

Appendix C - INTER-GOVERNMENTAL AGREEMENT ON NATIONAL SEARCH AND RESCUE RESPONSE ARRANGEMENTS

This AGREEMENT is made on the 30th day of June 2004.

BETWEEN

THE COMMONWEALTH OF AUSTRALIA
THE STATE OF NEW SOUTH WALES
THE STATE OF VICTORIA
THE STATE OF QUEENSLAND
THE STATE OF WESTERN AUSTRALIA
THE STATE OF SOUTH AUSTRALIA
THE STATE OF TASMANIA
THE NORTHERN TERRITORY OF AUSTRALIA
THE AUSTRALIAN CAPITAL TERRITORY
(‘The Parties’)

Definitions

‘AMSA’ means the Australian Maritime Safety Authority

‘Australian search and rescue authority’ means the Australian Maritime Safety Authority.

‘Australian Emergency Manual for Land Search Operations’ is the Australian Emergency Manual for Land Search Operations endorsed by the National SAR Council as the standard reference used by search and rescue authorities for land search operations.

‘State and Territory search and rescue authorities’ means the following agencies nominated by each Party to this agreement:

The New South Wales Police by the State of New South Wales;
The Victorian Police by the State of Victoria;
The Queensland Police by the State of Queensland;
The Western Australian Police by the State of Western Australia;
The South Australian Police by the State of South Australia;
The Tasmania Police by the State of Tasmania;
The Northern Territory Police by the Northern Territory;
The Australian Federal Police by the Australian Capital Territory; and
The Australian Federal Police for the territories of Jervis Bay, Christmas Island, Cocos (Keeling) Islands, and Norfolk Island.

‘National SAR Council’ means the National Search and Rescue Council as constituted in accordance with paragraph 4 of this agreement.

‘National Search and Rescue Manual’ means the National Search and Rescue Manual endorsed by the National SAR Council.

‘Vessels’ and ‘craft’ do not include vessels and craft of the Australian Defence Force.

Recitals:

Whereas

- A. The Parties are agreed that there should be a record of the National Search and Rescue Response arrangements for coordination of resources to be used in search and rescue operations and to promote continued cooperation in the provision of search and rescue services between the Australian authority and the State and Territory authorities with responsibility for search and rescue.
- B. The Parties are agreed that this agreement should formally recognise the administrative and funding arrangements underpinning the operation of the National Search and Rescue Response Arrangements to ensure that:
- (i) Australia’s obligations under international conventions and agreements relating to search and rescue are fulfilled;
 - (ii) The national approach to search and rescue coordination under the National Search and Rescue Response Arrangements is continued and strengthened;
 - (iii) The National Search and Rescue Manual is formally recognised as the standard reference for use by the Australian and the State and Territory search and rescue authorities;
 - (iv) The division of responsibility between the Parties is clear in responding to particular types of search and rescue incidents involving persons, vehicles, vessels and aircraft on land and at sea, in accordance with the National Search and Rescue Manual; and
 - (v) Mechanisms are in place to ensure that decision making under the National Search and Rescue Response Arrangements is cooperative and that the Parties obligations under the Arrangement are met.
- C. The Parties are agreed that this agreement should replace the exchange of correspondence in 1977, in which the Commonwealth, States and Territories agreed to the terms for conduct of maritime search and rescue, entitled: *Agreement in relation to Search and Rescue Operations Around the Australian Coast*.
- D. The Parties note that AMSA, established under the *Australian Maritime Safety Authority Act 1990* as a Commonwealth statutory authority, has

legislative responsibility for the provision of a national search and rescue service in a manner consistent with Australia's obligations under the:

- *Convention on International Civil Aviation, 1944* ('Chicago' Convention);
- *International Convention for the Safety of Life at Sea (SOLAS)* (the Safety Convention); and
- *International Convention on Maritime Search and Rescue, 1979* (the SAR Convention)

E. The Parties are agreed that the essential elements of the arrangements for coordination of resources for search and rescue operations are:

- (i) continuation of the National Search and Rescue (SAR) Council as the main coordinating body for Australian search and rescue operations;
- (ii) continuation of the National SAR Council sponsorship of the National Search and Rescue Manual;
- (iii) continuation of the Australian and State and Territory search and rescue authorities following the cooperative arrangements described in the National Search and Rescue Manual; and
- (iv) continuation of the existing division of responsibility between the Commonwealth and the States and Territories for search and rescue in relation to persons, vehicles, vessels and aircraft on land and at sea.

