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Our ref: 2015-101553

November 2016

Mr Michael Pezzullo
Secretary
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

Dear Mr Pezzullo

Investigation into the processing of asylum seekers who arrived on *SIEV Lambeth* in April 2013

I refer to my letter dated 23 December 2015, advising you that I had decided to conduct an own motion investigation into the Department of Immigration and Border Protection's processing of asylum seekers who arrived on *SIEV Lambeth* in April 2013.

As you will be aware, my office provided you with a draft report of our investigation in March 2016, based on the information we had at hand as we had not received a response to our formal request for information.

When we subsequently received the response it clarified a number of points regarding the requirements for being assessed as an offshore or onshore arrival, and we were then satisfied that the Irregular Maritime Arrivals (IMA) on *SIEV Lambeth* had in fact been correctly processed. However we still had some serious concerns with the recording of information for these IMAs and the impact this had on your department's ability to respond to my office's requests for information.

I have now issued an amended draft report which I invite the department to consider and provide written comments within 28 days of the above date.

If the department requires any further information to assist it to formally respond to the report I request that your staff contact Senior Assistant Ombudsman Doris Gibb on [REDACTED] s 47E

If you wish to speak to me personally, my number is [REDACTED] s 47E

Yours sincerely

Colin Neave
Commonwealth Ombudsman

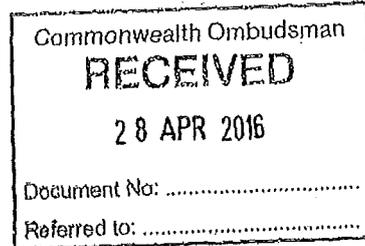
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Australian Government
Department of Immigration
and Border Protection

OSEC 676/2016

Mr Colin Neave AM
Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601



Dear Mr Neave

I am responding on behalf of the Secretary to your letter dated 1 April 2016 concerning your investigation into the processing of asylum seekers who arrived on SIEV Lambeth in April 2013. I appreciate the time you have taken to provide us with a copy of your draft report.

The matters raised in the SIEV Lambeth investigation are serious, and the Department is treating them as such. The Department is plotting the navigation of several Australian Government vessels, based on the official ships logs to confirm that the individuals on-board SIEV Lambeth were correctly and lawfully processed. Your office is being provided with regular updates on the status of this assessment. I will be in a position to provide you with the results by end April 2016.

Recognising the seriousness of the issues raised in your reports, I have now initiated a review of all individuals on board the twenty-three vessels that arrived between October 2012 and August 2013. This will enable us to have confirmation that these individuals' cases are being appropriately managed, based on the law and Government policy.

I would like to invite your office to participate and comment on the scope of the audit. Lisa-Ann Howgego, Assistant Secretary Risk and Assurance, is responsible for progressing this review, and she may be contacted on S 47E

Thank you for bringing this matter to our attention.

Yours sincerely

Stephen Hayward
First Assistant Secretary
Integrity, Security & Assurance Division

22 April 2016

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Gregory Parkhurst

From: Christine Sullivan
Sent: Wednesday, 23 December 2015 2:15 PM
To: Nathan Cameron
Subject: Your two letters [SEC=UNCLASSIFIED]
Attachments: IOI-2015-100045 - Mr Michael Pezzullo.pdf; IOI-2015-100045 - The Hon Peter Dutton MP.pdf

I have put them in the post.

Christine

Christine Sullivan

Executive Assistant
Commonwealth Ombudsman
Ph: 02) 6276 0125
Fax:02) 6276 0123
Email: s 47E
website www.ombudsman.gov.au

Influencing agencies to treat people fairly through our investigations of their administration

Please note the office will close at 12pm Thursday 24th December 2015 and re-open 9am Monday 4th January 2016



MINUTE

File Ref: A423114

09012017

Colin Neave
Ombudsman

through: Richard Glenn, Deputy Ombudsman

Subject Approval of final report on SIEV Lambeth

Purpose

To seek your approval for publication of the final report on the investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

Background

1. The office conducted an investigation into the processing of people who arrived on SIEV Lambeth based on our understanding of what constituted an onshore or offshore arrival the subsequent consequences for those people who were subject to the s 46A bar.
2. The department's response to the draft report indicated that our understanding of the relevant legislation and regulations was not correct. The draft report was amended accordingly and its focus changed to the apparent shortcomings in the department's record keeping and timeliness in responding to our investigation.

Issues

3. The amended draft report was sent to the department for comment and its response has now been received and incorporated into the report. As a result of information provided in the response, paragraph 1.5 of the draft report has been amended and paragraphs 1.6 and 1.7 of the original report have been deleted. This corrects our erroneous understanding of an aspect of the legislation.
4. The final report is now ready for publication.

*9/1 Thank for work on this:
glad we have arrived
at a solution.
J.*

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Recommendation

5. It is recommended that you:

- Approve the final report for publication on the Ombudsman's website.

Nathan Cameron
Manager Statutory Reporting Team
Immigration Industry and Territories

Endorsement
Recommendation APPROVED/ ~~NOT APPROVED~~



Colin Neave
Ombudsman
9 January 2017

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From: s 47E
To: Nathan Cameron
Cc: Elizabeth Jamieson; Christopher Roberts; External Accountability
Subject: Lambeth and s 47F - Email 1a of 3 [SEC=UNCLASSIFIED]
Date: Tuesday, 19 April 2016 2:15:02 PM
Attachments: SIEV Lambeth - DIBP Response (Further Questions) - 15-00459 (IOI-2015-10....docx
MS15-029375.pdf
MS15-024527.pdf

UNCLASSIFIED

Good afternoon,

I am providing you, over the course of several emails, with a response to the following outstanding matters:

- questions received 17 December 2015, regarding s 47F (DIBP Reference: OHR-15-00329; OO Reference: 2015-101553); and
- questions received 14 January 2016, regarding SIEV Lambeth (DIBP Reference: OHR-16-00014; OO Reference: 2015-101553).

This email (1a of 3) includes attachments in support of the December 2015 questions.

Email 2 of 3 will include a response to the January 2016 questions. Email 3 of 3 will include official log book records and my plotting of relevant coordinates for HMAS *Childers*. Happy to discuss.

Regards,

s 47E

s 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group
Department of Immigration and Border Protection
M: s 47E
E: s 47E

UNCLASSIFIED

From: Nathan Cameron [mailto:s 47E]
Sent: Tuesday, 19 April 2016 2:06 PM
To: s 47E
Cc: Elizabeth Jamieson; Christopher Roberts
Subject: Blocked email [SEC=UNCLASSIFIED]

Hi s 47E

It looks as if one of the emails you have just sent, probably 1 of 3, has been blocked as it is too

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big.

Can you please resend with attachments spread over two emails?

Thanks

Nathan

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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Australian Government
Department of Immigration
and Border Protection

19 April 2016

Investigation: § 47F
DOB: § 47F
Client ID: § 47F
DIBP Reference: § 47F
OO Reference: § 47F

Investigation: Own Motion: Processing of Suspected Direct Entry Persons
DIBP Reference: § 47F
OO Reference: IOI-2015-100045

1. The response states in response to Question 3 that 'the listed detainees arrived in Darwin on 22 April 2013 as Offshore Entry Persons, unauthorised maritime arrivals, and were detained under 189(1) of the Act. However, internal legal advice provided by § 47F to § 47F on 27 August 2015 (provided in response to the Own Motion Inquiry) states that the Lambeth arrivals § 42
§ 42

Since the legal advice appears to contradict the investigation response, please confirm whether the SIEV Lambeth arrivals were, or were not, offshore entry persons under the Act.

On 17 April 2013, HMAS *Childers* boarded the vessel designated Suspected Illegal Entry Vessel (SIEV) 662 ("SIEV Lambeth"), with consent of the master. The vessel was approximately 140 nautical miles WSW of Darwin, outside the Australian contiguous zone.

On 18 April 2013, HMAS *Childers* transferred 74 persons from the SIEV Lambeth onto ACV *Ocean Protector*. Seven individuals (five potential illegal immigrants (PII) and two crew) from SIEV Lambeth were transferred by HMAS *Childers* to Darwin for medical reasons.

In relation to the following twelve individuals listed in the table below § 47F the Department confirms that all twelve individuals were part of the cohort of 74 individuals that were transferred onto ACV *Ocean Protector*.

	Family Name	Given Name	Date of Birth	Client ID	Boat ID
1	§ 47F				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

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ACV Ocean Protector

Subsequent to the Department's previous responses to the various investigations around the SIEV Lambeth, the Royal Australian Navy provided the Department with an extract of the log book of the ACV *Ocean Protector*.

The relevant information from the log book is extracted below:

Date	Time	Position	Event
17/04/2013	0700	1437.29S 12357.26E	En-route to meet with HMAS <i>Childers</i> off Bathurst Island.
17/04/2013	1245		HMAS <i>Childers</i> taking SIEV 662 in tow proceeding to meet with ACV <i>Ocean Protector</i> .
18/04/2013	0700	1230.1S 12839.9E	HMAS <i>Childers</i> position.
18/04/2013	0756		Met with HMAS <i>Childers</i> -- SIEV 662 UNC transferred to ACV <i>Ocean Protector</i> .
18/04/2013	0856		Transfer complete.
18/04/2013	1350		ACV <i>Ocean Protector</i> commences transit to Ashmore Island.
20/04/2013	1200		ACV <i>Ocean Protector</i> at designated position (DP) Ashmore Island outer lagoon.
20/04/2013	1300		ACV <i>Ocean Protector</i> departed Ashmore Island for transit to Darwin.
22/04/2013	0600		ACV <i>Ocean Protector</i> entering Darwin harbour for Darwin Naval Base.
22/04/2013	0757		UNC confirmed ashore in Darwin.

On 22 April 2013, ACV *Ocean Protector* completed the transfer of the 74 persons from SIEV Lambeth, to Australian Government authorities in Darwin.

The Department notes that the legal advice that was provided by s 47F [redacted] to s 47F [redacted] on 27 August 2015 did not consider the relevant information contained in the log book of the ACV *Ocean Protector*, as it was not available to s 47F [redacted] at the time the legal advice was provided.

The Department notes that the following analysis is provided pursuant to a revised internal legal advice dated 14 January 2016, which takes into account the relevant information contained in the log book of the ACV *Ocean Protector*, which was not available to s 47F [redacted] at the time his legal advice was provided.

s 42



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- 3 -

With respect to the 74 individuals from the SIEV Lambeth that were transferred onto the ACV *Ocean Protector*:

- * Ashmore Island is relevantly designated as an **excised offshore place** under section 5(1) of the Act;
- * the **excision time** for Ashmore Island is defined in section 5 of the Act as being 2.00 pm on 8 September 2001 by legal time in the Australian Capital Territory;
- * the individuals **entered Australia** on 20 April 2013 when they entered the outer lagoon of Ashmore Island after the excision time; and
- * all the individuals did not hold visas at the time they entered Ashmore Island, so thus **became unlawful non-citizens** because of their entry on 20 April 2013.

Given the relevant facts above, the 74 individuals from the SIEV Lambeth that were transferred to Darwin on the ACV *Ocean Protector* are for the purposes of the Act, **offshore entry persons**. As such, all 74 individuals, including the s 47F [REDACTED] were correctly subject to the section 46A bar.

s 42 [REDACTED]

HMAS Childers

As outlined above, on 18 April 2013 seven individuals (five PII and two crew) from SIEV Lambeth:

	Family Name	Given Name	Date of Birth	Client ID	Boat ID	Status
1	s 47F	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

were transferred by HMAS *Childers* directly to Darwin. With reference to the relevant sections of the log book of the HMAS *Childers*, the seven individuals are, for all intents and purposes, non-offshore entry persons. As such, the seven individuals are not subject to the section 46A bar.

Turning to the issue of whether the seven individuals were *in fact* subject to the section 46A bar:

- * On 5 June 2013, the following note was entered into the profiles of each of the seven individuals in the Department's client portal:

Client is a Direct Entry Person and not an Offshore Entry Person - the s46A bar does not apply

- * Departmental records indicate that Individuals 1 and 2 have not applied for a visa and, as at 11 April 2016, are offshore.
- * Departmental records indicate that a valid visa application for Individuals 3 to 7 was lodged on 6 September 2013, with the relevant visa assessments commencing on 12 September 2013. To date, these assessments are ongoing.

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Considering the above facts, Individuals 3 to 7 were rightfully not subject to the section 46A bar by virtue of the fact that they were non-offshore entry persons.

2. We are advised that another s 47F maritime arrival s 47F arrived on SIEV 618 Studebaker and was detained on 23 March 2013 at Darwin Airport Lodge under s 189(1) of the Act. On the basis of the information provided to our office to date, it would appear that the circumstances of s 47F arrival, and the provision of the Act under which s 47F was detained, are similar to those of the Lambeth arrivals. That is, they were detained in Darwin under s 189(1) before the excision of the Australian mainland for boat arrivals on 20 May 2013. However, s 47F was detained as a 'direct entry person' not subject to the s 46A bar, and was therefore able to lodge a Protection visa application on 6 September 2013.

Please explain the difference between the case of s 47F who was not an offshore entry person but a 'direct entry person' and never subject to the s 46A bar, and the Lambeth arrivals, who have been subject to the s 46A bar for two years or more.

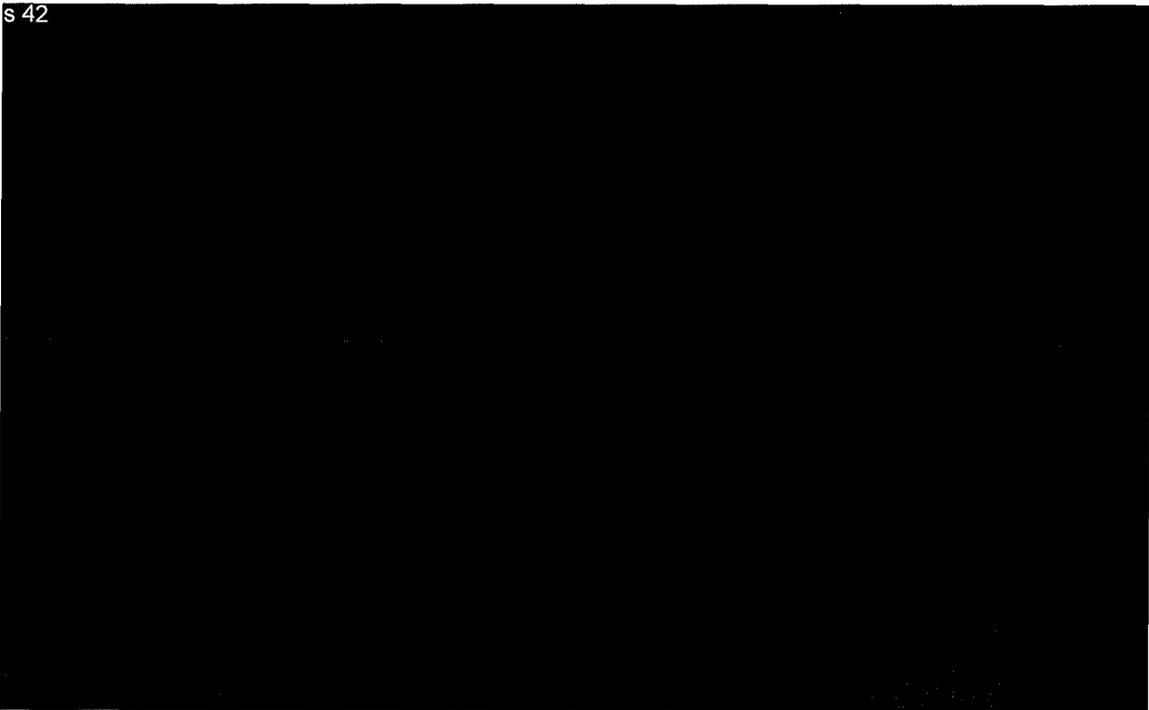
With reference to the relevant information contained in the log book of the SIEV Studebaker:

The circumstances of s 47F arrival are different to those of the majority of the SIEV Lambeth arrivals because s 47F did not arrive at an excised offshore place (as was the case with most of the SIEV Lambeth arrivals).

Based on the HMAS *Melville's* log book, on 23 March 2013:

- * s 47F boat (SIEV 618) was intercepted and boarded by HMAS *Pirie*;
- * the 41 individuals on board the SIEV 618 (including s 47F) were then transferred from HMAS *Pirie* to HMAS *Melville*;
- * HMAS *Melville* proceeded from the transfer point to Darwin Harbour; and
- * the HMAS *Melville* arrived in the port of Darwin at 4.39 pm that same day.

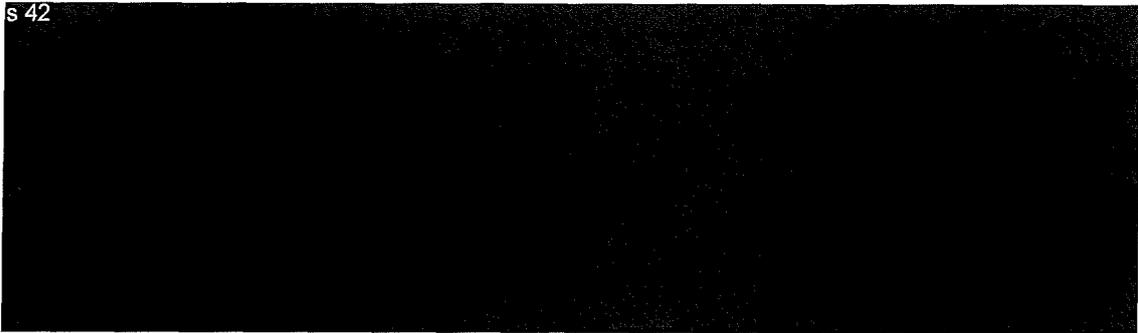
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s 42



3. We note that some of the detainees who arrived on SIEV Lambeth have been released on Bridging visas in the past few months.

Please provide a copy of any Ministerial Submissions relevant to the release on Bridging visas under s 195A of detainees who arrived on SIEV Lambeth who are subject to review under s 486N.

Refer to attached documents:

- * MS15-021849;
- * MS15-021898;
- * MS15-024354;
- * MS15-024527; and
- * MS15-029375.

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Australian Government
Department of Immigration and Border Protection

Submission

For decision
Reg. Number MS15-029375

To Minister for Immigration and Border Protection
Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals
Timing Please action at 4:00 pm AEDST on Monday 23 November 2015 as per appointment time advised by [redacted]

Received
20 NOV 2015
Minister for Immigration and Border Protection

Recommendations

That you:

- 1. Indicate whether you are inclined to intervene under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa and Subclass 050 Bridging (General) (BVE) visa to the Illegal Maritime Arrivals included on this submission. (agreed) / not agreed
- 2. Indicate if you agree to impose conditions 8401, 8506, 8564 and 8566 on BVEs for all IMAs as specified in Schedule 8 of the *Migration Regulations 1994*. (agreed) / not agreed
- 3. If agreed, sign the Decision Instruments at Attachment A and the Statement to Parliament at Attachment B. (noted) / please discuss

Minister for Immigration and Border Protection

Signature *[Handwritten Signature]*

Date: 23/11/2015

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance	Length	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:
		<input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	

Key Issues

1. This submission is intended to give effect to the management of Illegal Maritime Arrivals (IMAs) in the legacy caseload who arrived after 13 August 2012 and who are currently barred from lodging protection visa applications, with the exception of IMAs listed at Attachment A in Table 2. This submission if agreed will facilitate the release of 64 IMAs (including 15 minors) from detention so that their protection claims can be progressed from the community. This submission is one of a number which will be put to you over coming months to effect the release of most, but not all IMAs who arrived before 1 January 2014, in line with Government policy.

2. The submission asks that you consider Ministerial Intervention under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa (HSTV) and Subclass 050 Bridging (General) visa (BVE) to a number of IMAs included on this submission.

3. You previously signed first stage s195A submissions (MS15-021338, MS15-021898, MS15-021895, MS15-024354, MS15-025002 and MS15-024668) for 41 IMAs (listed at Attachment A in Table 1 at numbers 1 and 7-16 and in Table 2 at numbers 1-8, 14, 17-22 and 28-42), who were either involved in behavioural incidents or were previously of interest due to character concern, and agreed to consider Ministerial Intervention under s195A of the Act to grant a HSTV and a BVE.

4. All IMAs listed in Table 1 at Attachment A will be barred from lodging further onshore visa applications unless you choose to allow an application to be made. You previously agreed to lift the s46A bar for IMAs listed in Table 2. The HSTV and BVE will be granted simultaneously with the HSTV ceasing one week after grant, at which time the BVE will come into effect. The grant of a HSTV to these IMAs will make them eligible non-citizens for the purpose of considering any valid BVE application in the future should you be inclined to lift the relevant bar for any such applications.

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5. For IMAs listed in Table 1 at Attachment A, it is proposed that the BVE be granted with a validity period of 12 months. This BVE will allow the IMAs to access Medicare and financial support through the Status Resolution Support Services (SRSS) programme (according to their individual needs assessments).

6. For IMAs listed in Table 2 at Attachment A, it is proposed that the BVE be granted with a validity period of three months as they have been invited to lodge a Temporary Protection Visa application (TPV) or a Safe Have Enterprise (SHEV) visa. This BVE will allow the IMAs to lodge their application while accessing Medicare and financial support through the SRSS programme (according to their individual needs assessments). Once they have made a valid TPV or SHEV application an associated BVE can be progressed.

7. It is proposed that IMAs listed at Attachment A in Tables 1 and 2 will have their HSTV and BVE come into effect on Thursday 26 November 2015.

8. The Department proposes that a discretionary condition be applied to the BVE requiring the IMA to notify the Department two working days in advance of any change of address (condition 8506 *Migration Regulations 1994*). It is also proposed that a discretionary reporting condition be applied to ensure IMAs remain in contact with the Department (condition 8401 *Migration Regulations 1994*).

9. In line with Regulation changes that came into effect on 29 June 2013, the Department also proposes that a condition be applied requiring these IMAs do not engage in criminal conduct (condition 8564 *Migration Regulations 1994*).

10. The IMAs aged 18 years or older included in this submission have agreed to abide by the Code of Behaviour while living in Australia on a BVE. The Department proposes that a condition be applied requiring that these IMAs abide by the Code of Behaviour (condition 8566 *Migration Regulations 1994*).

11. In accordance with recent announcements, the Department proposes that all detainees listed at Attachment A be allowed permission to work.

12. The IMAs included on this submission have sought to engage Australia's protection obligations and have not had their claims for refugee status assessed. At some point in the future, IMAs listed in Table 1 at Attachment A will be put to you on a submission to lift the bar so that valid applications can be made for TPVs.

Background

13. Records held in departmental systems do not indicate any known public health, character or identity concerns for any of the IMAs included in this submission at this time (other than those considered in first stage submissions and noted at paragraph 3.). s 47E

[REDACTED]

[REDACTED]

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14. This submission includes adults, and family groups, who have been placed in a range of Immigration detention locations. Attachment C provides a summary of nationalities, detention locations and ages of minor children.

Your power under section 195A of the Migration Act 1958 - visa grant, release and notification

15. As IMAs, they cannot make a valid application for a visa that can be granted to them while they are in detention. Section 195A provides you the power to grant a visa to an IMA who is in immigration detention if you think it is in the public interest to do so.

16. Should you decide to use your s195A power and grant visas to these IMAs listed at Attachment A, the Department has made arrangements to transition them out of detention. These IMAs will be provided with written notification of visa grant and the conditions attached including length of stay, reporting requirements, and behavioural expectations.

17. Any subsequent BVE grants, should they be required, will have to be granted through further use of your intervention powers due to the immigration status of these IMAs.

Code of Behaviour

18. As outlined by the Code of Behaviour, an IMA must agree to abide by the Code of Behaviour in order for a BVE to be granted using your s195A intervention power. All IMAs aged 18 years or older listed at Attachment A have agreed to abide by the code.

Consultation – internal/external

19. Community Protection; Children and Community Services; Refugee and Humanitarian Visa Management; Strategic Framework and Services Policy; Security Assessment Liaison; the Australian Security Intelligence Organisation; and other law enforcement agencies.

Consultation – Secretary/Commissioner

20. This submission has not been cleared by the Department's Secretary, Deputy Secretaries, or the Commissioner of the Australian Border Force.

Client service implications

21. There are no client service implications.

Sensitivities

22. There are no particular sensitivities.

Financial/systems/legislation/deregulation implications

23. There are no financial, systems or legal implications.

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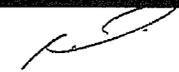
EXERCISE OF MINISTERIAL DISCRETION UNDER SECTION 195A OF THE MIGRATION ACT 1958

DECISION INSTRUMENT

1. The Illegal Maritime Arrivals named in the tables below are in detention under section 189 of the *Migration Act 1958* and I have considered their cases under section 195A of the *Migration Act 1958*.
2. I have determined that it is in the public interest to grant these Illegal Maritime Arrivals a Subclass 449 Humanitarian Stay (Temporary) visa and Subclass 050 Bridging (General) visa.
3. I therefore exercise my power under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa and a Subclass 050 Bridging (General) visa to the Illegal Maritime Arrivals named below:
 - permitting a stay of seven days for the Subclass 449 Humanitarian Stay (Temporary) visa; and
 - permitting a stay of 12 months for the Subclass 050 Bridging (General) visa.

Table 1: Visas granted to the Illegal Maritime Arrivals included in this table will come into effect on Thursday 26 November 2015.

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Citizenship	Date of Birth
1.	s 47F				Wickham Point	s 47F	
2.					WA Community Detention		
3.					WA Community Detention		
4.					WA Community Detention		
5.					WA Community Detention		
6.					WA Community Detention		
7.							
					Yongah Hill		
8.					Yongah Hill		
9.					Yongah Hill		
10.					Yongah Hill		
11.					Yongah Hill		
12.					Yongah Hill		



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13.	s 47F	Villawood IDC	s 47F
14.		Yongah Hill	
15.		Wickham Point	
16.		Wickham Point	
17.		Wickham Point	
18.		VIC Community Detention	
19.		WA Community Detention	
20.		WA Community Detention	
21.		NSW Community Detention	

*BBO = Baby born onshore



THE HON PETER DUTTON MP
Minister for Immigration and Border Protection

23/11/2015

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EXERCISE OF MINISTERIAL DISCRETION UNDER SECTION 195A OF THE MIGRATION ACT 1958

DECISION INSTRUMENT

1. The Illegal Maritime Arrivals named in the tables below are in detention under section 189 of the *Migration Act 1958* and I have considered their cases under section 195A of the *Migration Act 1958*.
2. I have determined that it is in the public interest to grant these Illegal Maritime Arrivals a Subclass 449 Humanitarian Stay (Temporary) visa and Subclass 050 Bridging (General) visa.
3. I therefore exercise my power under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa and a Subclass 050 Bridging (General) visa to the Illegal Maritime Arrivals named below:
 - permitting a stay of seven days for the Subclass 449 Humanitarian Stay (Temporary) visa; and
 - permitting a stay of 3 months for the Subclass 050 Bridging (General) visa.

Table 2: Visas granted to the Illegal Maritime Arrivals included in this table will come into effect on Thursday 26 November 2015.

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Citizenship	Date of Birth
1.	S 47F				Wickham Point	S 47F	
2.					Wickham Point		
3.					Wickham Point		
4.					Melbourne ITA		
5.					Wickham Point		
6.					Yongah Hill IDC		



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7.	s 47F	Wickham Point	s 47F
8.		Yongah Hill IDC	
9.		WA Community Detention	
10.		WA Community Detention	
11.		WA Community Detention	
12.		WA Community Detention	
13.		WA Community Detention	
14.		Wickham Point	
15.		NSW Community Detention	
16.		NSW Community Detention	
17.		Adelaide ITA	
18.		Wickham Point	
19.		Wickham Point	
20.		Yongah Hill	
21.		Wickham Point	
22.		Melbourne ITA	
23.		NSW Community Detention	
24.		NSW Community Detention	
25.		NSW Community Detention	
26.		NSW Community Detention	
27.		NSW Community Detention	
28.		Wickham Point	
29.		Wickham Point	
30.		Wickham Point	
31.		Wickham Point	
32.		Wickham Point	
33.		Perth	
34.		Yongah Hill	
35.		Wickham Point	
36.			
		Yongah Hill	
37.		Wickham Point	
38.		Yongah Hill	
39.		Yongah Hill	
40.		Wickham Point	

Contains deletions under FOI

41.	s 47F		Yongah Hill	s 47F
42.			Melbourne	
43.			WA Community Detention	

*BBO = Baby born onshore



THE HON PETER DUTTON MP

Minister for Immigration and Border Protection

23/11 /2015

Contains deletions under FOI

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EXERCISE OF MINISTERIAL DISCRETION UNDER SECTION 195A OF THE MIGRATION ACT 1958

STATEMENT TO PARLIAMENT

Exercising my power under section 195A (2) of the *Migration Act 1958* (The Act), I have decided to grant Subclass 449 Humanitarian Stay (Temporary) visas and Subclass 050 Bridging (General) visas to 64 Illegal Maritime Arrivals under this section.

1. These Illegal Maritime Arrivals were in detention under section 189 of the Act.
2. Having regard to all the circumstances, I thought that it was in the public interest to grant 64 Illegal Maritime Arrivals a Subclass 449 Humanitarian Stay (Temporary) visa and a Subclass 050 Bridging (General) visa pursuant to s195A (2) of the Act.



THE HON PETER DUTTON MP
Minister for Immigration and Border Protection

23/11/2015

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ATTACHMENT C

Summary of Nationalities

Afghani	1
Indonesian	1
Iranian	11
Iraqi	4
Sri Lankan	7
Stateless	15
Not stated	4
Vietnamese	21
Total	64

Summary of Locations at the time of grant (subject to change)

Adelaide Immigration Transit Accommodation	1
Community Detention (NSW)	8
Community Detention (WA)	13
Community Detention (VIC)	1
Melbourne Immigration Transit Accommodation	3
Perth IDC	1
Villawood IDC	1
Wickham Point APOD	21
Yongah Hill IDC	15
Total	64

Age of minors at the time of grant

<1 year old	4	9 years old	-
1 year old	1	10 years old	1
2 years old	1	11 years old	-
3 years old	1	12 years old	2
4 years old	2	13 years old	1
5 years old	-	14 years old	-
6 years old	2	15 years old	-
7 years old	-	16 years old	-
8 years old	-	17 years old	-
		Total	15

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Australian Government
Department of Immigration and Border Protection

Submission

For decision

Reg. Number

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – Final stage submission

Timing Please action at 11:30 am on 2 October 2015 as per appointment time advised by DLO, ~~§ 47E~~

Recommendations

That you:

1. Indicate whether you are inclined to intervene under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa and Subclass 050 Bridging (General) (BVE) visa to the Illegal Maritime Arrivals included on this submission. agreed / not agreed
2. Indicate if you agree to impose conditions 8401, 8506, 8564 and 8566 on BVEs for all IMAs as specified in Schedule 8 of the *Migration Regulations 1994*. agreed / not agreed
3. If agreed, sign the Decision Instrument at Attachment A and the Statement to Parliament at Attachment B. noted / please discuss

Minister for Immigration and Border Protection

Signature *Kevin Rudd*

Date: 02/10 2015

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Contains deletions under FOI

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. This submission is intended to give effect to the management of Illegal Maritime Arrivals (IMAs) in the legacy caseload who arrived after 13 August 2012 and who are currently barred from lodging protection visa applications, with the exception of IMAs listed at Attachment A in Table 2. This submission if agreed will facilitate the release of 37 IMAs from detention so that their protection claims can be progressed from the community. This submission is one of a number which will be put to you over coming months to effect the release of most, but not all IMAs who arrived before 1 January 2014, in line with Government policy.

2. The submission asks that you consider Ministerial Intervention under section 195A of the *Migration Act 1958* (the Act) to grant a Subclass 449 Humanitarian Stay (Temporary) visa (HSTV) and Subclass 050 Bridging (General) visa (BVE) to a number of IMAs included on this submission.

3. You previously signed first stage submissions (MS15-000967, MS15-019580, MS15-021111, MS15-021527, MS15-021849) for 37 IMAs listed in Attachment A and agreed to intervene under section 195A of the Act. These IMAs have either been involved in behavioural incidents, were of interest to various agencies due to character concerns or were previously released into the Australian community onto BVEs and were charged with a criminal offence or were in breach of visa conditions and were subsequently re-detained by the Department.

4. All IMAs listed in Table 1 at Attachment A will be barred from lodging further onshore visa applications unless you choose to allow an application to be made. You previously agreed to lift the section 46A bar for IMAs listed in Table 2. The HSTV and BVE will be granted simultaneously with the HSTV ceasing one week after grant, at which time the BVE will come into effect. The grant of a HSTV to these IMAs will make them eligible non-citizens for the purpose of considering any valid BVE application in the future should you be inclined to lift the relevant bar for any such applications.

Contains deletions under FOI

5. For IMAs listed in Table 1 at Attachment A, it is proposed that the BVE be granted with a validity period of 12 months. This BVE will allow the IMAs to access Medicare and financial support through the Status Resolution Support Services (SRSS) programme (according to their individual needs assessments).

6. For IMAs listed in Table 2 at Attachment A, it is proposed that the BVE be granted with a validity period of three months as they have been invited to lodge an application for Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV). This BVE will allow the IMAs to lodge their TPV or SHEV application while accessing Medicare and financial support through the SRSS programme (according to their individual needs assessments). Once they have made a valid TPV or SHEV application, an associated BVE can be progressed.

7. It is proposed that IMAs listed at Attachment A in Tables 1 and 2 will have their HSTV and BVE come into effect on Friday 9 October 2015.

8. The Department proposes that a discretionary condition be applied to the BVE requiring the IMA to notify the Department two working days in advance of any change of address (condition 8506 *Migration Regulations 1994*). It is also proposed that a discretionary reporting condition be applied to ensure IMAs remain in contact with the Department (condition 8401 *Migration Regulations 1994*).

9. In line with Regulation changes that came into effect on 29 June 2013, the Department also proposes that a condition be applied requiring these IMAs do not engage in criminal conduct (condition 8564 *Migration Regulations 1994*).

10. The IMAs aged 18 years or older included in this submission have agreed to abide by the Code of Behaviour while living in Australia on a BVE. The Department proposes that a condition be applied requiring that these IMAs abide by the Code of Behaviour (condition 8566 *Migration Regulations 1994*).

11. In accordance with recent announcements, the Department proposes that all detainees listed at Attachment A be allowed permission to work.

