

APPENDIX C

LIST OF EXHIBITS AUTHORISED FOR PUBLICATION

NO.	TITLE	VOLUME	PAGE
1.	Mr C H Rodger. Correspondence and Quota Instruments re Anomalies Scheme.	1	1
2.	Minister Button. Letter to Mr C H Rodger dated 3 February 1988.	1	1
3.	Index of Witness Statements taken for Midford Paramount Committal Hearings.	1	1
4.	Customs. Letter to Secretary of Joint Committee of Public Accounts, dated 7 August 1991.	1	1
5.	Dr B J MacDessi. Documents - Ministerial Determinations & Australian Customs Service advices.	1	1
6.	Documents from Midford Paramount Committal Hearings:	1	1
6.1	Mr I Adams, Manager Technical Services, State Bank, Statement dated 23 November 1988.	2	K 01
6.2	Mr L Austin, former Midford employee, Statement dated 4 November 1988.	2	K 76
6.3	Ms C Bailey, former Midford employee, Statement dated 10 November 1988.	2	K 89
6.4	Ms D Bates, former Midford Accounts Clerk, Statement dated 2 November 1988.	2	K 133
6.5	Mr G Campbell, Customs Agent employed by BHS Airfreight, Statement dated 20 October 1988.	2	K 136

6.6	Ms C Carmody, former Executive Assistant to C H Rodger, Statement dated 25 November 1988.	2	K 144
6.7	Mr A Casey, Assistant Director, Light Industries Division, DITAC, Statement dated 25 November 1988.	2	K 198
6.8	Mr R Cave, Customs Manager, Bulgin and Stockwell, Statement dated 20 October 1988.	2	K 208
6.9	Constable L Close, Australian Federal Police, Statement dated 25 November 1988.	2	K 239
6.10	Mr G Collopy, retired from DITAC, Statement dated 29 November 1988.	2	K 312
6.11	Mr R Doyle, Customs Investigator, Statement dated 30 November 1988.	3	K 353
6.12	Dr M Fitzpatrick, First Assistant Secretary, DITAC, Statement dated 24 November 1988.	4	K 564
6.13	Ms J Gee, former Midford employee, Statement dated 15 November 1988.	4	K 778
6.14	Mr J Hamilton, Customs Investigator, Statement dated 30 November 1988.	4	K 815
6.15	Mr T J Hartigan, Corporate Adviser, Statement dated 1 November 1988.	4	K 867
6.16	Ms C Hartman, former Executive Assistant to Mr C H Rodger, Statement dated 24 November 1988.	5	K 914
6.17	Mr J Hawksworth, Customs Officer, Statement dated 19 October 1988.	5	K 930
6.18	Detective W Jamieson, Australian Federal Police, Statement dated 29 November 1988.	5	K 934
6.19	Mr R Janeczko, Customs Officer, Import Export Control, Statement dated 18 November 1988.	5	K 1203

6.20	Mr A Lamond, former Cramb Consulting Group employee, Statement dated 4 November 1988.	6	K 1286
6.21	Mr C Leonard, former Midford Accountant and Company Secretary, Statement dated 3 November 1988.	6	K 1402
6.22	Mr R McCosker, Computer Systems Officer, Statement dated 24 November 1988.	6	K 1484
6.23	Mr B Mendelsohn, former Director of Midford Malaysia, Statement dated 24 October 1988.	6	K 1489
6.24	Mr P North, former Midford General Manager, and Company Secretary, Statement dated 11 October 1988.	6	K 1492
6.25	Mr V Oborn, former Midford Company Secretary, Statement unsigned and undated.	6	K 1548
6.26	Mr T O'Shannassy, Customs Investigator, Statement signed but undated.	6	K 1617
6.27	Mr N Petering, Customs Officer, Statement signed but undated.	7	K 1642
6.28	Mr John Richardson, Customs Agent, Statement dated 17 November 1988.	7	K 1897
6.29	Mr P Ricketts, Customs Investigator, Statement dated 30 November 1988.	8	K 1917
6.30	Mr J Roberts, former Midford Accountant, Statement dated 2 November 1988.	8	K 2114
6.31	Ms R Roberts, former Cramb Consulting Group Consultant, Statement dated 30 November 1988.		8K2118
6.32	Mr B Robinson, Customs Investigator, Statement dated 15 December 1988.	8	K 2123
6.33	Ms L A Rogers, former Midford Secretary, Statement dated 9 November 1988.	8	K 2146
6.34	Mr P Roumeliotis, Midford Production Manager, Statement dated 26 October 1988.	8	K 2152

6.35	Mr N Schwager, Customs Investigator, Statement dated 30 November 1988.	9	K 2158
6.36	Ms G Slaby, former Midford Production Co-ordinator, Statement dated 15 November 1988.	9	K 2198
6.37	Mr T Smarsz, former Cramb Consulting Group Consultant, Statement dated 25 November 1988.	9	K 2255
6.38	Mr W Strachan, former Midford General Manager, Statement dated 1 November 1988.	9	K 2344
6.39	Mr T Stretton, former Midford Accountant, Statement dated 25 November 1988.	9	K 2362
6.40	Mr G Timms, Auctioneer, Statement dated 30 May 1988.	9	K 2393
6.41	Ms V Weiss, former Personal Secretary to Mr C H Rodger, Statement dated 25 November 1988.	9	K 2401
6.42	Constable N Wolanim, Australian Federal Police, Statement dated 23 November 1988.	9	K 2403
6.43	Mr D Zampa, former General Manager, Midford Malaysia, Statement dated 2 December 1988.	9	K 2441
7.	Dr B J MacDessi, Diary notes - 30 June 1989 to 7 August 1990.	1	1
8.	D J Fisher, Deputy High Commissioner, Fax to Malaysian Minister for Trade and Industry dated 3 March 1988.	1	1
9.	Malaysian Minister of Primary Industries, Letter to Mr M Duffy MP dated 29 April 1988.	1	1
10.	Customs Import/Export Monthly Report summary - June 91.	1	1
11.	Mr J B Richardson, Statements dated 17 November 1988, 8 March 1988 and undated.	1	1
12.	Mr P Cullan, Extract from 'Lobbying for Success'.	10	K 2464

