

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
DIRECTOR OF PUBLIC PROSECUTIONS

**Question No. 152**

**Senator Ludwig asked the following question at the hearing on 31 October 2005:**

- a) Of the Indonesian fishing vessels apprehended by Customs, are you able to indicate in how many instances charges have been pressed against the operators?
- b) In what circumstances are charges brought, and in what circumstances are charges not brought?
- c) Of those charged, could you provide an outline of the charges brought against them?
- d) Do they include any charges for people-smuggling? If so, provide details on:
  - (i) How many charges?
  - (ii) Against whom they have been brought?
  - (iii) Whether any convictions have been recorded?

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

- (a) Prosecutions relate to persons on apprehended fishing vessels. Inquiries have indicated that in one matter, involving a fishing vessel apprehended by a Navy vessel, charges were brought against a part-owner of the vessel who was on the fishing vessel.
- (b) Prosecution decisions are based on the available evidence.
- (c) For (a) the person was charged with offences against the Fisheries Management Act 1991 of (i) using a foreign boat for commercial fishing (ii) having in his charge a foreign boat equipped with floats, longlines, and other equipment for fishing.
- (d) No.