12. The IMAs included on this submission have sought to engage Australia's protection obligations and have not had their claims for refugee status assessed. At some point in the future, IMAs listed in Table 1 at Attachment A will be put to you on a submission to lift the bar so that valid applications can be made for either TPVs or SHEVs.

Background

13. Records held in departmental systems do not indicate any known public health, character or identity concerns for any of the IMAs included in this submission at this time. s 47E

14. This submission includes adults who have been placed in a range of immigration detention locations. Attachment C provides a summary of nationalities and detention locations.

Contains deletions under FOI

Your power under section 195A of the Migration Act 1958 - visa grant, release and notification

15. As IMAs, they cannot make a valid application for a visa that can be granted to them while they are in detention. Section 195A provides you the power to grant a visa to an IMA who is in immigration detention if you think it is in the public interest to do so.

16. Should you decide to use your s195A power and grant visas to these IMAs listed at Attachment A, the Department has made arrangements to transition them out of detention. These IMAs will be provided with written notification of visa grant and the conditions attached including length of stay, reporting requirements, and behavioural expectations.

17. Any subsequent BVE grants, should they be required, will have to be granted through further use of your intervention powers due to the Immigration status of these IMAs.

Code of Behaviour

18. As outlined by the Code of Behaviour, an IMA must agree to abide by the Code of Behaviour in order for a BVE to be granted using your s195A intervention power. All IMAs aged 18 years or older listed at Attachments A have agreed to abide by the code.

Consultation – internal/external

19. Community Protection; Children and Community Services; Refugee and Humanitarian Visa Management; Strategic Framework and Services Policy; Security Assessment Liaison; the Australian Security Intelligence Organisation; and other law enforcement agencies.

Consultation – Secretary/Commissioner

20. This submission has not been cleared by the Department's Secretary, Deputy Secretaries, or the Commissioner of the Australian Border Force.

Client service implications

21. There are no client service implications.

Sensitivities

22. There are no particular sensitivities.

Financial/systems/legislation/deregulation implications

23. There are no financial, systems or legal implications.

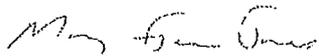
Contains deletions under FOI

Attachments

Attachment A Decision Instrument indicating your decision to Intervene under section 195A of the *Migration Act 1958* to grant visas to Illegal Maritime Arrivals.

Attachment B Statement to Parliament indicating your decision under section 195A of the *Migration Act 1958* to grant visas to Illegal Maritime Arrivals.

Attachment C Summary of locations and client nationalities.

Authorising Officer
Cleared by:

Mary-Jane Jones Regional Director NSW/ACT Visa and Citizenship Management Division
1/19/2015 Ph: S 47E

Contact Officer: S 47E Director, Case Management NSW/ACT, Ph S 47E

Through S 47E Director, Case Management NSW/ACT

CC First Assistant Secretary (FAS), Community Protection Division

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EXERCISE OF MINISTERIAL DISCRETION UNDER SECTION 195A OF THE MIGRATION ACT 1958

DECISION INSTRUMENT

1. The Illegal Maritime Arrivals named in the tables below are in detention under section 189 of the *Migration Act 1958* and I have considered their cases under section 195A of the *Migration Act 1958*.
2. I have determined that it is in the public interest to grant these Illegal Maritime Arrivals a Subclass 449 Humanitarian Stay (Temporary) visa and Subclass 050 Bridging (General) visa.
3. I therefore exercise my power under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa and a Subclass 050 Bridging (General) visa to the Illegal Maritime Arrivals named below:
 - permitting a stay of seven days for the Subclass 449 Humanitarian Stay (Temporary) visa; and
 - permitting a stay of 12 months for the Subclass 050 Bridging (General) visa.

Table 1: Visas granted to the Illegal Maritime Arrivals included in this table will come into effect on Friday 9 October 2015.

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Citizenship	Date of Birth
1.	S 47F				Melbourne ITA	S 47F	
2.					Wickham Point		
3.					Melbourne ITA		
4.					Wickham Point		
5.					Melbourne ITA		
6.					Melbourne ITA		
7.					Brisbane ITA		
8.					Wickham Point		
9.					Melbourne ITA		
10.					Melbourne ITA		
11.					Wickham Point		
12.					Wickham Point		
13.					Melbourne ITA		

Contains deletions under FOI

14.	s 47F	Wickham Point	s 47F
15.		Wickham Point	
16.		Wickham Point	
17.		Melbourne ITA	
18.		Christmas Island	
19.		Wickham Point	
20.		Wickham Point	
21.		Wickham Point	
22.		Wickham Point	
23.		Wickham Point	
24.		Wickham Point	
25.		Wickham Point	
26.		Melbourne ITA	
27.		Wickham Point	
28.		Wickham Point	
29.		Christmas Island	
30.		Wickham Point	
31.		Villawood	
32.		Wickham Point	
33.		Brisbane ITA	
34.		Christmas Island	



THE HON PETER DUTTON MP
Minister for Immigration and Border Protection

02/10/2015

Contains deletions under FOI

EXERCISE OF MINISTERIAL DISCRETION UNDER SECTION 195A OF THE MIGRATION ACT 1958

DECISION INSTRUMENT

1. The Illegal Maritime Arrivals named in the tables below are in detention under section 189 of the *Migration Act 1958* and I have considered their cases under section 195A of the *Migration Act 1958*.
2. I have determined that it is in the public interest to grant these illegal Maritime Arrivals a Subclass 449 Humanitarian Stay (Temporary) visa and Subclass 050 Bridging (General) visa.
3. I therefore exercise my power under section 195A of the *Migration Act 1958* to grant a Subclass 449 Humanitarian Stay (Temporary) visa and a Subclass 050 Bridging (General) visa to the Illegal Maritime Arrivals named below:
 - permitting a stay of seven days for the Subclass 449 Humanitarian Stay (Temporary) visa; and
 - permitting a stay of 3 months for the Subclass 050 Bridging (General) visa.

Table 2: Visas granted to the Illegal Maritime Arrivals included in this table will come into effect on Friday 9 October 2015.

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Citizenship	Date of Birth
1.	s 47F				Yongah Hill	s 47F	
2.					Yongah Hill		
3.					Yongah Hill		



THE HON PETER DUTTON MP

Minister for Immigration and Border Protection

02/10/2015

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EXERCISE OF MINISTERIAL DISCRETION UNDER SECTION 195A OF THE MIGRATION ACT 1958

STATEMENT TO PARLIAMENT

Exercising my power under section 195A (2) of the *Migration Act 1958* (The Act), I have decided to grant Subclass 449 Humanitarian Stay (Temporary) visas and Subclass 050 Bridging (General) visas to 37 Illegal Maritime Arrivals under this section.

1. These Illegal Maritime Arrivals were in detention under section 189 of the Act.
2. Having regard to all the circumstances, I thought that it was in the public interest to grant 37 Illegal Maritime Arrivals a Subclass 449 Humanitarian Stay (Temporary) visa and a Subclass 050 Bridging (General) visa pursuant to s195A (2) of the Act.



THE HON PETER DUTTON MP
Minister for Immigration and Border Protection

02/10/2015

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ATTACHMENT C

Summary of Nationalities

Afghani	1
Iranian	12
Iraqi	1
Lebanese	1
Pakistani	2
Palestinian	4
Sri Lankan	7
Vietnamese	9
Total	37

Summary of Locations at the time of grant (subject to change)

Brisbane ITA	2
Christmas Island	3
Melbourne ITA	9
Villawood	1
Wickham Point	19
Yongah Hill	3
Total	37

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Australian Government
Department of Immigration and Border Protection

Submission

For decision

PDMS Reg. Number

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – First Stage Submission

Timing Not applicable, however these IMAs are currently located in held detention.

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the Migration Act 1958 with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] (agreed) / not agreed
- b. s 47F [redacted] (agreed) / not agreed
- c. s 47F [redacted] (agreed) / not agreed
- d. s 47F [redacted] (agreed) / not agreed
- e. s 47F [redacted] (agreed) / not agreed
- f. s 47F [redacted] (agreed) / not agreed
- g. s 47F [redacted] (agreed) / not agreed
- h. s 47F [redacted] (agreed) / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. (noted) / please discuss

Minister for Immigration and Border Protection

Signature

Date 12/09/2015



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Australian Government
Department of Immigration and Border Protection

Submission

For decision

PDMS Reg. Number

Minister for Immigration and Border Protection

Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – First Stage Submission

Timing *Not applicable, however these IMAs are currently located in held detention.*

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the *Migration Act 1958* with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] *agreed / not agreed*
- b. s 47F [redacted] *agreed / not agreed*
- c. s 47F [redacted] *agreed / not agreed*
- d. s 47F [redacted] *agreed / not agreed*
- e. s 47F [redacted] *agreed / not agreed*
- f. s 47F [redacted] *agreed / not agreed*
- g. s 47F [redacted] *agreed / not agreed*
- h. s 47F [redacted] *agreed / not agreed*
- i. s 47F [redacted] *agreed / not agreed*
- j. s 47F [redacted] *agreed / not agreed*
- k. s 47F [redacted] *agreed / not agreed*

2. if agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. *noted / please discuss*

Minister for Immigration and Border Protection

Signature *[Handwritten Signature]*

Date *22/09/2015*

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Australian Government
Department of Immigration and Border Protection

Submission
For decision

PDMS Reg. Number

To Minister for Immigration and Border Protection
Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – First Stage Submission
Timing No timing indicated, noting these IMAs are currently located in held detention.

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the Migration Act 1958 with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] agreed / not agreed
- b. s 47F [redacted] agreed / not agreed
- c. s 47F [redacted] agreed / not agreed
- d. s 47F [redacted] agreed / not agreed
- e. s 47F [redacted] agreed / not agreed
- f. s 47F [redacted] agreed / not agreed
- g. s 47F [redacted] agreed / not agreed
- h. s 47F [redacted] agreed / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. noted / please discuss

Minister for Immigration and Border Protection

Signature *[Handwritten Signature]*

Date: 20/8/2015

Received

13 AUG 2015

Minister for Immigration and Border Protection

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Australian Government
Department of Immigration and Border Protection

Submission
For decision

PDMS Reg. Number

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – First Stage Submission

Timing Not applicable. However, note these IMAs are currently in immigration detention.

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the Migration Act 1958 with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] agreed / not agreed
- b. s 47F [redacted] agreed / not agreed
- c. s 47F [redacted] agreed / not agreed
- d. s 47F [redacted] agreed / not agreed
- e. s 47F [redacted] agreed / not agreed
- f. s 47F [redacted] agreed / not agreed
- g. s 47F [redacted] agreed / not agreed
- h. s 47F [redacted] agreed / not agreed
- i. s 47F [redacted] agreed / not agreed
- j. s 47F [redacted] agreed / not agreed
- k. s 47F [redacted] agreed / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection.

noted / please discuss

Minister for Immigration and Border Protection

Signature: [Handwritten Signature]

Date: 22/08/2015

Received
13 AUG 2015
Minister for Immigration and Border Protection

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Received

09 SEP 2015

Minister for Immigration and Border Protection

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Australian Government

Department of Immigration and Border Protection

Submission

For decision

PDMS Reg. Number

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A -- Illegal Maritime Arrivals -- Post-13 August 2012 Arrivals -- First Stage Submission

Timing N/A, however these IMAs are currently located in held or community detention.

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the Migration Act 1958 with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] agreed / not agreed
- b. s 47F [redacted] agreed / not agreed
- c. s 47F [redacted] agreed / not agreed
- d. s 47F [redacted] agreed / not agreed
- e. s 47F [redacted] agreed / not agreed
- f. s 47F [redacted] agreed / not agreed
- g. s 47F [redacted] agreed / not agreed
- h. s 47F [redacted] agreed / not agreed
- i. s 47F [redacted] agreed / not agreed
- j. s 47F [redacted] agreed / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. noted / please discuss

Minister for Immigration and Border Protection

Signature [Handwritten Signature]

Date: 22/09/2015

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From: s 47E
To: Nathan Cameron
Cc: Elizabeth Jamieson; Christopher Roberts; External Accountability
Subject: Lambeth and s 47F - Email 1b of 3 [SEC=UNCLASSIFIED]
Date: Tuesday, 19 April 2016 2:16:17 PM
Attachments: MS15-021849.pdf
MS15-021898.pdf
MS15-024354.pdf

UNCLASSIFIED

Good afternoon,

I am providing you, over the course of three emails, with a response to the following outstanding matters:

- questions received 17 December 2015, regarding s 47F (DIBP Reference: OHR-15-00329; OO Reference: 2015-101553); and
- questions received 14 January 2016, regarding SIEV Lambeth (DIBP Reference: OHR-16-00014; OO Reference: 2015-101553).

This email (1b of 3) includes attachments in support of the December 2015 questions.

Email 2 of 3 will include a response to the January 2016 questions. Email 3 of 3 will include official log book records and my plotting of relevant coordinates for HMAS *Childers*. Happy to discuss.

Regards,

s 47E

s 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group
Department of Immigration and Border Protection
M: s 47E
E: s 47E

UNCLASSIFIED

From: Nathan Cameron [mailto:s 47E]
Sent: Tuesday, 19 April 2016 2:06 PM
To: s 47E
Cc: Elizabeth Jamieson; Christopher Roberts
Subject: Blocked email [SEC=UNCLASSIFIED]

Hi s 47E

It looks as if one of the emails you have just sent, probably 1 of 3, has been blocked as it is too

Contains deletions under FOI

big.

Can you please resend with attachments spread over two emails?

Thanks

Nathan

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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Received

09 SEP 2015

Minister for Immigration
and Border Protection

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Australian Government



Department of Immigration and Border Protection

Submission

For decision

PDMS Reg. Number MS15-021849

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A -- Illegal Maritime Arrivals --
Post-13 August 2012 Arrivals -- First Stage Submission

Timing N/A, however these IMAs are currently located in held or community detention.

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the Migration Act 1958 with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] agreed / not agreed
- b. s 47F [redacted] agreed / not agreed
- c. s 47F [redacted] agreed / not agreed
- d. s 47F [redacted] agreed / not agreed
- e. s 47F [redacted] agreed / not agreed
- f. s 47F [redacted] agreed / not agreed
- g. s 47F [redacted] agreed / not agreed
- h. s 47F [redacted] agreed / not agreed
- i. s 47F [redacted] agreed / not agreed
- j. s 47F [redacted] agreed / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. noted / please discuss

Minister for Immigration and Border Protection

Signature...

Date: 22/09/2015

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. This submission is intended to give effect to the management of Illegal Maritime Arrivals (IMAs) in the legacy caseload who arrived after 13 August 2012 and who are barred from lodging Protection Visa applications.
2. This submission includes IMAs who have been identified for consideration for the grant of temporary visas under section 195A of the *Migration Act 1958* (the 'Act').
3. If released from detention, these IMAs will have:
 - I. Access to Medicare;
 - II. Financial support through the Status Resolution Support Services programmes (according to individual needs assessments); and
 - III. To agree to abide by the Code of Behaviour while living in Australia in order for you to grant a Subclass 050 (Bridging) General visa (BVE).
4. IMAs included in this submission have either been involved in incidents whilst in immigration detention, had identity concerns or have been subject to alleged or actual criminal charges. These IMAs are no longer of interest to relevant authorities and have not been involved in major incidents of concern for a period of three or more months whilst in detention.
5. IMAs included on this submission have engaged or will seek to engage in Australia's protection obligations and have not had their claims for refugee status assessed.
6. If you choose not to intervene with respect to the IMAs on this submission then they will remain in held detention. For those with family members, the family group will also remain in held detention unless there are appropriate alternatives for separation.

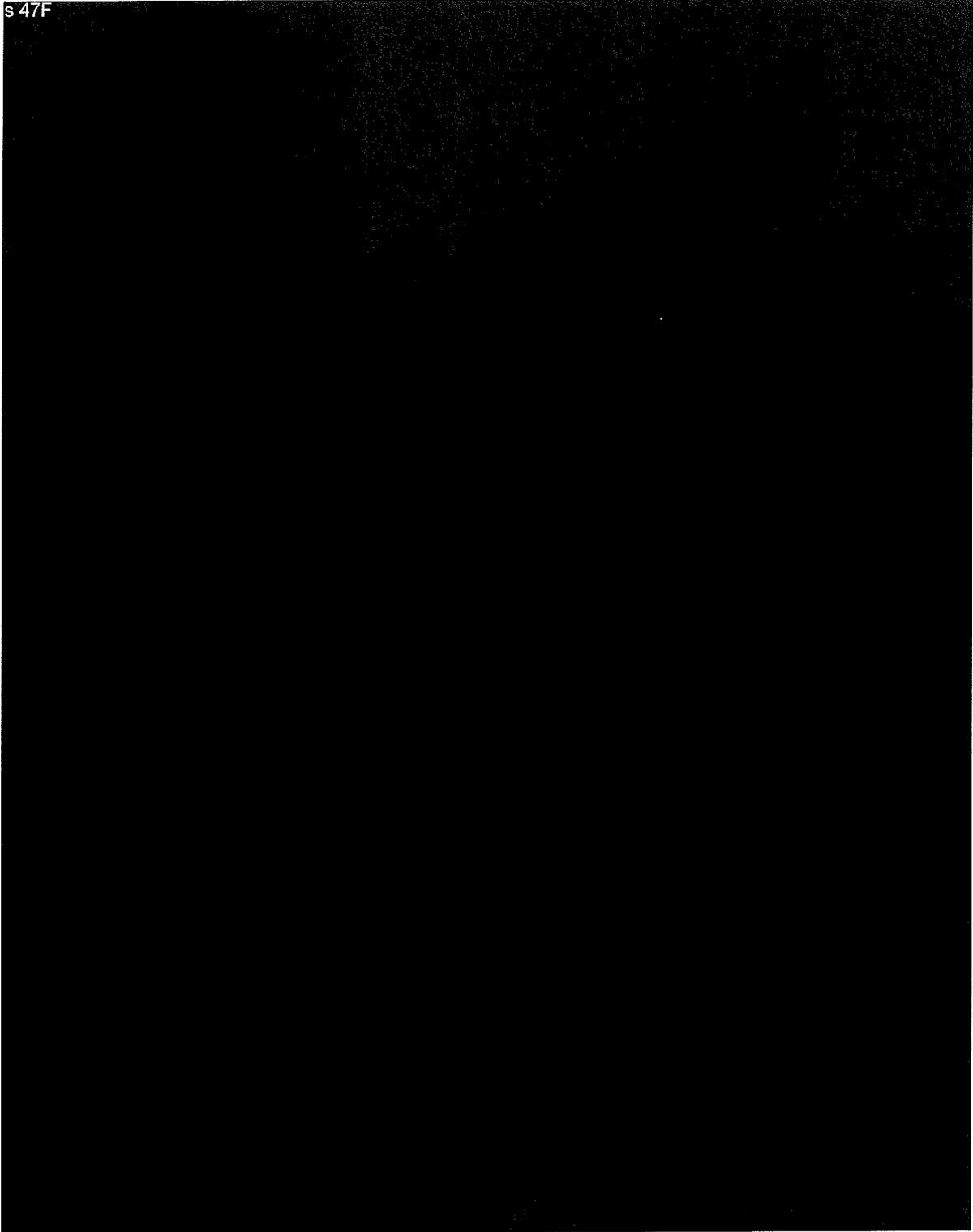
For Official Use Only

Contains deletions under FOI

For Official Use Only

Background

s 47F

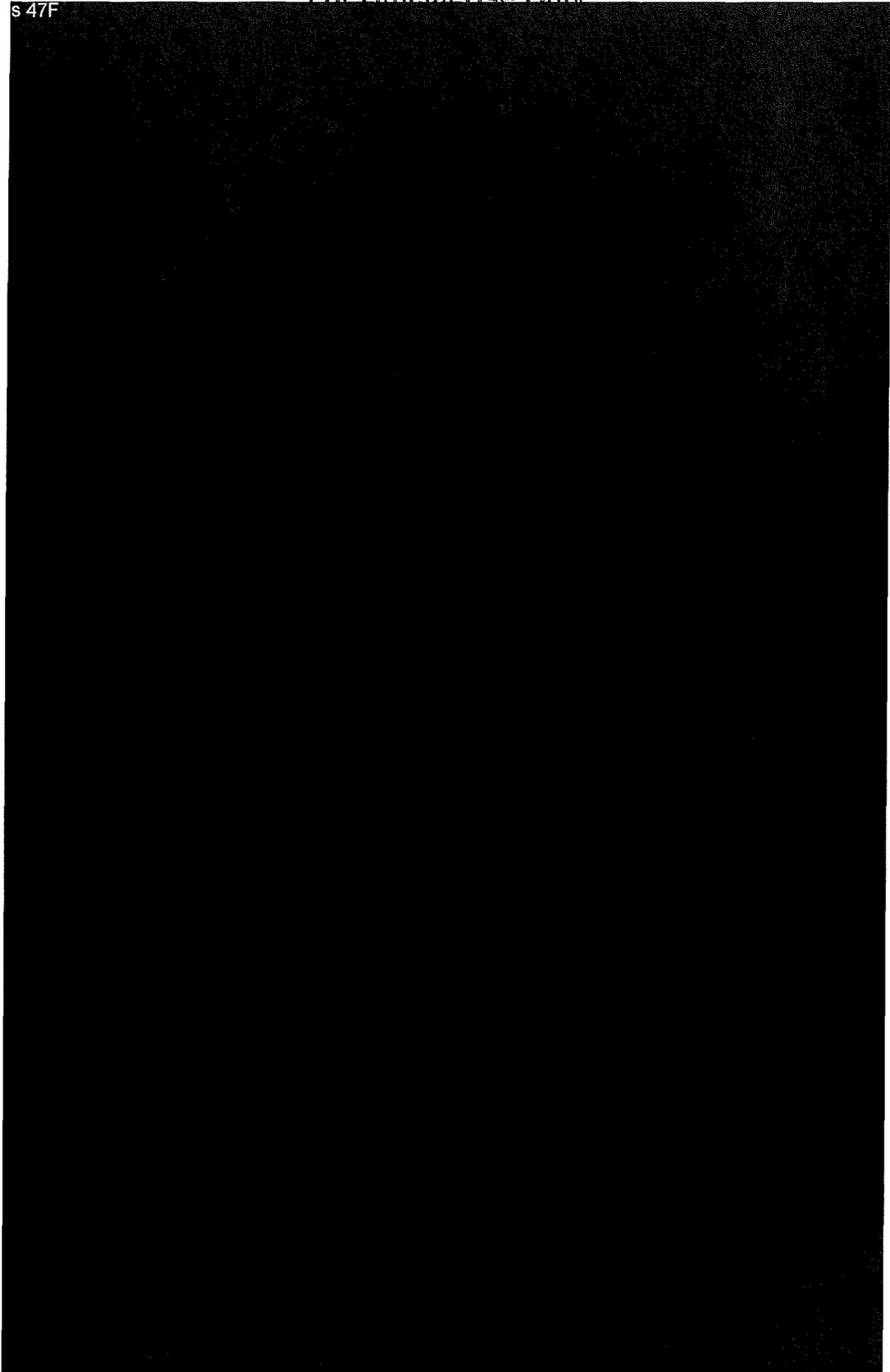


For Official Use Only

Contains deletions under FOI

For Official Use Only

s 47F

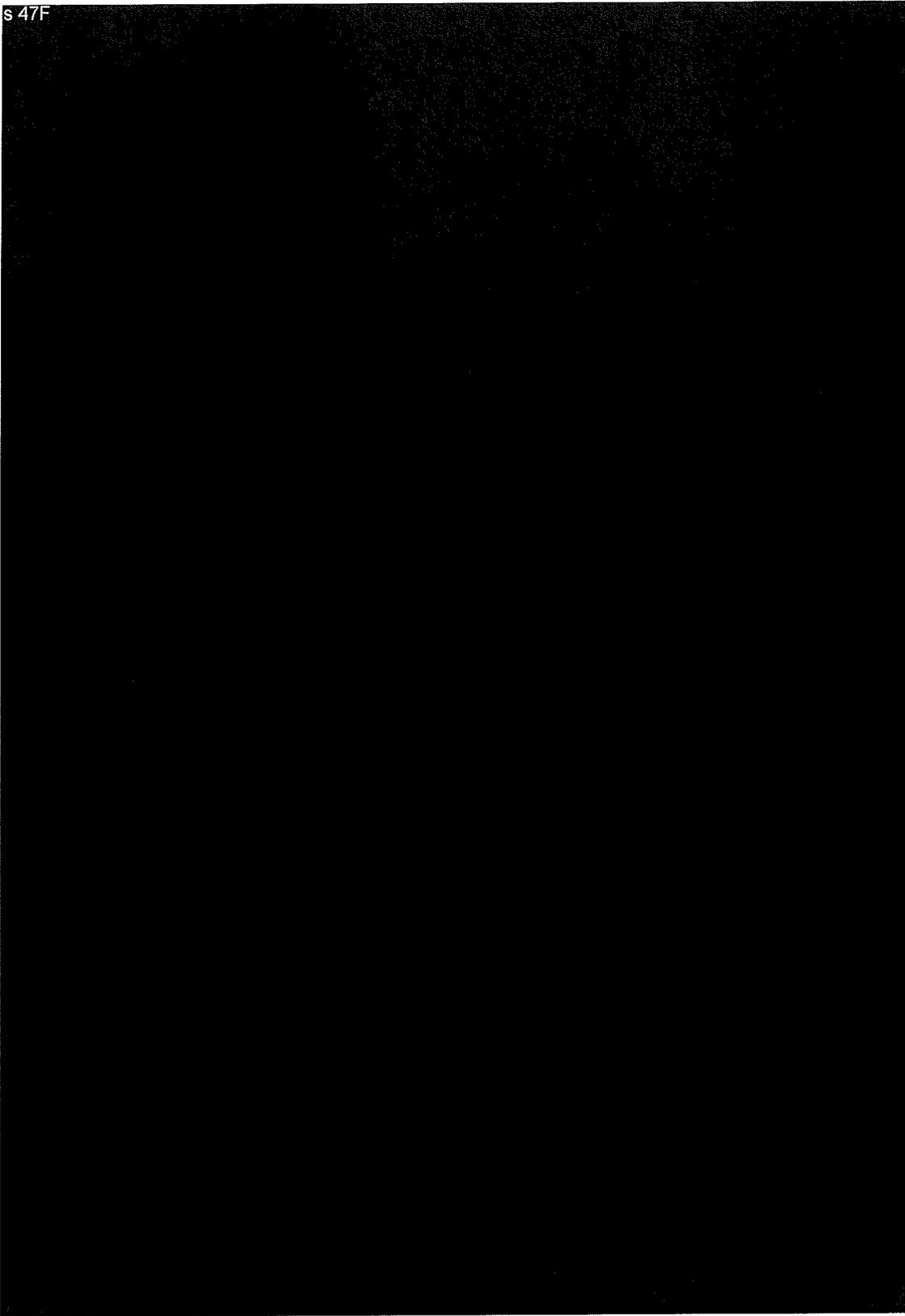


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For Official Use Only

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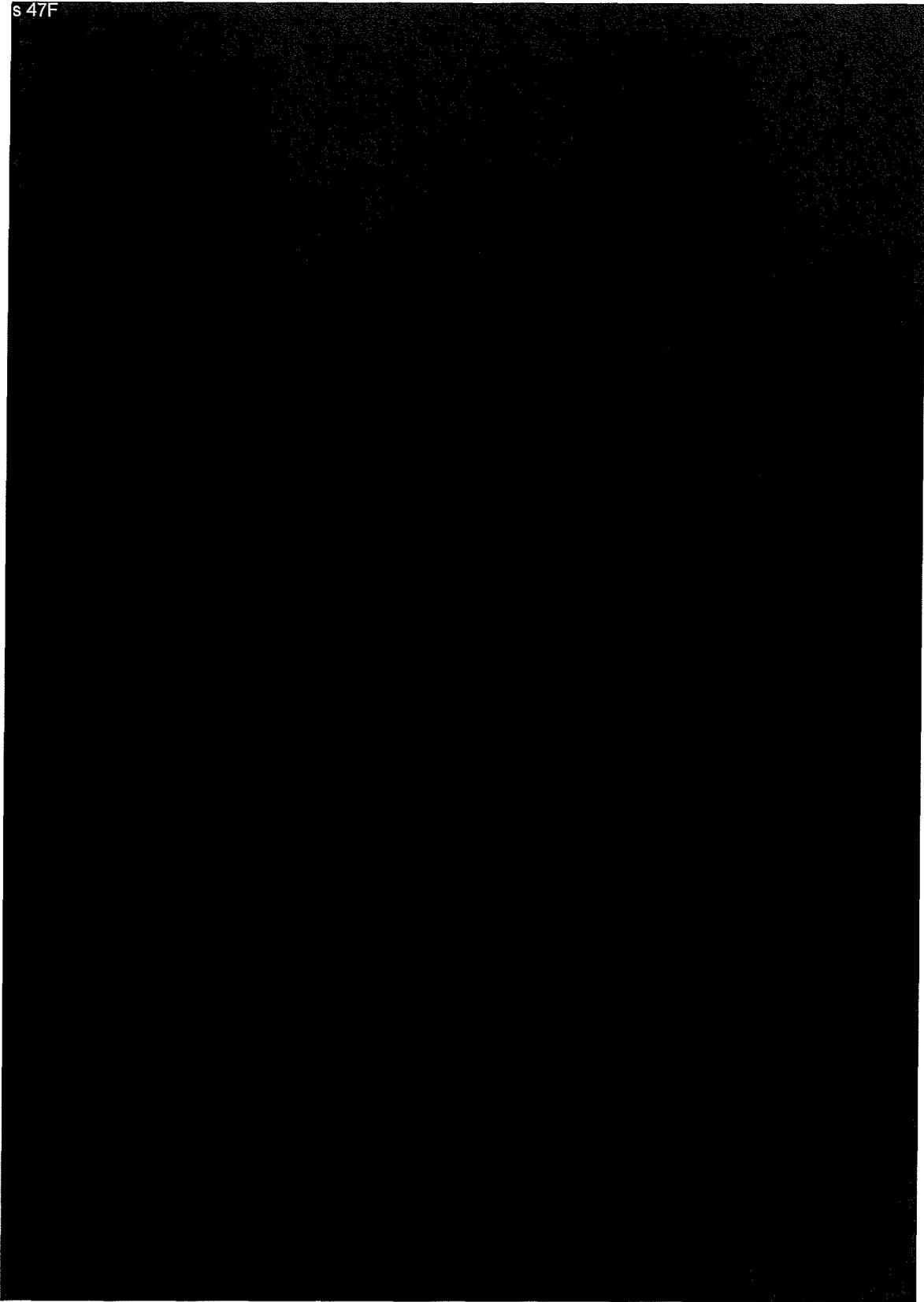


For Official Use Only

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For Official Use Only

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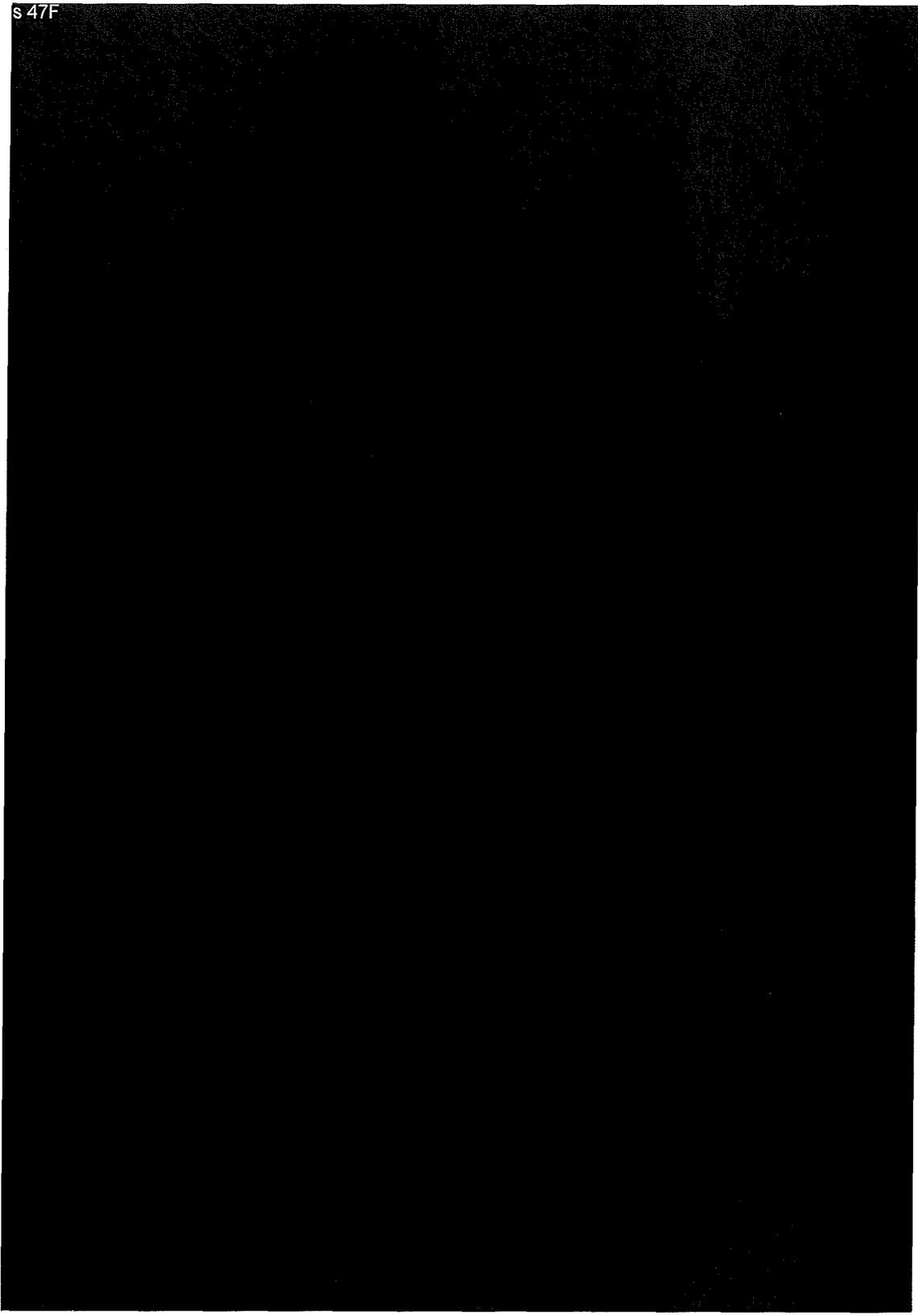