13.	Mr C H Rodger, Letter dated 1 May 1985 to Quota Control Branch, Department of Industry, Technology and Commerce.	10	K 2477
14.	Midford Malaysia to Midford Australia, Letter dated 8 April 1985.	10	K 2479
16.	Editor of <i>The Sun Herald</i> , Letter dated 30 April 1991 to Mr C H Rodger.	10	K 2483
17.	Agreement between Pen Apparel and Midford Malaysia dated January 1988.	10	K 2491
18.	Mr C H Rodger's handwritten notes of meeting on 10 April 1985.	10	K 2494
19.	Mr C H Rodger to Midford Paramount, Letter dated 5 July 1985.	10	K 2497
20.	Mr C H Rodger to Midford Paramount, Letter dated 12 February 1986.	10	K 2501
21.	Mr C H Rodger's handwritten notes of meeting on 7 July 1986.	10	K 2503
22.	Apparel Importers Association of Australia, Status Report dated 26 September 1985.	10	K 2504
23.	Mr C H Rodger to Partlatt, Chave and Rowland, Letter dated 21 July 1986.	10	K 2512
24.	Government Policy Towards The Textiles, Clothing and Footwear Industries, Joint statement dated 22 August 1977.	10	K 2515
25.	Supplementary Quotas for Textiles, Clothing and Footwear, Press statement dated 17 August 1977.	10	K 2517
26.	Judgement for <i>Thirsty Towels Pty Ltd v. Collector of Customs (VIC)</i> .	10	K 2520
27.	Commonwealth Ombudsman to Mr C H Rodger, Letter dated 21 January 1991.	10	K 2525
28.	Mr C H Rodger to Deputy Commonwealth Ombudsman, Letter dated 24 January 1991.	10	K 2531

29.	Commonwealth of Australia Periodic <i>Gazette</i> , Extract dated 19 March 1986.	10	K 2535
30.	Commonwealth of Australia Periodic <i>Gazette</i> , Extract dated 6 March 1987.	10	K 2541
31.	Mr T Fahey, Regional Manager Import/Export, Victorian Collectorate of Customs. Apparel Importers Association of Australia, notes on conference.	10	K 2547
32.	Mr G J Collopy to Mr C H Rodger, Letter dated 23 March 1984.	10	K 2548
33.	DITAC News Release on Industries Assistance Commission inquiry into textiles, clothing and footwear industries, dated 18 October 1984.	10	K 2549
34.	Bureau of Customs Notice dated 24 October 1977 on Anomalies Quotas.	10	K 2556
35.	Mr Rodger's notes of meeting with Ombudsman on 6 July 1988.	10	K 2561
36.	Commonwealth Ombudsman to Mr C H Rodger, Letter dated 23 November 1988.	10	K 2562
37.	Mr G J Collopy, Department of Industry, Technology and Commerce to the Minister, Minute dated 15 May 1984.	11	K 2564
38.	Mr B Haraldson, Australian Customs Service to Mr T Turnbull, Department of Industry, Technology and Commerce, Minute dated 28 February 1991.	11	K 2568
39.	Mr B A Bissaker, Quota Control to the Minister, Minute dated 5 February 1981.	11	K 2570
41.	Mr J T Locker, Australian Customs Service to Dr D T Charles, Secretary, Department of Industry, Technology and Commence, Letter dated 11 March 1985	11	K 2573
42.	Dr M D Fitzpatrick, Department of Industry, Technology and Commerce with attached papers, Letter dated 7 November 1991.	11	K 2574

43.	Mr R Doyle, Australian Customs Service to Mr K Zervos, Director of Public Prosecutions, Letter dated 15 January 1988.	11	K 2613
44.	Mr J Hennessey to Mrs H Hannam, File Note of meeting on 5 October 1988 with Messrs R Doyle, P Ricketts, V Oborn and S J MacDessi and File Note of telephone attendance dated 4 October 1988.		11K 239
45.	Mr B Robinson in Malaysia to Mrs H Hannam, File Note of telephone attendance dated 16 September 1988.	11	K 2624
46.	Mr N R Cowdery, QC, Memorandum of Advice dated 5 June 1989.	11	K 2627
47.	Mrs H Hannam, Brief to Advise dated 5 May 1988.	11	K 2636
48.	Mr T K Tobin, QC, Advise dated 3 May 1988.	11	K 2661
49.	Mrs H Hannam, Brief to Advise and Appear dated 22 July 1988.	11	K 2670
50.	Mr J M Waincymer to Mr M S Weinberg, QC, Director of Public Prosecutions, Letter dated 20 February 1989.	11	K 2781
51.	Mr J M Waincymer to Mr M S Weinberg, QC, Director of Public Prosecutions, Letter dated 7 April 1989.	11	K 2697
52.	Mr M S Weinberg, QC, Director of Public Prosecutions to Mr J M Waincymer, Letter dated April 1989.	11	K 2699
53.	Mr M S Weinberg, QC, Director of Public Prosecutions to Mr J M Waincymer, Letter dated 17 April 1989.	11	K 2700
54.	Mr M S Weinberg, QC, Director of Public Prosecutions to Mr J M Waincymer, Letter dated 24 April 1989.	11	K 2702
55.	Mr J M Waincymer to Mr M S Weinberg, QC, Director of Public Prosecutions, Letter dated 26 April 1989.	11	K 2704

