

IN THE FEDERAL COURT OF AUSTRALIA  
WESTERN AUSTRALIA DISTRICT REGISTRY

No W 151 of 2002

BETWEEN:

**OLBERS CO LTD**

Applicant

- and -

**AUSTRALIAN FISHERIES  
MANAGEMENT AUTHORITY**

Respondent

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**APPLICATION UNDER s106F OF THE FISHERIES MANAGEMENT ACT 1991**

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The nature of the application is a claim for a declaration and consequential relief from the Respondent's notice dated 21 March 2002 to the effect that the boat "*Volga*" ("the Vessel") together with all fish, nets and equipment on board the Vessel immediately before the time of seizure will be condemned as forfeited to the Commonwealth pursuant to s106G(2) of the Fisheries Management Act, 1991 ("the Act"), unless proceedings against the Commonwealth were instituted to recover the Vessel, fish, nets and equipment, or for a declaration that the Vessel, fish nets and equipment is not forfeited. Interlocutory relief is not sought. The legislative basis of the Court's jurisdiction to hear the application and grant the relief is s106F of the Act as it is a matter arising under a law of the Parliament of the Commonwealth.

**A. Details of Claim**

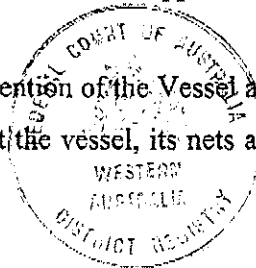
On the grounds appearing in the accompanying statement of claim the Applicant claims:

1. A declaration that the Respondent's seizure and detention of the Vessel and the fish on board the Vessel ("the Catch") was illegal and that the vessel, its nets and equipment and the Catch are not forfeit.
2. An order that the Vessel and its nets and equipment be released to the Applicant.

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Leask & Co  
Barristers & Solicitors  
26 Cliff Street  
Fremantle WA 6160

Solicitor for the Applicant  
Tel: (08) 9430 6680  
Fax: (08) 9430 7044  
Contact: Mr D Leask  
Ref: V652



3. An order that the proceeds of sale of the Catch be released to the Applicant, alternatively that the Respondent pay the Applicant an amount equivalent to such proceeds.
4. An enquiry into damage sustained by the Applicant as a result of the Respondent's unlawful acts.
5. Interest.
6. Costs.
7. Such further or other orders as to the Court seem fit.

**B. Claim for Interlocutory Relief**

The Applicant does not claim interlocutory relief.

Dated: 21 May 2002



*Leask*

Leask & Co  
Solicitors for the Applicant

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26 Cliff Street  
Fremantle WA 6160

Solicitor for the Applicant  
Tel: (08) 9430 6688  
Fax: (08) 9430 4044  
Contact: Mr D Leask  
Ref: V652

**C Notice to the Respondent**

TO: The Respondent  
OF: 3<sup>rd</sup> floor, John Curtin House  
22 Brisbane Avenue  
BARTON ACT 2600

This application has been set down for the time and place stated below. If you or your legal representative do not attend the Court at that time the application may be dealt with and judgment may be given or an order made in your absence. As soon after the time mentioned as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard;
- (b) directions may be given for the further conduct of the proceeding;
- (c) any application for interlocutory relief may be heard.

Before any attendance at Court, you must file an appearance in the Registry.

Time and date for hearing:


DATE: 9.15am on 19 June 2002

TIME: Level 7  
PLACE: Commonwealth Law Courts  
1 Victoria Avenue Perth

**D. Abridgement of Service**

No order abridging the time for service has been made,

Dated: 21<sup>st</sup> 21 May 2002

  
Deputy District Registrar

This application is filed by Leask & Co for the Applicant whose address for service is care of Leask & Co, Barristers & Solicitors, 26 Cliff Street, Fremantle WA 6160.

The Applicant's address is 17 Ulitsa Barklaya, Moscow 121309, Russia

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