

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

Question No. 40

Senator Kroger asked the following question at the hearing on 14 February 2012:

Senator KROGER: I have a couple of questions in relation to the three protesters who boarded the Japanese vessel the *Shonan Maru II* on 8 January. Can you provide the exact location where the three protesters boarded that boat?

Mr Carmody: I will get Ms Grant to help to the extent that she can.

Ms Grant: I am sorry. I do not have the precise location or information about where the protesters boarded the Japanese vessel. Our involvement with that particular operation commenced beyond that point.

Senator KROGER: So you cannot advise me of the actual bearings of where it was? Even, for instance, the coordinates of the *Sea Shepherd* for the position of boarding? You cannot give me any of those details?

Ms Grant: I am sorry, I do not have those details. I do not have the coordinate information about that boarding. I am not sure whether we actually have that information within our agency. Otherwise, I can take that on notice.

Senator KROGER: If you could take that on notice, that would be great. So, you can or cannot confirm that Australian officials have verified that the location was outside Australian waters?

Ms Grant: I am just trying to refresh my memory. I will see if any of my colleagues have information about exactly where it was when they boarded that vessel, or whether we got that information from the vessel.

Senator KROGER: Yes.

Ms Grant: My colleagues have confirmed that we do not have coordinate details. We only have advice, we believe, from the Japanese vessel that it was outside Australia's territorial sea, but no coordinate information.

Senator KROGER: Please take on notice, if you do have the advice, whether you were advised of the exact location and whether three protesters boarded.

Ms Grant: When you say the exact location, do you mean the coordinates?

Senator KROGER: Yes, using a maritime term. Also, whether Australian officials did confirm and verify that location. I would like to know how we became aware of the exact position where they boarded and how that was confirmed or verified. Also, what was the exact location of the *Ocean Protector* on each day during this period? And what was the source of that information?

Ms Grant: I will take all of that on notice.

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

Location of the boarding of *Shonan Maru No. 2* by the three anti-whaling activists during the night of 7-8 January:

The *Sea Shepherd* publicly reported on its website on 7 January 2012 that three Australian anti-whaling activists boarded the Japanese Fisheries Agency vessel the *Shonan Maru No. 2* in position 32°57'48"S, 115°20'24"E. This position is located outside the Australian Territorial Sea.

Information received from Japanese crew on *Shonan Maru No. 2* by Customs and Border Protection officers on ACV *Ocean Protector*, during the transfer of the activists on 13 January 2012, was consistent with the reports on the *Sea Shepherd* website that the boarding by the activists took place outside the Australian Territorial Sea.

There was a slight variation in the coordinates provided by *Sea Shepherd* and *Shonan Maru No. 2*, however both positions indicated the boarding took place outside the Australian Territorial Sea.

Position of ACV *Ocean Protector*

During the evening of 7-8 January 2012, ACV *Ocean Protector* was located approximately 310 nautical miles from the position reported by *Sea Shepherd*. To ensure that the operational security of law enforcement patrols is not prejudiced, Customs and Border Protection does not disclose the exact position of its assets on operational tasking.

ACV *Ocean Protector* was subsequently tasked to divert from its patrol to retrieve the three activists and return them to the mainland. The three activists were transferred from *Shonan Maru No. 2* to ACV *Ocean Protector* approximately 735 nautical miles south-east of Albany, Western Australia on 13 January 2012.