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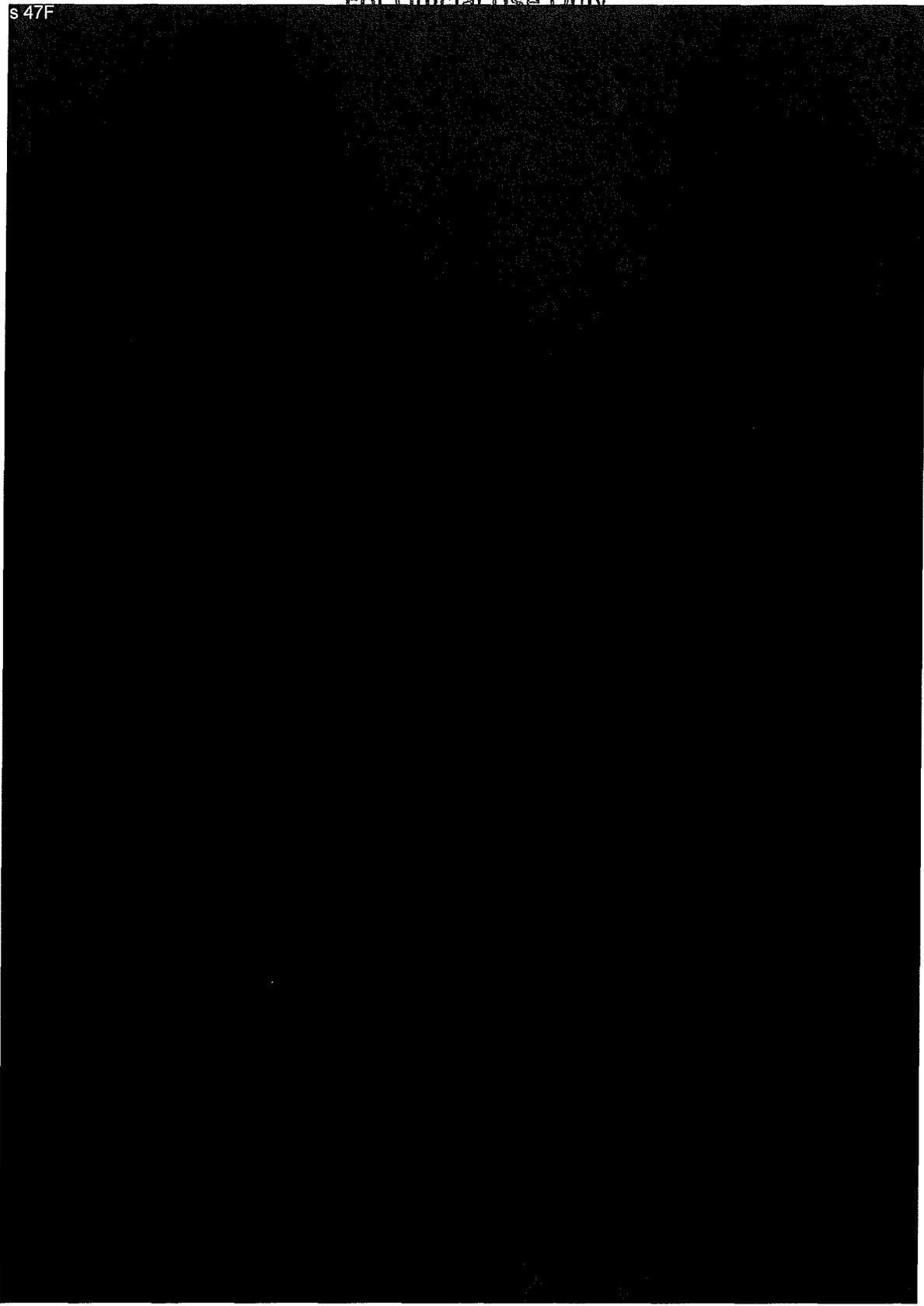


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s 47F

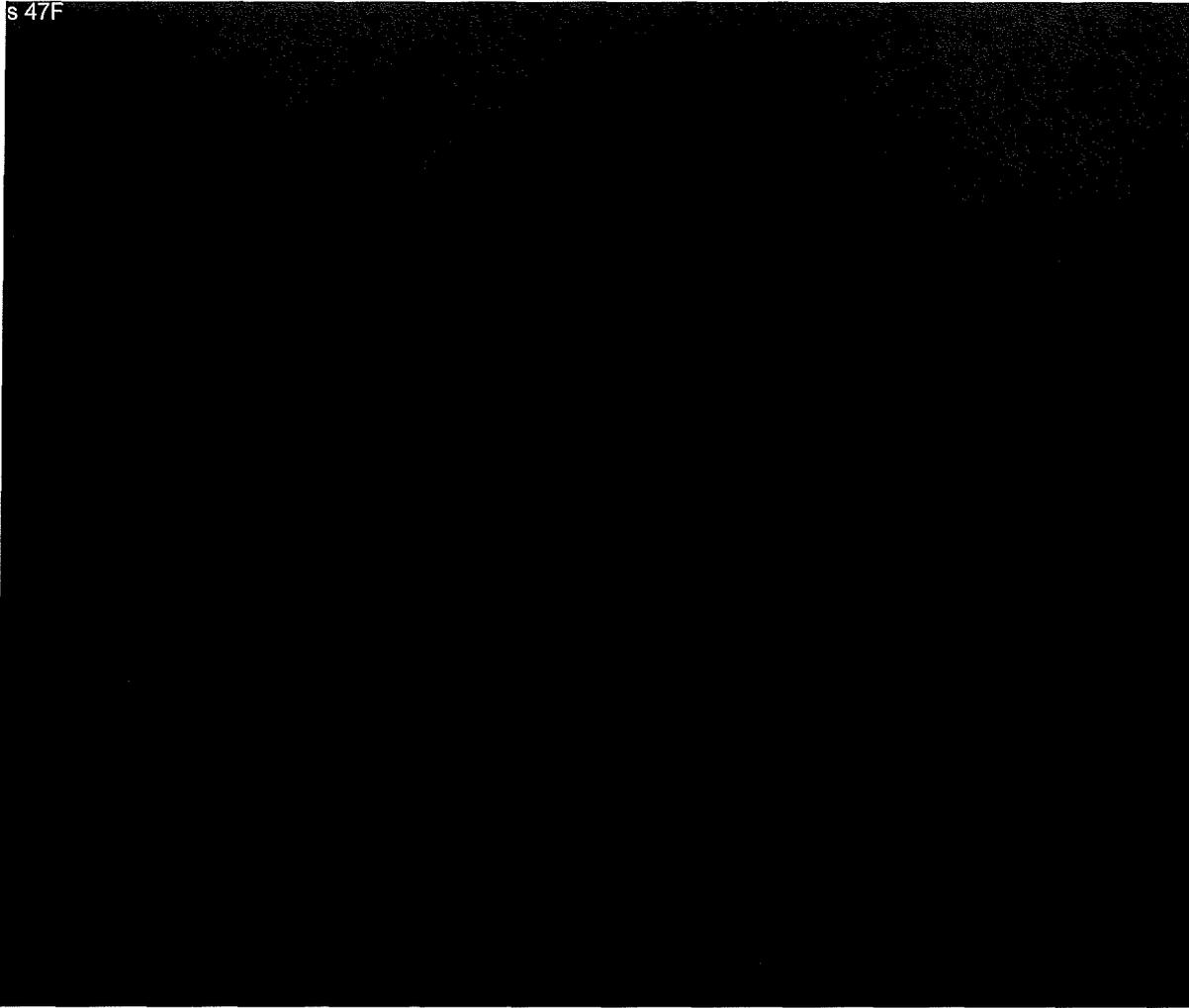


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s 47F



Assessment and identification

7. The Department has included IMAs from a range of detention arrangements and from a mix of nationalities. Attachment B provides a summary of nationalities and locations.
8. Community links and the level of support required for these IMAs will be determined prior to the grant of any visas.
9. Based on the information available at this time, departmental systems do not indicate any of the IMAs in this submission represent a direct or indirect risk to security. The Department will conduct further checking prior to referring a further s195A submission for your consideration.
10. The IMAs included in this submission have no known public health, identity, or significant behavioural (other than those detailed above) issues at this time.

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Visa grant

11. If you are inclined to consider any member of this group, care needs will be identified and suitable plans will be put in place to support departure from detention arrangements. Once this has been arranged, the Department will submit a further s195A submission indicating the intended visa grant day for these detainees, and if applicable, their family members.
12. The department proposes to grant both a Subclass 449 Humanitarian Stay (Temporary) visa (HSTV) and a BVE to these IMAs. The grant of a HSTV to these IMAs will bar them from lodging further visa applications onshore.
13. These visas will be granted simultaneously with the HSTV ceasing one week after grant; at which time the BVE visa will come into effect. The Department recommends the BVEs for post-13 August 2012 arrivals are granted for a period of 12 months.
14. The Department proposes visa conditions regarding reporting and address notification be imposed; and that the BVEs granted to these IMAs contain no work rights.
15. Any BVEs granted to these detainees will include a visa condition requiring that they do not engage in criminal conduct, in line with the Migration Regulation changes that came into effect on 29 June 2013.

Code of Behaviour

16. As outlined by the Code of Behaviour, an IMA must agree to abide by the Code of Behaviour in order for a BVE to be granted using your s195A intervention power. Should you be inclined to intervene in any of their cases, they will need to agree to abide by the code before they are put to you on a further s195A submission.

Intervention process

17. This submission seeks your agreement to consider intervention for the IMAs listed at Attachment A. Once the department confirms all necessary planning for the grant of visas is in place, a further submission seeking your decision will be referred. This submission will include the decision instrument and tabling statement.
18. Any subsequent BVE grants, should they be required, will have to be granted through further use of your intervention powers due to the Immigration status of these IMAs.

Consultation – internal/external

19. Community Protection; Children and Community Services; Refugee and Humanitarian Visa Management; Strategic Framework and Services Policy; Security Assessment Liaison; the Australian Security Intelligence Organisation; and other law enforcement agencies.

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Consultation – Secretary/Commissioner

20. This submission has not been cleared by the Department's Secretary, Deputy Secretaries, or the Commissioner of the Australian Border Force.

Client service implications

21. Not applicable

Sensitivities

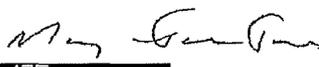
22. Matters relating to all detainees listed in this submission.

Financial/systems/legislation implications

23. Not applicable.

Attachment A Schedule of Illegal Maritime Arrivals for s195A consideration

Attachment B Summary of locations and detainee nationalities

Authorising Officer

s 47E
Regional Director NSW/ACT Visa and Citizenship Management Division
8/9/2015
Ph s 47E

Contact Officer: s 47E A/g Director, Case Management NSW/ACT, s 47E
Through s 47E A/g Director, Case Management NSW/ACT.

CC First Assistant Secretary (FAS), Community Protection Division

**Contains deletions under FOI
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ATTACHMENT A

Table 1: Schedule of Illegal Maritime Arrivals for s195A consideration

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Nationality	DOB
a.	s 47F				Wickham Point APOD	s 47F	
b.					Wickham Point APOD		
c.					Wickham Point APOD		
d.					Wickham Point APOD		
e.					Wickham Point APOD		
f.					Wickham Point APOD		
g.					Wickham Point APOD		
h.					Christmas Island		
i.					Wickham Point APOD		
j.					Wickham Point APOD		

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ATTACHMENT B

Summary of Nationalities

Iranian	1
Sri Lankan	1
Vietnamese	8
Total	10

Summary of Locations (subject to change)

Christmas Island	1
Wickham Point	9
Total	10

Contains deletions under FOI
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Australian Government
Department of Immigration and Border Protection

Submission

For decision

PDMS Reg. Number MS15-021898

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – First Stage Submission

Received
13 OCT 2015
Minister for Immigration and Border Protection

Timing Not applicable. However, these IMAs are currently in held detention.

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the *Migration Act 1958* with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] agreed / not agreed
- b. s 47F [redacted] agreed / not agreed
- c. s 47F [redacted] agreed / not agreed
- d. s 47F [redacted] agreed / not agreed
- e. s 47F [redacted] agreed / not agreed
- f. s 47F [redacted] agreed / not agreed
- g. s 47F [redacted] agreed / not agreed
- h. s 47F [redacted] agreed / not agreed
- i. s 47F [redacted] agreed / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. noted / please discuss

Minister for Immigration and Border Protection

Signature.....

Date:!!/!!/2015

Contains deletions under FOI

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. This submission is intended to give effect to the management of Illegal Maritime Arrivals (IMAs) in the legacy caseload who arrived after 13 August 2012 and who are currently barred from lodging protection visa applications, with the exception of s 47F who has had the s46A bar lifted and has been invited to lodge an application for temporary protection.

2. This submission includes IMAs who have been identified for consideration for the grant of temporary visas under section 195A of the *Migration Act 1958* (the 'Act').

3. If released from detention, these IMAs will have:
 - I. Access to Medicare;
 - II. Financial support through the Status Resolution Support Services programmes (according to individual needs assessments); and
 - III. To agree to abide by the Code of Behaviour while living in Australia in order for you to grant a Subclass 050 (Bridging) General visa (BVE).

4. IMAs included in this submission have either been involved in incidents whilst in immigration detention, had identity concerns or have been subject to alleged or actual criminal charges. These IMAs are no longer of interest to relevant authorities and have not been involved in major incidents of concern for a period of three or more months whilst in detention.

5. IMAs included on this submission have engaged or will seek to engage in Australia's protection obligations and have not had their claims for refugee status assessed.

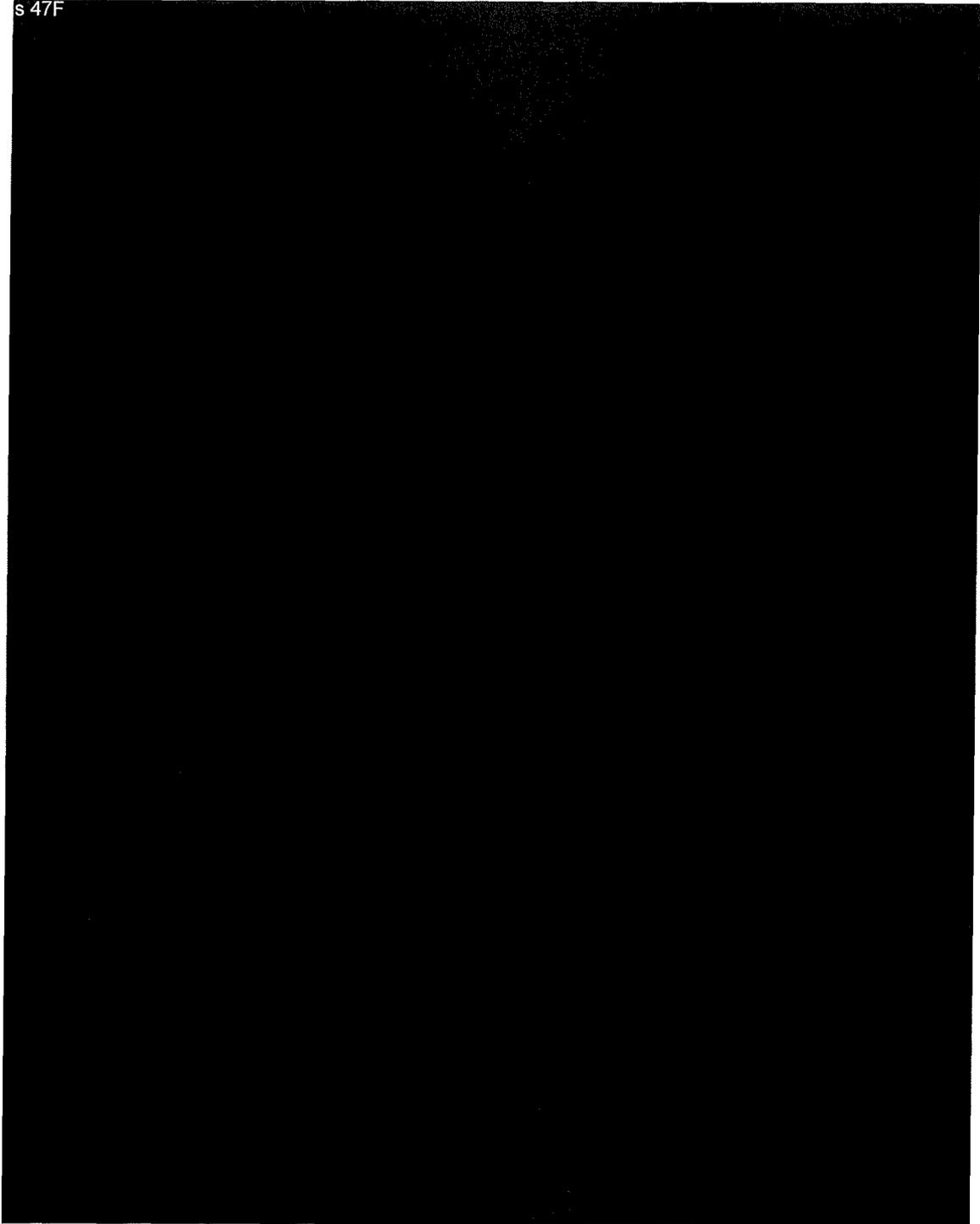
Contains deletions under FOI

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6. If you choose not to intervene with respect to the IMAs on this submission then they will remain in held detention. For those with family members, the family group will also remain in held or community detention unless there are appropriate alternatives for separation.

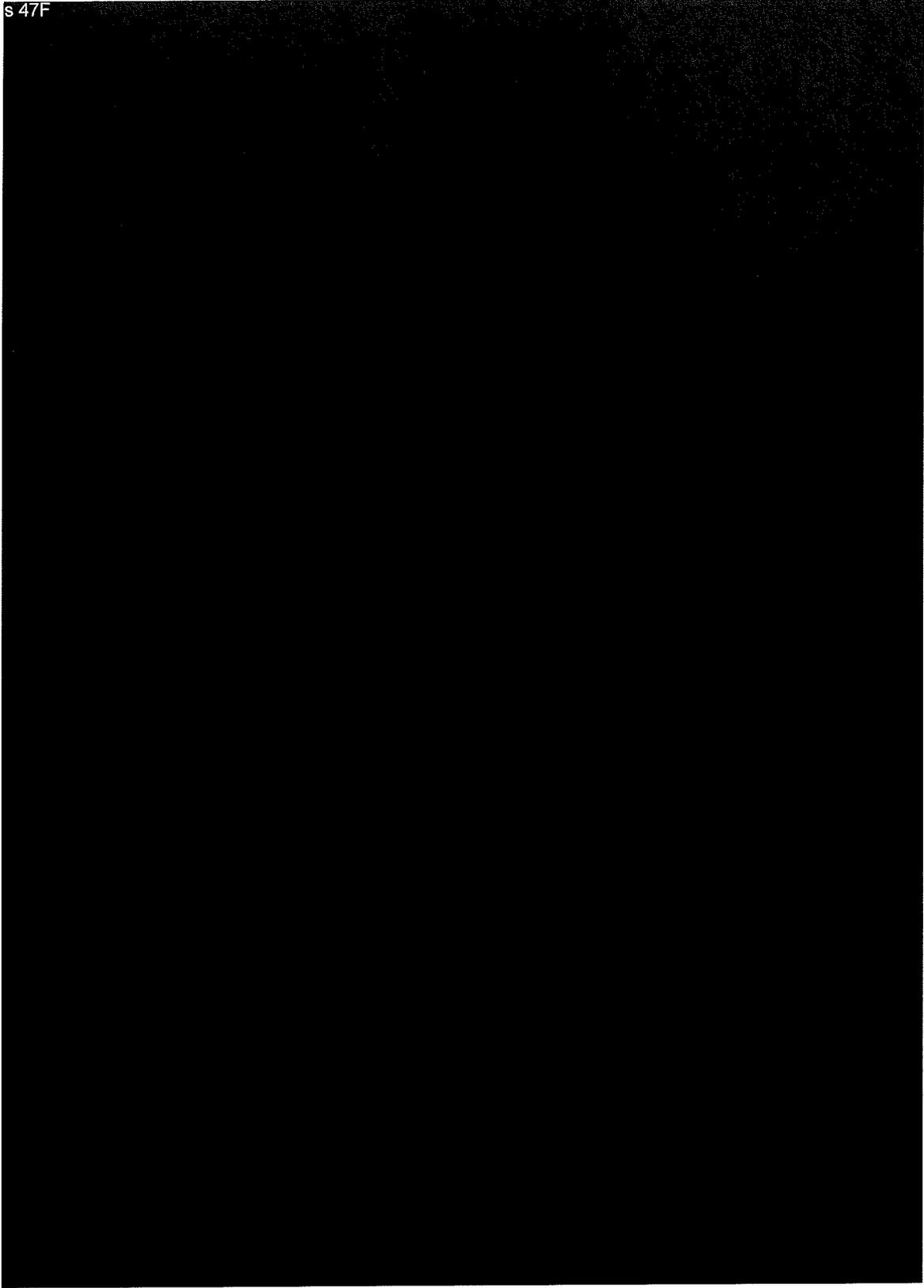
Background

s 47F



Contains deletions under FOI
Contains deletions under FOI
For Official Use Only

s 47F



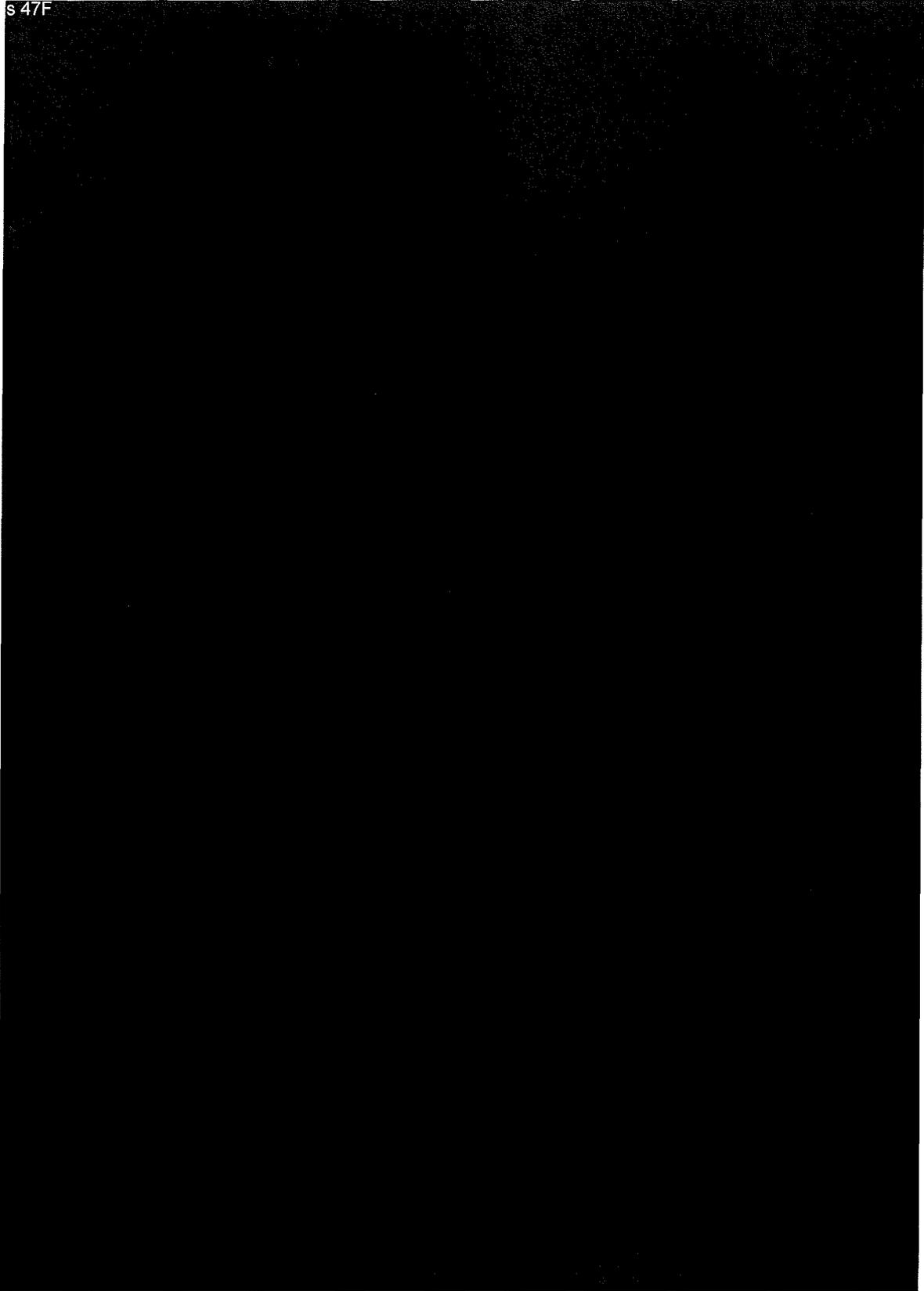
For Official Use Only

Contains deletions under FOI

Contains deletions under FOI

For Official Use Only

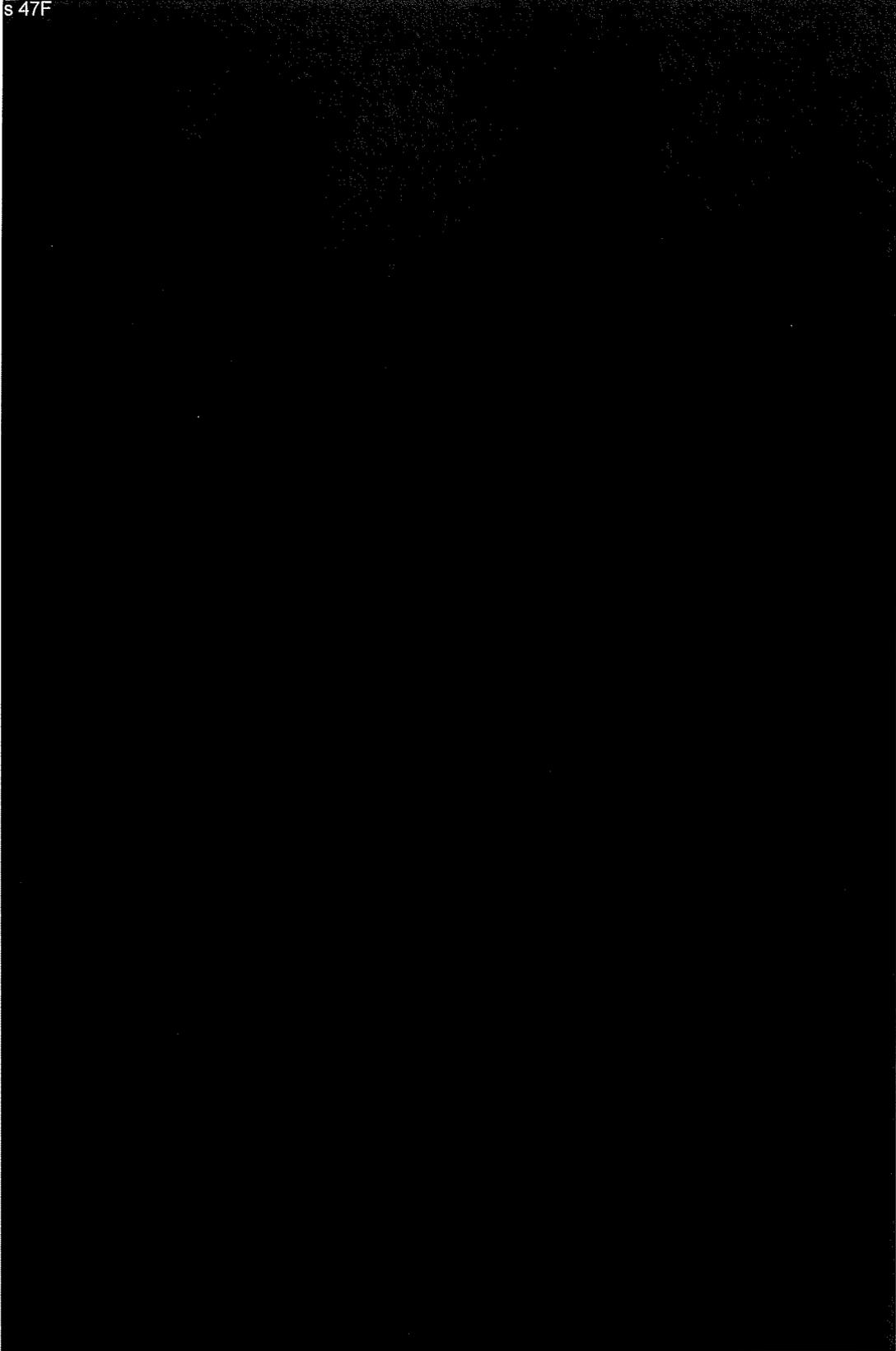
s 47F



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Contains deletions under FOI
For Official Use Only

