

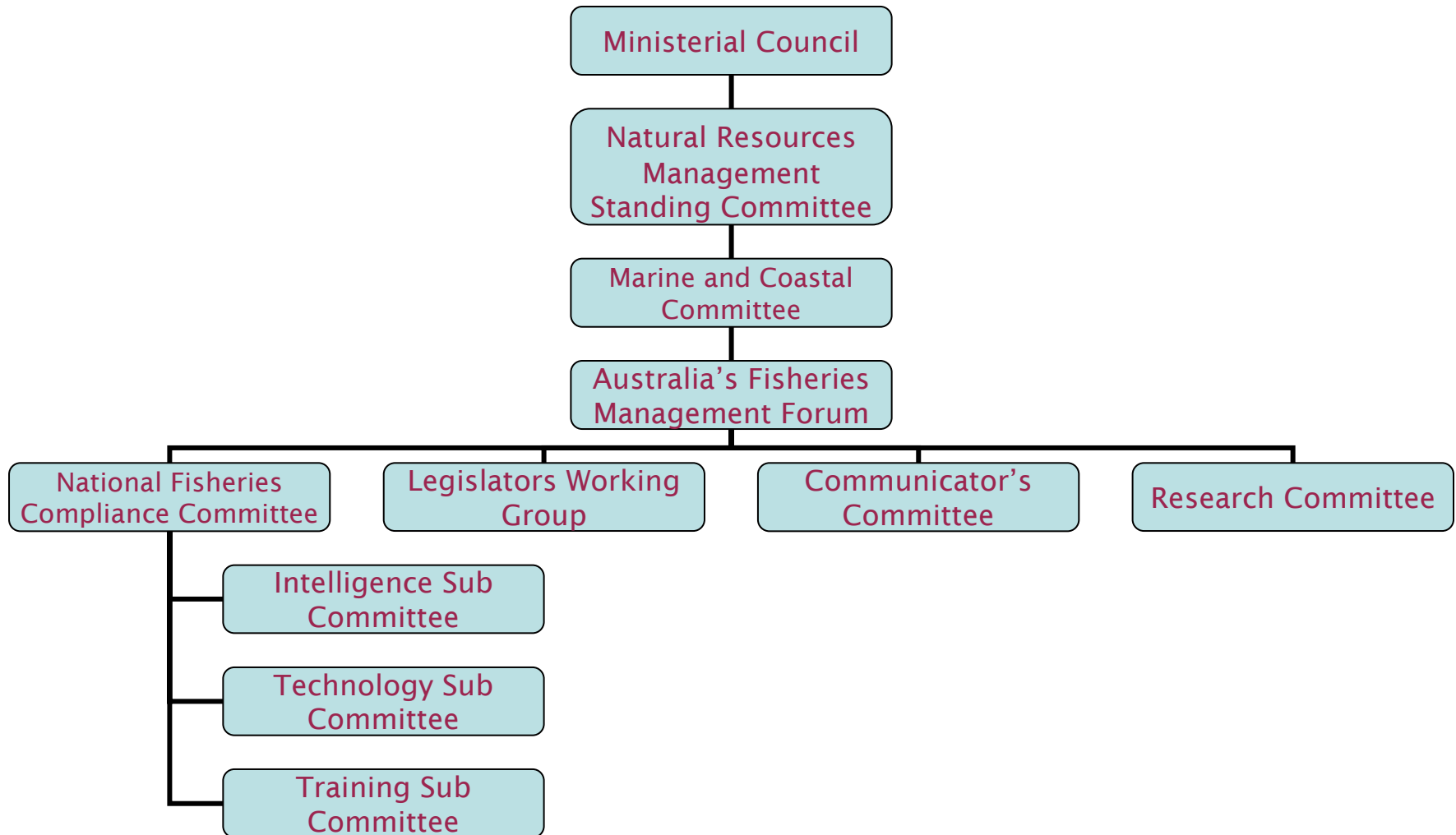


The Maritime Law Association of Australia and New Zealand 34th Annual Conference 2007

