



21 July 2014

Mr Henare Degan
Email: foi+request-655-a952369c@righttoknow.org.au

Dear Mr Degan

Application under the *Freedom of Information Act (1982)*

I refer to your email of 20 June 2014 to the Australian Maritime Safety Authority (AMSA) seeking access under the *Freedom of Information Act 1982* (the FOI Act) to certain documents relating to operation sovereign borders. Discussions with AMSA's FOI team later confirmed the scope of your request as relating to senate estimates briefings relevant to the most recent round of senate estimates containing the words 'operation sovereign borders' or 'OSB'.

This letter sets out my decision on your request for access. I am an authorised decision-maker under section 23 of the FOI Act.

Timeframe for processing your request

Your request was received by AMSA on 20 June 2014. The statutory period for processing your request was initially 30 days. A letter outlining the processing charges assessed against your request was sent to you on 4 July 2014. Payment of the charges was received on 14 July 2014. The time period between notification of charges and receipt of payment was 10 days. The time frame for processing your request therefore expires on 30 July 2014.

Decision

I have identified 2 documents relevant to your request. I have decided to release the documents to you full.

Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the documents¹ relevant to the request
- the FOI Act

¹ The term 'document' in this notice refers to both full documents and relevant parts of documents

- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act
- advice from AMSA officers with responsibility for matters relating to the documents to which you sought access, and
- advice from the Agency's in-house legal team.

Contacts

If you have any queries about this notice, please do not hesitate to contact AMSA's FOI team on (02) 6279 5689.

Yours sincerely



Mal Larsen
General Manager
Corporate Relations Division

**Senate Budget Estimates Briefing
May 2014**

TITLE: SEARCH AND RESCUE OPERATIONS

ISSUE: AMSA's Role in Search and Rescue Incidents

Handling note – questions relating to Operation Sovereign Borders should be directed to, the Legal and Constitutional Affairs Committee.

KEY FACTS

1. AMSA operates Australia's 24/7 Rescue Coordination Centre (RCC Australia) which is responsible for the national coordination of both maritime and aviation search and rescue within Australia's internationally agreed search and rescue region.
2. In this financial year, to the end of April 2014, the RCC managed 5,565 operational incidents, 2,301 of which involved the use of distress beacons. Of these incidents, 446 required search activity coordinated by RCC Australia. To date, a total of 4,574 people have been rescued from distress situations.
3. There has been no change to how Australia responds to search and rescue incidents operationally as a consequence of Operation Sovereign Borders.
4. The Government's implementation of Operation Sovereign Borders maintains the commitment to observing Safety of Life at Sea (SOLAS) and Search and Rescue (SAR) obligations and protocols.
 - Safety of life at sea remains the highest priority.
5. The decision to cease posting shipping broadcasts on AMSA's website, or providing details of search and rescue operations to the media, is consistent with the Government's policies under Operation Sovereign Borders not to provide information operations matters that could prejudice the outcomes of current or future operations.

BACKGROUND

- o AMSA meets Australia's search and rescue obligations under:
 - The International Civil Aviation Convention (Chicago Convention);
 - The International Convention for the Safety of Life at Sea (SOLAS Convention);
 - The International Convention on Maritime Search and Rescue, 1979.
- o AMSA does not own resources to conduct search and rescue operations. AMSA contracts aviation assets and relies on ships to assist. The State and Territory Police, Australian Defence Force and Border Protection Command assets assist on request.
- o AMSA contracts a fleet of five turbine engine dedicated aircraft located at strategic locations around Australia (Darwin, Perth, Cairns, Melbourne and Brisbane). AMSA also contracts general aviation operators for search and rescue tasking.
- o Australia is responsible for internationally agreed aeronautical and maritime search and rescue regions that are virtually coincident. They cover almost 53 million square kilometres or about one-tenth of the earth's surface.
- o AMSA works closely with the Indonesian Search and Rescue authority, BASARNAS, to coordinate and support operations in the Indonesian search and rescue region. When required, AMSA will also issue a broadcast to shipping for assistance in SOLAS events.

- Broadcasts for assistance are no longer published on AMSA's website. Ships involved in SOLAS incidents receive direct communications from RCC Australia and do not need to use AMSA's website as a source of information. Nor do ships need the website to receive navigation warnings, which they can also receive directly. The website is still used to promulgate navigation warnings for other users, such as shipping companies.

Action Officer:	Alan Lloyd (Craig Condon)	Manager, Search and Rescue Operations	
Doc ID 3.2	Telephone	6279 5710	
Clearing Officer:	John Young, General Manager, Emergency Response Division	Version No: Two	Date: 21 May 2014

OSB

The 1989 "Government Guidelines for Official Witnesses before Parliamentary Committees" state:

- Public Interest Immunity claims should be made by the Minister ("normally" the minister responsible)
- If a claim is being made the grounds must be stated
- The Committee may direct the officer to refer the question to the "responsible minister"

Questions relating to Operation Sovereign Borders should be directed to the Legal and Constitutional Affairs Committee where the "responsible minister" has already made the Public Interest Immunity Claim about operational matters (18 November and 4 December 2014).

That claim, subsequently further clarified by the Secretary for the Department of Immigration and Border Protection (29 January 2014) clearly advised that matters covered by the claim may include:

- Distress calls to AMSA and safety of life at sea incidents
- Chronology of such matters
- Operational plans
- Vessel broadcasts

Information provided to this Committee in response to questions taken on notice has been provided in accordance with that Public Interest Immunity claim.