s 47F

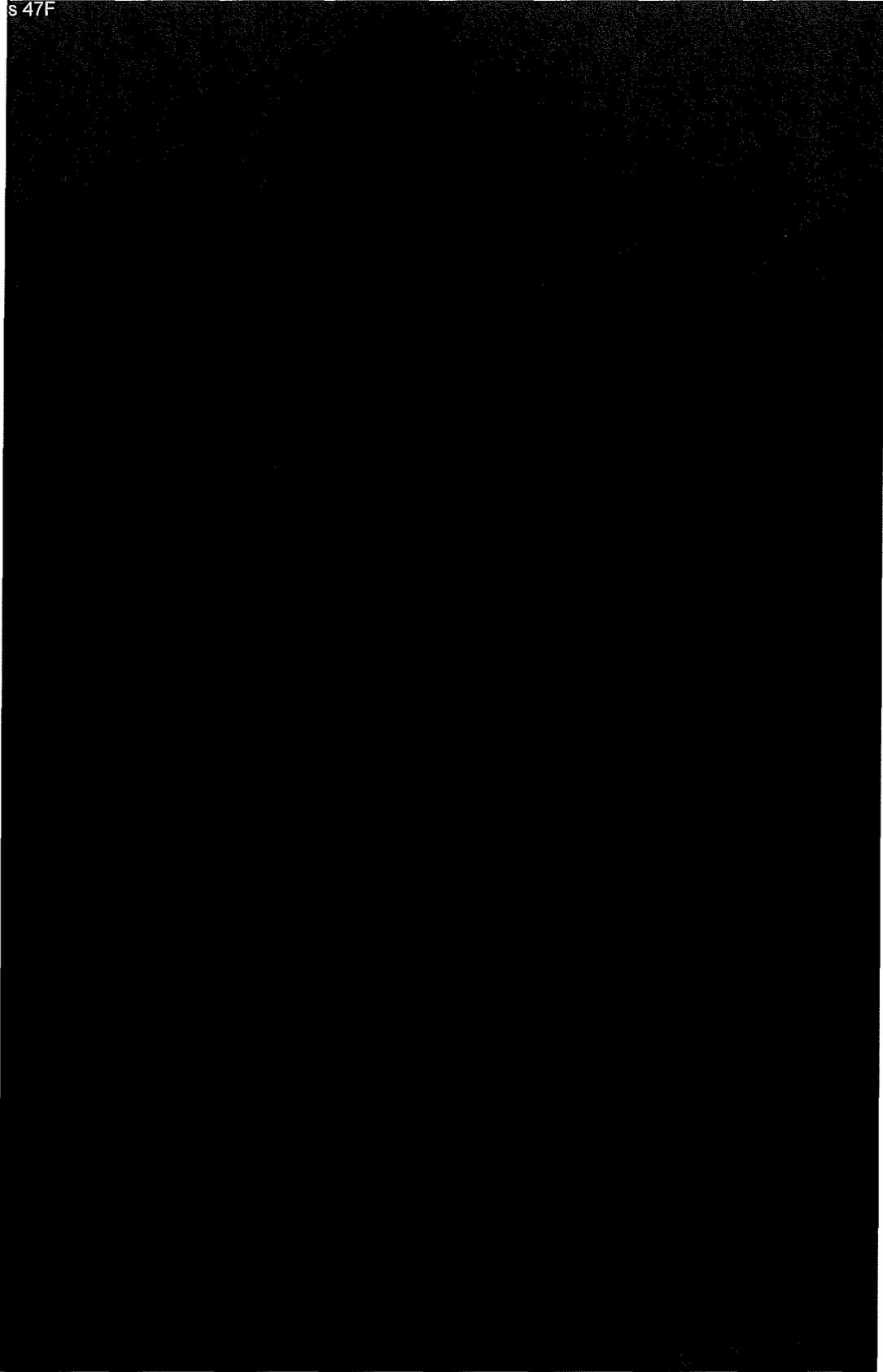


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s 47F

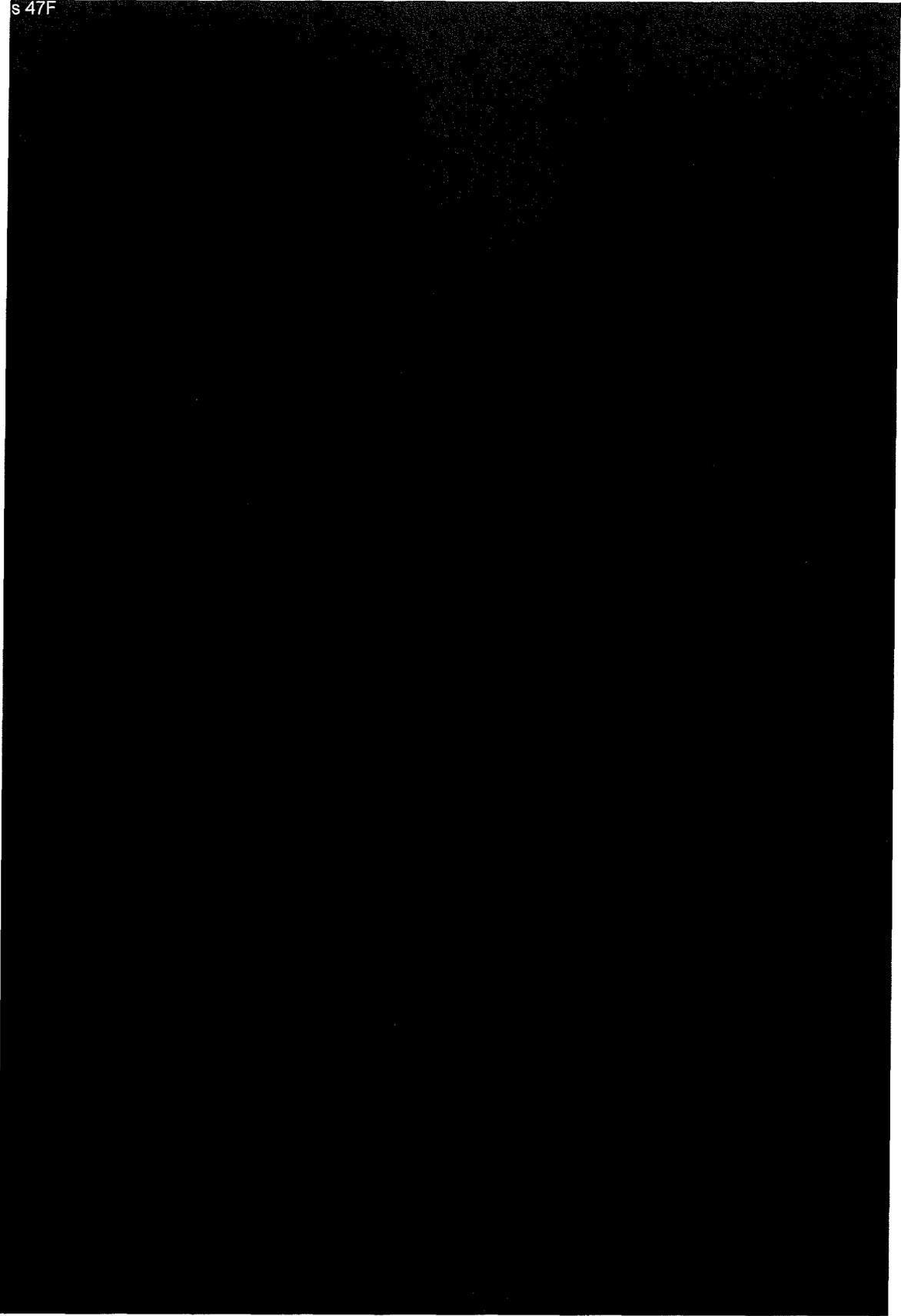


For Official Use Only

Contains deletions under FOI

For Official Use Only

s 47F

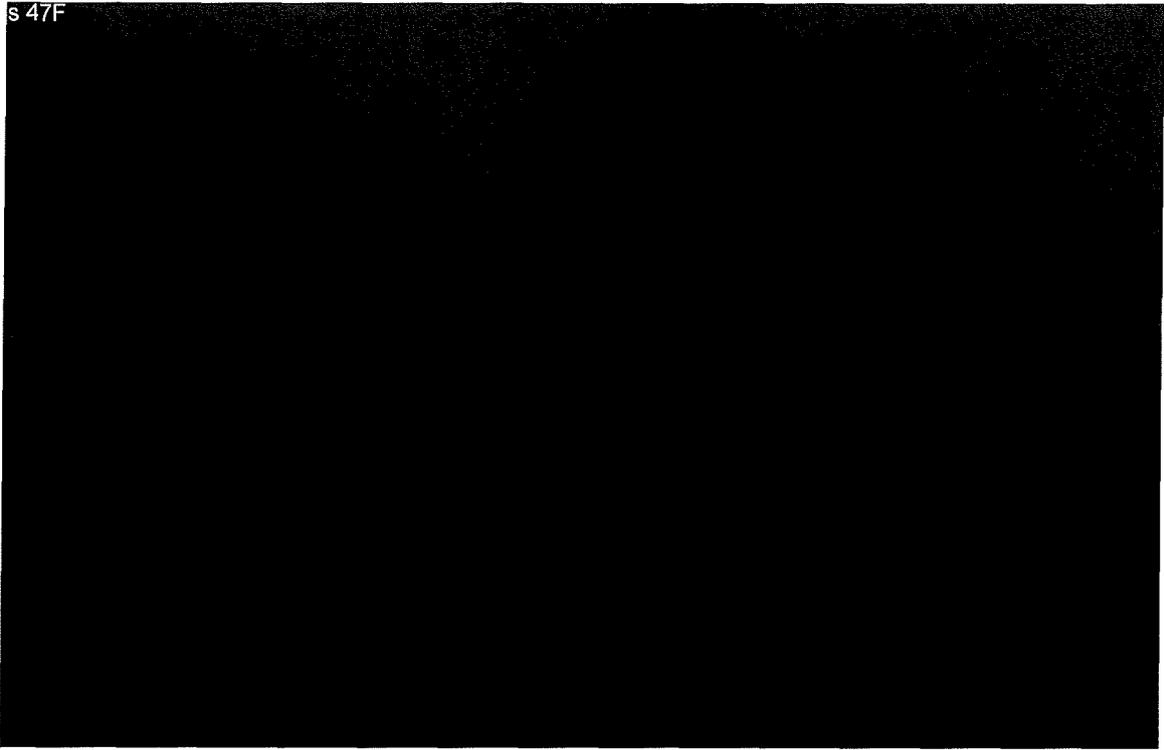


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s 47F



Assessment and identification

7. The Department has included IMAs from a range of detention arrangements and from a mix of nationalities. Attachment B provides a summary of nationalities and locations.
8. Community links and the level of support required for these IMAs will be determined prior to the grant of any visas.
9. Based on the information available at this time, departmental systems do not indicate any of the IMAs in this submission represent a direct or indirect risk to security. The Department will conduct further checking prior to referring a further s195A submission for your consideration.
10. The IMAs included in this submission have no known public health, identity, or significant behavioural (other than those detailed above) issues at this time.

Visa grant

11. If you are inclined to consider any member of this group, care needs will be identified and suitable plans will be put in place to support departure from detention arrangements. Once this has been arranged, the Department will submit a further s195A submission indicating the intended visa grant day for these detainees, and if applicable, their family members.
12. The Department proposes to grant both a Subclass 449 Humanitarian Stay (Temporary) visa (HSTV) and a BVE to these IMAs. The grant of a HSTV will allow them to become eligible non-

Contains deletions under FOI

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citizens for the purposes of the department granting a further BVE if you are inclined to lift the relevant bar.

13. These visas will be granted simultaneously with the HSTV ceasing one week after grant; at which time the BVE visa will come into effect. The Department recommends the BVEs for post-13 August 2012 arrivals are granted for a period of 12 months or 3 months if they have been invited to apply for temporary protection.

14. The Department proposes visa conditions regarding reporting and address notification be imposed and that any BVEs granted to these IMAs allow permission to work.

15. Any BVEs granted to these detainees will include a visa condition requiring that they do not engage in criminal conduct, in line with the Migration Regulation changes that came into effect on 29 June 2013.

Code of Behaviour

16. As outlined by the Code of Behaviour, an IMA must agree to abide by the Code of Behaviour in order for a BVE to be granted using your s195A intervention power. Should you be inclined in any of their cases, they will need to agree to abide by the code before they are put to you on a further s195A submission.

Intervention process

17. This submission seeks your agreement to consider intervention for the IMAs listed at Attachment A. Once the Department confirms all necessary planning for the grant of visas is in place, a further submission seeking your decision will be referred. This submission will include the decision instrument and tabling statement.

18. Any subsequent BVE grants, should they be required, will have to be granted through further use of your intervention powers due to the immigration status of these IMAs.

Consultation – Internal/external

19. Community Protection; Children and Community Services; Refugee and Humanitarian Visa Management; Strategic Framework and Services Policy; Security Assessment Liaison; the Australian Security Intelligence Organisation; and other law enforcement agencies.

Consultation – Secretary/Commissioner

20. This submission has not been cleared by the Department's Secretary, Deputy Secretaries, or the Commissioner of the Australian Border Force.

Client service implications

21. Not applicable

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Sensitivities

22. Matters relating to all detainees listed in this submission.

Financial/systems/legislation/de-regulation implications

23. Not applicable.

Attachment A Schedule of Illegal Maritime Arrivals for s195A consideration.

Attachment B Summary of locations and detainee nationalities.

Authorising Officer
Cleared by:
§ 47E
Regional Director NSW/ACT Visa and Citizenship Management Division
13/10/2015
Ph: § 47E

Contact Officer: § 47E Director, Case Management NSW/ACT, Ph: § 47E
Through § 47E Director, Case Management NSW/ACT

Table 1: Schedule of Illegal Maritime Arrivals for s195A consideration

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Nationality	DOB	Status
a.	s 47F				Wickham Point	s 47F		At Primary Assessment
b.					Wickham Point			At Primary Assessment
c.					Wickham Point			At Primary Assessment
d.					Christmas Island			At Primary Assessment
e.					Yongah Hill			At Primary Assessment
f.					Wickham Point			At Primary Assessment
g.					Wickham Point			At Primary Assessment
h.					Wickham Point			At Primary Assessment
i.					Wickham Point			At Primary Assessment

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ATTACHMENT B

Summary of Nationalities

Iranian	1
Iraqi	1
Sri Lankan	1
Vietnamese	6
Total	9

Summary of Locations (subject to change)

Christmas Island	1
Wickham Point	7
Yongah Hill	1
Total	9

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Australian Government
Department of Immigration and Border Protection

Submission

For decision

PDMS Reg. Number MS15-024354

To Minister for Immigration and Border Protection

Subject Ministerial Intervention under section 195A – Illegal Maritime Arrivals – Post-13 August 2012 Arrivals – First Stage Submission

Timing Not applicable. IMAs are located in held detention.

Received

22 OCT 2015

Minister for Immigration and Border Protection

Recommendations

1. That you indicate whether you are inclined to consider Ministerial Intervention under section 195A of the Migration Act 1958 with regard to the following Illegal Maritime Arrivals:

- a. s 47F [redacted] agreed / not agreed
- b. s 47F [redacted] agreed / not agreed
- c. s 47F [redacted] agreed / not agreed
- d. s 47F [redacted] agreed / not agreed
- e. s 47F [redacted] agreed / not agreed
- f. s 47F [redacted] agreed / not agreed
- g. s 47F [redacted] agreed / not agreed
- h. s 47F [redacted] agreed / not agreed
- i. s 47F [redacted] agreed / not agreed

2. If agreed, note the Department will refer a further s195A submission for decision by the Minister for Immigration and Border Protection. noted / please discuss

Minister for Immigration and Border Protection

Signature

Date: 11/11/2015

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. This submission is intended to give effect to the management of Illegal Maritime Arrivals (IMAs) in the legacy caseload who arrived after 13 August 2012 and who are currently barred from lodging Protection Visa applications with the exception of s 47F [redacted] and s 47F [redacted] listed at point a. and i. respectively). You have lifted the section 46A bar for s 47F [redacted] and s 47F [redacted] s 47F [redacted] to allow lodgement of a Temporary Protection Visa (TPV) application, however they are yet to be formally invited to apply.

2. This submission includes IMAs who have been identified for consideration for the grant of temporary visas under section 195A of the *Migration Act 1958* (the 'Act').

3. If released from detention, these IMAs will have:
 - I. Access to Medicare;
 - II. Financial support through the Status Resolution Support Services programmes (according to individual needs assessments); and
 - III. To agree to abide by the Code of Behaviour while living in Australia in order for you to grant a Subclass 050 (Bridging) General visa (BVE).

4. IMAs included in this submission have either been involved in incidents whilst in immigration detention, had identity concerns or have been subject to alleged or actual criminal charges. These IMAs are no longer of interest to relevant authorities and have not been involved in major incidents of concern for a period of three or more months whilst in detention.

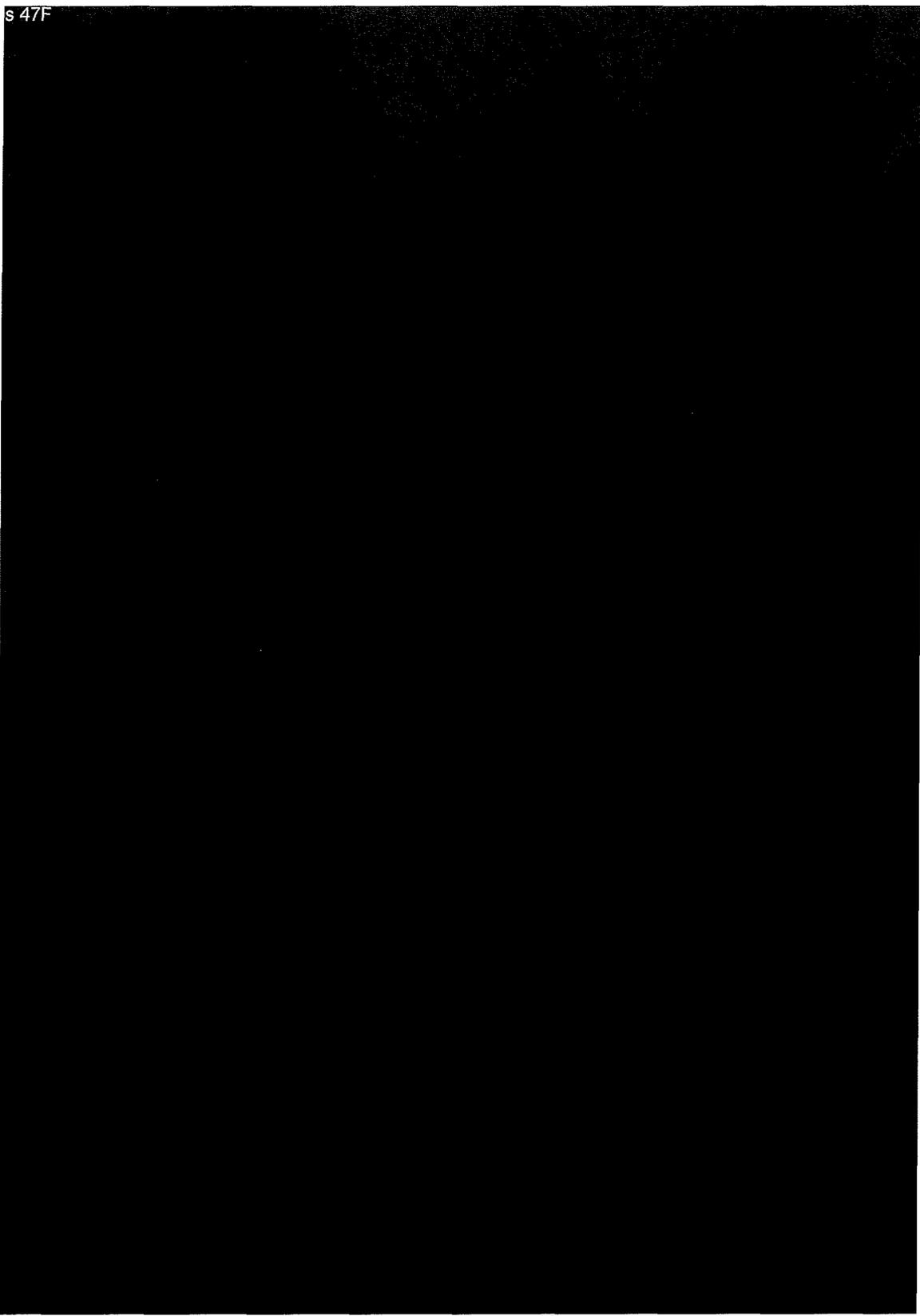
5. IMAs included on this submission have engaged or will seek to engage in Australia's protection obligations and have not had their claims for refugee status assessed.

6. If you choose not to intervene with respect to the IMAs on this submission then they will remain in held detention. For any with family members, the family group will also remain in held or community detention unless there are appropriate alternatives for separation.

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Background

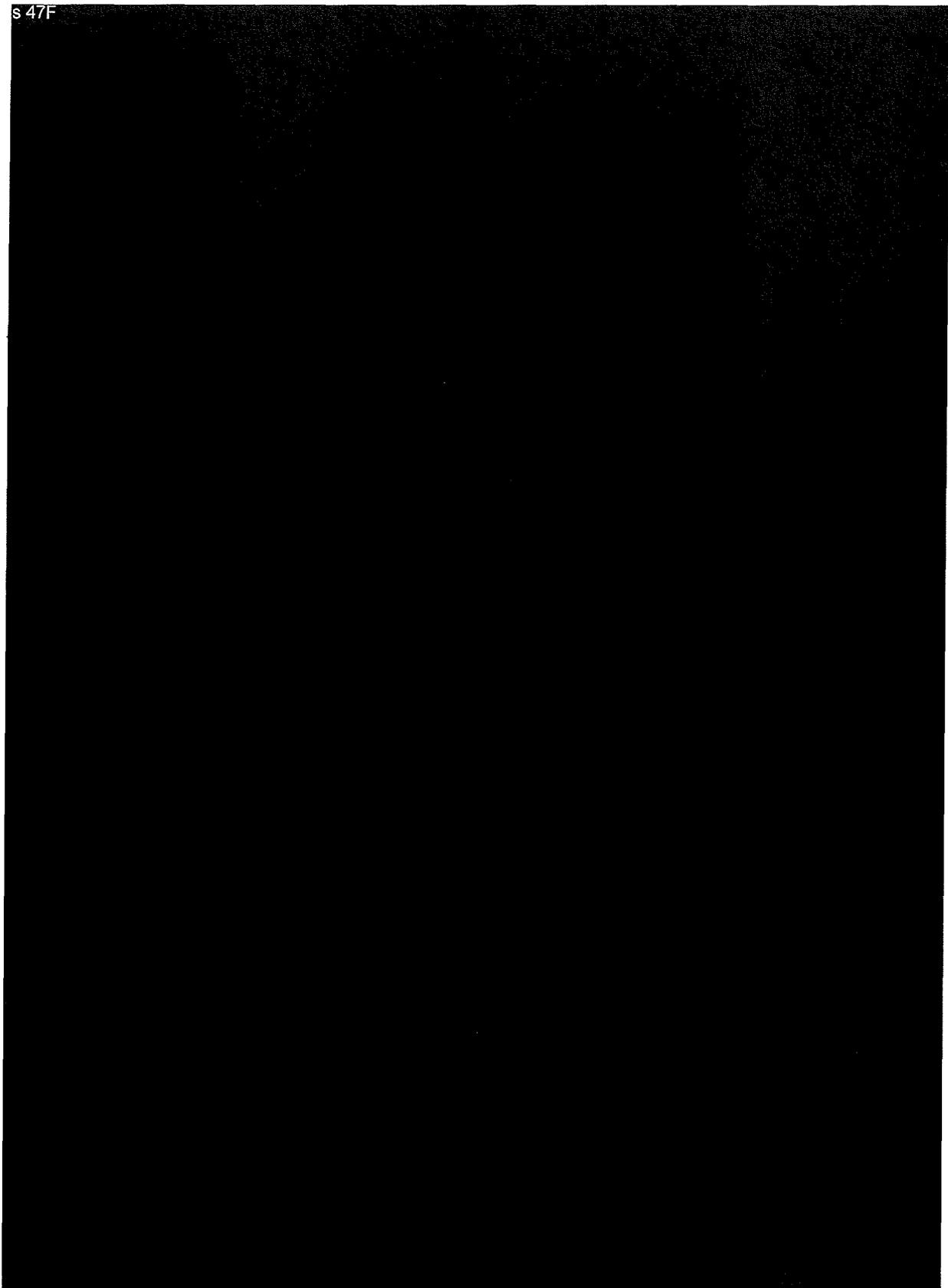
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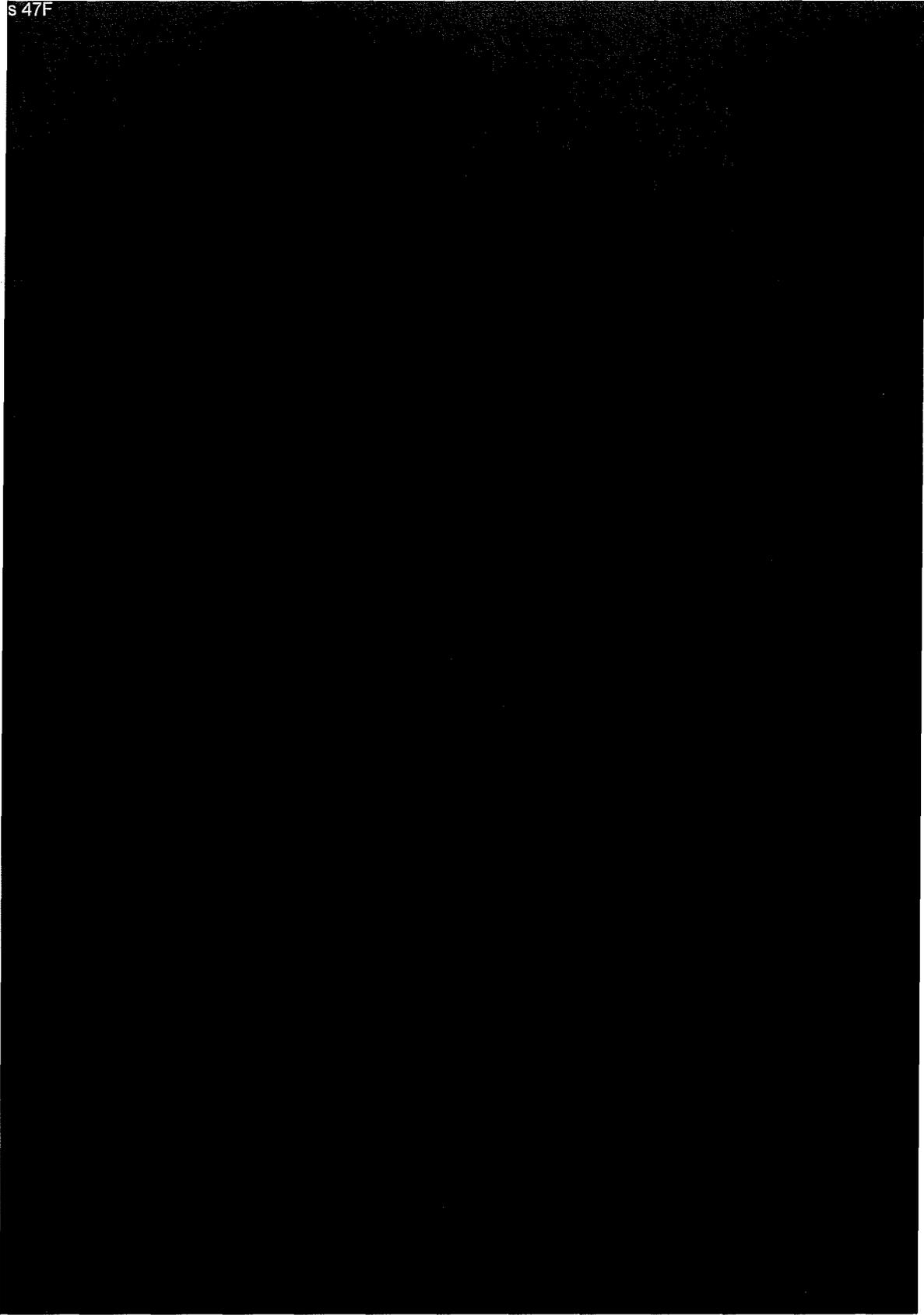
s 47F



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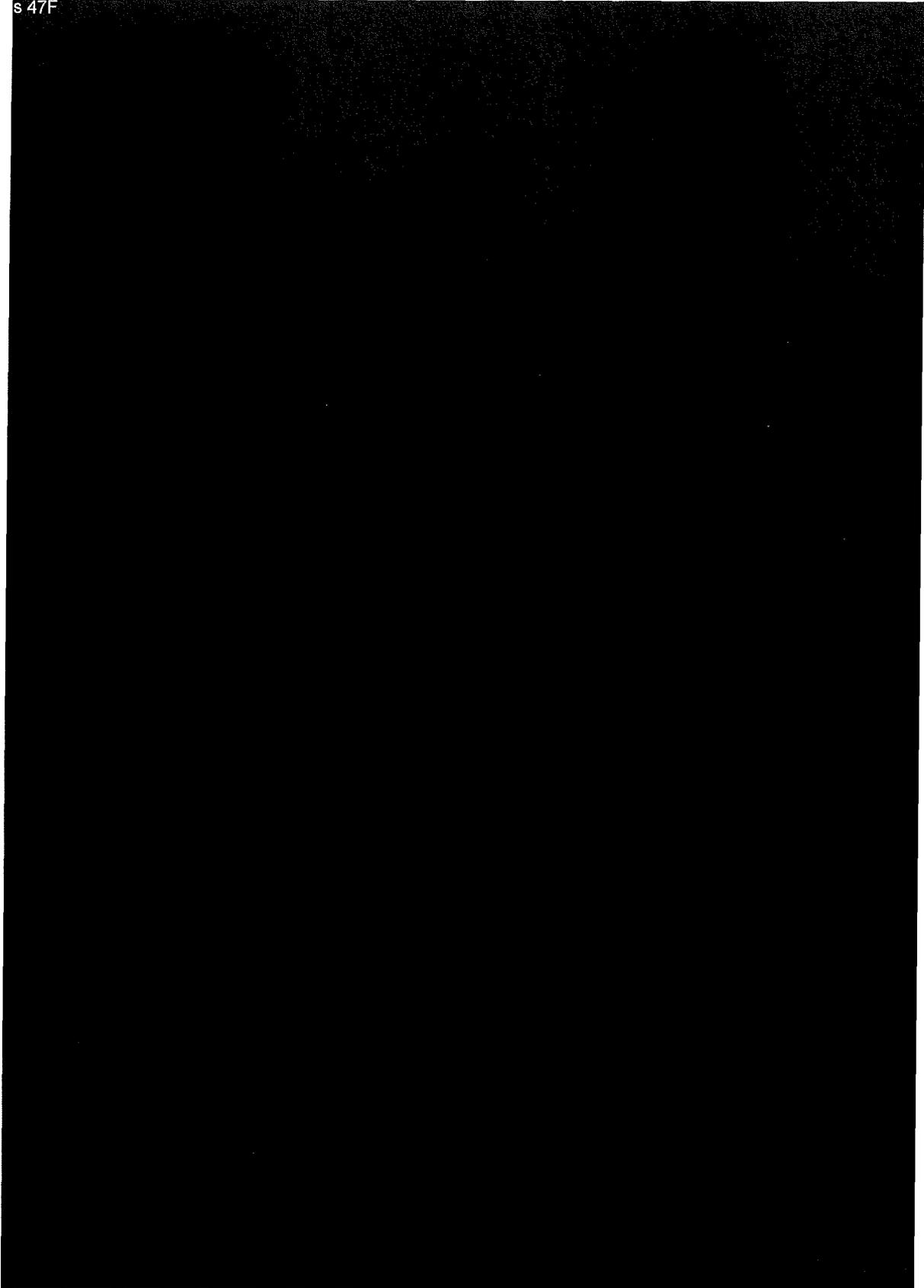
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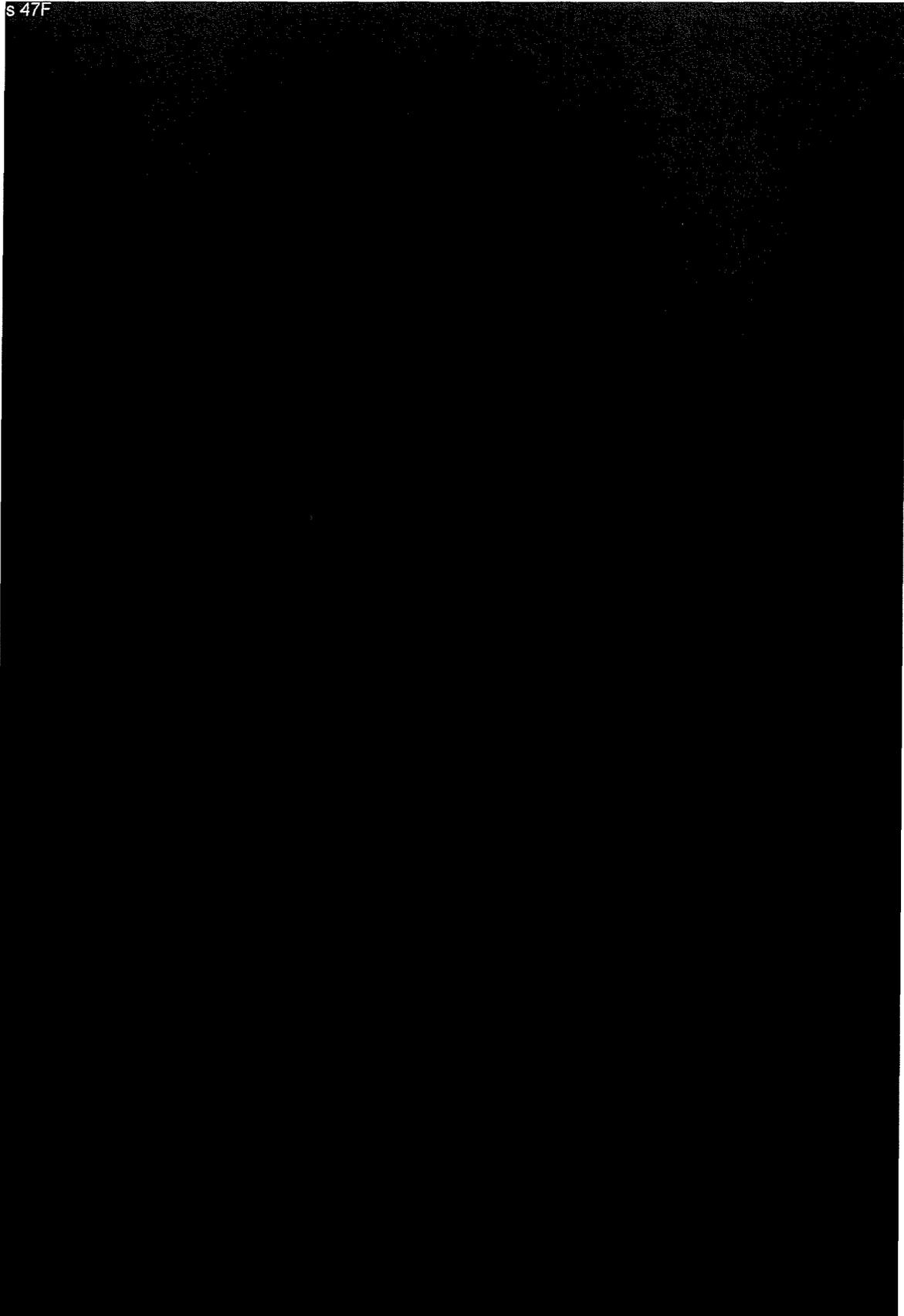
s 47F



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s 47F



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s 47F



Assessment and identification

7. The Department has included IMAs from a range of detention arrangements and from a mix of nationalities. Attachment B provides a summary of nationalities and locations.
8. Community links and the level of support required for these IMAs will be determined prior to the grant of any visas.
9. Based on the information available at this time, departmental systems do not indicate any of the IMAs in this submission represent a direct or indirect risk to security. The Department will conduct further checking prior to referring a further s195A submission for your consideration.
10. The IMAs included in this submission have no known public health, identity, or significant behavioural (other than those detailed above) issues at this time.

Visa grant

11. If you are inclined to consider any member of this group, care needs will be identified and suitable plans will be put in place to support departure from detention arrangements. Once this has been arranged, the Department will submit a further s195A submission indicating the intended visa grant day for these detainees, and if applicable, their family members.
12. The Department proposes to grant both a Subclass 449 Humanitarian Stay (Temporary) visa (HSTV) and a BVE to these IMAs. The grant of a HSTV will allow them to become eligible non-citizens for the purposes of the department granting a further BVE if you are inclined to lift the relevant bar.
13. These visas will be granted simultaneously with the HSTV ceasing one week after grant; at which time the BVE visa will come into effect. The Department recommends the BVEs for post-13 August 2012 arrivals are granted for a period of 12 months, or a period of 3 months for those who have been, or shortly will be, invited to apply for a temporary protection visa.
14. The Department proposes visa conditions regarding reporting and address notification be imposed and that the BVEs granted to these IMAs allow permission to work.
15. Any BVEs granted to these detainees will include a visa condition requiring that they do not engage in criminal conduct, in line with the Migration Regulation changes that came into effect on 29 June 2013.

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Code of Behaviour

16. As outlined by the Code of Behaviour, an IMA must agree to abide by the Code of Behaviour in order for a BVE to be granted using your s195A intervention power. Should you be inclined in any of their cases, they will need to agree to abide by the code before they are put to you on a further s195A submission.

Intervention process

17. This submission seeks your agreement to consider intervention for the IMAs listed at Attachment A. Once the Department confirms all necessary planning for the grant of visas is in place, a further submission seeking your decision will be referred. This submission will include the decision instrument and tabling statement.

18. Any subsequent BVE grants, should they be required, will have to be granted through further use of your intervention powers due to the immigration status of these IMAs.

Consultation – internal/external

19. Community Protection; Children and Community Services; Refugee and Humanitarian Visa Management; Strategic Framework and Services Policy; Security Assessment Liaison; the Australian Security Intelligence Organisation; and other law enforcement agencies.

Consultation – Secretary/Commissioner

20. This submission has not been cleared by the Department's Secretary, Deputy Secretaries, or the Commissioner of the Australian Border Force.

Client service implications

21. Not applicable

Sensitivities

22. Matters relating to all detainees listed in this submission.

Financial/systems/legislation/de-regulation implications

23. Not applicable.

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Attachments

Attachment A Schedule of Illegal Maritime Arrivals for s195A consideration.

Attachment B Summary of locations and detainee nationalities.

Authorising Officer
Cleared by:
s 47E Regional Director NSW/ACT Visa and Citizenship Management Division
22/10/2015 Ph: s 47E

Contact Officer: s 47E Director, Case Management NSW/ACT, Ph: s 47E
Through s 47E Director, Case Management NSW/ACT

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ATTACHMENT A

Table 1: Schedule of Illegal Maritime Arrivals for s195A consideration

	Surname	Given Name(s)	Boat ID	Client ID	Detention Location	Nationality	DOB	Status
a.	s 47F				Wickham Point APOD	s 47F		Awaiting Processing
b.					North West Point Immigration Facility			Awaiting Processing
c.					North West Point Immigration Facility			Awaiting Processing
d.					North West Point Immigration Facility			Awaiting Processing
e.					North West Point Immigration Facility			Awaiting Processing
f.					North West Point Immigration Facility			Awaiting Processing
g.					Wickham Point APOD			Awaiting Processing
h.					North West Point Immigration Facility			Awaiting Processing
i.					Wickham Point APOD			Awaiting Processing

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ATTACHMENT B

Summary of Nationalities

Stateless	1
Vietnamese	8
Total	9

Summary of Locations (subject to change)

North West Point	3
Wickham Point	2
Yongah Hill	4
Total	9

Contains deletions under FOI

From: § 47E
To: Elizabeth Jamleson; Nathan Cameron
Cc: External Accountability; § 47E; § 47E; Immigration Ombudsman; Christopher Roberts
Subject: Lambeth and § 47E - Email 3 of 3 [SEC=UNCLASSIFIED]
Date: Tuesday, 19 April 2016 2:03:20 PM
Attachments: 71 OP Log Book OP Nth 1213-10 Log 1 Of 2 201_046203-01 - highlights.pdf
Childers log.pdf
Plotting in support of Lambeth.docx

UNCLASSIFIED

Good afternoon,

Please note the attached:

- official log book records for HMAS *Childers* and ACV *Ocean Protector*; and
- my analysis of the vessel plot points supporting the view that HMAS *Childers* travelled direct to Darwin and did not enter an 'excised offshore place' prior to its arrival in Darwin.

