves long-range, offshore operations.

I seek to provide the committee with a document outlining AMSA's involvement in relation to each of the three SIEV events and with SIEVX. I believe that has been circulated to members already. The document summarises AMSA's involvement in three of the 12 SIEV events noted in documents tabled by Rear Admiral Smith at an earlier hearing of the committee. It notes that in one case—SIEV2—AMSA received advice from Coastwatch about the vessel being aground on Ashmore Reef. This advice was for information only and did not require AMSA to take any action. In the other two cases, AMSA conveyed advice to the Indonesian search and rescue authority BASARNAS about the situation of the SIEV. In the case of SIEV9, AMSA was contacted by ADF Maritime Headquarters and asked to advise BASARNAS that a disabled SIEV was drifting in the Indonesian search and rescue region. AMSA advised BASARNAS and asked that it take coordination of any search and rescue operation, which it agreed to do. Subsequently the vessel accepted a tow and AMSA again contacted BASARNAS that its assistance was no longer required. In the case of SIEV10, AMSA was asked by the Maritime Headquarters to advise BASARNAS about the rescue of people on board a burning Indonesian fishing vessel which was thought to be located in Indonesia's search and rescue region, and the

subsequent transfer of the rescued people to Ashmore Reef. AMSA passed on the information to BASARNAS and had no further involvement with the incident.

In relation to SIEVX, I am aware of submissions to the committee raising questions concerning the prior knowledge of Australian authorities about the departure from Indonesia of this vessel, which subsequently was reported to have foundered in Indonesian waters on 19 October last year. AMSA's records show that it had no prior knowledge about the departure of this vessel. The first advice on our records was given by Coastwatch on 22 October last year. Coastwatch advised AMSA on 22 October at about 2.40 p.m. Canberra time that it had had reports from a number of sources that a vessel carrying an unknown number of people had left Indonesia on 19 October, whereas it appears that the actual date of sailing, as later reported, was 18 October. The vessel was reported to be transiting the Sunda Strait and heading for Christmas Island. Coastwatch calculated that by then it was overdue.

Coastwatch recognised that this area was outside Australia's search and rescue region and it was agreed that AMSA relay Coastwatch's advice to BASARNAS. AMSA advised BASARNAS about the suspected overdue vessel: that it had not arrived and there was concern for its safety. A copy of this advice was also sent to Coastwatch, the ADF Maritime Headquarters, the ADF Headquarters Australian Theatre, the Indonesian embassy in Canberra and the Australian embassy in Jakarta.

Contrary to submissions made to this committee, AMSA had no prior warning about this vessel leaving Indonesia. We received no information from Coastwatch on 22 October that suggested the vessel was known to be in distress or known to have foundered and, contrary to media reports, AusSAR did not issue a general broadcast to shipping about the vessel being overdue. AusSAR only passed on to the ADF Maritime Headquarters and ADF Headquarters Australian Theatre the advice it had received from Coastwatch and had no other source of information about this vessel or its sinking in Indonesian waters.

I appreciate the committee providing me the opportunity to make this short statement and I will be pleased to assist with any matters that you may wish to pursue in more detail.

CHAIR—Thank you. Before we go to Senator Faulkner, there is one matter that I have to raise. In your attachment, a summary of what you have just said about each of these SIEVs on which you were reporting, on SIEVX on page 2 you say that it left Indonesia on 18 October and foundered on 19 October in the Sunda Strait. On what do you base the statement that it foundered in the Sunda Strait?

Mr Davidson—That is an assumption on our part from reports that have been widely promulgated. Whether it was 85 kilometres or otherwise—we have no other basis for that.

Senator FAULKNER—I will take this SIEVX issue as my starting point. I do not know if you heard any of the evidence that the committee heard from Mr Kevin recently, but he has raised issues of concern in relation to the reporting between Australian agencies about this particular vessel and its foundering. Is it true to say that normally you receive information about the suspected illegal entry vessels from Coastwatch? Is that the normal way that the departure of such vessels is relayed to you?

Mr Davidson—Not in all cases, but yes, through Coastwatch would be the normal way.

Senator FAULKNER—Could you just explain for the committee how and from whom you receive information about suspected illegal entry vessels?

Mr Davidson—It would generally be through Coastwatch because that is the normal channel for us to communicate in relation to matters that would touch on AMSA's responsibility in search and rescue.

Senator FAULKNER—But there is other information that you receive from other agencies?

Mr Davidson—I would need to check that but I would expect that on occasions we may have got advice from other agencies at other times. Coastwatch acts for a range of departmental interests, and on occasion they may advise Coastwatch to look out for a vessel and they may come to us directly. I am aware of approaches from Immigration in the past.

Senator FAULKNER—In relation to the numbered SIEVs—this is not counting SIEVX—were there any cases where you were not informed of their departure or of their existence, in the first instance, by Coastwatch?

Mr Davidson—In relation to SIEV2, Coastwatch contacted AMSA about it. In relation to SIEV9, the first contact to the Rescue Coordination Centre within AMSA was from Maritime Headquarters. In relation to SIEV10, Maritime Headquarters contacted the RCC in the first instance. In relation to SIEVX, we received it from Coastwatch.

Senator FAULKNER—Thank you for that. What about the other numbered SIEVs?

Mr Davidson—We were not advised of those.

Senator FAULKNER—That is the full picture as far as these SIEVs are concerned?

Mr Davidson—That is correct.

Senator FAULKNER—That is helpful. In the supporting documentation to your opening statement you indicate that the RCC hears about SIEVX by telephonic advice from Coastwatch on 22 October 2001. That is correct, isn't it?

Mr Davidson—That is correct.

Senator FAULKNER—In fact, you are able to identify that at 2.40 p.m. Canberra time. You go on to say that a number of sources reported that a vessel had departed Indonesia on 13 October 2001. Are you able to indicate to the committee what that number is?

Mr Davidson—That was the advice that we were given, in that language and in those terms. We were not advised what the sources were. It was simply advised to us by Coastwatch in those words.

Senator FAULKNER—Fair enough. There are two issues here: you were not informed of the number of sources and the actual sources themselves were not identified. I just want to be clear on it.

Mr Davidson—That is correct.

Senator FAULKNER—That is what you are saying to us. You are also indicating that it was heading to Christmas Island via the Sunda Strait.

Mr Davidson—That is correct.

Senator FAULKNER—Do you have a watch keeper or a desk officer who takes contemporaneous notes of these sorts of things?

Mr Davidson—That is how it operates. We have a 24-hour-a-day, 365-day-a-year operation. The centre is staffed with both mariners and aviators trained in search and rescue techniques and when they get telephone calls, they will keep contemporaneous notes of the calls and act on those.

Senator FAULKNER—Have you been able to check those notes to your own satisfaction so this information that you have provided for us is accurate?

Mr Davidson—Yes, I have.

Senator FAULKNER—And they were taken by one of your desk officers?

Mr Davidson—Yes, that is correct.

Senator FAULKNER—I see. I think you are saying to us that this is standard operating procedure.

Mr Davidson—Yes, that is perfectly correct.

Senator FAULKNER—What does not appear to be standard operating procedure—not for the Rescue Coordination Centre but, if you like, for the operations on the SIEVs in the broad—is for such a time lapse to occur. Would that be fair?