NOW IT IS AGREED BY ALL PARTIES AS FOLLOWS:

OPERATION OF THE AGREEMENT

1. The Agreement will commence on the date it is signed by the Parties representing the Commonwealth, the States and the Territories.
2. The Parties will take such action as is provided for by this Agreement and as is otherwise required to achieve the objectives of the National SAR Response Arrangements in accordance with the roles and responsibilities set out below.

SCOPE

3. This agreement is intended to provide guidance to all signatory Commonwealth, State and Territory agencies.

OPERATION AND FUNCTION OF THE NATIONAL SAR COUNCIL

4. The Parties agree that the National SAR Council will continue to be the national coordinating body for search and rescue operations. The functions of the National SAR Council are to:
 - (i) oversee search and rescue arrangements within Australia's search and rescue regions consistent with the National Search and Rescue Response Arrangements.
 - (ii) sponsor the National SAR Manual detailing agreed search and rescue response and coordination arrangements in Australia.
 - (iii) oversee the ongoing effectiveness of the cooperative arrangements between the search and rescue authorities.
5. Membership of the Council comprises representatives of the Australian search and rescue authority, the State and Territories search and rescue authorities, and representatives from the Australian Defence Force.
6. The National SAR Council is chaired by AMSA as the Australian search and rescue authority and the secretariat for the Council is provided by AMSA.
7. Each member bears its own costs and expenses incurred in the course of Council business.
8. The Council meets at least annually and may conduct its business out of session, providing a record is agreed between members affirming the decisions made out of session. Meetings may be held by teleconference or videoconference. Notice of meetings and agendas will be given at least one week in advance, unless otherwise agreed by the members. Meetings will not be held unless a majority of members are able to attend.
9. The Parties will encourage the representatives from their search and rescue authorities to provide a whole-of-government perspective and not just the views of their respective agencies.

AUSTRALIAN SEARCH AND RESCUE AUTHORITY

10. The Australian search and rescue authority will continue to have primary responsibility for coordinating search and rescue operations for:
 - (i) international civil aircraft, manned space vehicles, and aircraft on the Civil Aviation Safety Authority (CASA) and Australian Ultralight Federation (AUF) registers; and
 - (ii) persons on or from a ship other than a pleasure craft or fishing vessel in distress at sea.

11. The Australian search and rescue authority will be responsible for any liaison with international search and rescue authorities that may be required in response to a search and rescue operation.

STATE AND TERRITORY SEARCH AND RESCUE AUTHORITIES

12. The States and Territories search and rescue authorities will continue to have primary responsibility for coordinating search and rescue operations for:
 - (i) persons and vehicles on land;
 - (ii) persons and vessels on inland waterways and in waters within the limits of the ports of the relevant State or Territory and for fishing vessels and pleasure craft within a port or at sea;
 - (iii) aircraft not included in the CASA and AUF registers including ultralights, para-gliders, hang-gliders, and gyrocopters; and
 - (iv) land searches for missing registered civil aircraft in support of the national search and rescue authority.
13. The State and Territory search and rescue authorities will coordinate volunteer rescue organisations within their respective jurisdictions.

COOPERATIVE ARRANGEMENTS

14. The search and rescue authority first becoming aware of a search and rescue incident shall take all necessary action until responsibility can be handed over to the relevant search and rescue authority under clauses 10 and 12 of this agreement.
15. When a number of authorities contribute to a search and rescue operation, one search and rescue authority will have overall coordination responsibility and the others will act in support in accordance with the procedures established by the National SAR Manual.
16. If an aviation or maritime search and rescue operation for which a State or Territory search and rescue authority is primarily responsible over-reaches that authority's capabilities, overall coordination may by mutual consent be transferred to the Australian search and rescue authority in accordance with the procedures established by the National SAR Manual. No SAR authority will unreasonably refuse the transfer of overall coordination.