Given resource constraints, I plotted the coordinates of HMAS *Childers* myself. My analysis of the course taken by HMAS *Childers* was supported by the ABF's Maritime Border Command on 13 April 2016. The attached documents support the view that the Department has appropriately processed the persons who arrived on SIÉV Lambeth. Happy to discuss.

Regards,

§ 47E

§ 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group
Department of Immigration and Border Protection
M: § 47E
E: § 47E

UNCLASSIFIED

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A.C.V. OCENI Research Passage from DALWIN to BLOOMER
TUESDAY Day Date 16 APR 2013 Zone 11K

TIME	EVENT
0745	S 47E [redacted] ON WATCH. CCU POSN: 16° 48.112 S 121° 43.953 E COG: 163.07° SOG: 14.4 KTS WEATHER: SEA: LIGHT SWELL: 5m BAR: 1009.4hPa TRMP: 29° WIND: WSW 17 KTS VIS: 8-9 NM d/c: 1/8 X 7 S BAND RADARS ON AND OPERATIONAL. OOW: THOMLEY - BOTH TENDERS SECURE WITHZ DAVITS NSTR.
0825	LBS FACILITY DEPART BLOOMER NTR. STANDING BY.
0940	S 47E [redacted] OFF WATCH [signature]
0940	Smith on watch [signature]
1003	CCU POS: 17° 18.47 S 121° 53.37 E COG: 165°T SOG: 15.0 KTS WIND: 15 KTS (W) SEA: Slight Swell: ≤ 1m BAR: 1010 Temp: 28° d/c: 2/8 Tenders Secure (checks in progress) Radar operational OOW Thomley DL3: O'Leary
1047	CCU POS: 17° 29.59 S 121° 56.40 E COG: 168° SOG: 15 KTS Visual on flir of Navy asset - SCAN
1104	489 Contacted 7:00 Re - our intentions - Ec advised our Rc will meet them on SCAN
1127	CCU POS: 17° 38.83 S 121° 58.97 E COG: 166° SOG: 11.6 KTS WIND: 8 KTS (SW) SEA: Slight Swell ≤ 1m BAR: 1010 Temp: 29° d/c: 4/8 VIS: 10 NM Remarks - Good visual of COI & 489 closing clear position COI POS: 17° 41.9 S 121° 59.7 E
1142	S 47E [redacted] on watch own
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. Ocean Protector Passage from Broome to _____
Tues Day Date 16/4/13 Zone UTC +9.5 (LK)

TIME	EVENT
1145	ccv Pos 17°41.062'S 121°59.596E OP in OP mode.
1153	210D launched 3POB
1155	210C launched 2POB
1200	P11 23 English speaker (SC sitrep) bags to come with p11s - no indo cra 2 p11 pregnant (1-5mnts) - nil other health concerns.
1206	Sitrep (SC) - P11s # 1-5, 69 missing from nom-roll, already taken off by RAN.
1211	sitrep (SC) - SC to return to Y89 with RAN personelle, Nom roll to return to OP with first transfer.
1215	210D returning to OP \bar{c} 10 p11
1219	210C returning to OP \bar{c} 10 P11
1219	210D recovered - 10 p11 onboard.
1222	210D launched 2POB
1223	SC completed evidence/custody transfer awaiting transfer back to OP
1225	210C recovered - 10 p11 - 20 P11 total
1228	210C launched 2POB
1229	210D returning to OP \bar{c} 9 P11
1232	210D recovered - 12POB - 9 P11 29 P11 total
1233	210C returning to OP \bar{c} 10 P11
1235	210D launched 2POB
1237	210 ^{cm} D recovered - 10 p11 39 total
1240	210 ^{cm} D launched 2POB
1241	210D returning - 10 p11
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. OP Passage from BROOME to BATHURST
WEDNES Day Date 17/4/2013 Zone I/K

TIME	EVENT
0700	OP Position 14 37.29 S 123 57.26 E Co 055 / 14.2 KTS ENROUTE TO R/V WITH HMAS CHILDERS OFF BATHURST ISLAND.
0750	S47E on watch M. CCU POS: 14° 32.27 S 124° 03.90 E COG 051° SOG 14.4 KT WIND SW @ 5-10 KTS SURF 7m TEMP 28° BARO 1009 @ 1/8 VIS 8-10 NM TENDERS SECURE RADARS OPERATIONAL OOW TOWELCH DL3 OF WADAW
0755	VISUAL + RADAR CHECKS - NTR ENROUTE TO R/V WITH HMAS CHILDERS OFF BATHURST ISLAND.
0854	CCU POS: 14° 22.56 S 124° 16.24 E COG 052 SOG 14.3 KTS VISUAL + RADAR CHECKS - NTR
0953	CCU POS: 14° 13.50 S 124° 27.75 E VISUAL + RADAR CHECKS - NTR
1050	NEW ETA AT COI/HMAS CHILDERS - 0400 18/7
1054	14° 04.40 S 124° 39.02 E COG 051° SOG 14.2 KTS
1145	S47E OFF WATCH. M. S47E on watch
1200	Radar & visual check completed NTR, carefully OOW on duty. CCU POS 13° 54.5 S 124° 51.4 E COG 050° SOG 14 KTS
1245	COMM HMAS CHILDERS, CHILDERS TAKING SEIU UNDER TOW AND GOING TO PROCEED TOWARDS
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. OP Passage from Bloome to BATHURST IVO
THURSD Day Date 18/04/13 Zone UTC +9.5 I/K

TIME	EVENT
0700	CCV Pos 12 33.9S 128 32.3E C 069/11.9KT HMAS CHILDERS Pos 12 30.15 128 39.9E HELD ON RADAR.
0755	Z10A launched 3x POB proceeding to SIEV 662.
0756	Z10C launched 3x POB (INCLUDING DOCTOR) Proceeding TO HMAS CHILDERS
0800	[REDACTED] on watch comm
0802	Z10C offload Dr to Y93
0803	Sitrep SC - onboard SIEV - currently 7A PII onboard - no immediate health concerns - 5 other PIIs onboard Y93 (pregnant women)
0805	Sitrep SC - RAN non roll returning on 1st transfer. Confirm fuel into crew flight risk. 2 crew - onboard Y93
0810	Z10D returning to OP \approx 10 PII
0812	Z10C returning \approx 10 PII
0813	Z10D recovered 10 PII 10 PII Total
0815	Z10D launched 2 POB
0817	Z10C recovered \approx 10 PII 20 PII Total
0820	Z10C launched 2 POB
0820	Z10D returning \approx 10 PII
0822	Z10D recovered \approx 10 PII 30 PII Total
0825	Z10D launched
0828	Z10C returning \approx 10 PII
0829	Z10C recovered \approx 10 PII 40 PII Total
0829	Z10D launched
0830	Z10D returning 10 PII
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. OP Passage from Broomie to Bathurst Isl
Thursday Day Date 18/4/April 2013 Zone UTC +9.5 1K.

TIME	EVENT
2100	launched ^{on} 0832
2100	210D recovered 10PII 50 PII Total
0835	210D launched 2POB
0836	210C returning \bar{c} 10PII
0837	210C recovered 10PII 60 PII Total
0839	210C launched 2POB
0840	210D returning \bar{c} 10PII
0842	210D recovered 10PII 70 PII Total
0847	210D launched 3POB - Sulfur
0852	210C returning \bar{c} 4PII
0853	210C request recovery fuel cradle.
0856	210C recovered \bar{c} 4PII + SC 74 PII Total 210C secured in fuel cradle.
0905	Rx Y93 - RAN preparing for destruction - requesting 2100 Aes igniter using incendiary balls.
0906	210D returning 4POB - DR + TSE
0910	210D recovered - standing by.
0911	Raabe off watch. ^{S47E} [REDACTED] on off .
0930	210D launched.
1040	BPL called to say we have permission to burn the SIEU & to transport PII 9410 to Y93.
1043	Informed SC of burn & transfer of PII 9410 to Y93. PII from SIEU 657.
1049.	Rx from SC. SIEU is alight all personnel on board. 210D.
1052	210D Recovered: 4 POb.
1109	210D Launched. 5 POb.
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

M/J

OCEAN BATHURST IS
 A.C.V. PROTECTOR Passage from GROUP to AI
 FRI Day Date 19th APRIL 2013 Zone I/K +9.5

TIME	EVENT
0700	CCV Pos. 12 18.1 S 125 38.1 E Co 274 10.2 KTS RADAR + VISUAL CHECK CLEAR. ENROUTE TO AI 138 x PII ONBOARD.
0745	^{s 47E} [REDACTED] on watch M. CCV Pos: 12° 17.66 S 125° 29.38 E COG 273° SOG 10.3 Kt WSSW @ 5-10 KTS SURF IN TEMP 28°C BARD 1011 HPA CO 2/8 VIS 8-10 NM TENDERS SECURE 2 nd RADARS OPERATIONAL. OOB TENDERS DLR OFFLOADING
0758	Usage + Radar Scan - NTR.
0825	^{s 47E} [REDACTED] From APC CALLED RE: 2100 ETA AT AI. HELIOS INFORMED OUR ETA WOULD BE 22:30 1K 19/4/13.
0837	Cons Check with 210C - 5x5'
0901	CCV Pos: 12° 16.71 S 125° 16.14 E, COG 273° SOG 10.340 VISUAL + RADAR CHECK - NTR
0954	CCV Pos: 12° 16.196 S 125° 06.576 E COG 273° SOG 10.2 KTS VISUAL + RADAR CHECKS - NTR
11:11	CCV Pos 12° 15.09 S 124° 52.66 E Usage + Radar Checks NTR.
11:45	^{s 47E} [REDACTED] on watch, Rule off.
1200	CCV POS. 12° 14.4 S 124° 44.3 E COG 274° SOG 10kts. Radar and Visual check completed NTR.
1255	Radar and visual check completed NTR.
1400	^{s 47E} [REDACTED] OFF WATCH ^{s 47E} [REDACTED] ON
	REMARKS
	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. Swan Director Passage from A to Drusus
Swan Day Date 21/09/13 Zone V/K 19.5

TIME	EVENT
0745	S47E <u>ON WATCH</u>
0748	CCV POS: 12° 12.90 S 126° 12.92 E COG: 091 SOG 9.7 kt WIND SSW @ 5kts SWELL 0.5m TEMP 28° BARO 1011 HPA C/K 1/8 VIS 8-10 nm RADAR SECURE BOTH RADARS OPERATIONAL AND TARGET DIS OPERATIONAL
0752	Visual + Radar Checks - nil
0840	RADAR + VISUAL NTR
0844	RK WITH Z50 CONFIRMING OUR POSITION 12° 12.3 126° 22 E @ 0844.
0901	CCV POS: 12° 12.67 S 126° 26.88 E COG: 090 SOG: 12.4 kt Visual + Radar Checks - Z50 Pos 12° 13.13 S 126° 12.95 E
0923	RADAR + VISUAL + CONS WITH Z70
1013	CCV POS: 12° 12.72 S 126° 42.12 E COG 091° SOG 12.4 kt
11:11	CCV POS: 12° 12.90 S 126° 54.50 E COG 091° SOG 12.5 kt
11:45	S47E <u>ON WATCH</u>
1200	CCV POS: 12° 13.05 127° 04.6 E COG: 090 SOG: 11.8 kts WIND: CALM SWELL: 0.5m TEMP: 29°C BARO: 1011 Hpa C/K: 1/8 VIS: 10-12 nm
13:12	12° 13.24 S 127° 19.77 E - CCV POS 091° - COG 12.3 kts - SOG
1400	RADAR + VISUAL NTR
1500	RADAR + VISUAL NTR
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

HMAS		Day	Date	Zone	
CHILDERS		WEDNESDAY	17 APR 13	4K (-9 1/2)	
Passage from		Passage to			
AREA 6-5					
Time	Event	Time	Log	Distance run	
0001	ODW WO [REDACTED] S47E AOW LS PEPPERAL CRSE 330	0100	262964.0	8.9	
	SP 5 [REDACTED] SLOW AHEAD, SMC S/D AT INFS STRD OA	0200	262964.1	3.0	
	O/L PT OA S/D IN AUTO SHIP PARKENGD IN DC	0300	262964.2	4.2	
	STATE 3 CONDITION VOYAGE CONDUCTING SHADOW	0400	262964.3	4.50	
	OPS OF COI IN AREA 6-5 1SD OF OP	0500	262965.9	4.99	
	RESOLUTE.	0600	262966.9	4.5	
0001	GPS FIX 12° 27.99 ^S	0700	262967.0	1.0	
	128° 25.13 ^E	0800	262968.1	7.20	
0100	GPS FIX 12° 27.55 ^S	0900	262969.2	2.05	
	128° 23.23 ^E	1000	262974.0	3.75	
0200	GPS FIX 12° 23.51 ^S	1100	262974.8	2.64	
	128° 42.48 ^E	1200	262974.9	0.14	
0300	GPS FIX 12° 25.01 ^S	1300	262974.9	0.11	
	128° 37.12 ^E	1400		0.31	
	WX: b VIS: 7 SIS: 1 SWELL: 0.20 @ .1m WIND: 271 @ 5kts	1500		0.5	
	TEMP: 28.5 RH: 71.5 BAR: 1007.8 ↓	1600		0.7	
0341	LEVT [REDACTED] S47E TOOK THE SHIP	1700		0.8	
	[REDACTED] S47E	1800		0.19	
	[REDACTED] WO	1900		1.1	
0341	ODW: LEVT [REDACTED] S47E AOW LEVT [REDACTED] S47E Co	2000		1.0	
	220 SP 6 PKE SLOW AHEAD STRD ME S/D	2100		0.7	
	AT INFS STRD O/L RPT: OA S/D IN AUTO SHIP	2200		0.6	
	PARKENGD IN RE STATE 3 COND VOYAGE	2300		0.5	
	NVA LIMITS OFF COMPLETING SHADOW OF	2400		0.5	
	COI IN AREA 6-5 (NO SUPPLY) OF OPS				
	RESOLUTE.				
			Total	49.79	
			Previous total	2023.62	
			Progressive total	2073.42	
Position					
		Time/	Latitude	Longitude	
		From	(N/S)	(E/W)	
0400	Fix GPS: 12° 28.212 ^S 128° 35.999 ^E	0001(Z)			
0427	A/C 260				
0427	Fix GPS: 12° 28.900 ^S 128° 31.711 ^E				
0528	Fix GPS: 12° 27.656 ^S 128° 29.206 ^E				
0528	A/C 190				
0528	Fix GPS: 12° 22.188 ^S 128° 27.804 ^E				
0605	Fix GPS: 12° 33.522 ^S 128° 27.314 ^E	0600(Z)			
0620	A/C 315	GPS	12° 27.025 ^S	128° 35.45 ^E	
0620	Fix GPS: 12° 33.834 ^S 128° 27.281 ^E	1200(Z)			
0630	A/C 190				
0632	Fix GPS: 12° 33.571 ^S 128° 26.837 ^E	1800(Z)			
0701	Fix GPS: 12° 33.637 ^S 128° 26.710 ^E				
0701	WX: b VIS: 7 SIS: 1 SWELL: NIL WIND: NIL				
	PNH 1009.0 TEMP 28.2 RH 72.2				

Contains deletions under FOI

HMAS CHILDERS		Day	Date	Zone
Passage from AREA 6.5		WEDNESDAY 17 APR 12 I/K (-9 1/2)		
Time	Event	Time	Log	Distance run
0712	A/CO 350	0100		
0714	FIX GPS 12° 33.693S 128° 26.756E	0200		
0716	A/SP 12	0300		
0743	POB [REDACTED] S47E TOOK THE [REDACTED] S47E	0400		
		0500		
		0600		
0743	OWD PO YAKUONS CO 350 SP 12. P/ME HALF [REDACTED]	0700		
	1050 REV'S S/MC SHUT DOWN INFS STBD DA	0800		
	O/K P/DRAIN AUTO SHIP IN DC STATE 3 COND	0900		
	VOLAGE CONDUCTING SHADOW O/S IN	1000		
	SUPPORT ON SP RESOLUTE	1100		
0800	A/S 5	1200		
0800	12 28.1343	1300		
	18 28.256E	1400		
0800	FIX GPS 12° 29.401S 128° 29.458E	1500		
0918	A/CO 290	1600		
0928	A/CO 5	1700		
0930	FIX GPS 12° 29.521S 128° 29.503E	1800		
0947	SMOKE OBSERVED ON COAL SHIP WENT TO MASS SOLAR STATIONS. ON 55 02/13 AND DURS	1900		
	COMMANDING OFFICER TOOK THE CO	2000		
	CO 130 SP 24	2100		
1000	FIX GPS 12° 32.925S 128° 30.680E	2200		
1010	IF 3-BME [REDACTED]	2300		
1011	LAT MACHINERY STBD SEMIBOAT	2400		
1012	1X P/B OBSERVED JUMPING OVERBOARD FROM VESSEL.		Total	
			Previous total	
			Progressive total	
1013	POB RECOVERED TO VESSEL.		Position	
	LAT MACHINERY PORT SEMIBOAT.		Time/	Latitude
			From	(N/S)
1029	LEFT [REDACTED] S47E TOOK THE CO			Longitude
1100	FIX 12° 34.507S 128° 31.76E	0001(Z)		(E/W)
	ENGINE AND REPAIR TO MAINTAIN PERSN			
	HOLDING OTHER VSL AT RED US 200 YARDS	0600(Z)		
1030	LEFT [REDACTED] S47E TOOK THE CO			
1038	BOARDING PARTY INSERTED TO RENDER ASSISTANCE	1200(Z)		
0947	LEFT [REDACTED] S47E TOOK THE SHIP			
1200	FIX GPS 12° 34.358S	1800(Z)		
	128° 31.639E			
1210	RECOVERED STBD S/B			
1253	LAUNCHED STBD S/B			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		WEDNESDAY	17 APR 13	I/K (-9.5)
Passage from		Passage to		
AREA 6-S				
Time	Event	Time	Log	Distance run
1253	PT S/B RECOVERED TWO PELICANS FROM THE WATER IN POSITION 12° 35.125 128° 33.28 E	0100		
1303	RECOVERED AT S/B EMBARKED 2 POB	0200		
1303	FIX GPS 12° 34.94 S 128° 31.736 E	0300		
1317	RECOVERED STBD S/B	0400		
1325	ON SEA DUTY MED FALL OUT FROM MAST SOLAS STATIONS	0500		
1342	STBD DA S/D IN AUTO	0600		
1400	FIX GPS 12° 33.976 S 128° 31.742 E	0700		
1402	LAUNCHED PT S/B	0800		
1440	CONNECTED TOWLINE TO BOW OF SIEV	0900		
1459	STBD S/B SECURED ALONGSIDE ON STBD	1000		
1500	FIX GPS 12° 33.582 S 128° 31.983 E	1100		
1500	WX: bc vis 7 851 SWELL NIL WIND 225 @ 2	1200		
	GNH 1008.0 TEMP 31.2 RH 61.8	1300		
1505	BME S/D @ INFS	1400		
1539	LS ^{S47E} [REDACTED] TOOK THE SHIP ^{S47E} [REDACTED]	1500		
		1600		
		1700		
1539	COW LS ^{S47E} [REDACTED] SHIP STOPPED IN THE WATER BME S/D AT INFS. PORT DA O/L STBD DA S/D IN AUTO SHIP IN DC STATE 3 CONDITION VOYAGE SIEV 662 ATTACHED TO CHILDERS VIA SINGLE LINE FWD.	1800		
1600	FIX GPS 12° 33.140 S 128° 32.541 E	1900		
1700	FIX GPS 12° 32.904 S 128° 33.303 E	2000		
1800	FIX GPS 12° 32.809 S 128° 34.219 E	2100		
1845	LEFT ^{S47E} [REDACTED] TOOK THE SHIP	2200		
		2300		
		2400		
			Total	
			Previous total	
			Progressive total	
			Position	
		Time/From	Latitude (NS)	Longitude (EW)
		0001(Z)		
1845	LEFT ^{S47E} [REDACTED] SHIP STOPPED IN WATER STBD ENGINE RUNNING IN BRIDGE CONTROL, PORT ENGINE S/D AT INFS. PORT DA O/L STBD S/D AND AHEAD SHIP IN DC STATE 3 CONDITION VOYAGE. SIEV 662 ATTACHED TO CHILDERS VIA SINGLE LINE FWD.	0600(Z)	12° 33.215	128° 32.416
		1200(Z)	S	E
		1800(Z)		
1900	FIX 12° 32.828 S 128° 35.401 E			
1920	RECOVERED STBD SEMBAT. EMBARKED 5 AIR FROM SIEV 662			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILCOETS		WEDNESDAY	17 APR 13	11E(-91)
Passage from		Passage to		
AREA 65				
Time	Event	Time	Log	Distance run
2000	FIX GPS 12° 32.96S 128° 36.60E	0100		
2031	LAUNCHED STBD SEABOAT	0200		
2035	LEFT [REDACTED] TOOK THE [REDACTED]	0300		
		0400		
		0500		
2035	OOB LEFT [REDACTED] SHIP STOPPED IN WATER	0600		
	STBD ME RUNNING REMOTE PORT ME SHUT	0700		
	DOWN AT INFL PORT DA ONLOAD STBD	0800		
	DA SHUT DOWN IN AUTO SHIP IN DR	0900		
	STATE 3 CONDITION VOYAGE CONDUCTING	1000		
	HOLDING OPS OF SIEV 662	1100		
		1200		
2051	SHUT DOWN SME AT INFL	1300		
2100	FIX GPS 12° 33.05 128° 37.3E	1400		
2150	PASSED YANMAR PUMP TO SIEV 662 VIA STBD SEABOAT	1500		
		1600		
2200	FIX GPS 12° 32.9S 128° 37.9E	1700		
		1800		
2215	SECURED STBD SEABOAT STBD SIDE	1900		
2300	FIX GPS 12° 32.7S 128° 38.4E [REDACTED]	2000		
		2100		
		2200		
		2300		
		2400		
		Total		
		Previous total		
		Progressive total		
Position				
	Time/	Latitude	Longitude	
	From	(N/S)	(E/W)	
	0001(Z)			
	0600(Z)			
	1200(Z)			
	1800(Z)			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	18 APR 13	1/4 (-9 1/2)
Passage from		Passage to		
AREA 6-S				
Time	Event	Time	Log	Distance run
0001	00W LEV ^{S47E} SHIP STOPPED IN WATER	0100		0.51
	BME SHUT DOWN AT INES PORT DA ONLAND	0200		0.6
	STBD DA SHUT DOWN IN AUTO, SHIP DARKENED	0300		0.52
	IN DC STATE 3 CONDITION VOYAGE WITH	0400		0.22
	NAVIGATION LIGHTS AND API BULK LIGHTS	0500		0.41
	ILLUMINATED SHIP CONDUCTING HOLDING	0600		0.51
	OPERATIONS ON SIEV 662 ISO OPERATION	0700		0.55
	RESOLUTE	0800		0.34
0001	FIX GPS 12°32.33	0900		0.5
	128°38.6E	1000		0.6
0007	CYRO CORRECT BY MOON SIGHT (MOONSET)	1100		0.5
0014	LEV ^{S47E} TOOK THE SHIP ^{S47E}	1200		16.21
		1300		25.30
		1400		25.19
0014	00W LEV ^{S47E} A00W LEV ^{S47E}	1500		24.01
	SHIP STOPPED IN WATER BME SHUT DOWN	1600		20.40
	AT INES PORT LA O/L STBD DA S/D IN	1700		10.2
	AUTO SHIP DARKENED IN DC STATE 3	1800		
	CONDITION VOYAGE WITH NAVIGATION	1900		
	LIGHTS ILLUMINATED SHIP CONDUCTING	2000		11.70
	HOLDING OPERATIONS ON SIEV 662 ISO	2100		12.35
	OPERATION RESOLUTE	2200		14.6
0015	STBD DA O/L PT DA S/D IN AUTO	2300		18.8
0106	FIX GPS 12°31.7545 128°38.713E	2400	263370.0	18.1
0200	FIX GPS 12°31.2045 128°38.631E		Total	145.02
0300	FIX GPS 12°30.5965 128°38.586E		Previous total	2073.42
0300	WX: 6 VIS 7 SS 1 SWELL 345@-1 WIND 203@2		Progressive total	2218.44
	GAH 1008.8 TEMP 28.4 RH 74.5 SHIP		Position	21275.44
	CONTINUES TO CONDUCT HOLDING OPERATIONS	Time/	Latitude	Longitude
	ON SIEV 662 ISO OP RESOLUTE	From	(N/S)	(E/W)
0349	LSBM ^{S47E} TOOK THE SHIP ^{S47E}	0001(Z)		
		0600(Z)		
0519	00W LS ^{S47E} SHIP STOPPED IN WATER	1200(Z)		
	BME S/D AT INES STBD DA O/L PORT	1800(Z)	12°30.392	128°38.536
	DA S/D IN AUTO, SHIP DARKENED IN DC STATE		S	E
	3 CONDITION VOYAGE WITH NAVIGATION LIGHTS			
	ILLUMINATED SHIP CONDUCTING HOLDING			
	OPS ON SIEV 662 ISO OP RESOLUTE			

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Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	18 APR 2013	1/c (-9 1/2)
Passage from		Passage to		
AREA 6-5				
Time	Event	Time	Log	Distance run
0400	Fix GPS 12°30.194 S 128°38.700 E	0100		
0500	Fix GPS 12°29.997 S 128°39.046 E	0200		
0557	OCEAN PROTECTOR SIGHTED ON RADAR REPORTED TO CO AND XO.	0300		
0600	Fix GPS 12°29.962 S 128°39.558 E	0400		
0700	Fix GPS 12°30.156 S 128°40.072 E	0500		
0706	NAVIGATION LIGHTS EXTINGUISHED. SEARCH	0600		
0715	WX: bc VIS: 7 S/S: 1 SWELL: NIL WIND: L/V TEMP: 25.7 RH/H: 73.6 BAROM: 1008.8	0700		
0746	STARTED BME IN REMOTE CONTROL	0800		
0749	TRANSFERRED THE COMMAND OF FORWARD BRIDGE BACK TO CHILDERS	0900		
0800	Fix GPS 12°30.417 S 128°40.718 E	1000		
0900	Fix GPS 12°30.548 S 128°41.124 E	1100		
0927	LEGT [REDACTED] TOOK THE SHIP [REDACTED]	1200		
		1300		
		1400		
		1500		
		1600		
		1700		
0927	COX: LEGT [REDACTED] SHIP STOPPED IN WATER BME STOPPED, RUNNING IN BRIDGE CONTROL. STOP DA OFF PORT DA SLO IN AUTO. DC STATE 3 COMMAND NO-ACC. CONDUCTING HOLD OF SEV 662 IN AREA 6-5 IN SUPPORT OF DR RESOLUTE.	1800		
		1900		
		2000		
		2100		
		2200		
		2300		
1000	Fix GPS 12°30.951 S 128°41.076 E	2400		
1000	HANDLED CUSTODY OF SEV 662 TO ACV OCEAN PROTECTOR			
1051	(RECOVERED) SEARCH SEASON EMBARKED 2 PI FROM SEV 657 FROM ACV OCEAN PROTECTOR			
1100	Fix GPS: 12°30.071 S 128°41.420 E			
1118	CO 070 SP 20 - COMMENCED TRANSIT TO DARWIN			
1119	Fix GPS: 12°31.151 S 128°41.850 E			
1124	A/SP 26			
1130	A/CO 083			
	Fix GPS: 12°29.809 S 128°46.550 E WIND: 116/SWTS SEA: 1 WX: bc VIS: 7 SWELL 0.7/1m PRESSURE 1011.1hPa ↑ 2mb/hr TEMP: 31.9° RH 60.4%			
1153	ROB [REDACTED] TOOK THE SHIP [REDACTED]			
1153	COX PD [REDACTED] CO 083 BME HALF ANGLE			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	18 APR 13	YK (-95)
Passage from		Passage to		
MREA 6-5		DARWIN		
Time	Event	Time	Log	Distance run
	REVS 1900 STD DA O/L PT STBY AUTO	0100		
	SHIP IN DC STATE 3 CONDITION VOYAGE	0200		
	CONDUCTING PASSAGE TO DARWIN	0300		
1200	Fix GPS 12° 28.406 S	0400		
	128° 58.353 E	0500		
1230	Fix GPS 12° 26.960 S	0600		
	129° 11.456 E	0700		
1300	Fix GPS 12° 25.418 S	0800		
	129° 24.366 E	0900		
1330	Fix GPS 12° 23.922 S	1000		
	129° 37.224 E	1100		
1400	Fix GPS 12° 22.231 S	1200		
	129° 51.748 E	1300		
1412	A/SP 24	1400		
1500	Fix GPS 12° 19.498 S	1500		
	130° 15.062 E	1600		
1514	A/C 093	1700		
1518	Fix GPS 12° 19.091 S	1800		
	130° 20.040 E	1900		
1530	VISIT WZ: b s/s SWELL: 250cm TRM: 31.4	2000		
	WTD: 0.31 @ 13 WJH: 1007.0 RH 55 %	2100		
1539	LS ^{S 47E} [REDACTED] TOOK THE SHIP	2200		
	[REDACTED] ^{S 47E}	2300		
		2400		
1539	OOB LS ^{S 47E} [REDACTED] 10 092 SP 23	Total		
	BME 1/2 AHEAD 1500 STD DA O/L PART	Previous total		
	DA S/D IN AUTO. SHIP IN DC STATE 3	Progressive total		
	CONDITION VOYAGE CONDUCTING PASSAGE TO	Position		
	122100	Time/	Latitude	Longitude
1557	Fix CHARLES PT 158	From	(NS)	(EW)
	NPL CHARLES PT 3.06	0001(Z)		
	NPL LEG PT 16.93	0600(Z)	12° 19.091	130° 15.062
	NPL EAST PT 14.04		S	E
1610	A/C 140 A/SP 19	1200(Z)		
1621	Fix ^{S 47E} [REDACTED] TOOK THE SHIP	1800(Z)		
	[REDACTED] ^{S 47E}			
1621	OOB LEUT ^{S 47E} [REDACTED] A/C 140 A/SP 19			
	CRSE 140 SP 19 BME O/L ESTD AND PT DA			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	13 APR 13	I/K(-9 1/2)
Passage from DARWIN		Passage to		
Time	Event	Time	Log	Distance run
	SHIP IN DC STATE 3 CONDITION VOYAGE	0100		
	CONDUCTING PASSAGE TO DARWIN	0200		
1622	A/CO	0300		
1625	FIX HOSPITAL 075	0400		
	AERO TWR 098	0500		
	TOWER 92 123	0600		
1647	A/CO 085	0700		
1647	FIX RHE FERT HILL WINDMILL 090	0800		
	COONAWARRA BREAK LT 019	0900		
	EMERGENCY PT LT 347	1000		
1650	LEUT ^{S 47E} [REDACTED] TOOK THE COIN	1100		
1658	FIRST LINE	1200		
1659	SHIP IN POSITION AST FZ DNB	1300		
1700	G.P.S POS 120° 27' 680S 130° 49' 304E	1400		
1701	BME SID LINES	1500		
1703	ASSUME DC STATE 3 CONDITION HURRICANE	1600		
1850	SSD + CABLE PTY CLOSED UP	1700		
1851	FIX AFT LEAD DNB 354	1800		
	COONAWARRA BREAK LT 111	1900		
	RAMP LT 030	2000		
1857	BME O/L IN REMOTE CONTROL	2100		
1900	LAST LINE	2200		
1900	COMMENCED DEPARTURE FROM DNB	2300		
1908	A/CO 315	2400		
1908	FIX EMERGENCY PT LT 016			
	COONAWARRA BREAK LT 013			
	TOWER 92 057			
1925	SSD + CABLE PARTLY FOLLOWING			
1929	SID PT DA IN AUTO			
1952	A/CO 010			
1953	FIX NR NIGHT CLIFF 7.17'	0001(Z)		
	NR LEE PT 7.46'			
	NR EAST PT 6.8'	0600(Z)		
2000	Pa ^{S 47E} [REDACTED] TOOK THE SHIP			
2000	DDW PO YARNOB CO. 010 SPIS BORE HALL	1200(Z)	12' 04	131' 02
	NR SHD 1900 1642 STBD DA O/L PT IN AUTO	2130(Z)	S	E
	SHIP DARNED DC STATE 3 COND	1800(Z)		
	VOYAGE NAV LTS ON CONDUCTING PASSAGE TO CATINS			
2023	FIX LEE PT E 9.48 NM			
		Total		
		Previous total		
		Progressive total		
		Position		
		Time/	Latitude	Longitude
		From	(N/S)	(E/W)

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Plotting Coordinates of HMAS Childers

Method

The documentation of coordinates in the log book from HMAS *Childers* was written in 'Degrees, Minutes and Seconds' form. I had to convert this to 'Decimal Degrees' in order to plot the location of HMAS *Childers* with the use of certain Internet software.

The software was based on Google Maps, with the following add-ons:

- * <http://netvicious.com/gps/>, to convert locations from 'Degrees, Minutes and Seconds' to 'Decimal Degrees'
- * <http://www.darrinward.com/lat-long/>, to plot the coordinates.

Conversion of coordinate samples from 'Degrees, Minutes and Seconds' to 'Decimal Degrees'

Coordinates were regularly recorded, including during periods of little movement. I identified a selection of coordinates that would demonstrate the vicinity of HMAS *Childers* for a period before, during and after the interception of SIEV *Lambeth*. My reference is written on a copy of the log book pages.

