



Australian Government

Australian Maritime Safety Authority

Bilateral SAR Agreements

**What they are, what they're not
and why they are important**

&

**a SAR Inspectorate
an Australian perspective.**



Summary of Presentation

Bilateral SAR Agreements

- Why are they important?
- What is their purpose?
- What are the perceived '*blockers*'?

SAR Inspectorate

- USOAP –CMA – the PQs
- The realities & options
- Australia's proposal



Bilateral SAR Agreements

Why are they important?

The Global Concept

Both ICAO and IMO coordinate, on global basis, member States' efforts to provide SAR services.

“The goal of ICAO and IMO is to provide an effective world-wide system, so that wherever people sail or fly, SAR services will be available if needed.”

(1.6.1 IAMSAR Manual Vol 1)



Bilateral SAR Agreements

So what are they ?

- The establishment of regional SAR systems is typically based on the development of bilateral agreements between states that support regional cooperation and coordination of a SAR response.
- Developed to suit the desires and needs of the States or administrations involved.

There are many names.....

- Agreements
- Memorandum of Understanding '*MOU*'
- SAR Arrangements

But no matter what they are called their purpose is to.....



Bilateral SAR Agreements

- Develop cooperation and coordination between two states to prosecute a SAR response.
- Provide the building blocks to support regional systems to cooperatively provide for SAR services in a specific geographic area.

Some advantages:

- Avoid duplication of effort reducing costs
- Effective use of available regional SAR resources
- Delineation of state responsibilities
- Facilitation of efficient communications
- Access to more extensive and affordable training



Bilateral SAR Agreements

They might include:

- Description of the relationship between the parties.
- What the responsibilities of each party are.
- Most effective and efficient points of contact.
- How parties deal with communications – internal and external.
- Opportunities for training.
- Information sharing about resources – personnel, equipment and facilities.
- Financial considerations.

But whatever is included, the primary operational benefit is a reduction in response time during a SAR incident

AND



Bilateral SAR Agreements

In search and rescue

Shorter response times can mean lives saved





Bilateral SAR Agreements

What they don't do...

- Create legal relationships between parties.
- Infringe on the sovereignty of a state.
- Provide a rigid or unyielding framework that cannot be easily amended as circumstances change.
- Restrict a party's ability to withdraw from the arrangement.



Bilateral SAR Agreements

What are some of the drivers for neighbouring states to have them ?

- **ICAO Compliance** - An analysis undertaken in June 2015 of 35 Asia Pacific States showed an effective implementation of only 23% for SAR coordination with neighbouring states.
- **Resource management** - Considering that many of the Asia/Pacific States have the challenging responsibility for providing a SAR service over vast and remote areas, including three of the world's five oceans, the importance for States with oceanic SAR responsibility to cooperate, collaborate with their neighbouring and regional/sub-regional RCCs is essential.

(3.4 Asia Pacific SAR Plan)

- **Barriers to the implementation of the Asia Pacific SAR Plan** -
Absence of bilateral/multi-lateral/international SAR Agreements

(6.10(f) Asia Pacific SAR Plan)



Administration	Afghanistan	Australia	Bangladesh	Bhutan	Brunei	Cambodia	China	Hong Kong	Macao	Cook Islands	DPR Korea	Fiji	French Polynesia	India	Indonesia	Japan	Kiribati	Lao PDR	Malaysia	Maldives	Marshall Is	Micronesia	Mongolia	Myanmar	Nauru	Nepal	New Caledonia	New Zealand	Niue (NZ)	Pakistan	Palau	PNG	Philippines	ROK	Samoa	Singapore	Solomon Is	Sri Lanka	Thailand	Timor Leste	Tonga	Vanuatu	Viet Nam	USA	
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Note: has LOA with Russian Federation



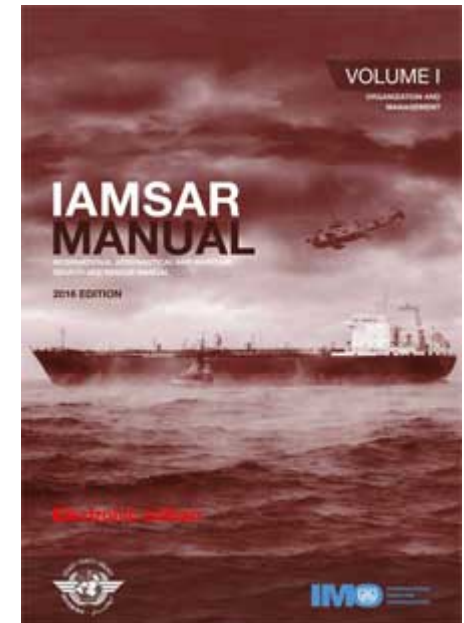
Bilateral SAR Agreements

IAMSAR Template – SAR Agreement Volume 1 – Appendix 1

It's a starting point but remember what's important.....