Mr Davidson—In what sense do you mean a time lapse?

Senator FAULKNER—In the sense that it appears that this particular SIEV—SIEVX—leaves a port in Indonesia either late on 18 October or on 19 October and you do not actually hear a report from Coastwatch until effectively three days later. It seems unusual.

Mr Davidson—No, because when we were informed of most of the contacts, they were already in contact with Australian Navy forces or Coastwatch had identified them. In this case, there had been no contact with the vessel. It was presumed that the vessel had left. No-one had picked it up or identified it and so, no, it was not unusual. I would suggest that, once it is in contact with the Navy or when Coastwatch had located it, that would be when they would normally advise us.

Senator FAULKNER—The next step for you is to pass it on to BASARNAS. Is that right?

Mr Davidson—Yes, that is correct.

Senator FAULKNER—Do AMSA or the RCC have any other contacts? Is it only to BASARNAS?

Mr Davidson—The fax was copied to the other people I listed there.

Senator FAULKNER—But is that your standard approach? You advise BASARNAS by facsimile. Is that right?

Mr Davidson—That is correct.

Senator FAULKNER—Is that the normal way you do these things?

Mr Davidson—Yes.

Senator FAULKNER—And a copy of that fax message goes to the list of agencies—

Mr Davidson—Automatically.

Senator FAULKNER—In a sense, it is a broadcast fax. It is an automatic thing.

Mr Davidson—There is a list of people that it would be copied to because of the nature of the particular transmission. We would send it to BASARNAS. We would copy it to the Australian embassy here in Canberra and to the Australian embassy in Jakarta and, as a matter of course, we copy it to Coastwatch, Navy and Headquarters Australian Theatre.

Senator FAULKNER—In this case, Headquarters Australian Theatre comes back to you and you refer all inquiries to Coastwatch.

Mr Davidson—That is correct.

Senator FAULKNER—As far as Australian agencies are concerned here, is it fair to say that Coastwatch is the key or central agency in this particular incident in terms of the detail of a broader understanding of the background and process?

Mr Davidson—I think you would have to test that with them.

Senator FAULKNER—Have you tested it with them?

Mr Davidson—No, I have not.

Senator FAULKNER—You have had no discussions with Coastwatch about the SIEVX incident?

Mr Davidson—No, I have not.

Senator FAULKNER—Have you had discussions with any other agencies about the SIEVX incident?

Mr Davidson—I had a brief discussion with Defence about it.

Senator FAULKNER—And when did that occur?

Mr Davidson—Last night.

Senator FAULKNER—And what was the nature of that?

Mr Davidson—Merely touching on the issues associated with the fax that we are putting forward.

Senator FAULKNER—Did it relate to your evidence today?

Mr Davidson—No.

Senator FAULKNER—Could you outline just briefly the nature of that contact so that we can understand?

Mr Davidson—We are tabling before you a fax which has been copied to Defence and we wanted to ensure that Defence agreed that the fax that we were putting up was consistent with their understanding and that there had not been other contacts that we were not aware of on our files but which had happened from their perspective.

Senator FAULKNER—That is fair enough. I am just trying to understand.

Mr Davidson—Just to clarify, the purpose was to ensure that we had captured all the contacts that we had recorded and that they were complete to the best of our knowledge.

Senator FAULKNER—But you are saying to us that this is done basically via facsimile; it is not done by people getting on the telephone and the like. I assume it is a reasonably quick turnaround, but it is exclusively by facsimile message.

Mr Davidson—The contacts?

Senator FAULKNER—Yes, in relation to the SIEVX event.

Mr Davidson—Not necessarily, Senator. There would be telephone conversations between officers in relation to clarifications or follow-up matters.

Senator FAULKNER—Are you able to share with us what might have occurred in terms of any exchange of information in the SIEVX incident that was not by the facsimile messages that you have outlined to us?

Mr Davidson—The first contact that we had from Coastwatch was by telephone.

Senator FAULKNER—Yes, I appreciate that.

Mr Davidson—And from that was generated the fax that has been circulated. Beyond that, I think there were a couple of other phone calls.

Senator FAULKNER—Can you say who they went to?

Mr Davidson—I can. A phone call was received from Coastwatch at approximately 2.40.

Senator FAULKNER—Sorry?

Mr Davidson—Coastwatch telephoned us at approximately 2.40.

Senator FAULKNER—Thank you.

Mr Davidson—At 2.45, Coastwatch sent a fax confirming the conversation. At 2.52 AMSA rang Coastwatch. At 3.05, the RCC within AMSA did its own calculations in relation to the potential overdue nature of the vessel. At 3.15 or 3.16 we sent the fax we have attached. At 3.46 Headquarters Australian Theatre rang advising that they had received the fax and that was the end of the contact at that time.

Senator FAULKNER—For the benefit of the committee, would you describe that process as pretty standard in a circumstance like this?

Mr Davidson—I would.

Senator FAULKNER—It was nothing out of the ordinary in terms of the amount, number and nature of communications? Please understand that I do not have a close understanding of how the RCC works.

Mr Davidson—It was quite typical. I would regard that as quite normal.

Senator FAULKNER—Are you clear as to who had presumed that this vessel had left, whether it was Coastwatch or some other source? Are you able to shed any light on that at all for us?

Mr Davidson—No.

Senator FAULKNER—So, as far as AMSA is concerned, your standard approach is to accept the nature of the information that is passed to you by Coastwatch—or, for that matter, by any other agency—and to act upon it?

Mr Davidson—That is correct.

Senator FAULKNER—But in this case you did not at any stage get behind that original communication from Coastwatch and explore it any further?

Mr Davidson—No.

Senator FAULKNER—Given the tragic loss of life in SIEVX, are there any special procedures that apply within AMSA in a situation where lives are lost, in this particular case in a very significant number?

Mr Davidson—We do conduct reviews, depending on the nature of searches that we have been involved in. We share the concern about the loss of life and the numbers involved but, at the time, this was not known to be a search and rescue event. The review, to the extent that one has been done, is more within my own sphere within the organisation as to whether we acted reasonably in the circumstances at the time.

Senator FAULKNER—Has there been a review in relation to this incident?

Mr Davidson—There has been no particular review.

Senator FAULKNER—Have you satisfied yourself?

Mr Davidson—Yes, I have.

Senator FAULKNER—Would you tell us very briefly how you have done that. Was it a records check? How have you come to that conclusion?

Mr Davidson—Obviously, we have been preparing for our appearance before the committee. We are aware of the submissions that have been made. I have looked at the submissions put forward and have examined the actions that were taken at the time with the knowledge that we had at the time, and I have formed the view that, in all the circumstances, those actions were reasonable and complete.

Senator FAULKNER—Mr Davidson, I do not know if you have had the benefit of seeing Senator Hill's letter to Mr Crean that has been canvassed this morning. Has anyone drawn that to your attention?

Mr Davidson—I saw it this morning, very briefly.

Senator FAULKNER—I am glad that you have because I want to ask you about the additional Senate estimates for the Rural and Regional Affairs and Transport Legislation Committee, just to wind the clock back for a moment to 19 February this year. I do not know if you recall a question on notice that Senator O'Brien asked. He placed this question on notice during questions on AMSA output 2.1:

Did AMSA have any role, receive any information or provide any assistance or advice in relation to the refugee boat that sank on 19 October last year?