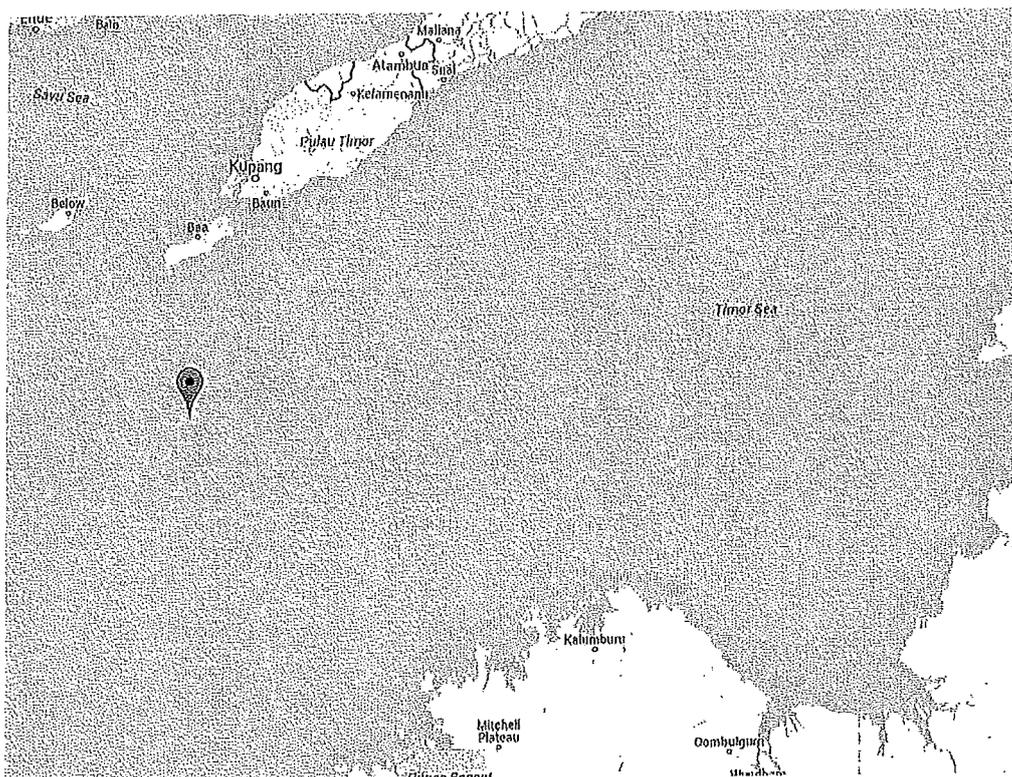
Time	Log Coordinates	Watts Ref	Decimal Coordinates
17 April 0300	S12 25 01, E128 37 12	4	-12.416944444444444, 128.62
0400	S12 28 212, E128 33 999	5	-12.4702, 128.56665
0620	S12 33 834, E128 27 281	10	-12.5639, 128.45468333333332
0714	S12 33 693, E128 26 756	13	-12.56155, 128.44593333333333
0930	S12 29 521, E128 29 503	16	-12.492016666666666, 128.49171666666666
1200	S12 34 358, E128 31 639	19	-12.572633333333334, 128.52731666666668
1500	S12 33 582, E128 31 983	23	-12.5597, 128.53305
1900	S12 32 828, E128 35 401	27	-12.547133333333333, 128.59001666666666
18 April 0001	S12 32 3, E128 38 6	32	-12.534166666666665, 128.635
0700	S12 30 156, E128 40 072	39	-12.5026, 128.66786666666667
1119	S12 31 151, E128 41 850	44	-12.519183333333334, 128.6975
1130	S12 29 809, E128 46 550	45	-12.496816666666667, 128.77583333333334
1200	S12 28 406, E128 58 353	46	-12.473433333333332, 128.97255
1230	S12 26 960, E129 11 456	47	-12.449333333333333, 129.19093333333333
1300	S12 25 418, E129 24 366	48	-12.423633333333333, 129.4061
1330	S12 23 922, E129 37 224	49	-12.3987, 129.6204
1400	S12 22 221, E129 51 748	50	-12.37035, 129.86246666666668
1500	S12 19 498, E130 15 062	51	-12.324966666666666, 130.25103333333334
1515	S12 19 091, E130 20 040	52	-12.318183333333333, 130.334

After this point, HMAS *Childers* reached the vicinity of Darwin.

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Location of Ashmore Reef

Ashmore Reef is located due south of Pulau Rote, at -12.2404778 123.0417056 (marked on the below map).

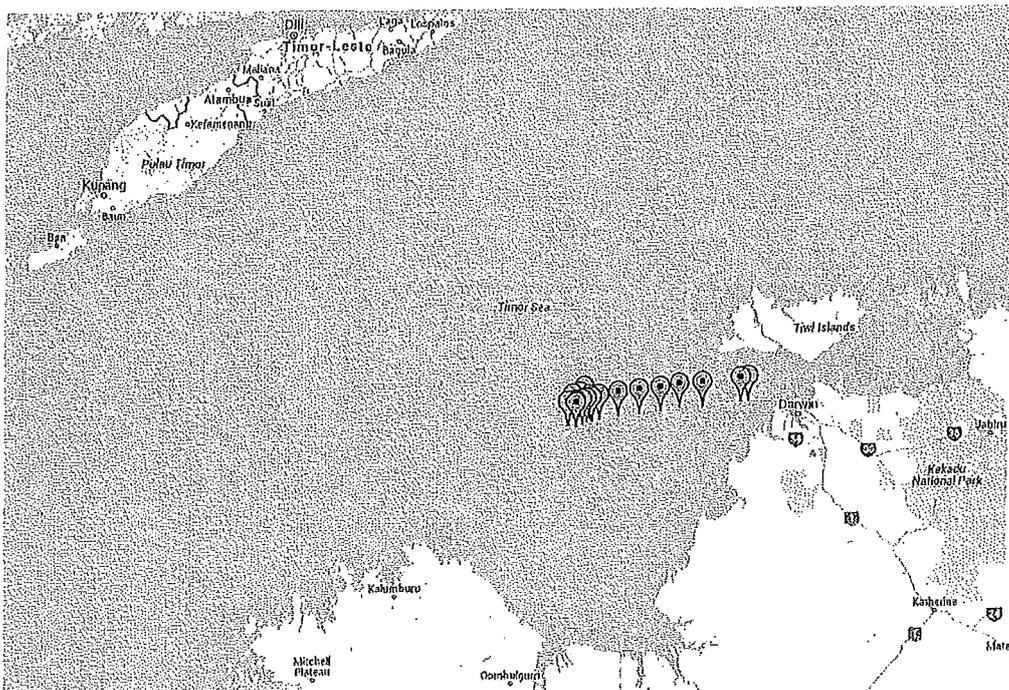


Ashmore Reef was one of several 'excised offshore places' regularly visited by Australian Government vessels, resulting in certain Illegal Maritime Arrivals being considered 'offshore entry persons'.

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Location of HMAS Childers

The abbreviated plotting of the location of HMAS *Childers* is shown on the below map. It is nowhere near Ashmore Reef (which can be seen as the slightly lighter blue, due south of Pulau Rote).



HMAS *Childers* was on the open sea and according to the log book, for the time period considered, did not visit any location other than Darwin.

Conclusion

HMAS *Childers* did not travel to Ashmore Reef, or any other 'excised offshore place', over the course of 17 – 18 April 2013.

s 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group

M: s 47E

E: s 47E

11 April 2016

Contains deletions under FOI

From: s 47E
To: Elizabeth Jamleson; Nathan Cameron
Cc: External Accountability; s 47E; Immigration Ombudsman; Christopher Roberts
Subject: Lambeth and s 47F - Email 2 of 3 [SEC=UNCLASSIFIED]
Date: Tuesday, 19 April 2016 2:01:52 PM
Attachments: Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Arrival).docx
Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Arrival).pdf
Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Interception).docx
Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Interception).pdf
LMB012 Detention Notice.pdf
LMB075 Detention Notice.pdf
SIEV Lambeth - DIBP Response - 16-00014 (2015-101553).docx

UNCLASSIFIED

Good afternoon,

Please note the attached documents in support of questions asked in January 2016 regarding SIEV Lambeth (DIBP Reference: OHR-16-00014; OO Reference: 2015-101553). Happy to discuss.

Regards,

s 47E

s 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group
Department of Immigration and Border Protection
M s 47E
E: s 47E

UNCLASSIFIED

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**Australian
BORDER FORCE**

SIEV No.	SIEV Name	SIEV Abrv.	IMAs	Crew	Total Passengers	Port Arrival Date	Processing Location
405	KULIA	KUL	30	2	32	16/08/2012	Darwin Arrival
406	LYNBROOK	LYN	83	3	86	16/08/2012	Darwin Arrival
412	ROPELEY	ROP	77	1	78	16/08/2012	Darwin Arrival
419	ZILZIE	ZIL	19	2	21	23/08/2012	Darwin Arrival
440	UVAURSI	UVA	75	3	78	9/09/2012	Darwin Arrival
456	KALANG	KAL	10	2	12	1/10/2012	Darwin Arrival
460	ODGERS	ODG	69	3	72	1/10/2012	Darwin Arrival
463	RANKIN	RIN	146	3	149	1/10/2012	Darwin Arrival
470	ZEITZ	ZEI	121	4	125	11/10/2012	Darwin Arrival
471	ABBIE	ABB	69	3	72	11/10/2012	Darwin Arrival
484	NANGLE	NAG	74	3	77	20/10/2012	Darwin Arrival
522	AUSTIN	AUT	59	4	63	6/11/2012	Ashmore Island Arrival /Darwin Arival
523	BALENO	BAE	3	2	5	6/11/2012	Darwin Arrival
524	CADILLAC	CDL	80	2	82	12/11/2012	Darwin Arrival
525	DAMILLER	DAI	33	3	36	12/11/2012	Darwin Arrival
556	IMPALA	IMA	109	2	111	6/12/2012	Darwin Arrival
573	ZASTAVA	ZAS	43	2	45	3/01/2013	Darwin Arrival
574	ASTRA	ASR	76	2	78	9/01/2013	Darwin Arrival
575	BENTLEY	BNT	40	2	42	9/01/2013	Darwin Arrival
582	INFINITY	INF	56	2	58	5/02/2013	Darwin Arrival
597	XENIA	XEN	66	2	68	25/02/2013	DARWIN ARRIVAL
598	YEMA	YEM	31	2	33	28/02/2013	Darwin Arrival
615	PIERCE	PIE	76	3	79	21/03/2013	Darwin Arrival
618	STUDEBAKER	STU	39	2	41	23/03/2013	Darwin Arrival
619	TRIUMPH	TRU	18	2	20	26/03/2013	Darwin Arrival
621	VANGUARD	VNG	4	2	6	27/03/2013	Darwin Arrival
627	BARRACUDA	BRR	143	4	147	28/03/2013	Darwin Arrival
637	LOTUS	LTS	31	2	33	8/04/2013	Darwin Arrival
638	MAGNA	MGN	85	3	88	3/04/2013	Darwin Arrival
640	OUTBACK	OUT	39	2	41	8/04/2013	Darwin Arrival
643	RANCHERO	RAC	55	3	58	8/04/2013	Darwin Arrival
648	WEINEM	WEI	63	2	65	14/04/2013	Darwin Arrival
652	ASKRIGG	ASK	20	1	21	14/04/2013	Darwin Arrival
657	FOWLER	FOW	72	0	72	22/04/2013	Broome/Darwin Arrival
658	GATWICK	GTW	69	3	72	14/04/2013	Darwin Arrival
662	LAMBETH	LMB	79	2	81	22/04/2013	Darwin Arrival via Ashmore Island
668	RAMSGATE	RMS	61	2	63	30/04/2013	Darwin Arrival
670	TOTLAND	TOT	65	3	68	30/04/2013	Darwin Arrival
671	UCKFIELD	UCK	53	2	55	30/04/2013	Darwin Arrival
676	CROWLEY	CRW	72	3	75	26/04/2013	Darwin Arrival
685	LEDBURY	LED	105	3	108	4/05/2013	Darwin Arrival
688	OUNBLE	OUN	157	6	163	4/05/2013	Darwin Arrival
691	ROMSEY	ROM	106	4	110	6/05/2013	Darwin Arrival
701	EGHAM	EGM	37	5	42	20/05/2013	Darwin Arrival
702	GOMERSAL	GOM	48	1	49	20/05/2013	Darwin Arrival
703	HORNCRAFT	HRC	11	0	11	15/05/2013	Darwin Arrival/Cobourg Peninsula
705	KEIGHLEY	KEI	1	1	2	20/05/2013	Darwin Arrival
709	OSWESTRY	OSW	77	3	80	19/05/2013	Darwin Arrival

* Based on DIBP operational and systems data.

** Information reflects full boats that were processed in Darwin.

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Short Haul Transfers – 13 August 2012 to 20 May 2013

Calendar Year	Number of short hauls conducted (assets used)*	Number of SIEVs subject to short haul [^]	No. of IMA + crew subject to short haul	% of people short hauled based on all IMA + crew arrivals	Total IMA + crew arrivals
2009	2	2	17	0.59%	2867
2010	5	5	9	0.13%	6900
2011	7	7	434	9.17%	4733
2012	27	26	1195	6.79%	17594
2013 (29 Oct)	69**	55^^	3106	15.04%~	20643~

*The count is based on the number of assets used to conduct a short haul. It is not uncommon for an asset to short haul people from multiple SIEVs and is counted as 1 short haul. Where multiple assets are used, each asset is counted as a separate short haul.

[^]This number includes all SIEVs where at least one person was short hauled and includes SIEVs where some people went to Christmas Island and some people were short hauled to the Australian Mainland.

**Does not include the MV *OMS Endurance* used to transfer people from SIEV 691 to Darwin under the direction of the Australian Maritime Safety Authority's Rescue Coordination Centre (RCC Australia).

^{^^}Does not include SIEV 827 and SIEV 830 that arrived in the Torres Strait. The people were transferred to Darwin after they had been transferred to DIBP on Thursday Island.

Note: The increased rate of short hauls is associated with the increased arrival rate of SIEVs at Ashmore Islands and the Darwin approach corridor.

Reasons for Short Haul
Operational and Safety Reasons – Limited available surface response assets leading to people potentially being held for a long period at sea. In some cases the holding of people would require the majority of BPC assets in the area to provide adequate care, Safety and security and limit capacity to respond to future maritime threats at Ashmore Islands / interception location.
Medical Reasons – People present with issues requiring treatment beyond capability that could be provided while people are held to await a suitable asset for transfer to Christmas Island. Examples include heavily pregnant women, infants or people with critical medical conditions.
Other - Reasons specified unique to each situation such as weather conditions, advice from DIBP or direction from RCC Australia.

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Details

Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
1.	710	19-May-13	5nm N of Ashmore Islands	76	Operational Reasons.	23-May-13 (Darwin)	ACV Triton (76)
2.	709	19-May-13	80 nm NW of Darwin	80	Operational Reasons.	19-May-13 (Darwin)	HMAS Armidale (80)
3.	705	16-May-13	Inside lagoon at Ashmore Islands	2	Operational Reasons.	20-May-13 (Darwin)	ACV Triton (2)
4.	703	Not Intercepted 14-May-13	2nm N of Midjari Point (102nm NE of Darwin)	11	SIEV reached the mainland. A search was conducted to locate all people from this SIEV. All people were recovered and transferred to Darwin.	15-May-13 (Darwin)	HMAS Glenelg (11)
5.	702	14-May-13	53 nm ESE of Ashmore Islands	49	Operational Reasons.	20-May-13 (Darwin)	ACV Triton (91)
6.	701	13-May-13	158 nm SW of Darwin	42	Operational Reasons.		
7.	691	4-May-13	259 nm NW of Darwin	110	All people transferred to Darwin under the direction of RCC Australia.	6-May-13 (Darwin)	ACV Botany Bay (22) MV OMS Endurance (88)
8.	688	3-May-13	107 nm WNW of Darwin	163	Operational Reasons - Vessel towed to Darwin by HMAS Albany with ACV Holdfast Bay in support.	4-May-13 (Darwin)	HMAS Albany ACV Holdfast Bay (163)
9.	685	02-May-13	7 nm N of Ashmore Islands	108	Operational Reasons. 9 people transferred to CI.	6-May-13 (Darwin) 6-May-13 (Darwin) 4-May-13 (Darwin)	HMAS Glenelg (8) HMAS Maitland (8) HMAS Parramatta (83)

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Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
10.	676	26-Apr-13	28 nm WNW of Darwin	75	Operational Reasons - Vessel steamed to Darwin.	26-Apr-13 (Darwin)	HMAS <i>Maitland</i> (75)
11.	671	23-Apr-13	14 nm North of Ashmore Islands	55	Operational and Safety Reasons.	30-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (186)
12.	670	23-Apr-13	95 nm NNE of Darwin	68	Operational and Safety Reasons.		
13.	668	21-Apr-13	76 nm NW of Darwin	63	Operational and Safety Reasons.		
14.	662	17-Apr-13	140 nm WSW of Darwin	81	Operational and Safety and Medical Reasons.	22-Apr-13 (Darwin) 18-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (74) HMAS <i>Childers</i> (7)
15.	658	07-Apr-13	40 nm N of Ashmore Islands	72	Operational and Safety Reasons.	14-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (72)
16.	657	14-Apr-13	28.5 nm NW of Broome	72	Operational, Safety and Medical Reasons.	22-Apr-13 (Darwin) 18-Apr-13 (Darwin) 14-Apr-13 (Broome)	ACV <i>Ocean Protector</i> (64) HMAS <i>Childers</i> (2) HMAS <i>Ararat</i> (6)
17.	652	11-Apr-13	107 nm E of Ashmore Islands	21	Operational and Safety Reasons.	14-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (86)
18.	648	9-Apr-13	70 nm NW of Darwin	65	Operational and Safety Reasons.		
19.	643	4-Apr-13	69 nm E of Ashmore Islands	58	Operational and Safety Reasons.	8-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (99)

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Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
20.	640	2-Apr-13	85 nm NW of Darwin	41	Operational and Safety Reasons.	8-Apr-13 (Darwin)	
21.	638	2-Apr-13	25 nm E of Ashmore Islands	88	Operational, Safety and Medical Reasons.	8-Apr-13 (Darwin) 3-Apr-13 (Darwin) 3-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (63) ACV <i>Botany Bay</i> (13) HMAS <i>Albany</i> (12)
22.	637	2-Apr-13	25 nm E of Ashmore Islands	33	Operational and Safety Reasons.	8-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (33)
23.	632	28-Mar-13	31 nm E of Ashmore Islands	31	Operational and Safety Reasons. 8 people transferred to CI.	3-Apr-13 (Darwin)	ACV <i>Ocean Protector</i> (23)
24.	627	26-Mar-13	190 nm SW of Darwin	147	Operational, Safety and Medical Reasons - Vessel steamed to Darwin.	28-Mar-13 (Darwin)	HMAS <i>Pirie</i> ACV <i>Arnhem Bay</i> ACV <i>Corio Bay</i> HMAS <i>Ararat</i> (147)
25.	621	23-Mar-13	70 nm SSE of Ashmore Islands	6	Operational and Safety Reasons.	26-Mar-13 (Darwin)	HMAS <i>Broome</i> (6)
26.	619	23-Mar-13	40 nm E of Ashmore Islands	20	Operational and Safety Reasons.	26-Mar-13 (Darwin)	ACV <i>Dame Roma Mitchell</i> (20)
27.	618	23-Mar-13	99 nm NNW of Darwin	41	Operational and Safety Reasons.	23-Mar-13 (Darwin)	HMAS <i>Melville</i> (41)

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Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
28.	617	22-Mar-13	7 nm NW of Ashmore Islands	63	Medical Reasons. 58 people transferred to CI.	26-Mar-13 (Darwin)	HMAS <i>Ararat</i> (1)
29.	615	20-Mar-13	56 nm WNW of Darwin	79	Operational and Safety Reasons - HMAS <i>Pirie</i> steamed vessel to Darwin Harbour where it rendezvoused with HMAS <i>Ararat</i> .	21-Mar-13 (Darwin)	HMAS <i>Pirie</i> HMAS <i>Ararat</i> (79)
30.	598	28-Feb-13	25 nm NW of Bathurst Island	33	Operational and Safety Reasons Weather at AI was unfavourable during potential holding period.	28-Feb-13 (Darwin)	HMAS <i>Launceston</i> (12) HMAS <i>Bathurst</i> (12) ACV <i>Botany Bay</i> (9)
31.	597	23-Feb-13	45 nm NE of Ashmore Islands	68	Operational and Safety and Medical Reasons.	25-Feb-13 (Darwin)	HMAS <i>Parramatta</i> (68)
32.	582	29-Jan-13	15 nm NE of Ashmore Islands	58	Operational and Safety and Medical Reasons.	5-Feb-13 (Darwin) 1 Feb-13 (Darwin) 31-Jan-13 (Darwin)	ACV <i>Ocean Protector</i> (41) HMAS <i>Larrakia</i> (5) ACV <i>Roebuck Bay</i> (12)
33.	575	07-Jan-13	35 nm SW of Browse Island	42	Operational and Safety Reasons.	9-Jan-13 (Darwin)	ACV <i>Ocean Protector</i> (120)
34.	574	05-Jan-13	76 nm SSE of Ashmore Islands	78	Operational and Safety Reasons.	9-Jan-13 (Darwin)	
35.	573	01-Jan-13	225 nm NW of Darwin	45	Operational and Safety Reasons.	3-Jan-13 (Darwin)	HMAS <i>Armidale</i> (45)

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Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
36.	570	25-Dec-12	4 nm E of Ashmore Islands	98	Medical Reasons – 1 person showed symptoms of Hepatitis A. 95 people transferred to CI.	28-Dec-12 (Darwin)	ACV <i>Roebuck Bay</i> (3)
37.	556	4-Dec-12	150 nm SE of Ashmore Islands	111	Operational, Safety and Medical Reasons - 2 people medivaced to Broome via Royal Flying Doctor Service.	6-Dec-12 (Darwin)	ACV <i>Roebuck Bay</i> (36) ACV <i>Storm Bay</i> (36) ACV <i>Corio Bay</i> (37)
38.	525	7-Nov-12	2 nm NW of West Islet, Ashmore Islands	36	Operational and Safety Reasons.	13-Nov-12 (Darwin) 13-Nov-12 (Darwin) 12-Nov-12 (Darwin) 12-Nov-12 (Darwin)	HMAS <i>Albany</i> (12) HMAS <i>Sydney</i> (18) HMAS <i>Bathurst</i> (5) ACV <i>Hervey Bay</i> (1)
39.	524	7-Nov-12	Inside the Ashmore Islands lagoon	82	Operational and Safety Reasons.	13-Nov-12 (Darwin) 12-Nov-12 (Darwin) 12-Nov-12 (Darwin) 12-Nov-12 (Darwin)	HMAS <i>Sydney</i> (56) ACV <i>Hervey Bay</i> (11) ACV <i>Storm Bay</i> (12) HMAS <i>Bathurst</i> (3)
40.	523	6-Nov-12	2 nm NE of West Islet, Ashmore Islands	5	Operational and Safety Reasons.	13-Nov-12 (Darwin)	HMAS <i>Sydney</i> (5)
41.	522	6-Nov-12	28 nm NNW of Ashmore Islands	63	Operational and Safety Reasons.	13-Nov-12 (Darwin) 13-Nov-12 (Darwin) 12-Nov-12 (Darwin)	ACV <i>Corio Bay</i> (12) HMAS <i>Sydney</i> (38) HMAS <i>Bathurst</i> (13)
42.	484	17-Oct-12	10 nm N of Ashmore Islands	77	Operational and Safety Reasons.	20-Oct-12 (Darwin)	HMAS <i>Darwin</i> (77)

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Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
43.	471	9-Oct-12	12 nm N of Ashmore Islands	72	Operational and Safety Reasons – ACV <i>Ocean Protector</i> reached its passenger carrying capacity due to having 103 people from SIEV 469 and embarking 117 people from SIEV 470. ACV <i>Triton</i> was not available due to undertaking maintenance. HMAS <i>Darwin</i> was unable to long-haul to Christmas Island due to fuel limitations and having 2 people embarked from SIEV 471 that required medical attention. (Only 8 people from SIEV 470 went to Darwin, 117 went to Christmas Island on ACV <i>Ocean Protector</i>).	11-Oct-12 (Darwin)	HMAS <i>Darwin</i> (80)
44.	470	9-Oct-12	23 nm W of Ashmore Islands	125			
45.	463	29-Sep-12	2 nm N of Ashmore Islands	149	All people from SIEV 456, 460 and 134 people from SIEV 463 were transferred to Darwin at the request of DIBP.	1-Oct-12 (Darwin)	ACV <i>Ocean Protector</i> (218)
46.	460	26-Sep-12	23 nm NW Ashmore Islands	72			
47.	456	25-Sep-12	165 nm ESE of Ashmore Islands inside Australian mainland CZ	12			
48.	440	7-Sep-12	40 nm W of Ashmore Islands	78	Medical Reasons. 28 people transferred to CI.	09-Sep-12 (Darwin)	HMAS <i>Launceston</i> (50)

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Count	SIEV No.	Date Intercepted	Interception location	Total POB	Reason for short haul	Short haul completed	Assets Involved / No. of people short hauled per asset
49.	433	2-Sep-12	22 nm NW of Ashmore Islands	49	Operational and Safety Reasons. 27 people transferred to CI.	07-Sep-12 (Darwin)	HMAS <i>Albany</i> (22)
50.	419	19-Aug-12	194 nm E of Ashmore Islands	21	Operational and Safety Reasons.	23-Aug-12 (Darwin)	ACV <i>Triton</i> (21)
51.	412	14-Aug-12	20 nm N Cartier Island	78	Operational and Safety Reasons.	17-Aug-12 (Darwin) 16-Aug-12 (Darwin)	HMAS <i>Larrakia</i> (68) HMAS <i>Bundaberg</i> (10)

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Australian Government

Department of Immigration and Citizenship

SECTION 189(1) DETENTION OF UNLAWFUL NON CITIZENS

SECTION 189 OFFICER'S NAME: s 47E

DETAINEE NAME: s 47F

s 47F

DATE: 22/4/2013 TIME: 07:36

PLACE: DARWIN, NORTHERN TERRITORY

VESSEL: SIEV 662

MY NAME IS s 47E I AM AN OFFICER FOR THE PURPOSES OF SECTION 189 OF THE *MIGRATION ACT 1958* ('THE ACT').

UNDER SECTION 189(1) OF THE ACT, IF AN OFFICER KNOWS OR REASONABLY SUSPECTS THAT A PERSON IN THE MIGRATION ZONE (OTHER THAN AN EXCISED OFFSHORE PLACE) IS AN UNLAWFUL NON-CITIZEN, THE OFFICER MUST DETAIN THE PERSON.

DARWIN IS IN THE MIGRATION ZONE AND IS NOT AN EXCISED OFFSHORE PLACE .AN UNLAWFUL NON-CITIZEN IS A NON-CITIZEN WHO DOES NOT HOLD A VISA THAT IS IN EFFECT.

ON YOUR ARRIVAL AT DARWIN AT EAST ARM WHARF ON 22/4/2013 BASED ON THE AVAILABLE INFORMATION, I REASONABLY SUSPECTED YOU TO BE AN UNLAWFUL NON-CITIZEN AND I THEREFORE DETAINED YOU UNDER SECTION 189(1).

YOU ARE NOW IN IMMIGRATION DETENTION UNDER SECTION 189 OF THE ACT.

s 47F

Signature: (Section 189 Officer)

Signature: (Detainee or parent/relative)

Contains deletions under FOI



Australian Government

Department of Immigration and Citizenship

SECTION 189(1) DETENTION OF UNLAWFUL NON CITIZENS

SECTION 189 OFFICER'S NAME: s 47E

DETAINEE NAME: s 47F

s 47F

DATE: 22/4/2013 TIME: 07:36

PLACE: DARWIN, NORTHERN TERRITORY

VESSEL: SIEV 662

MY NAME IS s 47E I AM AN OFFICER FOR THE PURPOSES OF SECTION 189 OF THE *MIGRATION ACT 1958* ('THE ACT').

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DARWIN IS IN THE MIGRATION ZONE AND IS NOT AN EXCISED OFFSHORE PLACE .AN UNLAWFUL NON-CITIZEN IS A NON-CITIZEN WHO DOES NOT HOLD A VISA THAT IS IN EFFECT.

ON YOUR ARRIVAL AT DARWIN AT EAST ARM WHARF ON 22/4/2013 BASED ON THE AVAILABLE INFORMATION, I REASONABLY SUSPECTED YOU TO BE AN UNLAWFUL NON-CITIZEN AND I THEREFORE DETAINED YOU UNDER SECTION 189(1).

YOU ARE NOW IN IMMIGRATION DETENTION UNDER SECTION 189 OF THE ACT.

s 47F
Signature: [Redacted Signature]

(Section 189 Officer)

Signature: [Redacted Signature]

(Detainee or parent/relative)

s 47E
[Redacted Signature]

Contains deletions under FOI



Australian Government
Department of Immigration
and Border Protection

19 April 2016

Investigation: Own Motion: SIEV *Lambeth*
DIBP Reference: OHR-16-00014
OO Reference: 2015-101553

1. What are the names and boat IDs for all SIEVs that arrived in, or had the persons on board processed in, Darwin between 13 August 2012 and 20 May 2013?

Refer to attached documents:

- * Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Arrival); and
- * Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Interception).

2. How many individuals were on all of these boats?

Refer to attached documents:

- * Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Arrival); and
- * Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Interception).

3. What were the operational reasons for the individuals on each of these boats being processed in Darwin rather than at Christmas Island?

Refer to attached documents:

- * Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Arrival); and
- * Darwin Boat Arrivals 13-08-2012 to 20-05-13 (Interception).

4. Can the Department advise why those persons on the *Lambeth* who were properly detained under s 189(1) of the Act were then assessed as being subject to the s 46A bar?

With reference to the legal framework s 42
s 42

On 17 April 2013, HMAS *Childers* boarded the vessel designated Suspected Illegal Entry Vessel (SIEV) 662 ("SIEV *Lambeth*"), with consent of the master. The vessel was approximately 140 nautical miles WSW of Darwin, outside the Australian contiguous zone.

On 18 April 2013, HMAS *Childers* transferred 74 persons from the SIEV *Lambeth* onto ACV *Ocean Protector*. Seven individuals (five potential illegal immigrants (PII) and two crew) from SIEV *Lambeth* were transferred by HMAS *Childers* directly to Darwin for medical reasons.

ACV *Ocean Protector*

Contains deletions under FOI

- 2 -

Subsequent to the Department's previous responses into the various investigations around the SIEV Lambeth, the Royal Australian Navy provided the Department with an extract of the log book of the ACV *Ocean Protector*.

The relevant information from the log book is extracted below:

Date	Time	Position	Event
17/04/2013	0700	1437.29S 12357.26E	En-route to meet with HMAS <i>Childers</i> off Bathurst Island.
17/04/2013	1245		HMAS <i>Childers</i> taking SIEV 662 in tow proceeding to meet with ACV <i>Ocean Protector</i> .
18/04/2013	0700	1230.1S 12839.9E	HMAS <i>Childers</i> position.
18/04/2013	0756		Met with HMAS <i>Childers</i> – SIEV 662 UNC transferred to ACV <i>Ocean Protector</i> .
18/04/2013	0856		Transfer complete.
18/04/2013	1350		ACV <i>Ocean Protector</i> commences transit to Ashmore Island.
20/04/2013	1200		ACV <i>Ocean Protector</i> at designated position (DP) Ashmore Island outer lagoon.
20/04/2013	1300		ACV <i>Ocean Protector</i> departed Ashmore Island for transit to Darwin.
22/04/2013	0600		ACV <i>Ocean Protector</i> entering Darwin harbour for Darwin Naval Base.
22/04/2013	0757		UNC confirmed ashore in Darwin.

On 22 April 2013 ACV *Ocean Protector* completed the transfer of the 74 persons from SIEV Lambeth, to Australian Government authorities in Darwin.

The Department notes that the legal advice that was provided by s 47E [redacted] to s 47E [redacted] on 27 August 2015 did not consider the relevant information contained in the log book of the ACV *Ocean Protector*, as it was not available to s 47E [redacted] at the time the legal advice was provided.

The Department notes that the following analysis is provided pursuant to a revised internal legal advice dated 14 January 2016, which takes into account the relevant information contained in the log book of the ACV *Ocean Protector*, which was not available to s 47E [redacted] at the time his legal advice was provided.

s 42 [redacted]

With respect to the 74 individuals from the SIEV Lambeth that were transferred onto the ACV *Ocean Protector*.

Contains deletions under FOI

- 3 -

- * Ashmore Island is relevantly designated as an **excised offshore place** under section 5(1) of the Act;
- * the **excision time** for Ashmore Island is defined in section 5 of the Act as being 2.00 pm on 8 September 2001 by legal time in the Australian Capital Territory;
- * the individuals **entered Australia** on 20 April 2013 when they entered the outer lagoon of Ashmore Island after the excision time; and
- * all the individuals did not hold visas at the time they entered Ashmore Island, so thus became **unlawful non-citizens** because of their entry on 20 April 2013.

Given the relevant facts above, the 74 individuals from the SIEV *Lambeth* that were transferred to Darwin on the ACV *Ocean Protector* are, for the purposes of the Act, **offshore entry persons**. On 22 April 2013, the individuals were properly detained under section 189(1) of the Act by virtue of the fact that they were detained in Darwin at that point in time. However, as the individuals are, for the purposes of the Act, offshore entry persons, they were correctly assessed as being subject to the section 46A bar.

HMAS Childers

As outlined above, on 18 April 2013 seven individuals (five PII and two crew) from SIEV *Lambeth* were transferred by HMAS *Childers* directly to Darwin. With reference to the relevant sections of the log book of the HMAS *Childers*, the seven individuals are, for all intents and purposes, non-offshore entry persons. As such, the seven individuals are not subject to the section 46A bar.

Turning to the issue of whether the seven individuals were *in fact* subject to the section 46A bar:

- * On 5 June 2013, the following note was entered into the profiles of each of the seven individuals in the Department's client portal:

Client is a Direct Entry Person and not an Offshore Entry Person - the s46A bar does not apply

- * Departmental records indicate that two individuals have not applied for a visa and, as at 11 April 2016, are offshore.
- * Departmental records indicate that a valid visa application for the remaining five individuals was lodged on 6 September 2013, with the relevant visa assessments commencing on 12 September 2013. To date, these assessments are ongoing.

Considering the factual matrix, the remaining five individuals were rightfully not subject to the section 46A bar by virtue of the fact that they are non-offshore entry persons.

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- 4 -

5. Have there been any instances of the Minister being asked to lift the s 46A bar for people in this cohort when in fact there was no bar to be lifted? If so, please provide the names and client IDs of those people.

