

**Australia's Protocol for
Commerical Shipping
Rescuing Persons at Sea In
or Adjacent to the Australian
Search & Rescue Region**

Dr Greg Feeney
Department of Transport & Regional
Services

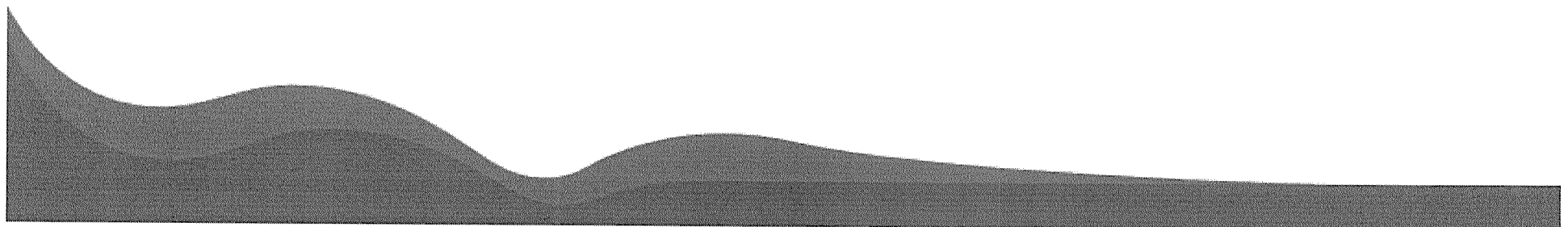
GREG FEENEY
First Assistant Secretary
Transport and Infrastructure Policy Division
Department of Transport & Regional Services

Greg has been a member of the Commonwealth Public Service for 27 years. His career commenced as a mathematical statistician in the Australian Bureau of Statistics. In 1980 he commenced a PhD at the University of North Carolina at Chapel Hill in the USA and graduated in 1982. In 1986 he changed careers by moving to the Department of Finance working on central budget coordination. In 1989 he moved to the then Department of Transport and Communications where he has worked in finance, roads, rail, maritime, logistics and transport research. During that time he was seconded to the Office of Asset Sales where he worked on various sales including the CBA, Qantas and the uranium stockpile. He also spent two years in Canada where he worked on contract with the Department of Finance and Transport Canada (on privatisation of the air navigation system).

In his current position within the Department Greg is responsible for maritime policy, including industry policy and maritime security, logistics, transport infrastructure policy including the newly announced AusLink initiative, international transport activities (excluding aviation) and the Australian Maritime College. He is a Vice-Chairman of the Maritime Transport Committee of the OECD. He also Chairs the Maritime Security Working Group, comprised of Commonwealth and State and Territory officials and a wide range of industry representatives.

Protocol for Commercial Shipping Rescuing Persons at Sea In or Adjacent to the Australian Search and Rescue Region

A presentation by Dr Greg Feeney, First Assistant Secretary,
Transport and Infrastructure Policy Division



Rationale

- The Tampa incident raised a number of issues
- Industry wrote to the Prime Minister seeking greater certainty for liner shipping
- The Protocol represents the Government's response to these concerns

Background

- There is no guidance or internationally accepted procedures for determining where survivors are to be landed.
- There is a strong view, particularly among shipowners that the decision is entirely up to the Master of the rescuing vessel.
- An argument is made that without that certainty for Masters the commercial pressures will result in Masters ignoring distress situations.

Background cont...

- In recent years, cases have emerged of people attempting to enter countries illegally by boat, often in overcrowded and unseaworthy craft that may get into distress, either accidentally or by design.
- A possibility also exists for the use of force or threat to “persuade” masters and crews of rescuing ships to transport survivors to a particular destination.

Purpose of the Protocol

- The protocol is intended to provide guidance to ships' masters involved in the rescue of persons at sea so that arrangements for landing survivors are effected expeditiously.
- The protocol is of necessity general in nature – solutions will be developed on a case-by-case basis.

Purpose of the Protocol cont...

- International organisations are currently considering international arrangements for handling the rescue of large numbers of unauthorised boat arrivals.
- More on that later.

