

SAR 9



Pacific
Community
Communauté
du Pacifique



Australian Government
Australian Maritime Safety Authority



INTERNATIONAL
MARITIME
ORGANIZATION

SPC's SAR-related legal support to Pacific Island countries

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A) Objective

- Inform meeting about legal/policy assistance that the SPC offers to PICs to implement their international maritime obligations including SAR-related matters.
- **PIMLaws** template of a bill on maritime SAR
- **Legal drafting** assistance provided so far
- **Possible** assistance in future.

B) Why need a law on SAR?

Reason # 1) – Domestication of treaty obligations

- *International treaties*, such as the SAR convention, do not have force of law in domestic legal systems unless given legal force by domestic laws (“domestication”).
- *International Aeronautical and Maritime Search and Rescue Manual* explicitly requires “Every State (to) have in place statutes and related provisions that establish a legal foundation for establishing a SAR organisation and its resources, policies and procedures.” (1.3.4)

B) Why need a law on SAR?

Reason # 2) – Strategic Plan 2021 - 2026

- ***Pillar 1 of effective SAR system = Responsible SAR Governance***
- ***First success measure*** = PICTs have underpinning legislation for SAR response capability



C) Template of bill on SAR

- SPC developed a resource, template for Bill on SAR,
Maritime Search and Rescue Bill 2017
- “**PIM**Laws” = templates of bills for Acts, regulations and standards on maritime topics that Pacific Community (SPC) has developed and disseminated to PICs since 2002.

Principles and assumptions on draft texts (x 4)

1. **Domesticates** *International Convention on Maritime Search and Rescue*, 1979 (SAR Convention) which has about 105 Contracting States incl. 12 of our Members (Australia, Cook Islands, France, Kiribati, New Zealand, Niue, Papua New Guinea, Palau, Samoa, Tonga, Vanuatu & USA).
- Also refers to **SOLAS Convention** because of Chapter 5, Regulation 7

Principles and assumptions

- 2. *Dedicated to MARITIME SAR***, because most of our Members work mainly or exclusively in this space.
- Where required, we can tailor bills for individual PICs to cover other areas such as **aeronautical SAR** & other land-based rescue operations.

Principles and assumptions

3. *Pitched* at level of states that have or have the ability to set up a robust **SAR system** - but can be tailored to suit states whose needs may be more minimalistic.

4. *Addresses the four (4) basics of SAR services:*

- a) SAR organisation or institutional framework;
- b) Resources;
- c) Policies; &
- d) Procedures.

Contents of Bill

- Relatively short bill with 26 sections set out in 6 x Parts.
- **PART 1 – PRELIMINARY**
 - 1. *Short title and commencement*
 - 2. *Application* (incorporates by reference the SAR Convention)
 - 3. *Interpretation*
 - 4. *Objectives of the Act*

Contents of Bill

- **PART 2 – ESTABLISHMENT OF THE MARITIME SEARCH AND RESCUE COUNCIL**

- 5. *Establishment of the Council*
- 6. *Functions of the Council*
- 7. *Powers of the Council*
- 8. *Meetings of the Council*
- 9. *Report*
- 10. *Secretariat*

Summary: creates a multi-agency, high-level policy making body, defines its functions, powers, meetings, reports, Secretariat, etc
[**Organisation & Policies**]

Contents of Bill

- **PART 3 –SAR COORDINATION AND SERVICES**

- 11. *Director SAR*
- 12. *Maritime Search and Rescue Region*
- 13. *Maritime Rescue Coordination Centre*
- 14. *Functions of the MRCC*
- 15. *Maritime Search and Rescue Manual*

Summary: creates main organs and defines functions of main organs of the SAR system being the Director SAR, MRCC, SAR Coordinator and MSAR Manual. [Organisation & Procedures]

Contents of Bill

- **PART 4 – ADMINISTRATION**

- 16. *Budget*
- 17. *Requisitioning of aircraft and ships*
- 18. *Recovery of certain expenses*
- 19. *Reporting of aircraft or ships in distress*
- 20. *Cooperation with other Rescue Coordination Centres*

Summary: provides for budgetary support, requisition of private aircraft and ships to assist, recovery of certain expenses and cooperation with other domestic SAR agencies. [**Resources & Procedures**]

Contents of Bill

- **PART 5 – OFFENCES**

- 21. *Refusal to cooperate with a request to requisition an aircraft or ship*
- 22. *Obstruction and hoax*

Summary: the main objective of this Act is to facilitate SAR and not to penalize people.

[Procedures]

Contents of Bill

- **PART 6 – MISCELLANEOUS**

- 23. *Exemption from liability*
- 24. *Regulations*
- 25. *Repeal*
- 26. *Transitional provisions*

Summary: creates immunity for those who are involved in carrying out SAR operations and states ending clauses .

[Procedures]

D) Legal Drafting assistance to PICs

- **Since 2017** SPC has provided legal drafting support on SAR-related bills to-
 - **Fiji, Kiribati, Niue, PNG & Tuvalu.**
- **Presently** SPC does not have funds to cater for in-country travels to consult and obtain drafting instructions. But we can still assist by disseminating the template, review laws, obtain instructions and develop draft bills by virtual means.

E) Recommendations: the meeting is invited to-

1. **Note** that SPC has the capability to assist PICs to improve their SAR legal frameworks and governance systems; &
2. **Request** SAR development partners to provide financial resources to SPC to assist PICs effectively implement Pillar 1 of the *SAR Strategic Plan 2022-2026*.

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Tenkyu tumas
&
QUESTIONS