.....

I want to know whether you received any distress information or calls, or had any knowledge of the boat being in difficulty and what response, if any, AMSA took.

The answer to that question, provided on notice, is that 'AMSA records show that it did not'. I wonder if you could explain to me how that answer fits with the advice to Mr Crean that has been provided here by Mr Kevin.

CHAIR—Mr Kevin introduced it into the proceedings by tabling it.

Senator FAULKNER—While it is a letter from Senator Hill, it is provided via Mr Kevin. That answer does not seem to fit with the written response from Senator Hill, and I wondered if you might just explain that the committee. In other words, when AMSA is asked if it had any role, received any information or provided any assistance or advice in relation to the refugee boat that sank on 19 October, how can AMSA records show that it did not when you have just informed us of what in fact took place?

Mr Davidson—The question that was put on notice was very explicit: in relation to actions in relation to a search and rescue or distress situation. At no stage did we act in relation to any of those matters. The fax that we sent related to a vessel that was reportedly overdue, and that was it. There were no actions taken in relation to the distress situation or a search and rescue.

Senator FAULKNER—Let me just repeat the first part of the question again: did AMSA have any role, receive any information or provide any assistance or advice in relation to the refugee boat that sank on 19 October last year? Haven't you explained to me what AMSA's role was and what information was provided to you, and from you to other agencies, just a moment ago?

Mr Davidson—Senator, I go on with the rest of the question, which was: I want to know whether you received any distress information or calls or had any knowledge of the boat being in difficulty. The answer is—

Senator FAULKNER—That is the second part of the question. Yes, sure, there are two parts to the question. The first question is: did AMSA have any role, receive any information or provide any assistance or advice in relation to the refugee boat that sank on 19 October last year? A second question is asked—as you properly point out, as I did earlier—about distress information or calls. And the answer is: AMSA records show that it did not. I do not understand, Mr Davidson, how that answer to the question on notice stands when we now know that you did have a role. I am not saying you had a massive or major role, but there is a series of communications here—a primary one from Coastwatch to you, and you take a range of other actions and receive phone calls, send faxes and the like. I am not critical of any of that. I do not understand how you could provide that answer to the question on notice.

Mr Davidson—I can only answer it as I said: the minister's answer to the question on notice is tendered in relation to the question posed. I regard that second sentence as a qualifier: the question was tendered and then the second part of it is to qualify it. Our response to that is we did not know that it was a distress situation. There were no distress calls, there were no search and rescue actions taken and there were no matters in relation to it being a search and rescue event.

Senator FAULKNER—Was this answer—'AMSA records show that it did not'—the draft answer that went to the minister?

Mr Davidson—I could not recall, Senator. I have no idea at the moment.

Senator FAULKNER—It is standard operating procedure in AMSA to prepare the answers for the minister, isn't it?

Mr Davidson—That is correct.

Senator FAULKNER—The minister ticks off on it—I am going to accept that—but you prepare them, don't you?

Mr Davidson—Yes, we do.

Senator FAULKNER—So can you tell me, please, is that the draft answer prepared by AMSA for the minister?

Mr Davidson—Senator, I will have to take that on notice, because I have no recollection of this specific matter.

Senator FAULKNER—I would appreciate you coming back, because I might need to follow it through with you, but do you understand my concern about this, Mr Davidson, given the two parts of the question? When asked on notice by a senator:

... did AMSA have any role, receive any information or provide any assistance or advice in relation to the refugee boat that sank on 19 October last year?

the answer provided is 'AMSA records showed that it did not'. That answer is wrong, isn't it, Mr Davidson?

Mr Davidson—Senator, I submit that the answer, in relation to the details of whether AMSA was involved in receiving any distress information or distress calls or had any knowledge of the boat being in difficulty and in relation to the response, if any, that AMSA made to that, is that in this matter there was no such action taken. Our records show that they did not take place.

Senator FAULKNER—You did receive information, didn't you, from Coastwatch?

Mr Davidson—We were advised on 22 October that there was a vessel that was thought to be overdue.

Senator FAULKNER—Yes, and you did have a role, didn't you, because you passed this on to a range of other agencies?

Mr Davidson—We passed it on to BASARNAS.

Senator FAULKNER—So, I say again, the answer is wrong, isn't it, Mr Davidson?

Mr Davidson—I do not accept that, Senator.

Senator FAULKNER—Anyway, I would like you to check the draft answer that went from AMSA to the minister, if you would not mind, Mr Davidson. Chair, I would like to move to some more general matters, and I do appreciate that, in relation to SIEVX, maybe one or two of the other senators would like to follow some issues through.

CHAIR—I have had an indication that none of the government senators, at this stage at least, have questions for this witness.

Senator FAULKNER—I have some and Senator Collins does too.

CHAIR—I have some general questions for the witness myself.

Senator JACINTA COLLINS—I have direct ones and some general ones too.

Senator FAULKNER—I would like to come back to some more general questions at a later stage. I just thought it useful to do that while we had Mr Kevin's evidence fresh in our minds.

Senator JACINTA COLLINS—Mr Davidson, further on the SIEVX incident—and I also have some general questions, because I want to visit the *Tampa* episode with you as well, but I will do that later—you have gone through the detail of the actions taken between 2.45 p.m. and 3.46 p.m., but my question relates to some of the information provided by the minister to Mr Crean in the letter that you were discussing with Senator Faulkner a moment ago. Did you prepare the information to the minister on which this letter was based?

Mr Davidson—Are you referring to Minister Hill?

Senator JACINTA COLLINS—Yes.

Mr Davidson—No, we did not.

Senator JACINTA COLLINS—Do you know from the AMSA end how the minister required this information about AMSA?

Mr Davidson—Not in detail at the moment.

Senator JACINTA COLLINS—So when the minister tells Mr Crean:

Consultation with the Rescue Coordination Centre (RCC) Australia has indicated that Coastwatch Australia advised the RCC that a vessel had departed the Sunda Strait on or about 18/19 October bound for Christmas Island, and that the vessel was overdue.

you are not aware of how that advice went to the minister?

Mr Davidson—No, I am not.

Senator JACINTA COLLINS—The question that flows from this that you may or may not be able to help me with relates to one of the comments made in the minister's letter:

No response was received from BASARNAS.

Is that your understanding of what followed the series of activities that occurred within AMSA?

Mr Davidson—That is correct. Our records show that there was no contact from BASARNAS with us, as a consequence of our notice to them.

Senator JACINTA COLLINS—You referred to a couple of the SIEV incidents where you indicate there was contact with BASARNAS and, in fact, agreement as to the role that BASARNAS would then undertake. Can you explain to us why that did not occur in this case?

Mr Davidson—I can only speculate, Senator, but the facts, as known at that time, were that a vessel was thought to have departed and, by calculations, was overdue. On that basis, that information was simply passed to BASARNAS for their information and attention.

Senator JACINTA COLLINS—Is it common for BASARNAS not to respond?

Mr Davidson—If we send a fax to BASARNAS on a matter, it depends on whether or not we ask for a response. It would be common for them not to respond.