56.	Mr M S Weinberg, QC, Director of Public Prosecutions to Mr J M Waincymer, Letter dated 2 May 1989 .	11	K 2707
57.	Detective Sergeant D F Clarke, Australian Federal Police, Affidavit dated 15 June 1988.	11	K 2708
58.	Detective Sergeant D F Clarke, Australian Federal Police, Affidavit dated 15 June 1988.	11	K 2728
59.	Mr B Robinson, Acquittal of Overseas Travel Allowance.	12	K 2748
60.	Mr B Robinson, Official Notebook No 5.	12	K 2785
61.	Mr B O'Shannassy, Official Notebook.	12	K 2808
62.	Mr B Robinson, Airline Tickets.	12	K 2866
63.	Mr B Robinson, Boarding Passes.	12	K 2870
64.	Mr B O'Shannassy, Official Passport.	12	K 2872
65.	Mr B Robinson, Official Passport.	12	K 2878
66.	Mr B O'Shannassy, Diary Notes.	12	K 2882
67.	Mr B O'Shannassy, Acquittal of Overseas Travel Allowance.	12	K 3078
68.	Mr B Robinson, Acquittal Advice to Personnel.	12	K 3116
69.	Mr B O'Shannassy, Acquittal Advice to Personnel.	12	K 3118
70.	Singapore to Customs Sydney, Report faxed on 16 September 1988.	12	K 3120
71.	Customs Meeting, Agenda on 11 February 1992.	12	K 3125
72.	Draft Customs Service Manual - Volume 19.	13	K 3126
73.	Customs Service Manual, Volume 18, 23 March 1989.	14	K 3324
74.	Customs Service Manual, Volume 18, 4 February 1986.	15	K 3513

75.	Customs Service Manual, Volume 19, 24 August 1987.	16	K 3736
77.	Mr R Doyle's Investigation Report (Undated) December 1987.	17	K 3931
78.	Customs NSW, Folios from Investigation Section file.	17	K 3933
79.	Mr R Doyle, Invoices provided.	17	K 3946
80.	Midford Malaysia, Costing Sheet dated 6 September 1984.	17	K 3993
81.	Midford Malaysia, Memorandum dated 28 July 1984.	17	K 3994
82.	Customs Investigation file containing various witness statements.	17	K 4000
83.	Customs Lever Arch File; Correspondence to and from AGS and DPP etc.	17	K 4091
84.	Mr Hamilton, Explanation of Style Numbers.	17	K 4131
85.	Customs File C83/905, Reports of Inspections by Mr Madden.	18	K 4140
86.	Notice to Produce Documents and Customs Warrants dated 2 December 1987.	19	K 4387
87.	Mr Doyle's notes for Section 214 action on 3 December 1987.	19	K 4399
88.	Mr Benson's Minutes of Conference held on 10 December 1987.	19	K 4418
89.	Mr Doyle's Diary Notes.	19	K 4424
90.	Midford Bond, Schedule of Stock Seized.	19	K 4437
91.	Attachments to Customs letter to Australian Government Solicitor dated 25 September 1989.	19	K 4444

92.	Midford Shipments 2061 to 2148.	20	K 4549
		21	K 5012
		22	K 5494
		23	K 5956
		24	K 6341
		25	K 6794
93.	Director of Public Prosecutions to Australian Customs Service, Letter dated 31 January 1989.	26	K 7190
94.	Mr Doyle, alleged Midford Undervaluation.	26	K 7196
95.	Mr Kelly, First Draft of Statement dated 13 February 1992.	26	K 7329
96.	Customs File NC 88/12.	26	K 7346
97.	Customs File C 87/52402.	26	K 7426
98.	Customs File N 87/11426.	27	K 7506
99.	Statement by Mr Paraggio, Australian Customs Service.	28	K 7863
100.	Customs, Letter to Mr Waincymer dated 28 March 1990.	28	K 7869
101.	Mr Doyle, Minute on Midford subcontracting of overseas production, dated 16 May 1988.	28	K 7871
102.	Midford's Bond Register.	28	K 7878
103.	Document received as confidential exhibit.	28	K 7940
104.	Document received as confidential exhibit.	28	K 7941
105.	Telecom records of phone calls to Australian Customs Sydney Offices from Malaysia.	29	K 7944
106.	Customs File N80/7423.	29	K 7947

107.	Midford to Senator Button, Attachments to letter dated 12 September 1989.	29	K 8140
108.	Letter dated 5 June 1992 to the Secretary of the Joint Committee of Public Accounts from Mr G Gray, Director of Public Prosecutions.	30	K 8150
109.	Correspondence received by Senator B K Bishop.	30	K 8208

APPENDIX D

LIST OF PARLIAMENTARY INQUIRIES AND OTHER MAJOR REVIEWS OF THE AUSTRALIAN CUSTOMS SERVICE

February 1975

Review of Australian Customs Valuation System.

Discussion Paper By Interdepartmental Committee.

May 1975

Review of Customs By-Law Policy.

Discussion Paper by Interdepartmental Committee.

January 1977

Efficiency Review of Management Services Functions, Department of Business and Consumer Affairs.

Report to Public Service Board.

Peat Marwick, Mitchell Services, Management Consultants.

March 1981

Task Force Report into Allegations about the Customs Service in New South Wales.

Report to the Minister for Business and Consumer Affairs by the Secretary of Department of Business and Consumer Affairs.

March 1982

The Collection of Excise Duties and Deferred Customs Duties by the Department of Business and Consumer Affairs.

Report of the Auditor-General on an Efficiency Audit.

May 1982

Review of Import Control and Customs By-Law Decisions.

Report to the Attorney-General.

Administrative Review Council.

April 1983

Review of Customs Administration and Procedures - New South Wales -
Volumes 1 & 2.

Report to Minister for Industry and Commerce by Mr F J Mahony.

July 1983

Review of Customs Administration and Procedures - New South Wales.

Further Report to Minister for Industry and Commerce by Mr F J Mahony and
Government Response to Recommendations.

August 1984

Inquiry into the Circumstances Surrounding the Making of a Customs Declaration
on 5 July 1984.

Report to the Prime Minister by Mr M Black, QC.

October 1984

Excise and Deferred Customs Duties.

Report 224 Joint Committee of Public Accounts.

