

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 7

Senator Birmingham asked the following question at the hearing on 29 May 2013:

Senator BIRMINGHAM: Can I just ask the department, is it correct that you have lodged an application under the Environment Protection (Sea Dumping) Act 1981 for permission to sink vessels?

...

Rear Adm. Johnston: The answer to your question is: yes, Customs and Border Protection, with AFMA, have lodged a submission for a dumping permit through to SEWPaC—that is correct.

...

Senator BIRMINGHAM: When did the previous permit expire?

Rear Adm. Johnston: It was a Coastwatch approval in around 2005, but I would need to confirm that.

Senator BIRMINGHAM: That is a long period of expiration, if it was around 2005 through to lodging a new application for a permit on 11 February this year. Why was there this eight-year hiatus that the department was sinking hundreds of vessels without having a sea dumping permit?

Rear Adm. Johnston: I cannot answer that. I would need to take that on notice.

The answer to the honourable senator's question is as follows:

The Australian Customs and Border Protection Service (ACBPS) through Border Protection Command (BPC), lawfully has the power to destroy a vessel under section 185B (3) and (4) of the *Customs Act*. While the *Customs Act* does not specify how the vessel dumping should occur, BPC makes every attempt to dispose of vessels in accordance with obligations identified under both domestic legislation and international obligations.

The lawful destruction and dumping of vessels at sea by BPC does not require a permit. The Australian Fisheries Management Authority (AFMA), in consultation with BPC lodged a joint application for a sea dumping permit on 11 February 2013 to allow for greater environmental compliance, to broaden the areas where the destruction of vessels may occur with Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) supervision, and to allow for greater environmental transparency.