Senator JACINTA COLLINS—It would be common for them not to respond?

Mr Davidson—Not to contact us back again, correct.

Senator FAULKNER—How are you sure they get it?

Mr Davidson—We do ring them from time to time and have discussions to ensure that they are aware of the situation. In a case like this, I think our records show there wasn't any phone contact.

Senator FAULKNER—When there are 300- or 400-odd people floating around on a leaky boat—

Senator JACINTA COLLINS—And you said in your communication 'concerns have been expressed for its safety'. I am not sure how you define what does or does not get to the calibre of a distress signal, but you have clearly indicated in this facsimile that concerns have been expressed for its safety. Do you just sit back and accept that there is no response?

Mr Davidson—The nature of the number of people on board the vessel was unknown, the departure point was unknown, the calculations that were undertaken were based upon assumptions being made by Coastwatch and then confirmed by the RCC and, on that basis, BASARNAS was advised of the information.

Senator FAULKNER—Admiral Smith was able to say, if his memory served him correctly:

... we had some information that a boat might have been being prepared in the vicinity of Sunda Strait but we had no real fixed information as to when it was going to sail.

He then said—which we already know:

Indeed, the first time that the Navy knew that this vessel had sailed was when we were advised through the search and rescue organisation in Canberra ...

That is you.

Mr Davidson—That is correct.

Senator FAULKNER—So it does appear that there is some knowledge that ‘a boat might have been being prepared in the vicinity of Sunda Strait’. That is an indication that there is some knowledge at least in the hands of Navy. It does not mean it is in your hands, of course; I appreciate that. I assume that information would not normally come to you?

Mr Davidson—No, not in the normal course.

Senator FAULKNER—But it might?

Mr Davidson—Not normally and not in this case.

Senator FAULKNER—Not in this case.

Senator JACINTA COLLINS—The next component of the minister’s letter that concerns me is the comment:

... RCC Australian did not issue a broadcast to shipping on the overdue vessel, as there was insufficient information on the vessel’s location.

Did you seek at any time to clarify information with Coastwatch as to the vessel’s location?

Mr Davidson—The information we had at the time was that a number of sources were reporting that a vessel carrying an unknown number of potential illegal immigrants departed the west coast of Java on Friday 19th transiting the Sunda Strait and heading for Christmas Island. That was the sum total of our information.

Senator JACINTA COLLINS—When the decision was made that there was insufficient information on the vessel’s location, was that decision made in the light of attempts to acquire further information being unsuccessful?

Mr Davidson—I do not think we concluded at any stage that there was insufficient information on its location.

Senator JACINTA COLLINS—With respect, the minister’s letter to Mr Crean states:

... with respect to the notice and RCC Australian did not issue a broadcast to shipping on the overdue vessel, as there was insufficient information on the vessel’s location.

Mr Davidson—As I said earlier, I am unaware of where that information was gathered from within AMSA.

Senator JACINTA COLLINS—So you are telling us that the information that the minister has provided to Mr Crean has come without your awareness and you tell us, contrary to what is in this letter, that at no stage did AMSA reach the conclusion that there was insufficient information on the vessel’s location?

Mr Davidson—I can say that there was complete uncertainty about whether the vessel existed at all. There were sources of information that went to a whole range of issues and we acted, in my view, at the time in an appropriate fashion.

Senator FAULKNER—How do you know about the sources of information?

Mr Davidson—We were advised from Coastwatch that there were a number of sources of information that were advising that the vessel was departing on or about the 19th and that it was overdue by their calculations

Senator JACINTA COLLINS—On your evidence, why did RCC Australia not issue a broadcast to shipping on the overdue vessel?

Mr Davidson—We would not, in the normal course of events, issue a broadcast to shipping unless we had a specific, known distress alert; that is, a vessel has issued an SOS or has set off an emergency beacon or a flare or has indicated a distress. In the absence of anything of that nature, we would not go out and do a general broadcast to shipping.

Senator JACINTA COLLINS—What occurred then, for instance, in the *Tampa* incident, when we had aerial surveillance of a ship outside our territorial waters? The difference there is that there was actually a plane in the vicinity to see a distress signal; is that the case?

Mr Davidson—That is correct.

Senator JACINTA COLLINS—How did that plane happen to be in the vicinity whereas there could not be one in this case?

Mr Davidson—I have no idea, Senator. That is a matter that is up to Coastwatch. It was a Coastwatch aircraft.

Senator JACINTA COLLINS—Okay, so we are back to Coastwatch again.

Mr Davidson—Yes.

Senator FAULKNER—Have you ever sighted or heard of any P3 Orion photographs of SIEVX?

Mr Davidson—No, Senator, I have not.

Senator FAULKNER—The committee has had drawn to its attention rumours about such photographs, but let us be clear: you have not seen or have any knowledge of those at all?

Mr Davidson—The first I heard of it at all was in relation to the evidence that was taken before this committee a matter of moments ago. I have not heard of any suggestion before that.

Senator JACINTA COLLINS—I have one clarifying point that I wanted to raise at this stage. You said in your submission that, contrary to submissions made to the committee, AMSA had no prior warning about this vessel leaving Indonesia. I am certainly aware of concerns expressed that Australian authorities may have had prior knowledge. I am not aware of a claim that AMSA is the body which did. Is there something that I have missed?

Mr Davidson—Merely that, being in charge of AMSA, I am able to say to the committee that we had no prior knowledge about it.

Senator JACINTA COLLINS—No, I understand that, but you are saying ‘contrary to submissions made to the committee’. I am not aware of submissions that said AMSA had prior knowledge. Have I missed something or are you referring to submissions which stated that an Australian authority may have had prior knowledge?

Mr Davidson—That latter point—yes, that is correct.

Senator JACINTA COLLINS—So it could well be Coastwatch, which leaves AMSA completely in the clear?

Mr Davidson—It may be, yes.

Senator FAULKNER—Would you be able to provide, for the benefit of the committee, copies of those communications that you mentioned to us a little earlier—the hard copies, the records in whatever form they are kept? There are only a few of them.

Mr Davidson—I will take that on notice, Senator.

Senator JACINTA COLLINS—I have one further question: you have gone through the details of communications with AMSA at the time of the incident. We have heard evidence about concerns about how much organisation there appeared to be back at the Indonesian end when the ship got back. Were there any later communications with AMSA in relation to this vessel?

Mr Davidson—In relation to SIEVX, there were communications, not with Indonesia at all, but in February, post Senate estimates hearings, on 5 March, and on Wednesday, 10 April, in relation to the Maritime Headquarters.

Senator JACINTA COLLINS—But there was nothing within the next few days after this—

Mr Davidson—No, nothing at all.

Senator JACINTA COLLINS—Just this fax that went out.

Mr Davidson—The last record in relation to the few days around it was on the afternoon of 22 October.

Senator FAULKNER—What were the communications on 5 March and 10 April?

Mr Davidson—They were merely in relation to questions that I believe had been raised during Senate estimates hearings with the Department of Defence in relation to the SIEVX matter.

Senator FAULKNER—Who were those communications with?

Mr Davidson—They were with Maritime Headquarters Australia.