June 1985

Review of Customs and Excise Decisions - Stage Two.

Report to the Attorney-General.

Report No 23 Administrative Review Council.

September 1985

Excise and Deferred Customs Duties - Response.

Report 234 Joint Committee of Public Accounts.

September 1985

Review of Customs and Excise Decisions - Stage Four - Censorship.

Report to the Attorney-General.

Report No 24 Administrative Review Council.

March 1986

Review of the *Customs Tariff (Anti-Dumping) Act 1975*.

Professor F H Gruen.

February 1987

Review of Customs and Excise Decisions - Stage Three.

Anti-Dumping and Countervailing Duty Decisions.

Report to the Attorney-General.

Report No 28 Administrative Review Council.

March 1987

Task Force to Examine Alleged Shortcomings in Customs Legislation and Practice.

Report to the Comptroller-General of Customs by Interdepartmental Task Force.

June 1987

Australian Customs Service - Licensing and Administration of Customs Agents.

Efficiency Audit Report. The Auditor-General.

September 1989

Australian Customs Service - Passenger and Crew Processing.

Audit Report No 17 of 1989-90. The Auditor-General.

October 1990

Risky Business - The 37,000 Kilometre Challenge.

The First Report on an Inquiry into Aspects of the Australian Customs Service.

House of Representatives Standing Committee on Finance and Public Administration.

April 1991

A Tour of Duties - The Final Report on an Inquiry into Aspects of the Australian Customs Service.

House of Representatives Standing Committee on Finance and Public Administration.

May 1991

Australian Customs Service - Diesel Fuel Rebate Scheme.

Audit Report No 27 1990-91. The Auditor-General.

August 1991

Project Audit - Industry, Technology and Commerce Portfolio - Australian Customs Service.

Audit Report No 1 of 1991-92. The Auditor-General.

March 1992

Administrative Penalties - *Customs Act 1901* (Cth) Part XIII, Division 4.

Discussion Paper 51. Australian Law Reform Commission.

May 1992

Customs and Excise.

Report No 60. The Law Reform Commission.

June 1992

Project Audits - Industry, Technology and Commerce Portfolio - Australian Customs Service.

Audit Report No 51 1991-92. The Auditor-General.

June 1992

Project Audit - Australian Customs Service Accommodation Victoria - Lexington Building.

Audit Report No 53 of 1991-92. The Auditor-General.

CABINET DOCUMENTS

Copy No

50

C A B I N E T M I N U T E

Canberra, 15 August 1977

 Decision No. 3634

Submission No. 1569 - Allocation of Import Quotas

The Cabinet noted the substantial inefficiency and inequity of allocating import quotas for a sustained period solely on the basis of past import performance.

2. The Cabinet agreed that :-

- (a) when existing quotas fall due, consideration be given to whether adequate protection could be provided by higher tariffs in place of quotas;
- (b) all import quotas be made transferable;
- (c) the administration of the transfer system be based on the principles outlined in Appendix A to the report of the Standing Committee on

Industries Assistance (SCIA) attached to the Submission; and

- (d) for all quotas allocated on an historical basis, a moving base period be used according to the principles set out in Appendix A to SCIA's Report.

The Cabinet further agreed that :-

- (a) it was not persuaded at this point of time by the arguments in favour of sale by the Government

Decision No. 3634 cont'd

of quotas; and

- (b) the Minister for Business and Consumer Affairs continue to examine possible ways of improving the quota system and report back to Cabinet if there are firm proposals to be considered.

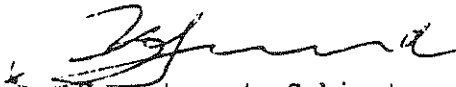
4. On the question of reserving quotas, the Cabinet agreed that:-

- (a) it would be prepared, in respect to any supplementary quotas for textiles, apparel and footwear arising out of Submission No. 1465, to reserve 15% of total quotas for cases involving anomalies. This will include firms who invested in offshore production facilities prior to the introduction of quotas with the objective of placing a substantial part of the output of these facilities on the Australian market;
- (b) the Departments of Business and Consumer Affairs, Industry and Commerce and Overseas Trade develop proposals for such a scheme, including:-
- (i) criteria to be applied in deciding quota allocations;
 - (ii) safeguards to avoid abuse of such a scheme;
 - (iii) proposals to monitor quota allocations under such a scheme; and
 - (iv) any residual aspects ^{in quata} requiring consideration, ^{date 19/8/72} an
- (c) the Minister for Business and Consumer Affairs report back to Cabinet as soon as possible.

Decision No. 3634 (continued)

5. The Cabinet also:-

- (a) noted that the proposed reservation of quotas for cases involving anomalies should:
- (i) assist in overcoming the particular cases drawn to the Prime Minister's attention during his recent discussions with ASEAN leaders; and
 - (ii) enable some measure of increased access to Australian markets for ASEAN countries; and
- (b) agreed that urgent examination be carried out with a view to:-
- (i) identifying the implications for ASEAN countries; and
 - (ii) determining presentational and other aspects of conveying advice to the countries concerned,
- and that appropriate statements be prepared for announcement by Ministers.


