

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 21 June 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(FOCS/036) – Inquiry into Flag of Convenience Shipping - The Pong Su -

Asked:

CHAIR: That is good because it takes me to—I know it is 14 years ago—2003, the infamous Pong Su. Would you be aware of the Pong Su?

Mr Murray: Yes.

CHAIR: That is great. I have no idea so you could tell me. It was found to be smuggling heroin. Do we know what flag that was flying at the time of its arrest?

Mr Murray: I am not sure what flag it was flying but it had a linkage to one of those countries identified earlier.

CHAIR: So do we know if the flag's state helped in the subsequent legal case? I know it was 14 years ago.

Mr Murray: I need to understand that context when you say 'helped the legal case'.

CHAIR: As in paid any of the defence. For the ones who were being charged, was there any financial support?

Mr Murray: It was a civil prosecution by the Australian Federal Police with the support of the joint—

CHAIR: You should know who the lawyers were for the skipper and everybody else.

Mr Murray: Perhaps we would need to go back to the Commonwealth DPP for the prosecution. That would be a matter for the Australian Federal Police; they had primacy for the investigation and prosecution. It was successful. As to whether a state actor was contributing to defence, the AFP may have some detail about that.

CHAIR: How close were you to it?

Mr Murray: I was based in Latin America during that period. I have a broad level of awareness. It was a significant event.

CHAIR: I want to know if there was a possibility there was a North Korean government official on board at the time.

Mr Murray: I do not have a recollection. I think there was a lot of speculation at the time in the media. I am not sure whether we should add to that speculation.

CHAIR: If it is on the record, it will be there and you will be able to satisfy me.

Mr Murray: Would you like us to take that on notice?

CHAIR: Yes.

Mr Murray: We may need to seek the assistance of the Australian Federal Police and the Commonwealth DPP.

Answer:

The details of the lawyers and counsel representing the 30 crew are contained within the public records of proceedings which may be accessed at:

www.austlii.edu.au/au/vic

The Department holds records indicating that Mr Choi Dong Song was represented by Ellinghaus & Lindner Solicitors, then located in Carlton Victoria. Departmental records do not indicate how or under what circumstances legal representation was funded.

In regards to the vessel's Flag, the vessel was flagged to the Pacific State of Tuvalu. The Department has no record of the Pacific State of Tuvalu providing any representation during court proceedings.

Further questions should be directed to the Australian Federal Police.