Senator FAULKNER—Did you say that was on 10 April?

Mr Davidson—It was the same again, yes.

Senator FAULKNER—More generally, how did AMSA operate, prior to the formation of the People Smuggling Task Force, in relation to suspected illegal entry vessels? In this case, I am using lower case letters for those sorts of vessels, in the broad. Could you briefly explain to the committee how AMSA undertook its responsibilities prior to the PSTF establishment?

Mr Davidson—It would not have been largely different from the arrangements; in fact, I would be hard-pressed to identify any differences at all. We would become aware of vessels that may have arrived at Christmas Island. For example, we were advised of a search and rescue when an Australian yacht, sailing off Christmas Island, discovered swimmers in the water and notified us that there was a search and rescue. They saved the people involved; the rest of the crew and people had perished. So, in terms of the actual events, that would be almost the same as what is currently operating: we would use largely the same contacts—Coastwatch operations were a principal point of contact—and if there was a search and rescue we would get involved and we would be responsible for any search and rescue effort if it was in the Australian search and rescue region.

Senator FAULKNER—Your charter really extends only to illegal entry vessels in distress, doesn't it?

Mr Davidson—That is correct.

Senator FAULKNER—You mentioned that you might become aware of those. Again, would that normally be as a result of a communication from Coastwatch? Would that be the normal situation?

Mr Davidson—That would be more normal, yes.

Senator FAULKNER—At times, would you have this drawn to your attention by other agencies or authorities?

Mr Davidson—In the period we are talking about—September to December, when the presence of Navy was at a high concentration in that area—the Navy may have been aware of those things ahead of Coastwatch or contemporaneously with Coastwatch.

Senator FAULKNER—My questions really go to prior to the establishment of the task force; pre-*Tampa*, if you like. I am really asking if it would normally be Coastwatch that—

Mr Davidson—It would normally be Coastwatch, yes.

Senator FAULKNER—Is there any capacity to pick up SOSs, distress signals, directly or indirectly, at AMSA itself?

Mr Davidson—There is a capacity: we have a satellite based system for picking up emergency position beacons, which are beacons that can be set off by boat owners who carry such a thing. It would not be common for vessels of this nature to carry equipment like that.

Senator FAULKNER—Yes, that is what I wondered. I assumed that would not be a common event for an illegal entry vessel.

Mr Davidson—I cannot recollect any case where they have used one.

Senator FAULKNER—I understand the point you make about the Navy from August 2001 on; it was Coastwatch prior to that. Are there any other major sources of information that you could draw to the committee's attention?

Mr Davidson—No, Senator.

Senator FAULKNER—When you are informed of such a situation, what are AMSA's procedures? Do you try to locate the vessel in the first instance? Alert shipping? Call in whatever resources might be appropriate—air support or whatever might be the case?

Mr Davidson—Are you talking about when we have been advised of a distress situation?

Senator FAULKNER—Yes.

Mr Davidson—To my recollection, there have not been very many of them. We would take appropriate actions. If it were in the Indonesian search and rescue region—which Christmas Island is—and the vessel were transitting to Christmas Island, we would notify BASARNAS as a matter of routine and in accordance with the agreements that operate between Indonesia and ourselves.

Senator FAULKNER—What was the situation that applied in the case of the *Tampa* and the *Palapa*, which was the illegal entry vessel there? Can you explain to me what role AMSA had in that particular incident?

Mr Davidson—To the best of my recollection, the information came to us that there was a vessel signalling that it was in distress. In accordance with the procedures, we immediately notified BASARNAS of a distress situation within their search and rescue region, which this was. At the same time, we issued a broadcast to shipping, giving the position of the distress vessel as we had received it. That is consistent with the protocols that exist internationally, which is that the search and rescue agency that first becomes aware of a distress event prosecutes all actions until it has been handed over to the authority responsible for that search and rescue region.

Senator FAULKNER—In this case in relation to the *Palapa* and the *Tampa* incident, did that information come to you from Coastwatch?

Mr Davidson—That is correct.

Senator JACINTA COLLINS—Can you tell us how Coastwatch acquired that information?

Mr Davidson—I believe they had an aircraft which was overflying the vessel.

Senator JACINTA COLLINS—So they had an aircraft which was overflying Indonesia's responsibility area?

Mr Davidson—The search and rescue responsibility, yes.

Senator JACINTA COLLINS—Can you explain to us why that would be?

Mr Davidson—The boundaries between search and rescue regions and any other boundaries of international agreements are based upon what country is best placed to act. The boundary between Australia and Indonesia—and we have given you a chart which actually shows that on the back of the tendered material—relates to nothing more than an area which each agency is best placed to respond. That corresponds with both the aviation search and rescue region as well as the maritime one. It has no material influence on where aircraft fly or where boats sail; it just dictates who will respond to a search and rescue event.

Senator JACINTA COLLINS—But both of those incidents were in Indonesia's search and rescue zone, but in one of those instances we had an aircraft available to receive a distress signal and in the other one we did not.

Mr Davidson—I cannot comment on—

Senator JACINTA COLLINS—The zones do not necessarily explain that difference in those two circumstances, do they?

Mr Davidson—No.

Senator FAULKNER—When did you receive the advice from Coastwatch in relation to the *Tampa*?

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

Senator FAULKNER—I would appreciate it if you would. Can you indicate whether there was a delay between when you received that advice about the *Palapa* and when you took the next steps?

Mr Davidson—To the best of my recollection, we acted pretty promptly. The vessel was signalling a distress, an SOS, and actions were taken consistent with the fact that the people were declaring a distress situation.

Senator FAULKNER—So we do not get bogged down on this at this stage, would you be happy to take on notice, please, a time line in relation to AMSA or the RCC's role with the *Tampa* from the time that this issue was drawn to your attention by Coastwatch? Would you be able to do that for us?

Mr Davidson—Yes.

Senator FAULKNER—I am happy to laboriously work through this, but it does sound as if, which is fair enough, you may not have been necessarily prepared to answer—

Mr Davidson—I certainly have not come prepared to answer questions on that matter.

Senator FAULKNER—I understand that; that is fine. Could you provide a time line for us of the key involvement of AMSA or the RCC after the detection of the *Palapa*? My recollection is that that is Saturday, 25 August, but I might have that wrong. This is right through to the time, of course, that people are rescued and they find themselves on board the *Tampa*. Would you be able to do that for us?

Mr Davidson—I think we could do that for you.

Senator FAULKNER—And if you need to put in any explanatory material if there are time delays, I would appreciate that too.

Mr Davidson—Yes.

Senator FAULKNER—Were you asked to monitor the situation in relation to the *Tampa* in any way after those on board the *Palapa* embarked on the *Tampa*?

Mr Davidson—My recollection is that we were, yes.

Senator FAULKNER—Could you explain the nature of that to the committee, please?

Mr Davidson—I need to check the records in relation to that to give you an accurate answer.

Senator FAULKNER—If you would not mind again taking on notice—we may have to follow this up, Mr Davidson—where this advice comes from. I would be interested to know when it goes, what the nature of the advice is and what AMSA's response is. I would like to have a broad understanding of that, if I could, in relation to AMSA's ongoing role. Would it be normal in a situation like this that AMSA would have an ongoing role?