Secretary to Cabinet

Initials *MC*

Date *18/8/92*

C A B I N E T M I N U T E

Canberra, 4 October 1977

Decision No. 3966

Submission No. 1651 - Textiles, Clothing and Footwear -
Report of Departments on Proposals
for Implementation of a Quota Reserve
Scheme for Cases Involving Anomalies

The Cabinet agreed that:-

- (a) a Textiles, Clothing and Footwear Special Quotas Advisory Committee be established with an independent Chairman and comprising representatives of the Departments of Business and Consumer Affairs, Industry and Commerce, Overseas Trade and Foreign Affairs;
- (b) the Chairman, taking into account the advice of the Committee, make recommendations to a committee of Ministers comprising the Ministers for Business and Consumer Affairs, Industry and Commerce, Overseas Trade and Foreign Affairs in respect of special quotas to be allocated from within the 15% supplementary quota reserve recently authorised (Decision No. 3634 of 15 August 1977) for cases involving anomalies;

Initials

Date

Decision No. 3966 (Cont'd)

- (c) the prime criterion for special allocations of quota be to provide scope for ASEAN countries to increase their share of the available Australian market, with first priority being given to consideration of requests from firms known to have established off-shore operations in ASEAN countries prior to the introduction of quotas;
- (d) the reports by the Chairman should:-
- (i) summarise applications received in respect of each quota category; and
 - (ii) set out the detailed criteria used in formulating recommendations, taking into account the Government's intention that the use of the anomalies reserve will be primarily to maximise trade opportunities for ASEAN countries.
- (e) where a balance of the anomalies reserve remains after consideration of applications involving sourcing on ASEAN countries, this balance be used in resolving anomalies where other sources of supply are involved;
- (f) the procedures for the examination of applications be as outlined in paragraph 9 of Attachment B to the Submission;
- (g) the precise validity dates of the special quotas be left to the discretion of the Ministers involved;

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Decision No. 3966 (Cont'd)

- (h) transferability would not generally apply to special quotas but could be permitted where the Minister for Business and Consumer Affairs is satisfied that such transfers would be in keeping with the purpose of the special allocation concerned;
- (i) a 15% anomalies reserve be applied to children's knitted tracksuits, playsuits, rompersuits and like garments;
- (j) the question of whether provision for anomalies should be made in future quota periods be considered when quota arrangements for these periods are being determined by the Cabinet;
- (k) importers be advised that approval of special quotas would be on the basis that imports would be made from nominated sources approved and remedial action would be taken if this condition is not fulfilled; and
- (l) no publicity be given to the requirements of subparagraph (k) above.

Initials *AS* Secretary to Cabinet
Date *19/81*

FOR CABINET

Submission No.

Doc. No.

38

Title	TEXTILES, CLOTHING AND FOOTWEAR - REPORT OF DEPARTMENTS ON PROPOSALS FOR IMPLEMENTATION OF A QUOTA RESERVE SCHEME FOR CASES INVOLVING ANOMALIES
Minister	WAL. FIFE - Minister for Business and Consumer Affairs
Purpose	To consider the report of Departments on proposals for implementation of a quota reserve scheme for cases involving anomalies.
Relation to existing policy	In accordance with Cabinet Decision No. 3634 of 15 August 1977 and cable no. CH557493 of 18 August 1977, authorised by the Prime Minister to ASEAN posts.
Timing: legislative priority	An early decision is desirable, as a follow up to the Government's policy announcement of 17 August 1977.
Announcement of decision, tabling, etc.	Draft Press Release - <u>ATTACHMENT A</u> , and an appropriate Bureau of Customs Notice.
Action required before announcement	Although selection of the independent Chairman prior to announcement of the decision would be desirable it is considered more important to announce details of the procedures as soon as possible so applications can be submitted.
Cost	No direct cost to the Commonwealth is involved.

Initials

MO

Date

18/8/77

ISSUES

The main issue is the consideration of proposals by the Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade for the implementation of the quota reserve scheme for cases involving anomalies under the present tariff quota and import licence schemes applying to textiles, clothing and footwear. The principal proposals are that:-

- (a) a Textiles, Clothing and Footwear Special Quotas Advisory Committee be established and headed by an independent Chairman who would make recommendations to a Committee of Ministers comprising the Ministers for Business and Consumer Affairs; Industry and Commerce; and Overseas Trade)
- (b) the prime criterion for special quota allocations would be to provide scope for ASEAN countries to increase their share of the available Australian market, with the first priority being given to consideration of requests from firms which invested in off-shore operations in ASEAN countries prior to the introduction of quotas;
- (c) consideration be given to whether special quotas from the anomaly reserve should be conditioned to ensure that they are not used to import from non-ASEAN countries;
- (d) validity dates of special quotas be left to the discretion of Ministers involved, and transferability not generally apply to these special quotas;
- (e) monitoring be carried out by the Committee submitting progress reports to Ministers; by Customs control procedures being used to check whether sourcing conditions on any conditioned special quotas are being met; and by checks being made after importation if special quotas are not conditioned;

Initials *MC* Date 18/8/4

- (f) the scheme apply to children's knitted tracksuits, playsuits and rompersuits.

BACKGROUND

2. As part of Decision No. 3634 of 15 August 1977 Cabinet agreed that it would, in respect of supplementary quotas for textiles, clothing and footwear, reserve 15% of total quotas for cases involving anomalies. This was to include provision for allocations to firms which invested in off-shore production facilities prior to the introduction of quotas with the objective of placing a substantial part of the output of these facilities on the Australian market. This information was included in the joint Ministerial statement of 17 August 1977 on Government policy towards the textiles, clothing and footwear industries.

3. In a subsequent cable of 18 August 1977 authorized by the Prime Minister to ASEAN posts it was indicated that the Government expects exporters in ASEAN countries to be their major beneficiaries.

4. The Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade were asked to develop proposals for such a scheme including:-

- . criteria to be applied in deciding quota allocations;
- . safeguards to avoid abuse of such a scheme;
- . proposals to monitor quota allocations under such a scheme;
- . any residual aspects requiring consideration.

5. These decisions by Cabinet followed consideration of proposals to ameliorate the rigidities associated with the present system of allocation of quotas which is based predominately on past performance.

6. The Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade have now prepared proposals for the implementation of a quota reserve scheme for cases involving anomalies and these are outlined in their report at ATTACHMENT B.

CONSIDERATION OF THE ISSUES

Advisory Committee

7. A Textiles, Clothing and Footwear Special Quotas Advisory Committee headed by an independent Chairman would enable the Government to demonstrate that applications for special quotas are considered on an equitable and consistent basis. Because of the potentially sensitive nature of decisions and the policy implications which may be involved it is considered desirable for Ministers to retain decision-making.