Establish the parties position with respect to a set of particular circumstances with the goal to support an efficient and effective SAR operational response.

- **Resource identification**
- **Communication**
- **Cooperation**





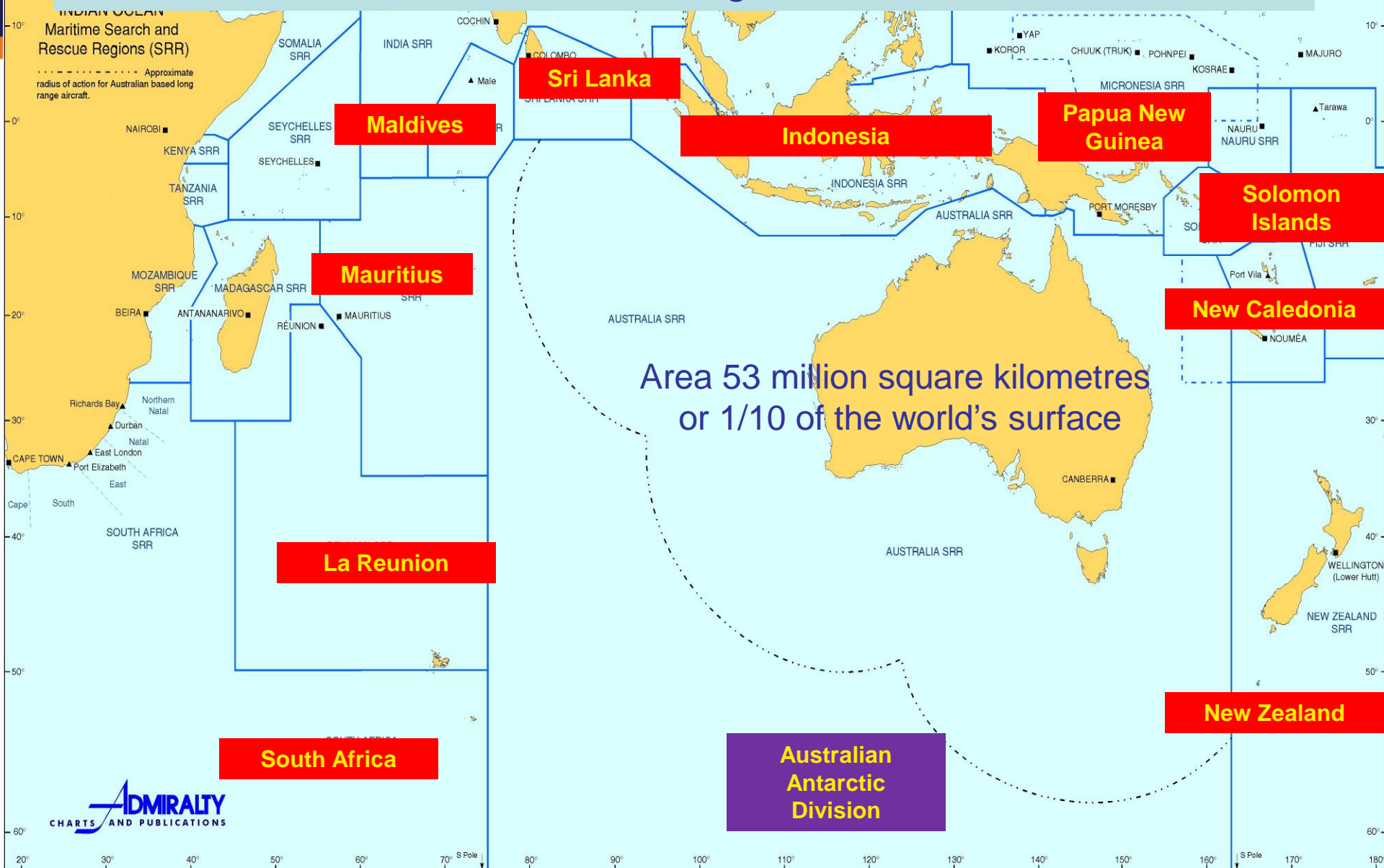
Bilateral SAR Agreements



A view from Down under

Australia's experience is that strong, settled bilateral agreements between states, underpin regional cooperation and coordination of an effective and efficient SAR response, a fundamental outcome of the Asia Pacific SAR Plan.

Australia and surrounding Search and Rescue Regions Bilateral SAR agreements





Bilateral SAR Agreements

In summary.....

We know what they are and why they are important.

We know what they are not and in doing so have addressed some of the mythical '*blockers*'.

What else then is stopping their progress?





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Questions?

SAR Inspectorate

Of the 33 PQs that relate to SAR, 11 PQs relate to the provision and functions of a ‘*SAR Inspectorate*’.

The fundamental requirement....

To demonstrate a clear delineation between the functions of the SAR service and the governance oversight of that SAR service and its compliance with Annex 12.