There are no individuals within the cohort of 81 on board the SIEV *Lambeth* who fall within the category where the section 46A bar was incorrectly applied:

- * The 74 individuals who arrived at Darwin on the ACV *Ocean Protector* were correctly assessed as offshore entry persons and were subject to the section 46A bar; and
- * The seven individuals who arrived at Darwin on the HMAS *Childers* were correctly assessed as non-offshore entry persons and were not subject to the section 46A bar.

6. Does the Department accept that it may have provided the Minister with incorrect advice in requesting him to lift the bar for these persons? If so, has the Minister been advised of this? Please provide a copy of any briefing, or other correspondence, to the Minister in relation to this.

There are no individuals within the cohort of 81 on board the SIEV *Lambeth* who fall within the category where the section 46A bar was incorrectly applied:

- * The 74 individuals who arrived at Darwin on the ACV *Ocean Protector* were correctly assessed as offshore entry persons and were appropriately subjected to the section 46A bar; and
- * The seven individuals who arrived at Darwin on the HMAS *Childers* were correctly assessed as non-offshore entry persons and were appropriately not subjected to the section 46A bar.

7. Can the Department advise why two individuals:

	Family Name	Given Name	Date of Birth	Client ID	Boat ID
1	s 47F				
2					

both of who arrived on the SIEV *Lambeth*, were detained in Darwin as offshore arrivals under s 189(3) of the Act (according to information already provided to this office)?

The Department confirms that contrary to responses previously provided to the Ombudsman's office, the two individuals above were properly detained in Darwin under section 189(1) of the Act. The detention notices for the two individuals evidencing this fact are attached for reference:

- * s 47F Detention Notice; and
- * Detention Notice.

The Department confirms the two individuals were part of the cohort of 74 who arrived in Darwin on 22 April 2013 on the ACV *Ocean Protector*. For the reasons provided in the response to Question 4, the two individuals were correctly subject to the section 46A bar by virtue of their status as offshore entry persons.

Contains deletions under FOI

- 5 -

8. The Department has provided this office with a copy of internal legal advice confirming that s 42

s 42 In the Department's view what are the legal or other consequences for these IMAs being improperly assessed as being subject to the s 46A bar (e.g. extra time in detention, not able to apply for visa, access to review rights, being improperly transferred to a Regional Processing Centre, etc.) and what steps is the Department taking to resolve this?

The Department notes that the legal advice that was provided by s 47E to s 47E on 27 August 2015 did not consider the relevant information contained in the log book of the ACV *Ocean Protector*, as it was not available to s 47E at the time the legal advice was provided.

With reference to the response to Question 4, the Department confirms that the individuals on board were either offshore entry persons and were correctly subject to the section 46A bar, or were non-offshore entry persons and were correctly not subject to the section 46A bar. The Department has no further comment to provide with respect to the remaining aspects of the question.

Contains deletions under FOI

Gregory Parkhurst

From: s 47E
Sent: Tuesday, 19 April 2016 2:04 PM
To: Elizabeth Jamieson; Nathan Cameron
Cc: External Accountability; s 47E Immigration
Ombudsman; Christopher Roberts
Subject: Lambeth and s 47E Email 3 of 3 [SEC=UNCLASSIFIED]
Attachments: 71 OP Log Book_OP Nth 1213-10 Log 1 Of 2 201_046203-01 - highlights.pdf; Childers log.pdf; Plotting in support of Lambeth.docx

UNCLASSIFIED

Good afternoon,

Please note the attached:

- official log book records for HMAS *Childers* and ACV *Ocean Protector*; and
- my analysis of the vessel plot points supporting the view that HMAS *Childers* travelled direct to Darwin and did not enter an 'excised offshore place' prior to its arrival in Darwin.

Given resource constraints, I plotted the coordinates of HMAS *Childers* myself. My analysis of the course taken by HMAS *Childers* was supported by the ABF's Maritime Border Command on 13 April 2016. The attached documents support the view that the Department has appropriately processed the persons who arrived on SIEV Lambeth. Happy to discuss.

Regards,

s 47E

s 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group
Department of Immigration and Border Protection
M: s 47E
E: s 47E

UNCLASSIFIED

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A.C.V. SEAVIEW PROTECTOR Passage from DARWIN to BLOOMER
TUESDAY Day Date 16 APR 2013 Zone 11K

TIME	EVENT
0745	S 47E [redacted] on watch. CCV Pos: 16°48.112 S 121°43.953 E COG: 163.07° SOG: 14.4 kts WEATHER: SEA: SLIGHT SWELL: 5m BAR: 1009.4 hPa TEMP: 29° WIND: WSW 17 kts VIS: 8-9 NM C/L: 1/8 X 7 S BAND RADARS on AND OPERATIONAL. OOW: THOMLTY - BOTH TENDERS SECURE WITHZ DAVITS NSTR.
0825	L33 FUGAT DEPART BLOOMER NTR. STANDING BY.
0940	S 47E [redacted] OFF WATCH
0940	S 47E [redacted] on watch
1003	CCV POS: 17°18.47 S 121°57.37 E COG: 165° SOG: 15.0 kts WIND: 15 kts (w) SEA: Slight Swell: 1m BAND: 1010 Temp: 28° C/L: 3/8 Tenders Secure (checks in progress) Radar operational OOW Thomlty DL3: OPLONGA
1047	CCV POS: 17°29.54 S 121°56.40 E COG: 165° SOG: 15 kts Visual on floor of Navy asset - SCOW
1104	489 Contacted 7100 Re - our intentions - EC advised our BC will meet them on SCOW
1127	CCV POS: 17°38.83 S 121°58.97 E COG: 166° SOG: 11.6 kts WIND: 8 kts (sw) SEA: Slight Swell 1m BAND: 1010 Temp: 29° C/L: 4/8 VIS: 10 nm Removers - Good visual of COI & 489 closing clear position
1142	COG POS: 17°41.9 S 121°59.7 E S 47E [redacted] on watch am
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. Ocean Protector Passage from Broome to _____
Tues Day Date 16/4/13 Zone UTC +9.5 (1K)

TIME	EVENT
1145	ccv Pos 17° 41.062'S 121° 59.596E OP in OP mode.
1153	210D launched 3POB
1155	210C launched 2POB
1200	P11 23 English speaker (SC sitrep) bags to come with P113 - No indo cra 2 p11 pregnant (1-5mths) - nil other health concerns.
1206	Sitrep (SC) - P113 # 1-5, 69 missing from nom-roll, already taken off by RAN.
1211	sitrep (SC) - SC to return to Y89 with RAN personelle, Nom roll to return to OP with first transfer.
1215	210D returning to OP = 10 p11
1219	210C returning to OP = 10 p11
1219	210D recovered - 10 p11 onboard.
1222	210D launched 2POB
1223	SC completed evidence/custody transfer awaiting transfer back to OP
1225	210C recovered - 10 p11 - 20 P11 total
1228	210C launched 2POB
1229	210D returning to OP = 9 p11
1232	210D recovered - 12POB - 9 p11 29 A1 total
1233	210C returning to OP = 10 p11
1235	210D launched 2POB
1237	210 DC ^{CC} recovered - 10 p11 39 total
1240	210 DC ^{CC} launched 2POB
1241	210D returning - 10 p11
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. OP Passage from BROOME to BATHURST
WEDNES Day Date 17/4/2013 Zone I/K

TIME	EVENT
0700	OP Position 14 37.29 S 123 57.26 E Co 055 / 14.2 KTS ENROUTE TO R/V WITH HMAS CHILDERS OFF BATHURST ISLAND.
0750	S47E on watch M. CCU POS: 14° 32.27 S 124° 03.90 E COG 051° SOG 14.4 KT WIND SW @ 5-10 KTS SWELL 7m TEMP 28° BARO 1009 cc 1/8 VIS 8-10 NM TENDERS SECURE, RADARS OPERATIONAL OW TOMMY DLB OFF DUTY
0755	VISUAL + RADAR CHECKS - NTR, ENROUTE TO R/V WITH HMAS CHILDERS OFF BATHURST ISLAND.
0854	CCU POS: 14° 22.56 S 124° 16.24 E COG 052 SOG 14.2 KTS. VISUAL + RADAR CHECKS - NTR.
0953	CCU POS: 14° 13.50 S 124° 27.48 E VISUAL + RADAR CHECKS - NTR.
1050	NEW ETA AT COI/HMAS CHILDERS - 0900 18/7
1054	14° 04.40 S 124° 39.02 E COG 051° SOG 14.2 KTS.
1145	S47E OFF WATCH. M. S47E on watch
1200	Radar & visual check completed NTR, Cardell OW on duty. CCU POS 13° 54.5 S 124° 51.4 E COG 050° SOG 14 KTS.
1245	COMM HMAS CHILDERS, CHILDERS TAKING SELF UNDER TOW AND GOING TO PROCEED TOWARDS
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

ACV. OP Passage from Bloome to BATHURST JVO
THURSD Day Date 18/04/13 Zone UTC +9.5 I/K

TIME	EVENT
0700	CCV Pos 12 33.9S 128 32.3E (0 069/11.9KT HMAS CHILDERS Pos 12 30.15 128 39.9E HELD ON RADAR.
0755	Z10A launched 3xPOB proceeding to Sieu 662.
0756	Z10C launched 3xPOB (INCLUDING DOCTOR) PROCEEDING TO HMAS CHILDERS
0800	S47E on watch am.
0802	Z10C offload Dr to Y93
0803	Sitrep SC - onboard SIEU - currently 7A PII onboard - no immediate health concerns - 5 other PIIs onboard Y93 (pregnant woman)
0805	Sitrep SC - RAN non roll returning on 1st transfer. Confirm feed into crew flight risk. 2 crew - onboard Y93
0810	Z10D returning to OP \approx 10 pII
0812	Z10C returning \approx 10 pII
0813	Z10D recovered 10 pII 10 pII Total
0815	Z10D launched 2 POB
0817	Z10C recovered \approx 10 pII 20 pII Total
0820	Z10C launched 2 POB
0820	Z10D returning \approx 10 pII
0822	Z10D recovered \approx 10 pII 30 pII Total
0825	Z10D launched
0828	Z10C returning \approx 10 pII
0830	Z10C recovered \approx 10 pII 40 pII Total
0831	Z10D launched
0830	Z10D returning 10 pII
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. OP Passage from Broome to Bathurst Isl
Thursday Day Date 18/4/April 2013 Zone UTC +9.5 1K.

TIME	EVENT
2100	launched on 0832
2100	210D recovered 10PII 50 PII Total
0835	210D launched 2POB
0836	210C returning 10PII
0837	210C recovered 10PII 60 PII Total
0839	210C launched 2POB
0840	210D returning 10PII
0842	210D recovered 10PII 70 PII Total
0847	210D launched 3POB - Salter
0852	210C returning 4PII
0853	210C request recovery fuel cradle.
0856	210C recovered 4PII + SC 74 PII Total 210C secured in fuel cradle.
0905	Rx Y93 - RAN preparing for destruction - requesting 200 Aes igniter using incendiary balls.
0906	210D returning 4POB - DR + TSE
0910	210D recovered - standing by.
0911	S47E [redacted] off watch. S47E [redacted] on [redacted]
0930	210D Launched.
1040	BPC called to say we have permission to burn the SIEU & to transport PII 9410 to Y93.
1043	Informed SC of burn & transfer of PII 9410 to Y93. PII from SIEU 657.
1049.	Rx from SC. SIEU is a light all personnel on board. 210D.
1052	210D Recovered: 4POB.
1109	210D Launched. 5POB.
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. Director Passage from A to B
Sunday Day Date 21/07/13 Zone 1/K 19.5

TIME	EVENT
	s 47E ON WATCH.
0745	ON WATCH.
0748	CCV Pos: 12° 12.90 S 126° 12.92 E COG: 091 SOG 9.7 Kt WIND SSW @ 5Kts SWELL 0.5M TEMP 28° BARO 1011 HPA CK 1/8 VIS 10-12 NM TENDED SECURE BOTH RADAR OPERATIONS ON WATCH. DUG OPERATIONS
0752	Visual + Radar Checks - N/A.
0840	RADAR + VISUAL NTR.
0844	RK WITH Z50 CONFIRMING OUR POSITION 12° 12.5 126° 22 E @ 0844.
0901	CCV Pos: 12° 12.67 S 126° 26.88 E COG: 090 SOG: 12.4 Kt Visual + Radar Checks - Z50 Pos 12° 13.13 S 126° 12.85 E
0923	RADAR + VISUAL + CONS WITH Z 70
1013	CCV Pos: 12° 12.72 S 126° 42.12 E COG 091° SOG 12.4 Kt.
11:11	CCV Pos: 12° 12.90 S 126° 54.50 E COG 091° SOG 12.5 Kt.
11:45	s 47E ON WATCH.
1200	CCV POS: 12° 13.0 S 127° 04.6 E COG: 090 SOG: 11.8 Kts WIND: CALM SWELL: < 0.5m TEMP: 29°C BARO: 1011 Hpa CK: 1/8 VIS: 10-12 NM.
13:12	12° 13.24 S 127° 19.77 E - CCV POS 091° - COG 12.3 kts - SOG
1400	RADAR + VISUAL NTR.
1500	RADAR + VISUAL NTR.
REMARKS	ANCHOR BEARINGS
	DRAUGHTS: DEPARTURE & ARRIVAL
	FWD AFT(P) AFT(S)

Contains deletions under FOI

A.C.V. Ocean Protector Passage from AI to DARWIN
 Sun Day Date 21/4/13 Zone I/k + 9.5

TIME	EVENT
1600	CCU POS 12° 13' 49" S 127° 55.57" E COG 090° SOG 12.4k RADAR + VISUAL NTR ACU 250 Passing STB SIDE ON ROUTE TO DARWIN
	22/4/13 OCEAN PROTECTOR
0600	ENTERING DARWIN HARBOUR, Z10D LAUNCHING 4xPOB PROCEEDING TO DNB.
0615	PILOT ONBOARD.
0715	Alongside EAST ARM WHARF.
0730	OFF LOAD OF P11 COMMENCED
0759	ALL P11 CONFIRMED OFF LOAD ON SHORE.
0810	DEPARTED HARBOUR ENROUTE TO R/V WITH HMAS MARY REYNOLD.
0859	Z100 REUNDO S47E
1245	S47E ON WATCH
1250	CCU POS: 12° 05.16 S 130° 09.25 E COG 293° SOG 10.3 Kt WIND NW @ 5 KTS SURF 0.5m TEMP 29° BARS 1004 HPA @ 3/0 TENDERS SECURE, BOTH RADARS OPERATIONAL D-3 OPERATIONAL.
1259	VISUAL + RADAR CHECK: HMAS MARY REYNOLD STB BOW
REMARKS	
ANCHOR BEARINGS	
DRAUGHTS: DEPARTURE & ARRIVAL	
FWD	AFT(P) AFT(S)

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		WEDNESDAY	17 APR 13	1/2 (-9 1/2)
Passage from		Passage to		
AREA 6-5				
Time	Event	Time	Log	Distance run
0001	ODW WO S47E AOW CS PEPPERAL CRSE 330	0100	262964.0	8.9
	SR S PHE SLOW AHEAD, SME S/D AT INFS STRD OA	0200	262964.1	3.0
	O/R PI DA S/D IN AUTO SHIP DARKENED IN OC	0300	262964.2	4.2
	STATE 3 CONDITION VOYAGE CONDUCTING SHADOW	0400	262964.3	4.50
	OPS OF CCOI IN AREA 6-5 180 OF OP	0500	262965.9	4.99
	RESOLUTE.	0600	262966.9	4.5
0001	GPS FIX 12° 24.89 S	0700	262967.0	1.0
	128° 25.13 E	0800	262969.1	7.20
0100	GPS FIX 12° 24.55 S	0900	262969.2	2.05
	128° 23.23 E	1000	262974.0	3.75
0200	GPS FIX 12° 23.51 S	1100	262974.2	2.64
	128° 42.98 E	1200	262974.9	0.14
0300	GPS FIX 12° 25.01 S	1300	262974.9	0.11
	128° 37.12 E	1400		0.31
	WX: b VIS: 7 SIS: 1 SWELL: 0.20 @ 1m Wind: 27 @ 5kts	1500		0.5
	TEMP: 28.5 RH: 71.5 BAR: 1007.8 ↓	1600		0.7
0341	LEFT S47E TOOK THE SHIP S47E	1700		0.8
		1800		0.19
		1900		1.1
0341	ODW: LEFT S47E AOW LEFT S47E Co	2000		1.0
	220 SR S PHE SLOW AHEAD STRD ME S/D	2100		0.7
	AT INFS STRD O/R RPT: OA S/D IN AUTO SHIP	2200		0.6
	DARKENED IN OF STATE 3, COND WAYAGE	2300		0.5
	NAV LIGHTS OFF CONDUCTING SHADOW OF	2400		0.5
	FEET IN AREA 6-5 IN 8.6 HOURS OF OPS			
	PERFORM WITH.			
			Total	49.79
			Previous total	2023.63
			Progressive total	2073.42
			Position	
		Time/	Latitude	Longitude
		From	(N/S)	(E/W)
		0001(Z)		
		0600(Z)		
		0700(Z)	12° 27.02 S	128° 25.45 E
		1200(Z)		
		1800(Z)		
0400	Fix GPS: 12° 28.212 S 128° 33.999 E			
0427	A/CO 260			
0427	Fix GPS: 12° 28.900 S 128° 31.711 E			
0510	Fix GPS: 12° 27.653 S 128° 29.206 E			
0528	A/CO 190			
0528	Fix GPS: 12° 22.158 S 128° 27.804 E			
0605	Fix GPS: 12° 33.522 S 128° 27.314 E			
0620	A/CO 315			
0620	Fix GPS: 12° 33.834 S 128° 27.281 E			
0630	A/CO 190			
0632	Fix GPS: 12° 33.571 S 128° 26.837 E			
0701	Fix GPS: 12° 33.687 S 128° 26.710 E			
0701	WX: b VIS: 7 SIS: 1 SWELL: NIL WIND: NIL			
	QNH: 1009.0 TEMP: 28.2 RH: 72.2			

Contains deletions under FOI

HMAS CHILDERS		Day WEDNESDAY	Date 17 APR 13	Zone IAK(-9 1/2)
Passage from AREA 6.5		Passage to		
Time	Event	Time	Log	Distance run
0712	A/CO 350	0100		
0714	FIX GPS 12° 33.693S 128° 26.756E	0200		
0716	A/SP 12	0300		
0743	POB [REDACTED] S47E TOOK THE [REDACTED] S47E	0400		
		0500		
		0600		
0743	002 PO YACHTS CO 350 SP 12 PRM HALL AREA	0700		
	1050 REV'S SMOKE SHUT DOWN INFS STBD DA	0800		
	0/ PT DAI IN AUTO SHIP IN DC STATE 3 COND	0900		
	WING CONDUCTING SHADOW O/S IN	1000		
	5-7-11 ON SP RESOLUTE	1100		
0800	A/S 5	1200		
0830	12 18.134s	1300		
	28' 28.256E	1400		
0900	FIX GPS 12° 29.401S 128° 29.458E	1500		
0918	A/CO 390	1600		
0928	A/CO 5	1700		
0940	FIX GPS 12° 29.521S 128° 29.503E	1800		
0947	SMOKE OBSERVED ON COOL SHIP WENT TO MASS SOLAR STATIONS ON 5B 02/13 AND 0VES	1900		
	COMMANDING OFFICER TOOK THE CO	2000		
	CO 130 SP 24	2100		
1000	FIX GPS 12° 32.725S 128° 30.680E	2200		
1010	10 18 - BMC (3-4-11)	2300		
1011	LAT MACHILL STBD SEMI-SEAT	2400		
1012	14 POPS OBSERVED JUMPING OVERBOARD FROM VESSEL		Total	
			Previous total	
			Progressive total	
1013	POB RETURNED TO VESSEL		Position	
	LAWRENCE POB SAVED		Time/	
1029	LEFT [REDACTED] S47E TOOK THE CO		From	
1100	FIX 12° 34.507S 128° 31.76E	.0001(Z)	Latitude (NS)	Longitude (EW)
	ENGINE AND READER TO MAINTAIN POSN			
	HOLDING OTHER VSL AT RED US 200 YARDS	0600(Z)		
1030	LEFT [REDACTED] S47E TOOK THE CO			
1038	DOPING PARTY INSERTED TO RENDER ASSISTANCE	1200(Z)		
1044	LEFT [REDACTED] S47E TOOK THE SHIP			
1200	FIX GPS 12° 34.358S	1800(Z)		
	128° 31.639E			
1210	RECOVERED STBD SIB			
1253	LAUNCHED STBD SIB			

Contains deletions under FOI

HMAS CHILDERS		Day WEDNESDAY	Date 17 APR 13	Zone I/K(-95)
Passage from AREA 6-5		Passage to		
Time	Event	Time	Log	Distance run
1253	PT S/B RECOVERED TWO PERSONS FROM THE WATER IN POSITION 12° 35.125 S 128° 33.28 E	0100		
1303	RECOVERED PT S/B EMBARKED 2 POR	0200		
1303	FIX GPS: 12° 34.294 S 128° 31.736 E	0300		
1317	RECOVERED STBD S/B	0400		
1325	ON SEA DUTY MEN FALL OUT FROM MESS DECK STATIONS	0500		
1342	STBD DA S/D IN AUTO	0600		
1400	FIX GPS 12° 33.976 S 128° 31.742 E	0700		
1402	LAUNCHED PT S/B	0800		
1440	CONNECTED TOWLINE TO BOW OF SIEV	0900		
1459	STBD S/B SECURED ALONGSIDE ON STBD	1000		
1500	FIX GPS 12° 33.582 S 128° 31.983 E	1100		
1500	Wx: bc vis 7 561 SWELL NIL WIND 225 @ 2	1200		
	SNH 1008.0 TEMP 31.2 RH 61.8	1300		
1505	BME S/D @ INFS	1400		
1539	LS ^{S47E} [REDACTED] TOOK THE SHIP ^{S47E} [REDACTED]	1500		
		1600		
		1700		
1539	OOD LS ^{S47E} [REDACTED] SHIP STOPPED IN THE WATER BME S/D AT INFS. PORT DA O/L STBD DA S/D IN AUTO SHIP IN DC STATE 3 CONDITION VOYAGE SIEV 662 ATTACHED TO CHILDERS VIA SINGLE LINE FWD.	1800		
1600	FIX GPS 12° 33.140 S 128° 32.541 E	1900		
1700	FIX GPS 12° 32.904 S 128° 33.303 E	2000		
1800	FIX GPS 12° 32.809 S 128° 34.219 E	2100		
1845	LEFT ^{S47E} [REDACTED] TOOK THE SHIP	2200		
		2300		
		2400		
		Total		
		Previous total		
		Progressive total		
		Position		
		Time/From	Latitude (N/S)	Longitude (E/W)
		0001(Z)		
1845	OOD: LEFT ^{S47E} [REDACTED] SHIP STOPPED IN WATER STBD ENGINE RUNNING IN BRIDGE CONTROL. PORT DA O/L S/D AT INFS. PORT DA O/L STBD S/D AND ALTHOUGH IN DC STATE 3 CONDITION VOYAGE. SIEV 662 ATTACHED TO CHILDERS VIA SINGLE LINE FWD.	0600(Z)	12° 33.215 S	128° 32.416 E
		1200(Z)		
		1800(Z)		
1900	FIX: 12° 32.828 S 128° 35.401 E			
1920	RECOVERED STBD SEABOAT. EMBARKED 5 PAX FROM SIEV 662			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		WEDNESDAY	17 APR 13	116(-9)
Passage from		Passage to		
ARCA 6-5				
Time	Event	Time	Log	Distance run
2000	Fix CPS 12° 32.96S 128° 36.60E	0100		
2031	LAUNCHED STBD SEABOAT	0200		
2035	Left [REDACTED] TOOK THE SHIP [REDACTED]	0300		
		0400		
		0500		
2035	OOW LEFT [REDACTED] SHIP STOPPED IN WATER	0600		
	STBD ME RUNNING REMOTE PORT ME SHUT	0700		
	DOWN AT INFL PORT DA ONLOAD STBD	0800		
	DA SHUT DOWN IN AUTO. SHIP IN DC	0900		
	STATE 3 CONDITION VOYAGE CONDUCTING	1000		
	HOLDING OPS OF SIEV 662	1100		
2051	SHUT DOWN SME AT INFL	1200		
2100	Fix CPS 12° 33.05 128° 37.3E	1300		
		1400		
2150	PASSED YANMAR PUMP TO SIEV 662 VIA STBD SEABOAT	1500		
		1600		
2200	Fix CPS 12° 32.9S 128° 37.9E	1700		
		1800		
2215	SECURED STBD SEABOAT STBD SIDE	1900		
2300	Fix CPS 12° 32.7S 128° 38.4E	2000		
	[REDACTED]	2100		
		2200		
		2300		
		2400		
		Total		
		Previous total		
		Progressive total		
Position				
	Time/	Latitude	Longitude	
	From	(N/S)	(E/W)	
	0001(Z)			
	0600(Z)			
	1200(Z)			
	1800(Z)			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	18 APR 13	114L-9 1/2
Passage from		Passage to		
AREA 6-5				
Time	Event	Time	Log	Distance run
0001	00W LEV ^{s47E} SHIP STOPPED IN WATER	0100		0.51
	BME SHUT DOWN AT INES PORT DA ONLOAD	0200		0.6
	STBD DA SHUT DOWN IN AUTO. SHIP DARKENED	0300		0.52
	IN DC STATE 3 CONDITION VOYAGE WITH	0400		0.22
	NAVIGATION LIGHTS AND APT DECK LIGHTS	0500		0.41
	ILLUMINATED SHIP CONDUCTING HOLDING	0600		0.51
	OPERATIONS ON SIEV 662 ISO OPERATION	0700		0.55
	RESOLUTE	0800		0.34
0001	FIX GPS 12°32.35	0900		0.5
	128°38.6E	1000		0.6
0007	CYLD CORRECT BY MOON SIGHT (MOONSET)	1100		0.5
0014	LEV ^{s47E} TOOK THE SHIP ^{s47E}	1200		16.21
		1300		25.30
		1400		25.19
0014	00W LEV ^{s47E} A00W LEV ^{s47E}	1500		24.01
	SHIP STOPPED IN WATER. BME SHUT DOWN	1600		20.40
	AT INES PORT LA O/L STBD DA S/D IN	1700		10.2
	AUTO SHIP DARKENED IN DC STATE 3	1800		
	CONDITION VOYAGE WITH NAVIGATION	1900		
	LIGHTS ILLUMINATED SHIP CONDUCTING	2000		11.70
	HOLDING OPERATIONS ON SIEV 662 ISO	2100		12.55
	OPERATION RESOLUTE	2200		14.6
0015	STBD DA O/L PT DA S/D IN AUTO	2300		18.8
0106	FIX GPS 12°31.7545 128°38.713E	2400	263370.0	18.1
0200	FIX GPS 12°31.2045 128°38.651E		Total	145.07
0300	FIX GPS 12°30.5965 128°38.586E		Previous total	2073.42
0300	Wx: 6 vis 7 SS 1 SWEL 34SE-1 WIND 203@2		Progressive total	2218.44
	QNH 1008.8 TEMP 28.4 RH 74.5 SHIP		Position	2.075.44
	CONTINUES TO CONDUCT HOLDING OPERATIONS	Time/	Latitude	Longitude
	ON SIEV 662 ISO OP RESOLUTE	From	(N/S)	(E/W)
0349	LSBM ^{s47E} TOOK THE SHIP ^{s47E}	0001(Z)		
		0600(Z)		
0349	00W LS ^{s47E} SHIP STOPPED IN WATER	1200(Z)		
	BME S/D AT INES STBD DA O/L PORT			
	DA S/D IN AUTO. SHIP DARKENED IN DC STATE	1800(Z)	12°30.317	128°38.586
	3 CONDITION VOYAGE WITH NAVIGATION LIGHTS		S	E
	ILLUMINATED SHIP CONDUCTING HOLDING			
	OPS ON SIEV 662 ISO OP RESOLUTE			

SP
SP

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	18 APR 2013	1/c (-9 1/2)
Passage from		Passage to		
AREA 6-5				
Time	Event	Time	Log	Distance run
0400	Fix GPS 12° 30.194 S 128° 38.700 E	0100		
0500	Fix GPS 12° 29.997 S 128° 39.046 E	0200		
0557	OCEAN PROTECTOR SIGHTED ON RADAR REPORTED TO CO AND XO.	0300		
		0400		
0600	Fix GPS 12° 29.962 S 128° 39.555 E	0500		
0700	Fix GPS 12° 30.156 S 128° 40.072 E	0600		
0706	NAVIGATION LIGHTS EXTINGUISHED. SURVISE	0700		
0715	WX: bc VIS: 7 S/S: 1 SWELL: NIL WIND: L/V TEMP: 28.7 RH: 73.6 BAROM: 1008.5	0800		
		0900		
0746	STARTED BME IN REMOTE CONTROL	1000		
0749	TRANSFERRED THE CONTROL OF REMOTE AREA BME TO CHILDERS	1100		
		1200		
0800	Fix GPS 12° 30.417 S 128° 40.718 E	1300		
0900	Fix GPS 12° 30.509 S 128° 41.129 E	1400		
0927	LGOT [REDACTED] s47E TOOK THE SHIP [REDACTED] s47E	1500		
		1600		
		1700		
0927	OO-V' LEFT [REDACTED] s47E SHIP STOPPED IN WATER BME STOPPED, RUNNING IN BRIDGE CONTROL. STBD DA OF PORT DA SP IN AUTO. DC STATE 3 COMMAND NO-ACE. CONDUCTING HOLD OF SEV 662 IN AREA 6-5 IN SUPPORT OF OP RESOLUTE.	1800		
		1900		
		2000		
		2100		
		2200		
1000	Fix GPS 12° 30.951 S 128° 41.076 E	2300		
1000	HAND'D CUSTODY OF SEV 662 TO ACV OCEAN PROTECTOR	2400		
			Total	
			Previous total	
1051	RECOVERED SEWAGE SAMPLES EMBARKED 2 PI FROM SEV 657 FROM ACV OCEAN PROTECTOR		Progressive total	
1100	Fix GPS: 12° 30.071 S 128° 41.410 E		Position	
1118	CO 070 SP 20 - COMMENCED TRANSIT TO DAEWIN	Time/From	Latitude (N/S)	Longitude (E/W)
1119	Fix GPS: 12° 31.151 S 128° 41.850 E	0001(Z)	12° 30.661 S	128° 41.316 E
1124	AISP 26			
1130	A/CO 083	0600(Z)		
	Fix GPS: 12° 29.809 S 128° 46.550 E			
	WIND: 116/5KTS SEA: 1 WAVE VIS: 7 SWELL 07.0/1m	1200(Z)		
	PRESSURE 1011.4hPa ↑ 2mb/hr TEMP: 21.9° RH 60.4%			
1153	ROB [REDACTED] s47E TOOK THE SHIP [REDACTED] s47E	1800(Z)		
1153	OO-V' YARWOLD CO 083 BME HALT ANGLES			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	18 APR 13	YK (-95)
Passage from		Passage to		
MREA 6-5		DARWIN		
Time	Event	Time	Log	Distance run
	REVS 1900 STSD DA O/L PT STBY AUTO	0100		
	SHIP IN DC STATE 3 CONDITION VOYAGE	0200		
	CONDUCTING PASSAGE TO DARWIN	0300		
1200	FIX GPS 12° 28.406 S	0400		
	128° 58.353 E	0500		
1230	FIX GPS 12° 26.960 S	0600		
	129° 1.456 E	0700		
1300	FIX GPS 12° 25.418 S	0800		
	129° 24.366 E	0900		
1330	FIX GPS 12° 23.922 S	1000		
	129° 37.224 E	1100		
1400	FIX GPS 12° 22.221 S	1200		
	129° 51.748 E	1300		
1402	A/SP 24	1400		
1500	FIX GPS 12° 19.498 S	1500		
	130° 15.062 E	1600		
1514	A/C 093	1700		
1518	FIX GPS 12° 19.091 S	1800		
	130° 20.040 E	1900		
1530	VISIT LOG: b s/s SWELL 250cm TRIP 31.4	2000		
	WIND: 011 @ 13 WIND 1007.0 RH 55.2	2100		
1539	LS ^{S 47E} [REDACTED] TOOK THE SHIP	2200		
	[REDACTED] ^{S 47E}	2300		
		2400		
1539	OODA LS SAWYER 10 092 SP 23	Total		
	OME 1/2 AHEAD 1800 STSD DA O/L PART	Previous total		
	RD SID IN AUTO SHIP IN DC STATE 3	Progressive total		
	CONDITION VOYAGE CONDUCTING PASSAGE TO	Position		
	MREA 6-5	Time/	Latitude	Longitude
1557	FIX CHARLES PT 158	From	(N/S)	(E/W)
	NPL CHARLES PT 3.08	0001(Z)		
	NPL LEE PT 16.93	0800(Z)	12° 19.091 S	130° 15.062 E
	NPL EAST PT 14.04			
1610	A/CO 140 A/SP 19	1200(Z)		
1621	FIX ^{S 47E} [REDACTED] TOOK THE SHIP	1800(Z)		
	[REDACTED] ^{S 47E}			
1621	OODA: LEUT ^{S 47E} [REDACTED] ADOVA: LEUT ^{S 47E} [REDACTED]			
	CRSE 140 SP 19 OME O/L STSD AND PT DA			

Contains deletions under FOI

HMAS		Day	Date	Zone
CHILDERS		THURSDAY	13 APR 13	I/K (-9 1/2)
Passage from		Passage to		
DARWIN				
Time	Event	Time	Log	Distance run
	SHIP IN DC STATE 3 CONDITION VEHICLE CONDUCTING PASSAGE TO DARWIN	0100		
1622	A/CO	0200		
1625	FIX HOSPITAL 075	0300		
	AERO TWR 098	0400		
	TOWER 92 123	0500		
1647	A/CO 085	0600		
1647	FIX RHE FIRST HILL LIGHT 090	0700		
	COONAWARRA BREAK LT 019	0800		
	RAMP LT 347	0900		
1650	LEFT [REDACTED] TOOK THE COIN	1000		
1658	FIRST LINE	1100		
1659	SHIP IN POSITION AST F2 DNB	1200		
1700	GPs Pos 120° 27 6805 130° 49 304E	1300		
1701	BME S/D LINES	1400		
1703	ASSUME DC STATE 3 CONDITION HARBOUR	1500		
1850	SSD + CABLE PTY CLOSED UP	1600		
1851	FIX APT LEAD DNB 354	1700		
	COONAWARRA BREAK LT 111	1800		
	RAMP LT 030	1900		
1857	BME O/L IN REMOTE CONTROL	2000		
1900	LAST LINE	2100		
1900	COMMENCED DEPARTURE FROM DNB	2200		
1908	A/CO 315	2300		
1908	FIX EMERGENCY PT LT OK	2400		
	COONAWARRA BREAK LT 083			
	TOWER 92 057			
1925	SSD + CABLE PARTI FOLLOWING			
1929	S/D PT DA IN AUTO			
1952	A/CO 010			
1953	FIX NR NIGHT CTF 7.17'			
	NR LEE PT 7.61'			
	NR FIRST PT 6.8'			
2000	Pa [REDACTED] LEAVE THE SHIP			
2000	000700 VARIJONS CO 010 SP13 BOME FIVE	1200(Z)	12' 04	131' 02
	1.5ND 1500 NUTS STBD DA O/L PT IN AUTO	2130(Z)	S	E
	SHIP DARKENED DC STATE 3 COND	1800(Z)		
	VOYAGE NAV LTS ON CONDUCTING PASSAGE TO CAIRNS			
2023	FIX LEE PT E 9.48 NM			

Contains deletions under FOI

Plotting Coordinates of HMAS Childers

Method

The documentation of coordinates in the log book from HMAS *Childers* was written in 'Degrees, Minutes and Seconds' form. I had to convert this to 'Decimal Degrees' in order to plot the location of HMAS *Childers* with the use of certain Internet software.