Criteria

8. The prime criterion for special quotas to provide scope for ASEAN countries to increase their share of the available Australian market is in line with the message conveyed to ASEAN Governments by the Heads of Australian Missions and Cabinet Decision No. 3634 of 15 August 1977. Giving first priority to consideration of requests from firms which invested in off-shore operations in ASEAN countries prior to the introduction of import quotas is also in line with Cabinet Decision No. 3634 of 15 August 1977.

Safeguards

9. If special quotas are not conditioned for sourcing on ASEAN countries only, they could be utilised for importation of goods from other sources and the fact not detected until after importation. However conditioning of individual Determinations or import licences for the countries concerned would be likely to lead to allegations of discrimination vis-a-vis other global sources, particularly from non-ASEAN countries of Asia which are prominent suppliers to Australia of many apparel products and which would consequently be amongst those countries most significantly affected by any diversion of trade. As well, the GATT specifically prohibits the attachment of requirements to import licences and tariff quotas to ensure that they be utilised on goods from specified countries or sources of supply unless part of a system of country quotas. Australia also has obligations under bilateral agreements with other Asian non-ASEAN countries not to discriminate against them in trade matters.

Monitoring

10. Departments are proposing that the Committee submit progress reports to Ministers on the volume of quota allocations under the scheme, the amount of such allocations for imports from ASEAN sources, and the main types of anomalies to which the special quotas have been directed.

11. With conditioned Determinations, Customs control procedures are available to check whether or not anomaly conditions are being met in respect of sourcing.

12. If Determinations are not conditioned in relation to sourcing the quotas concerned could be utilised for goods from sources other than ASEAN. This would not be detected until after the importation. (Action could be taken where this had occurred by, for example, debiting the special quota from future entitlements or excluding the importer from any further special consideration.)

Other Matters

Validity Dates and Transferability

13. Validity dates of quota have particular relevance in anomaly cases involving off-shore ventures in ASEAN countries as it would not be possible to ameliorate difficulties unless special quota had immediate validity. Whilst the supplementary quotas from which the 15% anomalies reserve has been set aside are valid for most items of textiles and apparel for the period 1 March to 31 August 1978 and for footwear for the period 1 January to 30 June 1978, this may not be appropriate if certain anomalies are to be ameliorated by special quota allocations. It is therefore recommended that precise validity dates for particular allocations of special quota be left to the discretion of the Ministers involved.

14. Whilst transferability of quotas is to be introduced to overcome problems associated with the rigidities of the quota system generally, it was felt by Departments that to allow blanket transferability of special quotas could lead to possible abuse. It is therefore considered desirable for special quotas to be generally non-transferable unless the Minister for

Business and Consumer Affairs considers there are exceptional circumstances and that such transfers are in keeping with the purpose of the special allocations involved.

Children's Tracksuits, Playsuits, Etc.

15. The terms of Cabinet Decision No. 3634 to establish quota reserves do not cover the tariff quota category applying to children's tracksuits, playsuits, etc. since quotas were only introduced on these garments on 29 June 1977. As quotas for the six months period 1 March to 31 August 1978 have not yet been allocated and as ASEAN countries are a significant source of imports of these garments, Departments recommended that the coverage of the quota reserve be extended to include these garments. This would ensure consistency of treatment for all appropriate textiles, clothing and footwear subject to tariff quotas or import licensing.

OPTIONS

16. Advisory Committee

- establish the Committee which would recommend to Ministers who would take decisions, or have the Committee take its own decisions.

17. Conditioning

- condition individual determinations or licences to importation from particular countries
 - . could give rise to significant trade relations problems
- or advise importers that approval is on the basis that imports would be made from the nominated sources as approved and take remedial action if this condition is not fulfilled
 - . supported by the Department of Overseas Trade
 - . or approve allocations where sources specified by importers include ASEAN countries but not advise importers that ASEAN sourcing is a condition of approval
 - . would reduce the likelihood of trade relations problems but would not ensure that imports are sourced on ASEAN countries. Such sourcing could have been a critical consideration when the quotas were allocated.

18. Validity Dates and Transferability

- leave precise validity dates of special quota to the discretion of the Ministers involved or keep them in line with normal quota allocations
- have special quotas generally non-transferable or allow them to be transferable in the same way as normal quotas.

19. Children's Tracksuits, Playsuits etc.

- extend the 15% anomalies reserve to children's knitted tracksuits, playsuits and rompersuits or omit such goods from the special quota arrangements.

PUBLIC IMPACT

20. The concept of such a special reserve gives recognition to the fact that there are anomalies in the present system. However a mixed reaction to the scheme should be expected, with many established importers expressing concern at their "normal" allocations being reduced to provide for the 15% anomalies reserve. On the other hand those importers who are anxious to increase their imports from ASEAN sources and who would, on receipt of special quotas, be in a better position than otherwise, will obviously react favourably.

PUBLICITY

21. Publicity in terms of the press statement at ATTACHMENT A and a proposed Bureau of Customs Notice is considered appropriate. For international relations reasons it would be desirable that there be no public mention of trade with ASEAN being a condition for receipt of a special quota.

FINANCIAL CONSIDERATIONS

22. There are no direct financial considerations.

Initials

MC

Date

18/8/72

EMPLOYMENT CONSIDERATIONS

23. The proposed scheme could indirectly help sustain employment in the Australian operations of those manufacturers (e.g. Midford Products) who invested in facilities in ASEAN countries prior to the introduction of quotas.

TIMING

24. An early decision and announcement of details of the scheme is necessary as a follow up to the Government's policy announcement of 17 August 1977.

COMMONWEALTH/STATE/LOCAL GOVERNMENT RELATIONS

25. No direct relevance to State/Local Government.

CO-ORDINATION

26. The Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade have considered the matters requested in Cabinet Submission No. 3634 of 15 August 1977. Their report is at ATTACHMENT B.

