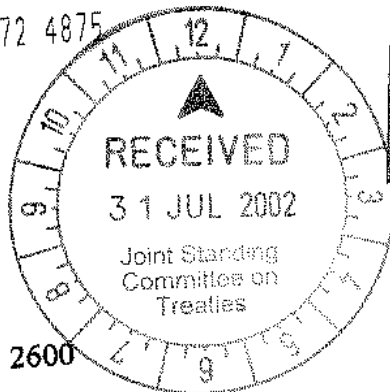




Department of
AGRICULTURE
FISHERIES &
FORESTRY -
AUSTRALIA



Mr Robert Morris
Treaties Secretariat
Suite R1-109
Parliament House
CANBERRA ACT 2600



TREATIES TABLED 18+25 JUNE '02

Submission No: 3

Dear Mr Morris

I am writing in response to concerns raised by the West Australian (WA) Government over certain elements of the *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas* (the FAO Compliance Agreement).

I understand that these concerns were provided to the Joint Standing Committee on Treaties (JSCOT) in mid July 2002 and have since be forwarded to the Australian Fisheries Management Authority (AFMA) and my own branch for comment. I will be answering on behalf of both AFMA and AFFA.

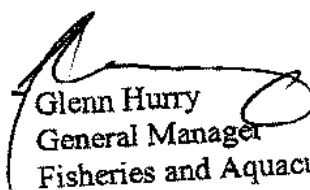
In its submission to JSCOT, WA identifies a number of concerns over the effect of the Agreement on a "foreign flagged" fishing vessel operating under either charter or joint venture arrangements. In particular, WA notes that due consideration needs to be given to the flag status of such vessels before any chartering/joint venture arrangements are entered into.

Whilst appreciating the validity of the issues raised by WA, I think it is important to note that these matters can be dealt with as part of the implementation of the auspices of the *United Nations Fish Stocks and Highly Migratory Fish Stocks Agreement*, (which was ratified by Australia in December 2001). Additionally, some of these issues are covered by the International Plan of Action (IPOA) on combating Illegal, Unreported and Unregulated (IUU) fishing.

Whilst the FAO Compliance Agreement does not specifically spell out how to deal with flag state responsibilities in the circumstances discussed, Australian authorities are well aware of the issues involved. The principles embodied in the proposed Agreement are consistent with those contained in other Agreements and international guidelines.

I understand that in light of these points, WA does not have any concerns with the FAO Compliance Agreement going ahead.

Yours sincerely


Glenn Hurry
General Manager
Fisheries and Aquaculture Branch
20 July 2002

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