Murray Donaldson PSM
Chair of Australia's National Fisheries
Compliance Committee

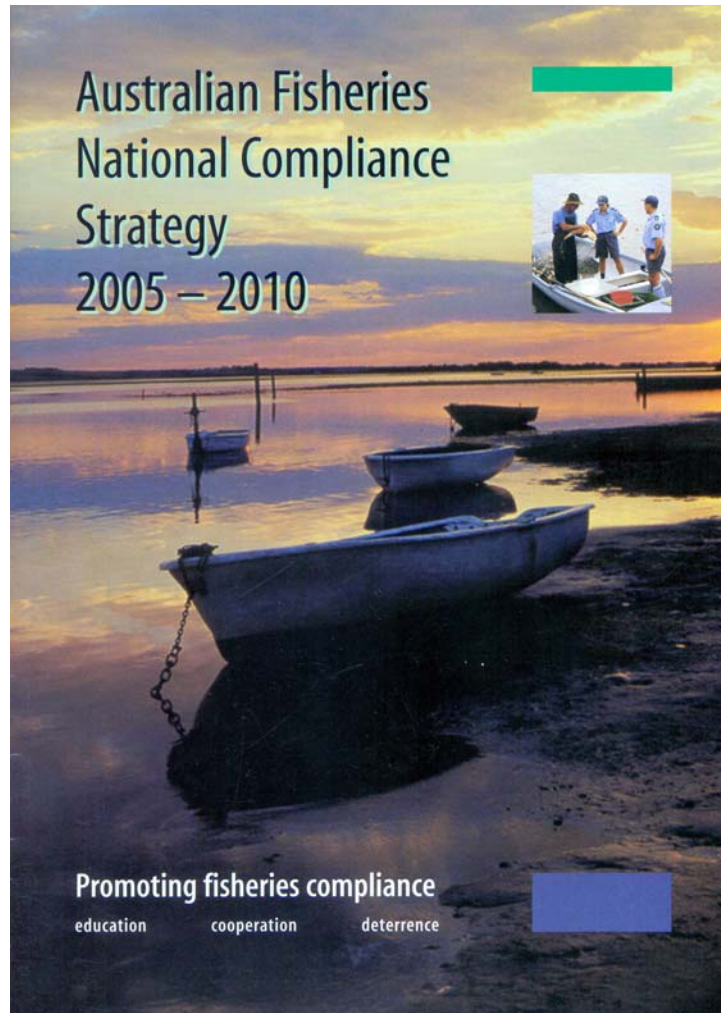
Organised Crime

- **Illegal, Unreported and Unregulated Fishing (IUU) – organised fisheries crime**
- **Cannot be defined, it can only be described**
- **It is adaptive and responsive**
- **It shifts from one commodity to another (e.g. stolen property, firearms, drugs, wildlife, fish)**
- **Infiltration**
- **Reputation**
- **The breeding ground for organised crime and it's networking is in the prison system**
- **“Whole of life” criminals**



Australia's National Fisheries Compliance Committee

- **Terms of Reference**
- **Membership**
- **Meeting frequency**
- **Sub-ordinate Committees**
- **AFLEC**



Dealing with Organised Crime

- **Australia's National Fisheries Compliance Strategy 2005-2010**
- **Optimal level of Compliance**
- **Maximising Voluntary Compliance and Creating a Deterrent Effect**
- **Work plan – key tasks**
- **Ministerial Council sign off**

National Initiatives

- **Intelligence**
- **National docket and labelling**
- **Joint operations**
- **MoU**
- **Indictable offence “trafficking”**
- **OH&S**
- **Crime in Fisheries Study**

Victorian initiatives

- **Effective prosecutions**
- **Proceeds of crime (confiscation)**
- **Surveillance devices**
- **Controlled conduct**
- **Partnerships**
- **Trafficking offences (indictable)**

Seized Boat



ACO

ASSET CONFISCATION OFFICE

LARGEST PPO
\$978,275

31,004 ABALONE SEIZED

The Supreme Court made one of the largest pecuniary penalty orders in the states history on the 11th of October 2000. This was a just end to a four month investigation and a win for the enforcement of fisheries offences in Victoria. His Honour Justice Hedigan ordered that the defendant LOO pay a pecuniary penalty order in the sum of \$978,275.00.