LEGISLATION

27. There are no legislative requirements.

RECOMMENDATIONS

28. I recommend that Cabinet consider recommendations 1 to 12 of the Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade as set out in detail in APPENDIX 1 to this submission.

29. Briefly these are that:

- (a) A Textiles, Clothing and Footwear Special Quotas Advisory Committee be established and headed by an independent Chairman who would make recommendations to a committee of Ministers comprising the Ministers for Business and Consumer Affairs; Industry and Commerce; and Overseas Trade;
- 7/8/82

- (b) The prime criterion for special allocations of quota be to provide scope for ASEAN countries to increase their share of the available Australian market, with first priority being given to consideration of requests from firms known to have established off-shore operations in ASEAN countries prior to the introduction of quotas;
- (c) The precise validity dates of these special quotas be left to the discretion of the Ministers involved
- (d) Transferability would not generally apply to special quotas but could be permitted where the Minister for Business and Consumer Affairs is satisfied that such transfers would be in keeping with the purpose of the special allocation concerned;
- (e) A 15% anomalies reserve be applied to children's knitted tracksuits, playsuits, rompersuits and like garments;
- (f) consideration be given to whether Determinations or licences should be conditioned to importation from particular countries i.e. whether to -
- (i) condition individual Determinations or licences to importation from particular countries
 - could give rise to significant trade relations problems
 - or (ii) advise importers that approval is on the basis that imports would be made from the nominated sources approved and take remedial action if this condition is not fulfilled
 - strongly recommended by the Department of Overseas Trade
 - or (iii) approve allocations where sources specified by importers include ASEAN countries but not advise importers that ASEAN sourcing is a condition of approval

Date 18/8

- would reduce the likelihood of trade relations problems but would not ensure that allocations authorised are sourced in ASEAN countries.

(g) no publicity be given to recommendation (f) above.

[NOTE: Ministers' attention is particularly drawn to the three options regarding conditioning of special quotas to importation from particular countries]

WAL. FIFE

CANBERRA, A. C. T.
15 September 1977

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Date

18/8/77

DEPARTMENTS' DETAILED RECOMMENDATIONS

The Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade recommend that :-

- (1) a Textiles, Clothing and Footwear Special Quotas Advisory Committee be established to examine applications and submit recommendations in respect of special quotas to be allocated from within the 15% supplementary quota reserve recently authorised by Cabinet for cases involving anomalies.
- (2) the Committee headed by an independent Chairman, preferably with a commercial or business background, comprise representatives from the Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade.
- (3) taking into account the advice of the Committee, the Chairman submit reports to a Committee of Ministers comprising the Ministers for Business and Consumer Affairs; Industry and Commerce; and Overseas Trade.
- (4) these reports by the Chairman should :-
 - summarise applications received in respect of each quota category
 - set out the detailed criteria used in formulating recommendations, taking into account the Government's intention that the use of the anomalies reserve will be primarily to maximise trade opportunities for ASEAN countries

Initials

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Date

18/8/83

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- submit recommendations in respect of individual applications against such criteria -

. in the first instance the Chairman submit reports in respect of applications from Australian firms which state they invested in off-shore production facilities in the ASEAN area prior to the introduction of quotas, with the objective of placing a substantial part of the output of these facilities on the Australian market.

(5) where a balance of the anomalies reserve remains after consideration of applications involving sourcing on ASEAN countries, this balance be used in resolving anomalies where other sources of supply are involved.

(6) the procedures for the examination of applications be as outlined in paragraph 9 of ATTACHMENT B

(7) the precise validity dates to apply to the special quota allocations be left to the discretion of the Ministers involved.

(8) the transferability of the special quotas be considered only in exceptional circumstances and only after the Minister for Business and Consumer Affairs is satisfied that such transfers are in keeping with the purpose of the special allocations involved.

(9) the 15 per cent anomalies reserve scheme apply to children's knitted tracksuits, playsuits, rompersuits and like garments for the period ^{Initials} 1 March to 31 August 1978.

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(10) the question of whether provision for anomalies should be made in future quota periods be considered when quota arrangements for these periods are being determined by Cabinet.

(11) regarding action to ensure that the intent of the special allocations to improve trading opportunities for ASEAN countries is achieved there are three available options.

(a) condition individual determinations or licences to importation from particular countries,

- this action could give rise to significant trade relations problems as described in paragraphs 26 and 27 of ATTACHMENT B

(b) advise importers that approval is on the basis indicated on the application i.e. that imports would be made from the nominated sources approved and use Customs entry checks to see whether this condition is fulfilled. When this does not occur action could be taken to exclude such importers from any future scheme which provides for an anomalies reserve or to debit imports to future allocations strongly recommended by the Department of

Overseas Trade

(c) approve allocations where sources specified by importers include ASEAN countries but do not advise importers that sourcing on ASEAN is a condition of approval

- this action would reduce the likelihood of trade relations problems but would not ensure that allocations authorised are sourced on ASEAN countries.

Initials *MC*

Date *19/8/2*

(12) no publicity be given to recommendation (11) above.

Press Statement

Textiles, Clothing and Footwear - Special Quota Reserve for Anomalies

The Minister for Industry and Commerce, Senator Robert Cotton, and the Minister for Business and Consumer Affairs, Mr Wal. Fife, announced today that a committee was being established to consider applications for allocations from the 15 per cent of supplementary quotas for textiles, clothing and footwear imports which had been reserved for cases involving anomalies.

The Ministers recalled that in their Joint Statements of 17 August 1977 they had announced that, because of the rigidities which had been introduced into the quota system by the existing method of allocation which was in general on an historical importing base, it had been decided to reserve 15% of the recently announced supplementary quotas for cases involving anomalies. It had also been announced that provision would be made within this quota reserve for local firms which had invested in offshore production facilities prior to the introduction of quotas with the objective of placing a substantial part of the output from these facilities on the Australian market.

The Committee being established will be called the Textiles, Clothing and Footwear Special Quotas Advisory Committee and will examine applications for allocations from the quota reserve and submit recommendations to Ministers. It will be made up of representatives of the Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade and be headed by an independent Chairman.