The Asia Pacific problem.....

USOAP - An analysis undertaken in June 2015 of 35 Asia Pacific States showed an effective implementation of only 29% for effective SAR oversight

SAR Inspectorate

The realities

PQ results are difficult to reconcile with the reality of challenges faced by many States:

- State resources are finite.
- A priority is to provide SAR services.
- Imposing a '*SAR Inspectorate*' could reduce specialist SAR staff resources from States that may be struggling to provide enough personnel for the provision of SAR services.

The PQs intimate that SAR inspectors needed to be SAR experts, but do they really ?

SAR Inspectorate

For Australia currently

AMSA the SAR service provider has discharged the SAR Inspectorate requirement by:

- Quality management internal/ external audits; and
- Oversight by JRCC Chief group and our SAR School.

However the functions of the SAR Inspectorate are within the day to day management of our SAR operational delivery unit.

SAR Inspectorate

With a view to continually improving AMSA's governance framework.

Any change in approach needs to demonstrate objectivity, transparency and impartiality in the assessment of our SAR service to meet our obligations for:

- Changes to current civil aviation regulatory framework which will regulate SAR operations;
- Australia's current and ongoing obligations under Annex 12 of the Chicago Convention which are audited by ICAO through the USOAP-CMA program; and
- As AMSA operates a JRCC, any future audit obligations that may arise for Australian Maritime SAR.

SAR Inspectorate

The Challenge.....

The *Australian Maritime Safety Authority Act 1990* requires that a SAR service is provided consistent with Australia's international convention obligations.

There are no expressed provisions in Australian legislation that provide for a SAR oversight function or 'SAR *Inspectorate*'.

But fundamentally

A 'SAR *Inspectorate*' delivers AMSA a 'value add tool' in auditing the way AMSA provides its SAR service against settled benchmarking.

SAR Inspectorate

The Options

1) Maintain the current approach of the SAR inspectorate being within the SAR operations unit.

The issue with this current approach is that there is no clear delineation between the functions of the SAR service and the governance oversight of that SAR service.

SAR Inspectorate

2) Internal to AMSA sitting outside SAR Operations

Challenge for any internal '*SAR Inspectorate*' is to clearly demonstrate an '*at arms-length*' structure to underpin the credibility of any assessment of the SAR service made by the unit as fair and objective.

SAR Inspectorate

Currently SAR within AMSA, but outside of the SAR operational unit there is a team which:

- Is focused on industry, national and international developments in search and rescue.
- Provides strategic advice on policy settings and standards related to maritime and aeronautical search and rescue.
- Takes the lead role for the management, development and implementation of AMSA's SAR arrangements to support the ongoing delivery of the SAR service for Australia.

The addition of the role of '*SAR Inspectorate*' to these functions has synergy with the lead coordinating role this team has in the development of a strategy for a broader risk management policy for AMSA as a SAR service provider.

SAR Inspectorate

3) Inspectorate of SAR Services external to AMSA

The benefits of an external '*SAR Inspectorate*' are:

- provides clear delineation between the safety oversight function and the provision of the SAR service.
- easier to demonstrate the transparency, objectiveness and credibility of any assessment made on the provision of the SAR service.

The issue:

- Requires additional staff, resources, and potentially legislative authority, to facilitate a separate '*SAR Inspectorate*'.

SAR Inspectorate

Identified approaches to the external provision of a SAR Inspectorate are:

- Australia's civil aviation authority (CASA).
- The Department as the responsible authority for annex 12.
- A private audit organisation.
- A '*Government Inspectorate Team*' made up of members from CASA, AsA, Department and AMSA who will rotate through all agencies providing broader '*Inspectorate*' services (noting that there are broader '*Inspectorate*' PQ requirements within USOAP).
- Developing a reciprocal oversight service with another state such as New Zealand through Maritime New Zealand (MNZ).

SAR Inspectorate

In summary the general issues for an external '*SAR Inspectorate*' are:

- There is a lack of legislation in this area including detailed regulations.
- Absence of any clear legislative responsibility for the provision of a '*SAR Inspectorate*'.
- Fiscal capacity to take on the responsibility of a '*SAR Inspectorate*' or providing additional resources to establish a '*Government Inspectorate Team*'.
- Significant doubt that there is the requisite SAR knowledge and experience held in a private audit organisation.

SAR Inspectorate

A neighbouring state external '*SAR Inspectorate*' - such as New Zealand through MNZ approach.

There are a number of considerations that do not support this approach:

- AMSA would still need to allocate resources to facilitate a '*SAR Inspectorate*' potentially similar to that which would be for an '*Internal to AMSA outside of SAR Operations*' approach.
- As a consequence of cost and geography, the frequency of the oversight functions would only be delivered in short intensive '*bursts*'.
- Differences in approaches of states to the provision of a SAR service may introduce subjectivity into an assessment of the SAR service provider.



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Questions ?