Mr Davidson—Senator, I would never describe that incident as being normal. It was in my view unprecedented.

Senator FAULKNER—When did AMSA get involved in the People Smuggling Task Force?

Mr Davidson—I think I attended on a couple of occasions, but again I would have to check my records on that.

Senator FAULKNER—Were you invited to the People Smuggling Task Force on Tuesday, 28 August and a second meeting on Saturday, 1 September?

Mr Davidson—I think that sounds about correct with my information, but I need to check my records on that; I do not have that with me.

Senator FAULKNER—I am interested to understand why, if the rescue had been completed, AMSA would be attending those meetings. Can you broadly explain that to the committee?

Mr Davidson—I think there were concerns that there were other vessels potentially arriving and that indeed they may get into a similar situation requiring search and rescue action.

Senator FAULKNER—So AMSA's involvement on those task forces on those dates was not in relation to the *Tampa*?

Mr Davidson—You are testing my recollection of the issues that were discussed. There were a whole range of issues discussed, as I broadly recollect, and AMSA's involvement went to a range of issues. Matters associated with the condition of the vessel and whether it was seaworthy or otherwise were also matters that were discussed.

Senator FAULKNER—Was it the department of immigration that asked you to monitor the *Tampa* after the rescue of the people from the *Palapa* was completed?

Mr Davidson—I need to confirm that, but that is my recollection.

Senator FAULKNER—I would like you, if you could, to confirm that, and who conveyed that request and when, and if it was only the department of immigration. Could you take that on notice?

Mr Davidson—Yes, I will take that on notice.

Senator FAULKNER—How often would a request be made by Immigration to AMSA to monitor a vessel that had undertaken a rescue? Was that new ground too?

Mr Davidson—I suspect it was new ground.

Senator FAULKNER—So that had never happened before?

Mr Davidson—Not in my recollection.

Senator FAULKNER—Do you know what the purpose of that particular request was?

Mr Davidson—No, Senator, I do not. I think it was reasonable that people would want to know what was happening. My recollection is that the vessel was proceeding on its way. The expectation had been that the vessel was intending to drop off the rescuees in Indonesia and then proceed on to Singapore.

Senator FAULKNER—What has that got to do with AMSA?

Mr Davidson—Other than the fact that we had issued the broadcast, no particular interest.

Senator FAULKNER—Do you remember how long after the *Palapa* was detected that the broadcast had been issued?

Mr Davidson—No, I do not. I do recollect that the vessel initially was described as drifting and there was no distress situation initially. It was subsequent Coastwatch flights that determined that the vessel was then in distress and that actions were taken.

Senator FAULKNER—So it is when a vessel is in distress that you take the action to contact shipping in the area? It is only when a vessel is in distress?

Mr Davidson—Absolutely. It is only when a vessel is in distress.

Senator FAULKNER—So in the time line that you are providing for us—so that again we do not get bogged down and spend a long time here unnecessarily—could you indicate when that advice came through from Coastwatch also?

Mr Davidson—Yes, we can.

Senator FAULKNER—I assume this was coming through from the Orions?

Mr Davidson—I am not sure what aircraft would have been flying.

Senator FAULKNER—You might be able to establish that.

Mr Davidson—It would be the Coastwatch aircraft.

Senator FAULKNER—Is there any truth to the suggestion that AMSA—having fulfilled whatever the normal obligations and requirements are in relation to distress signals, which in this case were from the *Palapa*, and once those people were on board the *Tampa*—became effectively the communication vehicle by which government agencies communicated with the captain of the *Tampa*?

Mr Davidson—We were the principal communicator.

Senator FAULKNER—You were the principal communicator. Is that how it normally works in situations like this?

Mr Davidson—I repeat that I do not think it was a normal situation. But, yes, we have the facilities to communicate with vessels via fax. We have the lists of the Inmarsat sea satellite phone contact numbers for ships. So we would become the principal source of communication and we would do that as a matter of routine.

Senator FAULKNER—So when did the involvement of AMSA in the *Tampa* incident end?

Mr Davidson—I would need to check the records on that.

Senator FAULKNER—Our time line can be extended through to the end—if you do not mind—to answer that.

Mr Davidson—Thank you. If that is useful.

Senator FAULKNER—It may or may not be useful. It is hard to judge at this point. No doubt, the time line itself will suggest a range of other questions. Did AMSA effectively lose its search and rescue function in relation to the suspected illegal entry vessels after Operation Relex was established, would you say?

Mr Davidson—‘Lose’—I think that is a word I would not use to describe the situation.

Senator FAULKNER—Fair enough. Could you describe the situation for me so I can understand it?

Mr Davidson—I think the situation once Operation Relex was in place meant that there were resources on the water that were available to respond to search and rescue. That is not the normal situation with search and rescue. A normal search and rescue comes via a distress alert and vessels are not in the vicinity specifically to track or be proximate to these vessels. I think some of the search and rescue events were being instigated by either the crew or the people on board. There is evidence that they were taking actions to disable and scuttle their own vessels, and so the whole dynamic is not your usual search and rescue event. In those circumstances, the response to it does not require a coordination centre to manage and coordinate the search and rescue action.

Senator FAULKNER—But in relation to the *Tampa*, you are facilitating communication by Commonwealth officers to the captain of the *Tampa*, aren't you?

Mr Davidson—On the whole, yes.

Senator FAULKNER—So do you keep a record of those communications?

Mr Davidson—Yes, we do.

Senator FAULKNER—Could you please provide that for the benefit of the committee too?

Mr Davidson—I will take that on notice.

Senator FAULKNER—Thanks very much. When did Mr Moore-Wilton ring you after the *Tampa* issue blew up? What was your first contact with Mr Max Moore-Wilton?

Mr Davidson—I would need to check my records on that.

Senator FAULKNER—Basically, didn't he take this out of your hands on the Sunday night?

Mr Davidson—I would need to check the records, but I do not even relate to the statement you made. AMSA was involved in the search and rescue up to the point at which we issued the broadcast and advised BASARNAS that it was in their search and rescue area. The *Tampa* was one of three vessels that responded to the broadcast. When the *Tampa* reached the scene, the master at that time determined the actions that he was going to take. He boarded the people, dismissed the assistance of the other vessels that had also responded to the broadcast and advised them that they were no longer required. The master of the *Tampa* notified the Rescue Coordination Centre in Norway that he had picked up the people in distress, and we were

notified by them and by the other vessel that was in attendance that had been dismissed by the master of the *Tampa*. At that stage, as far as the search and rescue was concerned, for all intents and purposes the issue was over.

Senator FAULKNER—Yes, but you do not recall having any contact with Mr Moore-Wilton around the time of the *Tampa*?

Mr Davidson—I recollect a number of contacts with Mr Moore-Wilton, yes.

Senator FAULKNER—Could you outline those contacts for the benefit of the committee, please?

Mr Davidson—I would need to check my records. As I say, I have not got the information with me.

Senator FAULKNER—Are you sure you did not have one very late at night or early in the morning? You do not recall that one?

Mr Davidson—No, I do not recall that one.

Senator FAULKNER—If you would take it on notice, please—when you had contact with Mr Moore-Wilton, what the nature of that contact was and what impact it had on AMSA's operation—I would appreciate it.