RESOURCES AND FUNDING

17. The Australian and the State and Territory search and rescue authorities shall each provide, without charge unless otherwise agreed, such

assistance or facilities as reasonably may be requested by the authority with primary responsibility for coordinating the search and rescue operation.

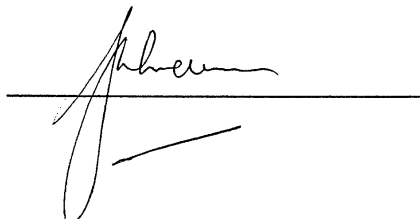
18. A search and rescue authority that hires or requisitions privately owned facilities for a search and rescue operation shall, unless otherwise agreed between the authorities, bear any costs of hiring or payment of compensation for such requisitioning.
19. The costs of a search and rescue response to an activated distress beacon will be borne by the search and rescue authority that tasks the search and rescue facility.

AMENDMENT AND TERMINATION

20. The Parties to this Agreement may at any time review this Agreement and, if they unanimously decide to terminate it, do all that is practicable to terminate it.
21. The Parties to this Agreement may at any time decide unanimously to modify this Agreement and will take all practical steps to give effect to their decision by executing a replacement Agreement.

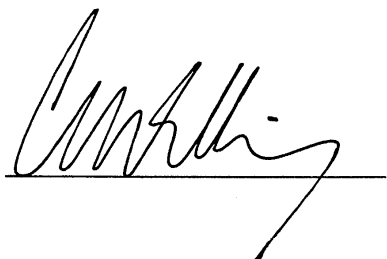
SIGNED by

The Honourable JOHN ANDERSON, MP
Minister for Transport and Regional Services for the Commonwealth of Australia



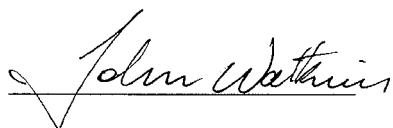
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Senator the Honourable CHRIS ELLISON
Minister for Justice and Customs for the Commonwealth of Australia.



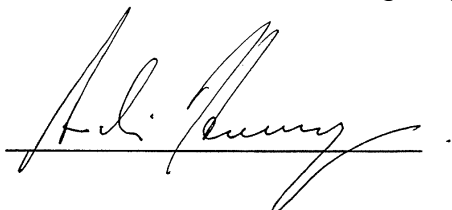
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The Honourable JOHN WATKINS, MP
Minister for Police of the State of New South Wales.



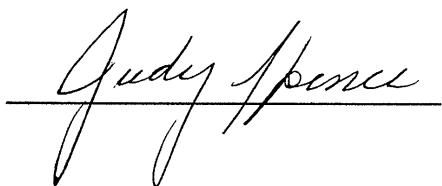
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The Honourable ANDRE HAERMEYER MP
Minister for Police and Emergency Services of the State of Victoria.



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The Honourable JUDY SPENCE MP
Minister for Police and Corrective Services of the State of Queensland.



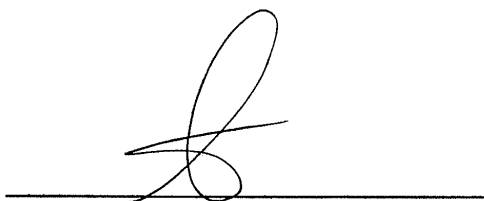
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The Honourable MICHELLE ROBERTS MLA
Minister for Police and Emergency Services of the State of Western
Australia.



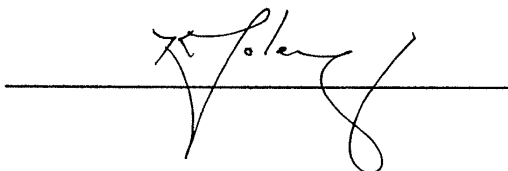
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The Honourable DAVID LLEWELLYN, MHA
Minister for Police and Public Safety of the State of Tasmania.



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The Honourable KEVIN FOLEY, MHA
Deputy Premier and Minister for Police and Emergency Service of
the State of South Australia.



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The Honourable PAUL HENDERSON, MLA
Minister for Police, Fire and Emergency Services of the Northern
Territory of Australia.



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Mr BILL WOOD MLA
Minister for Police and Emergency Services of the Australian Capital
Territory.

B Wood