The software was based on Google Maps, with the following add-ons:

- <http://netvicious.com/gps/>, to convert locations from 'Degrees, Minutes and Seconds' to 'Decimal Degrees'
- <http://www.darrinward.com/lat-long/>, to plot the coordinates.

Conversion of coordinate samples from 'Degrees, Minutes and Seconds' to 'Decimal Degrees'

Coordinates were regularly recorded, including during periods of little movement. I identified a selection of coordinates that would demonstrate the vicinity of HMAS *Childers* for a period before, during and after the interception of SIEV *Lambeth*. My reference is written on a copy of the log book pages.

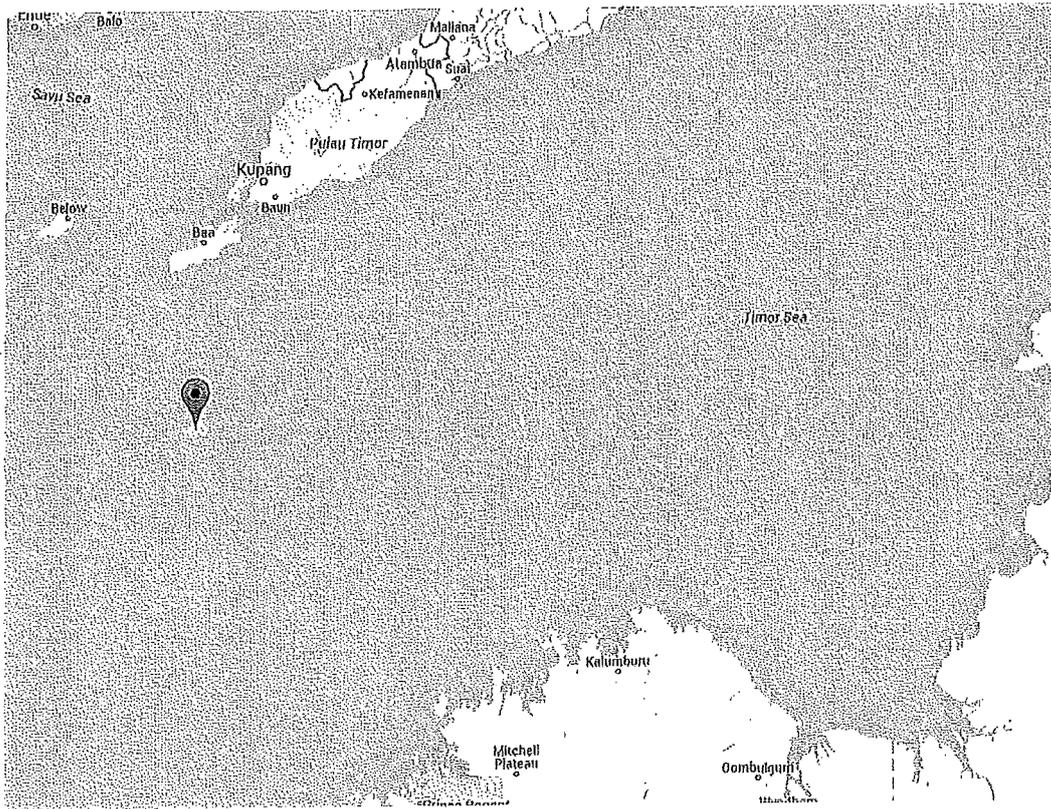
Time	Log Coordinates	Watts Ref	Decimal Coordinates
17 April			
0300	S12 25 01, E128 37 12	4	-12.416944444444444, 128.62
0400	S12 28 212, E128 33 999	5	-12.4702, 128.56665
0620	S12 33 834, E128 27 281	10	-12.5639, 128.45468333333332
0714	S12 33 693, E128 26 756	13	-12.56155, 128.44593333333333
0930	S12 29 521, E128 29 503	16	-12.492016666666666, 128.49171666666666
1200	S12 34 358, E128 31 639	19	-12.572633333333334, 128.52731666666668
1500	S12 33 582, E128 31 983	23	-12.5597, 128.53305
1900	S12 32 828, E128 35 401	27	-12.547133333333333, 128.59001666666666
18 April			
0001	S12 32 3, E128 38 6	32	-12.534166666666665, 128.635
0700	S12 30 156, E128 40 072	39	-12.5026, 128.66786666666667
1119	S12 31 151, E128 41 850	44	-12.519183333333334, 128.6975
1130	S12 29 809, E128 46 550	45	-12.496816666666667, 128.77583333333334
1200	S12 28 406, E128 58 353	46	-12.473433333333332, 128.97255
1230	S12 26 960, E129 11 456	47	-12.449333333333333, 129.19093333333333
1300	S12 25 418, E129 24 366	48	-12.423633333333333, 129.4061
1330	S12 23 922, E129 37 224	49	-12.3987, 129.6204
1400	S12 22 221, E129 51 748	50	-12.37035, 129.86246666666668
1500	S12 19 498, E130 15 062	51	-12.324966666666666, 130.25103333333334
1515	S12 19 091, E130 20 040	52	-12.318183333333333, 130.334

After this point, HMAS *Childers* reached the vicinity of Darwin.

Contains deletions under FOI

Location of Ashmore Reef

Ashmore Reef is located due south of Pulau Rote, at -12.2404778 123.0417056 (marked on the below map).

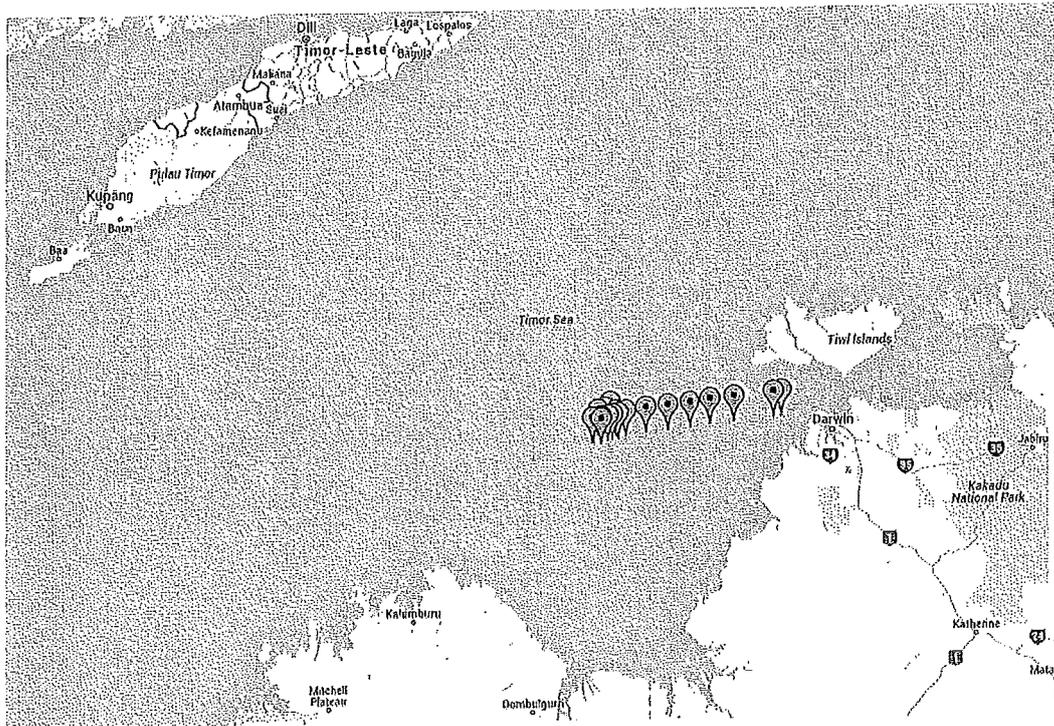


Ashmore Reef was one of several 'excised offshore places' regularly visited by Australian Government vessels, resulting in certain Illegal Maritime Arrivals being considered 'offshore entry persons'.

Contains deletions under FOI

Location of HMAS Childers

The abbreviated plotting of the location of HMAS *Childers* is shown on the below map. It is nowhere near Ashmore Reef (which can be seen as the slightly lighter blue, due south of Pulau Rote).



HMAS *Childers* was on the open sea and according to the log book, for the time period considered, did not visit any location other than Darwin.

Conclusion

HMAS *Childers* did not travel to Ashmore Reef, or any other 'excised offshore place', over the course of 17 – 18 April 2013.

s 47E

Manager, External Accountability Section
Risk and Assurance Branch | Integrity, Security and Assurance Division
Corporate Group

M s 47E

E: s 47E

11 April 2016

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**Investigation into the
processing of asylum seekers
who arrived on *SIEV Lambeth*
in April 2013**

January 2017

Report by the Commonwealth Ombudsman,
Colin Neave AM, under the *Ombudsman Act 1976*

REPORT NO. **01|2017**

Disclosed under FOI

Commonwealth Ombudsman—Department of Immigration and Border Protection; Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

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Commonwealth Ombudsman—Department of Immigration and Border Protection: Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

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Commonwealth Ombudsman—Department of Immigration and Border Protection:
Investigation into the processing of asylum seekers who arrived on *SIEV Lambeth* in
April 2013

Executive summary

This investigation came about because of apparent inconsistencies our office identified in the processing of irregular maritime arrivals (IMAs) by the Department of Immigration and Border Protection (the department) while undertaking the Ombudsman's statutory obligations to report on the circumstances of people held in immigration detention for more than two years.

In assessing the reviews provided by the department under s 486N of the *Migration Act 1958* we noticed that people who were recorded as being detained under s 189(1) of the Act, having been detained on Australia's mainland, were subject to the bar under s 46A of the Act, which applies to offshore arrivals.

Further investigation indicated a number of boats carrying IMAs had arrived between 13 August 2012 and 20 May 2013¹ and these IMAs were all detained on the Australian mainland. In the information provided to our office in the department's s 486N reviews, all of these IMAs were noted as having been detained onshore under s 189(1), however not all were subject to the s 46A bar. This was the apparent inconsistency that came to our attention.

What followed was a prolonged attempt by our office to have this clarified by the department. And while ultimately we were satisfied that the IMAs had been processed correctly, what emerged from this investigation and the multiple requests for information we sent to the department was that there appeared to be no central integrated repository of all the relevant information that pertained to individual IMAs.

This was made starkly evident when we asked for the department to provide our office with legal advice that clarified the issue of whether IMAs from Suspected Illegal Entry Vessel (*SIEV Lambeth*) had been correctly classified as onshore arrivals and made subject to the s 46A bar. This legal advice asserted that they were not offshore entry persons under the Act, but we were later informed that this advice was incorrect.

This raises concerns that all relevant matters were not available to someone authorised to provide legal advice on behalf of the department and that adequate clearance procedures were not in place to prevent what amounted to incorrect advice to be released.

When we did receive the department's response to our investigation we were advised that *SIEV Lambeth's* passengers had been taken by an Australian Customs vessel through the waters of Ashmore Lagoon (which was then a place excised from Australia's migration zone) for the purpose of rendering them as offshore arrivals and thus subject to the s 46A bar and transfer to a Regional Processing Centre. However it appeared this information was not recorded in the department's records for these IMAs and it required the department to undertake an analysis of the ship's log to confirm that this had in fact happened.

¹ Australia's mainland was excised from the migration zone on 20 May 2013

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Commonwealth Ombudsman—Department of Immigration and Border Protection: Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

The Ombudsman makes two recommendations in this report:

Recommendation 1

That the department review the information that was recorded for persons arriving on board SIEV *Lambeth* and identify any shortcomings in the scope and manner of the information recorded and ensure that all relevant information is available to all departmental officers who have a reasonable need for access to it.

Recommendation 2

That the department consider any learnings from this review and apply these to its systems more broadly where appropriate.

Department's response

The department responded to the amended draft report on 6 January 2017. This response is at Attachment A. The department advised of an apparent error in the draft report relating to the interpretation of offshore and onshore arrivals. The report has been amended at paragraph 1.5 to reflect this.

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Commonwealth Ombudsman—Department of Immigration and Border Protection:
Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in
April 2013

PART 1— INTRODUCTION

Background

1.1 This report is the result of an ongoing investigation into aspects of the processing of claims for protection for people who arrived in Australia aboard SIEV *Lambeth* in April 2013.

1.2 In July 2015 the Ombudsman's office identified apparent errors in the assessment of individuals' claims for protection as part of its statutory reporting obligations under s 486 of the *Migration Act 1956* (the Act) to report on the circumstances of people who have been detained for more than two years.

1.3 This office sought information from the department to clarify our understanding of this situation on a number of occasions. Some of the responses to these queries were late, incomplete or contradictory. The department's inability to provide adequate responses to these requests in a timely manner led to the Ombudsman commencing an own motion investigation in December 2015 and made a formal request to the department for information under s 8 of the *Ombudsman Act 1976*.

1.4 There were 22 boats which arrived in Australian waters between 13 August 2012 and 20 May 2013 with 1367 IMAs seeking protection. This investigation has focussed on SIEV *Lambeth*, as a representative example of the entire cohort.

Legislation

1.5 People who arrive in Australia and claim protection are assessed as either onshore (also known as *direct entry*) or offshore arrivals. A person classified as either an offshore or onshore arrival has, regardless of their classification, arrived inside the migration zone. However any unlawful non-citizen who arrives at an excised offshore place (which is still part of and within the migration zone) cannot apply for a visa without the permission of the Minister given verbally.²

1.6 An individual's detention under s 189 of the Act is not directly relevant to their status as offshore entry persons. Detention under section 189(1) or 189(3) is dependent on when and where an individual is detained, that is onshore or offshore.

1.7 There have been a number of changes in recent years to the legislation that applies to people who arrive in Australia by boat and wish to lodge a claim for protection. In August 2012 an Expert Panel recommended, *inter alia*, that regional processing capacity be developed on Nauru and Manus Island to process all unauthorised maritime arrivals.

1.8 This recommendation was accepted by the government and it was subsequently legislated that all people arriving by boat at locations excised from Australia's migration zone from 13 August 2012, including Christmas Island, would be subject to detention and processing of their claims for asylum at a Regional Processing Centre (RPC). At this time, people who arrived by boat on Australia's mainland were regarded as being onshore arrivals.

1.9 In practice, the majority of boats containing asylum seekers have arrived at Christmas Island, either by sailing there directly, or being intercepted by Australian naval or

² This paragraph of the draft report has been amended based on information provided by the department.

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**Commonwealth Ombudsman—Department of Immigration and Border Protection:
Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in
April 2013**

Customs vessels and directed there under escort. In some instances where boats were located at sea and deemed unseaworthy the passengers were transferred to Australian vessels and then taken to Christmas Island or in some instances to the Australian mainland.

1.10 On 20 May 2013, changes to the Act excised the Australian mainland from the migration zone, meaning that anyone arriving on the Australian mainland by boat would be treated as being an offshore entry person.

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Commonwealth Ombudsman—Department of Immigration and Border Protection:
Investigation into the processing of asylum seekers who arrived on *SIEV Lambeth* in
April 2013

PART 2— OMBUDSMAN'S INVESTIGATION

2.1 The Ombudsman is required under s 486O of the Act to report on all persons who have been in immigration detention for two years, and then every six months thereafter until the person is released from detention.

2.2 The Ombudsman undertakes this function using a variety of sources of information, including, for example, reports provided by the department under s 486N of the Act, medical information provided by International Health and Medical Services, details of court or tribunal proceedings, interviews with detainees, and information provided by legal representatives, family members, advocates and other interested parties.

2.3 In July 2015 in exercising its statutory reporting role, this office became aware of apparent inconsistencies in information provided by the department in s 486N reports in relation to certain people who had arrived in Australia by boat and claimed they were owed protection. This was based on our understanding of the relevant legislation, in particular the apparent nexus between the application of s 46A and a person being detained under either s 189(1) or s 189(3) of the Act.

2.4 *SIEV Lambeth* arrived in Australian waters in April 2013. It was our understanding that all of the passengers were transferred to Australian Customs Vessel *Ocean Protector*, and were then taken directly to Darwin. If this were the case they would have been classified as onshore arrivals and not subject to the s 46A bar and transfer to an RPC.

2.5 When we first received s 486N reports from the department for IMAs who had arrived on *SIEV Lambeth* it was noted that some of the passengers were detained onshore under s 189(1), with others detained offshore under s 189(3).

2.6 We first asked the department for information about the individuals who had arrived on *SIEV Lambeth* in September 2015 in an attempt to clarify what appeared to be inconsistencies in the way in which they had been processed when taken into immigration detention.

2.7 Most individuals who arrived on *SIEV Lambeth* were detained under s 189(1) on 22 April 2013 in Darwin. The department provided this office with a copy of legal advice dated 27 August 2015 confirming that these individuals were properly detained as onshore arrivals under s 189(1).

Of particular interest, and relevance to this investigation, in this advice was the statement: *"The intention was to take these individuals to Ashmore Island and then onwards to Christmas Island. However, because of various operational reasons and based on the evidence that you have, the individuals were taken to Darwin instead. I understand that there is no evidence [emphasis added] that the individuals were taken to Ashmore or Christmas Island."*

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Commonwealth Ombudsman—Department of Immigration and Border Protection: Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

2.8 This advice also stated unequivocally that "*Although the 138 individuals entered Australia on 22 April 2013 and became unlawful non-citizens because of that entry, they did not enter at an excised offshore place. Therefore they would not be offshore entry persons under s 5(1) of the Act*".³ This would mean they were not subject to the s 46A bar.

2.9 Two individuals from this boat were detained under s 189(3) as offshore arrivals. We asked the department to explain why these two persons were detained under a different section of the Act from the rest of the passengers and were advised that they had in fact been detained under s 189(1) and that our office had previously been incorrectly advised of their detention under s 189(3).

2.10 At various times between June and September 2015, as advised to the Ombudsman by the department in individual s 486N reports, the passengers detained onshore were referred to the Minister for consideration to lift the bar under s 46A to allow them to lodge a temporary visa. This was the apparent contradiction we identified as our office was of the understanding that s 46A did not apply to those detained onshore.

2.11 On 14 January 2016 our office submitted a number of questions to the department under s 8 of the *Ombudsman Act 1976* to clarify the issues surrounding the arrival and detention of the passengers on SIEV *Lambeth*.

2.12 The department did not provide a response within the agreed 28 days and so based on the information we had at hand, a draft report was prepared and on 31 March 2016 was sent to the department for comment.

2.13 The department responded to the s 8 request on 19 April 2016. This response was the first time our office was made aware of what had actually transpired with the passengers on SIEV *Lambeth*. The department advised that a small number of passengers who required medical treatment were brought directly to Darwin by a naval vessel, HMAS *Childers*. These individuals were not subject to the s 46A bar as they entered the migration zone in Darwin and were classified as 'direct entry arrivals'.

2.14 The remainder of the passengers were transferred to Australian Customs Vessel *Ocean Protector* which then sailed westwards for two days to Ashmore where the ship transited through Ashmore Lagoon. At this time Ashmore and its associated waters were excised from the Australian migration zone. It was this action of transiting the IMAs through Ashmore Lagoon that rendered these IMAs as offshore entry persons. *Ocean Protector* then sailed to Darwin where the IMAs were disembarked and taken into immigration detention.

2.15 Transiting these passengers through Ashmore Lagoon was done for the specific purpose of rendering them offshore arrivals and thus subject to the s 46A bar and transfer to an RPC.

2.16 It is noted that a reason for the delay in the department's response is that it did not have information on hand in its computer systems that was able to confirm that the IMAs were taken to Ashmore. The department had to request copies of the *Ocean Protector's* ship log to verify that the IMA's had been taken to Ashmore.

³ Our office was subsequently advised that this legal advice was incorrect and was based on information that was available to the legal officer at the time the advice was prepared.

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Commonwealth Ombudsman—Department of Immigration and Border Protection: Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

2.17 The department's response clarified a number of points, including that being subject to the s 46A bar depended on a person arriving in Australia at a place excised from the migration zone. Further, their subsequent detention related to the location they were detained, irrespective of where they first entered the migration zone.

2.18 Our office was then satisfied that the passengers from SIEV *Lambeth* had been properly processed, both in terms of being subject to the s 46A bar and in being detained under the correct section of the Act.

2.19 In the draft report, the Ombudsman made two recommendations:

Recommendation 1

That the department undertake a detailed evaluation of all asylum seekers who arrived in Australian waters between 13 August 2012 and 20 May 2013 and were detained on the Australian mainland in Darwin and other locations, to ensure that they were detained under the correct section of the Act and that if they are determined to be onshore arrivals they are assessed as such.

Recommendation 2

For those individuals who have been incorrectly assessed as being subject to the s 46A bar, or incorrectly detained as offshore arrivals, the department should undertake the necessary steps to expedite the processing of their claims for protection, mitigating any consequences of them having been incorrectly detained or improperly assessed as being subject to the s 46A bar.

2.20 In its response to the draft report, the department advised that recommendation 1 was agreed, with the department initiating a review of IMAs on board SIEVs which arrived between 13 August 2012 and 20 May 2013, as an assurance activity to gauge whether all were processed correctly under the Act. The review will assess whether IMAs were correctly assessed as an 'offshore entry person' or a 'direct entry arrival'.

2.21 Recommendation 2 was noted, as based on detailed assessments, the department was yet to identify an individual who has been incorrectly assessed as being subject to the bar imposed by s 46A of the Act, or incorrectly categorised as an offshore entrant.

2.22 The department advised it will notify the Ombudsman if it identifies any processing errors for this cohort of IMAs. Mitigation strategies or remedial actions would be developed in respect of these individuals based on their particular circumstances.

2.23 We subsequently asked the department for further confirmation that transiting persons through Ashmore Lagoon did in fact render them as offshore arrivals. The department provided legal advice that confirmed this is the case, and also explained how the geography of places such as Ashmore and Christmas Island affects the boundaries of the migration zone as it applies to these locations.

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Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in
April 2013

PART 3— CONCLUSIONS AND RECOMMENDATIONS

3.1 When our office first asked questions of the department to clarify these issues we were not able to get a response that provided all the relevant information. Further, had we received the response to our formal investigation in a more timely manner it would have influenced the content of the draft report we provided to the department

3.2 For example, in the response to the first questions we asked about the IMAs on SIEV *Lambeth*, the department made no reference to the fact that they had been transited through Ashmore Lagoon and that this was done to make them offshore arrivals and subject to the s 46A bar and transfer to an RPC.

3.3 We have received no information to date from the department that explains how officers responsible for processing the detention of SIEV *Lambeth's* IMAs knew that they were offshore arrivals because they had been transited through Ashmore Lagoon, yet such information was not available to departmental officers (including legal officers) who were tasked with providing responses to this office's inquiries. In fact it was explicitly stated in the initial legal advice provided to this office that there was no evidence that SIEV *Lambeth's* IMAs were taken to Ashmore.

3.4 While it was initially the view of this office that those persons arriving on board SIEV *Lambeth* had been incorrectly assessed as being subject to the s 46A bar, we now accept that this is not the case, and that by being transited through the waters of Ashmore Lagoon, they were then made offshore arrivals. They were then subsequently detained in Darwin under the correct section of the Act.

3.5 It is acknowledged that since arrivals of IMAs by boat to Australia have at this point in time ceased, and with the excision of the Australian mainland from the migration zone, the circumstances that led to the SIEV *Lambeth* situation are unlikely to be repeated.

3.6 However it is the view of the Ombudsman that such systemic failings in properly recording all relevant data can manifest themselves in other situations and it is the department's responsibility to ensure that its systems and processes are robust and are able to properly support all departmental officers in exercising their duties.

3.7 The Ombudsman makes two recommendations in this report:

Recommendation 1

That the department review the information that was recorded for persons arriving on board SIEV *Lambeth* and identify any shortcomings in the scope and manner of the information recorded and ensure that all relevant information is available to all departmental officers who have a reasonable need for access to it.

Recommendation 2

That the department consider any learnings from this review and apply these to its systems more broadly where appropriate.

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Commonwealth Ombudsman—Department of Immigration and Border Protection:
Investigation into the processing of asylum seekers who arrived on *SIEV Lambeth* in
April 2013

Attachment A

Department's response



DEPUTY SECRETARY

06 January 2017

Mr Colin Neave
Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601

Dear Mr Neave,

Thank you for the opportunity to provide comment on your amended draft own motion report, 'Investigation into the processing of asylum seekers who arrived on the *SIEV Lambeth* in April 2013', which was sent to the Department of Immigration and Border Protection (the Department) on 21 November 2016.

DIBP comments in respect of the Commonwealth Ombudsman draft report
Processing of persons on board SIEV Lambeth

I am pleased the amended draft report recognises that the persons from the *SIEV Lambeth* were properly processed under the *Migration Act 1958* (the Act).

In particular, the Department notes you are satisfied that those persons who arrived in Australia on board the *SIEV Lambeth* and who were subsequently transferred to Darwin in *ACV Ocean Protector* were correctly identified as *offshore entry persons*, that section 46A of the Act applied to these persons, and that section 46A acted to prevent those persons from making a valid visa application.

Incomplete recording in departmental systems

In considering the broader conclusions and recommendations of the report, it is important to note the complex environment in place at the time of the *SIEV Lambeth's* arrival and, more generally, over the period between 13 August 2012 and 20 May 2013.

With the coming into effect of the *Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012* on 18 August 2012 the Department needed to immediately establish a complex operational framework.

For example, the Department faced immense pressure to simultaneously manage the arrival of several thousand asylum seekers arriving by boat, operationalise the logistics for the regional processing centres and manage the immigration detention network in Australia.

In this high-tempo environment, the Department was required to make decisions on complex and high risk matters affecting how and where a person's claims for protection would be considered.

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Commonwealth Ombudsman—Department of Immigration and Border Protection: Investigation into the processing of asylum seekers who arrived on *SIEV Lambeth* in April 2013

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The Department acknowledges the comments contained in the report relating to the imposition of the s 46A bar on persons arriving between 13 August 2012 and 20 May 2013. In particular that there is 'an absence of any central integrated repository of all relevant information that pertained to individual IMAs' and relevant persons not having access to all relevant information.

The Department considers it important to note in this context that at the relevant time multiple agencies including ADF, the then Customs, the Department and others were tasked by Government to respond in cooperation to the issue of asylum seekers arriving unlawfully by boat.

Officers of this Department do not, as a matter of usual practice, have direct access to the operational records, including ships logs, of those agencies which intercepted SIEVs at sea and moved those persons found onboard. Such information was not, as a matter of usual practice, provided to the Department in connection with the transfer into immigration detention of those unlawful non-citizens located onboard SIEVs and was therefore not recorded in departmental IT systems.

Immediate and subsequent remedial action taken by the Department

When you first raised these serious matters in your initial report, the Department established a management initiated review to identify any shortcomings in the processing of persons who arrived by boat between 13 August 2012 and 20 May 2013, including those on *SIEV Lambeth*. The Department engaged the services of an independent external contractor, Ernst and Young, to undertake this review.

Four SIEVs were selected for review, *SIEV Lambeth* and three other vessels randomly chosen by Ernst and Young, as a representative sample of all SIEVs arriving within the relevant time period. The objective of the review was to establish whether persons arriving on these vessels were processed in accordance with the Department's legislative requirements and to identify any gaps or risks in the process undertaken.

The conclusion of the independent review being that the Department dealt with those persons onboard *SIEV Lambeth* consistent with the requirements of the *Migration Act 1958*. That is, those persons were correctly categorised by the Department according to their place of arrival and there were no adverse implications for the *SIEV Lambeth* cohort of persons.

The review is now examining all persons who arrived on vessels over the period 13 August 2012 and 20 May 2013. The Department will use the conclusions of the completed review to identify mitigation strategies and develop remedial measures for any individuals whose outcomes may have been negatively affected by the incorrect application of the s 46A bar.

We are committed to embedding any improvements identified as part of the review and to ensuring corporate knowledge of these matters is retained.

References to excision from the Migration zone

The Department disputes the interpretation in the draft report as to the legal effect of the excising legislation. In this context the Department draws the Ombudsman's attention to paragraphs 1.6 and 1.7 of your draft report.

If the Department has understood them correctly, those paragraphs appear to explain the distinction between an offshore and onshore arrival as turning on whether a person arrives at a location *outside* or *inside* the Migration zone. This is incorrect.

The Department offers that the legal effect of the *Migration Amendment (Excision from Migration Zone) Act 2001*, and similar subsequent amendments, is, despite the use of the term

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Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in
April 2013

- 3 -

'exclusion from the migration zone', not to remove any place or installation from the Migration zone; but rather to prevent arrival in such places by an unlawful non-citizen giving rise to an ability of that unlawful non-citizen to make a valid application for any visa. This is clear from the qualifying words, '*for the purposes of limiting the ability of offshore entry persons to make valid visa applications*' appearing in the Migration Act definition of excised offshore place. Section 46A was inserted into the Migration Act at the same time to give effect to this qualified intent.

In straight forward terms, a person classified as either an offshore or onshore arrival has, regardless of their classification, arrived *inside* the Migration zone. However any unlawful non-citizen who arrives at an excised offshore place (which is still part of and within the Migration zone) cannot apply for a visa without the permission of the Minister given personally.

References to 'Ashmore Island'

The Department draws your attention to the various references to Ashmore Island made in the draft report and notes that such references are incorrect. There is no Ashmore Island within Australia's maritime jurisdiction and as such references to such a place are likely to be legally incorrect.

The geographical area concerned is properly called the Territory of Ashmore and Cartier Islands. 'Ashmore' is a reference to Ashmore reef which encloses East, West and Middle Islands and the Ashmore lagoon.

Departmental comments in respect of the Commonwealth Ombudsman recommendations

The Department's responses to the recommendations are at attachment A.

If you would like to further discuss our response to the amended draft own motion report, please contact Ms Lisa-Ann Howgego, Assistant Secretary, Audit and Assurance Branch, on 02 6264 2022.

Yours sincerely



Janet Connell
Chief Operating Officer
Deputy Secretary, Corporate

6 January 2017

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Commonwealth Ombudsman—Department of Immigration and Border Protection: Investigation into the processing of asylum seekers who arrived on SIEV *Lambeth* in April 2013

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Attachment A: DIBP Response to the Commonwealth Ombudsman recommendations

Recommendation 1

*That the Department review the information that was recorded for persons arriving on board SIEV *Lambeth* and identify any shortcomings in the scope and manner of the information recorded and ensure that all relevant information is available to all departmental officers who have a reasonable need for access to it.*

Department's Response: Agreed

The Department has reviewed the information recorded for persons who arrived on the SIEV *Lambeth* and determined their processing was consistent with the requirements of the *Migration Act 1958*. This review forms part of the review into all persons who arrived by vessel between 13 August 2012 and 20 May 2013. The conclusions of the review will be used to identify mitigation strategies and develop remedial measures for any individuals whose outcomes may have been negatively affected by the incorrect application of the s 46A bar.

Recommendation 2

That the Department consider any learnings from this review and apply these to its systems more broadly where appropriate.

Department's Response: Agreed

The Department is committed to the development of robust systems and processes that support efficient public administration. Any learnings from the review will be used to update or develop Departmental systems and processes.

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MINUTE

File Ref: A423114

November 2016

Colin Neave
Ombudsman

through: Doris Gibb, Acting Deputy Ombudsman

Subject Report to the Department of Immigration and Border Protection on the processing of asylum seekers who arrived on SIEV *Lambeth*

Purpose

To seek your approval for an amended draft report on the office's investigation of the processing of asylum seekers who arrived in Australia on board SIEV *Lambeth*.

Background

1. The office commenced a formal investigation in September 2015 into the processing of asylum seekers who arrived on SIEV *Lambeth* after what appeared to be inconsistencies in the information provided by the department under s 486N.
2. The department did not respond to the request for information by the due date and a draft report was issued based on the information we had at hand.
3. When the department did respond to the s 8 request after the draft report had been provided, it became apparent that our understanding of the relevant legislation was not correct. However it was not until we subsequently received the response to the draft report that we were able to obtain a complete picture of what had transpired with SIEV *Lambeth's* IMAs.

Issues

4. The first draft report was incorrect in that it presumed that the SIEV *Lambeth's* IMAs were incorrectly assessed as being offshore arrivals even though they were detained on Australia's mainland.
5. However the department's response has revealed serious shortcomings in its record keeping with there apparently being no records available to departmental officers that indicated the IMAs were taken by an Australian Customs vessel to Ashmore Island for the purpose of rendering them offshore arrivals and thus subject to the s 46A bar and being subject to transfer to a Regional Processing Centre.
6. The focus of the draft report has now shifted to acknowledge the IMAs were correctly processed but the department's record keeping has been inadequate, resulting in both incorrect and delayed responses to our office, as well as highlighting the reason for the IMAs being taken to Ashmore Island.

Disclosed under FOI

7. It is now intended to send an amended draft report to the department for further comment.

Recommendation

8. It is recommended that you:

- approve the attached amended draft report for sending to the department for comment.

Nathan Cameron
Manager - Immigration Statutory
Reporting Team
IIT

Endorsement
Recommendation(s) APPROVED/ NOT APPROVED

Colin Neave
Ombudsman
November 2016