Mr Davidson—To the extent that I have records about that, I will endeavour to provide it. But I am not confident that I have those records.

Senator FAULKNER—Thanks very much. What about Ms Philippa Godwin from the department of immigration? Did you have much contact with her at the time?

Mr Davidson—I had a number of telephone conversations with her, yes.

Senator FAULKNER—Could you share those details with us?

Mr Davidson—I remember we had a number of conversations. They were at the time at which the *Tampa* had responded to the search and rescue and had picked up the rescuees. To the best of my recollection it was probably heading to Indonesia, but had indicated in a conversation with the Rescue Coordination Centre that they were under duress and were being threatened—being told that they had to go to Christmas Island. My recollection is that I had conversations with Ms Godwin at that time in relation to exactly what her understanding of the situation was and what were my understandings about it.

Senator FAULKNER—Did you receive any advice from either Mr Moore-Wilton or Ms Godwin about the actions that you ought to take in terms of your responsibilities with AMSA?

Mr Davidson—No.

Senator FAULKNER—None at all?

Mr Davidson—None at all.

Senator FAULKNER—These are just about contact with the *Tampa*? Is it limited to that?

Mr Davidson—We had a situation where, to all intents and purposes, at the time the vessel appeared to have been hijacked or was being threatened with hijack and where the actions it was taking were under duress, extreme duress or danger to the crew. In the communications that were taking place with the vessel at the time it was unclear as to the nature of the threats that were being made to the master and the crew and whether the master was able to communicate in an open fashion with anybody at the time. There was grave concern about the safety of the crew.

Senator FAULKNER—Sure. Anyway, we might chase this down further if you are able to reconstruct the contact between you—or AMSA more broadly—and Mr Moore-Wilton and Ms Godwin over this period. Again, I think it is probably easier if you take that on notice so we do not delay the committee too much. I would appreciate that very much, indeed. I assume that in AMSA's case—in your organisation's case—there certainly would not have been any contact by ministerial or prime ministerial staff at any point from late August to 10 November 2001?

Mr Davidson—No.

Senator FAULKNER—You have provided the AMSA involvement in relation to the SIEVs—these are the upper case SIEVs, for want of a better description, or the numbered SIEVs as I have described them. Thank you for that, that is very helpful for the committee. I assume this means that there was no involvement, as far as AMSA was concerned, with SIEV4. Would that be right?

Mr Davidson—That is correct—not to our records. We do not have any record of that.

Senator FAULKNER—I think we have heard evidence that SIEV4 sent out a distress signal on 7 October. In this case, I assume AMSA did not pick it up. I know it was picked up by HMAS *Adelaide*, as you probably appreciate also, but I assume that then was not picked up by AMSA. Would that be right?

Mr Davidson—That is correct. Our records show no contact.

Senator FAULKNER—Thank you.

Senator MURPHY—With regard to your introduction, you say that in a search and rescue capacity AMSA had an indirect involvement in three of the 12 interceptions. Did you receive advice about the other nine?

Mr Davidson—No we did not.

Senator MURPHY—So you received no advice about the other nine?

Mr Davidson—That is correct; we received no advice at all.

Senator MURPHY—It might be my misunderstanding but I thought that, from a briefing given to the Public Works Committee, I think, some time back with regard to how the Department of Defence at NORCOM deals with these matters, there was a fairly close working relationship between AMSA, Coastwatch and Defence in monitoring all of these things. So you are not advised if there is an illegal entry vessel heading towards Australia unless something goes wrong; is that what you are saying?

Mr Davidson—That is generally the case. We would not be advised unless there were concerns for its safety in some fashion, and even then the search and rescue event may be over and done with before we get advised.

Senator MURPHY—It may be over and done with before you are advised that there was a problem, but you say that you receive no advice about whether the vessels that are heading towards Australia are in difficulty or not.

Mr Davidson—Our records show that the ones we have identified are the only ones we have any record of having been advised about from any source.

Senator MURPHY—Would you restate the outline you gave earlier on the time frame for the SIEVX? It started at 2.40 p.m., can you restate the action that was taken thereafter?

Mr Davidson—At 2.40 p.m. we received a telephone call from Coastwatch. At 2.45 we received a fax confirming the telephone conversation. At 2.52 AMSA, the RCC, rang Coastwatch to ensure that Defence had been informed. At 3.05 calculations were undertaken on the file in relation to assumptions as to the speed and distance travelled for the vessel.

Senator JACINTA COLLINS—I am sorry; would you just repeat that last time frame?

Mr Davidson—The RCC calculated the times travelled from the Sunda Strait at four, five and six knots and the number of hours that it would take for a vessel at that speed, being 75, 60 and 50 hours respectively. At 3.16 p.m. a fax was sent to BASARNAS and copied to, as I indicated—and there is a copy provided in the material tended—and that is the end.

Senator MURPHY—Is the time on the copy you have tended here the time it was copied?

Mr Davidson—No. If you would go to the section that says, ‘Sent via fax, created 0516, 22nd October 01,’ that is UTC time, which is Greenwich Mean Time, which is 3.16.

Senator MURPHY—I understand that now; I was just confused with the times. It seems that on other occasions when you have advised BASARNAS you have had some other contact, either by phone or by follow-up fax. If you were advising a search and rescue organisation in another country, I would have thought that you would send a notice or fax that says, ‘We’ve been advised that a vessel carrying an unknown number of persons departed the west coast of Java on Friday, 19 October, transiting the Sunda Strait, heading for Christmas Island. The vessel has not yet arrived and concerns have been expressed for its safety.’ Did they not contact you to ask for further information?

Mr Davidson—Firstly, this would not be a common sort of event, I would say. In this particular case, the concern was raised with us by Coastwatch. The action we took in relation to

the information that was then available was that, as best as I can determine, it was concluded that it was appropriate to advise BASARNAS; that action was taken.

Senator MURPHY—Why would they not want to know? Even with regard to Coastwatch, I think I understood you to say earlier to Senator Collins that there was some doubt as to whether the vessel even existed. It all seems a bit odd to me, having regard to a briefing I received from the Department of Defence representatives in Darwin. They know the exact movement of every boat that heads in any direction towards Australia.

Mr Davidson—I cannot comment on that, Senator; only this particular case.

Senator MURPHY—And I think they stated very proudly that that was the case.

Mr Davidson—I have no comment to make on that, Senator.

CHAIR—We are going to have to move this along a bit because we have some witnesses banked up who have to catch planes out of here at six o'clock tonight. Are there any further questions?

Senator JACINTA COLLINS—I want to wind up quickly on the point that Mr Davidson just went back to. Why was it determined that the appropriate course in this case was just to simply send this fax to BASARNAS? Why was it, for instance, not determined that Coastwatch should search as, indeed, it was in that region in the case of the *Tampa*? We are trying to understand the decision-making process that would occur within AMSA with respect to this type of report.

Mr Davidson—I can only say that, on the records that we have, the course of action that was taken and determined to be appropriate in the circumstances was to do this. Whether Coastwatch itself was planning to do searches or whatever is a question you will have to put to Coastwatch.