LOO a "kitchen hand turned businessman" was sentenced to an 18 month gaol term, with a minimum of 12 months after pleading guilty to 14 charges under the Fisheries Act 1968 and the Fisheries Act 1995, which included consigning illegal abalone and possessing excess abalone.

SEIZED

The Quarterly of the ASSET CONFISCATION OFFICE
SUMMER 2001

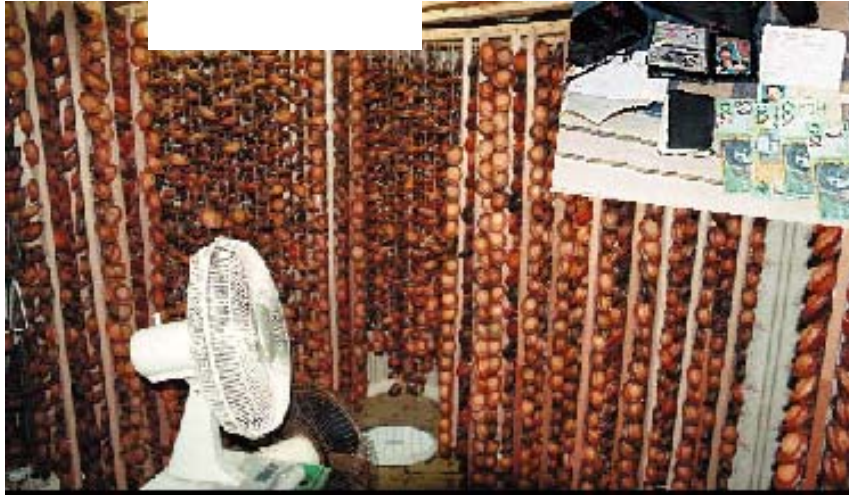
FROM THE MINISTER OF ENERGY & RESOURCES

A strong deterrent has been delivered in the form of one of the highest pecuniary penalty orders for a person found to be operating an illegal abalone processing factory.

I welcome the application of assets forfeiture for fisheries offences. The community expects that the benefits from criminal activity will be removed from offenders and this includes resource theft and associated crime.

No longer can fisheries offenders expect only to receive the penalties under the Fisheries Act as all serious offences will be fully investigated and assets forfeiture pursued.

A strong relationship has been formed between Fisheries Victoria, Asset Recovery Squad, Office of Public Prosecutions and the Asset Confiscation Office. I am confident that this alliance will bring about more asset forfeitures for fisheries related crimes. The communication of these outcomes will underpin the deterrence of this type of crime.



\$978,275
LARGEST EVER PPO

Crime in Fisheries Study

- **2003 Briefing paper**
- **2004 ACC presentation to Ministers**
- **TOR's agreed by NRMSC**
- **Consultations**
- **National survey of Fisheries Officers**
- **Australian Institute of Criminology**
- **Ministerial Council 2008**

A recent example of organised fisheries crime- Operation Blackice

- 12 months
- Surveillance
- Controlled conduct
- 6 warrants
- 46 related inspections
- 7 persons arrested/charged/bailed (36 indictable offences of trafficking)
- 28 persons charged on summons
- 3 companies charged on summons
- 9 vehicles seized
- 1.5 tonne abalone seized (\$360,000)

The way forward

- **Lift profile of fisheries crime**
- **Enhance intelligence capacity**
- **Grow organisational capability**
- **Influence policy and legislation**
- **Build on strategic partnerships**
- **Utilise the media effectively**

National responses to fisheries crime

- **Questions ?????**