

A

JAPANESE export deal lost to suspected Yakuzas involvement, allegations of government negligence and the passionate support of some of Australia's best-known chefs are part of a long-running, multimillion-dollar dispute.

High-profile seafood entrepreneur Mark Eather, a vocal advocate for sustainable and ethical fishing, claims not only did Austrade cost him a lucrative business, but subsequent actions by fisheries authorities amounted to entrapment and malicious prosecution.

In Mr Eather's corner are restaurateurs Shannon Bennett, Neil Perry and Philippe Leban as well as Tasmanian independent MP Andrew Wilkie, former Greens leader Christine Milne and former Labor trade minister Craig Emerson.

At times, fisheries authorities have attended well-known restaurants in a search for illicit seafood as part of their investigations. Mr Eather claims the inquiries are driven by his longstanding battles with authorities over sustainable fishing and a vendetta reaching back to his dispute with Austrade officials who introduced him to a dodgy Japanese seafood buyer, who failed to pay for more than \$500,000 in exported produce in 2000.

"Anyone who knows what has happened in the past knows that Mark was targeted specifically," Vue de Monde chef Shannon Bennett said of Mr Eather's

dispute with Austrade and marine authorities.

"He is without a doubt in a small group of friends and suppliers that I would risk everything to say they are 100 per cent what this country was known and made famous on — generosity, hard work, passion, aspiration with the never-give-up attitude."

Chef Neil Perry, founder of the Rockpool Group, also backed Mr Eather's integrity and professionalism. "I know of no other fisherman who cares about the resource or the environment more," Perry said.

Mr Wilkie said he was concerned about the treatment Mr Eather had received and the government response to the Austrade issue. "I did indeed try and assist Mr Eather some time ago when he approached me about his dealings with Austrade because I sensed that he had been poorly treated," Mr Wilkie said.

"Regrettably the government refused repeatedly to revisit the matter so I can well understand Mr Eather's deep and continuing concerns about that issue in particular." Without admitting liability, government lawyers authored a deed of arrangement whereby part of the losses on the Japanese fish exports to Kyoto Kasamatsu and the company Yamachi Tsusho were paid in compensation to Mr Eather. But he said it was only a fraction of the overall loss and the terminal impact on his business after he was

repeatedly asked by Austrade Nagoya and its representative Ian Brazier to deal with Kasamatsu.

Ms Milne said she discussed the Eather case with then-trade minister Emerson before Labor's leadership spill in 2013, with a view to a potential "Act of Grace" payment from the government for his unrecovered losses.

"I really upset me at the time and it still does, I hold Austrade totally accountable, it ruined a decade of his life," Ms Milne said.

"Austrade was asking someone to basically do them a favour and Mark is left destitute at the end.

"My conclusion at the time was that Austrade officials (were trying to) meet their economic targets and they hadn't done any due diligence (on the Japanese seafood buyers)."

Ms Milne said she believed Mr Eather signed the initial deed of arrangement in 2001 to settle the matter because he was under significant financial duress. "I did have a meeting with

Craig Emerson (then in the Labor Gillard government) and at that meeting he gave me an understanding that the government or the department would look at a one-off payment — an Act of Grace payment," Ms Milne said.

"As far as I'm concerned the matter will never be closed until there is an Act of Grace payment made."

Mr Emerson told the *Herald Sun* he recalled the meeting but said such payments were outside his then portfolio.

"I had sympathy with Mr Eather's situation and made inquiries of Austrade (but) I did not agree to an Act of Grace payment for Mr Eather, since responsibility for Act of Grace payments lies outside the trade portfolio and I would have had no authority to make such a decision," he said.

Special Minister of State Scott Ryan's spokeswoman said the Department of Finance had not received an application for an Act of Grace payment for Mr Eather.

Austrade confirmed a 2001 settlement was made with Mr Eather but claimed it covered "all losses", an assertion Mr Eather heatedly disputes.

"Austrade introduced Mr Eather to Mr Kasamatsu and ... Tsusho 17 years ago for the supply of seafood to Japan. Several months later Mr Eather's business failed," an Austrade spokeswoman said.

"Austrade also offered to support Mr Eather in pursuing his claim against his business partners in Japan but Mr Eather did not take up that offer.

"Austrade's actions in this matter have been independently reviewed by external counsel, the Commonwealth Ombudsman and the Office of Legal Services, which have all confirmed that Austrade handled the matter appropriately."

Mr Eather said only half of the losses were covered by the deed. "I clearly made them aware that 50 per cent was only going to pay (to) temporarily stave off the wind-up orders and the other 50 per cent was essential for my survival — that is why the clause is in the deed (to recover the remainder)," Mr Eather said, adding independent reviews of Austrade's actions ignored the fact the Kasamatsu and Tsusho entities were fake entities.

"They must have known that neither party existed, so knowingly drafted a fraudulent deed." To rub salt into

second battlefront with bureaucracy, Mr Eather was hit with a \$7700 fine and \$169,666 in penalties in Hobart's Supreme Court last year for what he said were legally purchased lobsters, but the licensed processor he bought them from was unaware they needed to be tagged.

In another case in January, Mr Eather was also fined \$2000 for an administrative licence breach he said was a further example of the "extraordinary" lengths authorities had pursued him.

After the original case was dismissed in the Supreme Court, the Crown appealed and arguments wound all the way to the Court of Appeal and High Court.

Mr Eather said he was compelled to plead guilty after the five-year legal process had imposed another crippling financial burden.

"I couldn't afford to go through that ludicrous five-year, \$500,000 process all over again," he said.

"The sale was documented as required by law and all forms were completed and the sale was phoned through to the authorities as required by law, and every judge involved has confirmed this."

Mr Eather said a federal anti-corruption commission needed to be established to investigate such matters.

A Tasmanian Department of Primary Industries, Parks, Water and Environment spokesman would not comment on specifics of the case but said all decisions on any prosecutions were made in line with the Director of Public Prosecutions policy.

TH,
26
bi

TW/
work
as fi
ing
tow
It
clean
the
ing
tal.
bus
trap
side
with
Poll:
Talk
Mith

I know of no other fisherman who cares about the resource or the environment more (than Mark Eather)

CHIEF & ROCKPOOL GROUP FOUNDER NEIL PERRY