International Conventions

- Australia is committed to upholding its respective obligations under all relevant international conventions.
- Nothing in this protocol is inconsistent with or will derogate from Australia's or the shipping industry's international obligations under these conventions or the United Nations Convention on the Status of Refugees.
- Normal search and rescue procedures for distress signal reception and relay will be followed at all times.

Recognition of Principles

- Search and Rescue (SAR) coordination responsibility remains with the search and rescue centre responsible for the SAR Region;
- Any decision to disembark rescued persons at a particular port of a State should not be made without the consent of that State;
- The involvement of any ship in a rescue is likely to have commercial consequences and these consequences should be taken into account;

Recognition of Principles cont...

- Australia has an obligation to give expeditious consideration to the identification of suitable options for the disembarkation of rescued persons and to not unreasonably withhold consent to use its port or ports for disembarkation;
- Disembarkation arrangements for survivors need to be consistent with any security or border protection arrangements developed nationally, internationally or regionally;

Recognition of Principles cont...

- There should be no encouragement or incentive for persons to be deliberately put at risk in pursuit of entry to Australia or for rescuees to use threat in an endeavour to dictate the place of disembarkation; and
- Australia has a sovereign right to determine who comes into Australia.

Stages of Rescue and Disembarkation

- *Stage 1: Identification of a distress situation and issuing of alert*
- *Stage 2: Response by shipping to distress alert*
- *Stage 3: Completion of the rescue*
- *Stage 4: Identification of method of disembarkation of rescued persons*
- *Stage 5: Disembarkation of rescued persons*

Stage 1: Identification of a distress situation and issuing of alert

- The Australian Rescue Coordination Centre (AusSAR), if first notified of a distress situation, issues a distress alert to shipping, either on its own behalf if the distress situation is in Australia's own SAR Region, or on behalf of the responsible State if the distress situation is in the SAR Region of another State.

Stage 1: Identification of a distress situation and issuing of alert cont...

- In the latter situation, AusSAR contacts the other State to transfer coordination responsibility and that State is then responsible. AusSAR will not relinquish responsibility until the State to which responsibility has been transferred has acknowledged that it has accepted responsibility.

Stage 2: Response by shipping to distress alert

- Ships (including available naval ships) respond according to international conventions and deviate from courses to effect rescue.
- If no ships respond to the distress alert, AusSAR will examine any available ship reporting system, and contact any ships in the general area to see if they can attend the rescue.

Stage 3: Completion of the rescue

- Rescuing ships arrive at distressed ship and determine appropriate course of action
- Rescuing ship releases other ships responding to the alert as appropriate.
- Master advises AusSAR of situation.

Stage 3: Completion of the rescue cont...

- On completion of the rescue, the Master of each vessel participating in the rescue should advise AusSAR that the rescue is completed and provide the following information:
 - details of rescuing ship(s);
 - the number of rescued persons on each ship;
 - the name, flag, description, call sign and intended destination of the ship in distress;
 - the port of origin of the ship in distress, if known;

Stage 3: Completion of the rescue cont...

- the nationality of those rescued, if known;
 - the countries where those rescued have right of entry if known;
 - the port(s) of disembarkation preferred by the Master and why;
 - if the Master intends to deviate from the originally intended voyage as a result of picking up shipwrecked survivors, the reasons for the deviation
- Having provided this information the Master should then await further instructions from the Australian Government, through AusSAR.

Stage 4: Identification of method of disembarkation of rescued persons

- Taking into account the information, AusSAR, acting on instructions from the Government, will advise the Master where the passengers can be disembarked.
- Where Australia is the proposed State of disembarkation the Government will make an assessment as to the appropriateness of accepting the rescued persons.

Stage 4: Identification of method of disembarkation of rescued persons cont...

- Where the port(s) are in another State, the Government will need to determine whether that State is willing to accept those rescued.

Stage 4: Identification of method of disembarkation of rescued persons cont...

- If expeditious agreement cannot be obtained to disembark the rescued persons at the preferred port or transfer them to another ship, AusSAR will notify the Master, the flag State and the State of the preferred port that an impasse has arisen.