Senator JACINTA COLLINS—But you said to us that it was determined that the appropriate thing to do was to advise BASARNAS. I am asking you the reasons for that determination, and twice now you have not been able to elaborate further on why it was determined.

Mr Davidson—I have not had personal discussions with the people who were on duty at the time to get to the issues that were in their minds as to why they decided that that was the appropriate course of action. What I have is—

Senator JACINTA COLLINS—Could you take that on notice for me?

Mr Davidson—Yes.

Senator JACINTA COLLINS—Could you also take on notice for me why no follow-through occurred in relation to there being no response from BASARNAS? And, thirdly, could we have a copy of the fax that Coastwatch sent at 2.52 p.m. confirming the telephone advice?

Mr Davidson—I will take that on notice.

CHAIR—I have a few wrap-up questions for you. AMSA covers 53 million square kilometres or one-tenth of the earth's surface. By that you mean you have maritime safety, protection of the marine environment, and aviation and marine search and rescue coordination and overseeing responsibilities for those areas.

Mr Davidson—That is our search and rescue region that we have lodged with both the International Civil Aviation Organisation and the International Maritime Organisation. It is the search and rescue responsibility.

CHAIR—So, if an incident occurs within the Indonesian search and rescue region, you notify the Indonesians and they, not you, do the work of coordinating the rescue?

Mr Davidson—That is correct.

CHAIR—But you are the authority that nominates to the Indonesians that something must be done?

Mr Davidson—If we are advised of an event and it is in an adjacent search and rescue region or, indeed, in another part of the world, the protocols require us to notify the appropriate authority—that is, the people who are responsible for that search and rescue region—and we do that as a matter of course.

CHAIR—Christmas Island, which is an Australian territory, is in the Indonesian search and rescue region, not in the Australian one.

Mr Davidson—That is correct.

CHAIR—So, for an incident in and around the region of Christmas Island, the search and rescue work would be done by Indonesia?

Mr Davidson—That is correct.

CHAIR—Is there a search and rescue capability on Christmas Island itself?

Mr Davidson—Very limited, I think.

CHAIR—If a plane goes down in an Australian area, we have an authority—its name just alludes me for the moment—that investigates what caused that plane to crash and reports. I think it is BASI, the Bureau of Air Safety Investigation. Are you the equivalent authority as far as marine incidents are concerned?

Mr Davidson—No, the ATSB, Australian Transport Safety Bureau, is responsible for doing safety investigations and it does marine and aviation investigations.

CHAIR—Do you notify them of any incidents to which their attention should be drawn? Is that part of your responsibility?

Mr Davidson—Yes, it is, and we do.

CHAIR—A boat containing 383 people capsized and about 350 of them drowned. That would be a quite significant incident, would it not?

Mr Davidson—It certainly would, yes.

CHAIR—It would appear from the map that it occurred in the Indonesian search and rescue region. What do the Indonesians do to investigate incidents like that?

Mr Davidson—I have no information in relation to what their investigation functions or powers are.

CHAIR—No, but they have an analogous authority that in the event of loss of life in their zone they would, like you do to the Australian mob, identify the Indonesian mob and they would get to and investigate it? Do they have an analogous authority like that?

Mr Davidson—One would assume they may have, yes.

CHAIR—Do you know for sure whether they do or not?

Mr Davidson—No, I do not know for sure.

CHAIR—You are responsible for safety in this area, though. You are not responsible for recovering the people from the sea, but you are responsible to keep an overview on the safety—

Mr Davidson—No, we are responsible for maritime safety in Australia's jurisdiction in relation to marine events, that is, large vessels that operate within the direct jurisdiction of Australia. We undertake port state control. We inspect ships. We are responsible for coordinating the search and rescue activities. If there is a maritime incident and it is one that requires investigation, or an investigation is undertaken or warranted, we may undertake an investigation with a view to a prosecution—for example, in relation to a pollution event or in relation to a collision between two vessels where there has been failure to keep a proper lookout and for which there are regulations that manage those events—but search and rescue, and certainly within the Indonesian search and rescue region, is a matter that would go to the Indonesians.

CHAIR—But you have a coordinating role to notify the Indonesians in overview as to whether there is an incident occurring in their area.

Mr Davidson—No. The situation is that if a party becomes aware of a search and rescue incident which occurs within somebody else's region then it is their responsibility to notify the responsible agency. It is in that context that, if Australia becomes aware of a search and rescue event which is taking place in the Indonesian search and rescue region, we notify BASARNAS. That is the protocol. We have no overview responsibility whatsoever. It is just that in certain circumstances search and rescue incidents have come to our notice and we have no knowledge of whether they have been notified to BASARNAS. In those circumstances, we automatically notify BASARNAS.

Senator MURPHY—And yet you do not seek a response from them to see whether they have been notified.

CHAIR—If a boat was going down off Christmas Island, you would ask the Indonesians to rescue it; you would not alert Australian rescuers to go and rescue it.

Mr Davidson—We would notify BASARNAS, and if there were resources at Christmas Island that could respond promptly to that event we would take all actions necessary to effect a proper rescue. The responsibility on all search and rescue agencies around the world is to respond comprehensively and completely to every search and rescue event, wherever they may be. In the event that the knowledge is held by one agency first, they must continue to prosecute the search and rescue effort until such time as they can hand it off to the agency that is better placed to take it over and complete the exercise.

CHAIR—Sticking with this example, this would be in the Indonesian zone but your responsibility would be to notify people in the Australian zone to go to the rescue of that event and hand it over to the Indonesians if they were better placed.

Mr Davidson—Yes.

CHAIR—Can you take on notice for me whether there is an analogous body in Indonesia that does investigate loss of life or major incidents of this nature? It would seem to me that it is logical that they would have one, but if you do not know I am not sure whom I ask to find out other than the Indonesians. Can you take that on notice for me?

Mr Davidson—We can take that on notice and inquire.

CHAIR—Has any effort been made to pinpoint where SIEVX might have gone down?

Mr Davidson—No, not by AMSA. Only through my knowledge of AMSA can I have such certainty, but I know of no efforts to pinpoint the location by anybody in particular. I did hear the evidence given by Mr Kevin where he has attempted to pinpoint it, but his are the only efforts I am aware of.

CHAIR—Those efforts are relating to trying to calculate steaming time from points of departure, but that is not a matter of drawing a rhumb line between the point of departure and where the suspected incident occurred because there are other calculations in marine navigation, aren't there?

Mr Davidson—I would hazard that you are correct.

Senator FAULKNER—Have you got any reason at all, Mr Davidson, to be concerned that there was any direct or indirect Australian involvement, by any means, that may have contributed to the sinking of that vessel? Have you got any concerns in that area at all?

Mr Davidson—Categorically, none.

CHAIR—I think we are done, Mr Davidson. There is a number of matters that you have taken on notice. We are eager to try to complete this inquiry in a reasonable time, so we would be grateful if you could get back to us reasonably quickly with comprehensive answers so we are not in a situation of wanting to examine you further based on the answers that are given.

Senator FAULKNER—We do appreciate your taking those on notice, Mr Davidson. I think at the end of the day it probably will save us a bit of time. If you could take the approach that the chairman has outlined, I would certainly appreciate it and I am sure all of the committee members would. Thank you for that in advance.