Initials

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Date

18/8/78
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The Ministers indicated that children's knitted tracksuits, playsuits, rompersuits and like garments for the period 1 March to 31 August 1978 would be included in the quota reserve.

Applications for allocations from the 15 per cent quota reserve are invited from all parties who consider they are experiencing difficulties due to anomalies in the quota system. These should be directed to the Department of Business and Consumer Affairs which will provide secretariat facilities to the Committee. Details which should be included in any applications will be specified in a Bureau of Customs Notice to be issued shortly.

Ministers also wished to make it clear that special quotas allocated from within the anomalies reserve would not be transferable unless the Minister for Business and Consumer Affairs is satisfied that there are exceptional circumstances involved and that any such transfer would be in keeping with the purpose of the special allocation involved.

Applicants for anomaly consideration should appreciate that they may not necessarily receive the quota for which they apply. Each case will be considered on its merits.

Canberra, A.C.T.

September 1977

Initials

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Date

18/8/77

TEXTILES, CLOTHING AND FOOTWEAR -
REPORT OF DEPARTMENTS ON PROPOSALS FOR
IMPLEMENTATION OF A QUOTA RESERVE SCHEME FOR
CASES INVOLVING ANOMALIES

Introduction

In accordance with Cabinet Decision No. 3634 of 15 August, 1977 (and cable No. CH 557493 of 18 August, 1977, authorised by the Prime Minister to ASEAN posts), the Departments of Business and Consumer Affairs, Industry and Commerce; and Overseas Trade have prepared proposals for the implementation of the scheme for allocation of the reservation approved by Cabinet from the supplementary textiles, clothing and footwear quotas specifically reserved for cases involving anomalies. Departments have also considered the position of children's knitted frocksuits, playsuits and rompersuits.

2. In the terms of that Decision, 15 per cent of the supplementary quotas for textiles, clothing and footwear approved by Cabinet under Decision No. 3657 of 16 August, 1977, have been reserved for this purpose. Details of the quota levels involved and the reserve held for anomalies are set out in Appendix 1.

3. The proposed scheme relates to textiles, clothing and footwear and has been designed to

enable increased access to the Australian market for ASEAN suppliers, vide cable No. CH 557493 of 18 August, 1977 (Appendix 2);

assist in overcoming difficulties associated with cases drawn to the Prime Minister's attention

during his recent discussions with ASEAN leaders

- namely those Australian firms which invested

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in off-shore production prior to the introduction of quotas with the objective of placing a substantial part of the output of these ventures on the Australian market.

4. As directed by Cabinet the Departments have specifically given attention to the following :

- (1) the criteria to be applied in deciding quota allocations;
- (2) safeguards to avoid abuse of such a scheme;
- (3) proposals to monitor quota allocations under such a scheme; and
- (4) residual aspects requiring consideration.

5. The announcement of an anomalies reserve has generated considerable interest and it can be expected that requests for special allocations from this reserve will be numerous and in most quota categories could well exceed the volume of quota set aside. Requests should be expected to be received from :-

- . Australian firms associated with off-shore manufacturing activities;
- . established importers seeking additional quota to maintain import levels under circumstances involving a reduction in normal allocations;
- . manufacturers seeking to improve their competitive position or marketing prospects through access to imported products, either by supplementing their locally made product range or by obtaining access to lower cost imported yarns and fabrics and other production materials;
- . certain retailers claiming competitive disadvantages attributed to lack of or inadequate quota derived from historical import performance in specific product categories; and
- . new importers.

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Advisory Committee

6. In view of the circumstances likely to emerge, Departments consider that it is critical that the Government be able to demonstrate that applications from interested parties have been considered on an equitable and consistent basis. In addition the determination of allocations would need to take account of the various policy implications and the necessary administrative requirements involved.

7. Because of the potentially sensitive nature of the decisions to be taken and the policy implications which may be involved Departments propose the establishment of an advisory committee to consider applications by firms which claim to have been placed in an anomalous position by the inflexibilities associated with the operation of the quota system. The Committee could be called the Textiles, Clothing and Footwear Special Quotas Advisory Committee.

8. It is also proposed that this Committee :-

- . be chaired by an independent Chairman specifically appointed to carry out this responsibility and that this Chairman be a person of proven administrative experience, preferably with a commercial or business background;

comprise representatives of the Departments of Business and Consumer Affairs; Overseas Trade and Industry and Commerce;

the independent chairman submit recommendations on the allocation of the anomalies reserve to a committee of Ministers comprising the Ministers for Business and Consumer Affairs; Overseas Trade and Industry and Commerce.

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Procedures

9. Departments envisage the following arrangements applying :-

- . applications for allocations from the 15 per cent quota reserve would be invited from all parties who consider they are experiencing anomalies. A cut off date (of say one month) should apply to such applications and desirably in calling for applications there should be no specification limiting applications to any particular forms of anomaly or sources of supply. Applicants however, could be asked to specify the name and address of overseas firms on which orders would be placed if a special allocation was authorised, this being presented as an indication of the ability of the applicant to effectively and promptly use any such allocation;
- . applications to be submitted to the Department of Business and Consumer Affairs, that Department providing secretariat facilities to the Committee, circulating papers to other departments represented on the Committee and arranging meetings of the Committee;
- . a detailed appraisal of each case to be made and submitted to the Committee by the relevant Department; the Departments will analyse the details of the specific product type, the tariff quota category, the quantities required, the country(ies) of origin of the proposed imports and the reasons justifying the claim that the applicant has been placed in an anomalous position. This information should be designed to enable the independent Chairman and the

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Committee to advise on the treatment to be accorded to remedy the anomaly; but at the same time maintain equitable treatment vis-a-vis other applicants for special quotas in the product category concerned;

- . the Committee would consider the details of each case and the Chairman would make recommendations to the Committee of Ministers;
- . the Minister for Business and Consumer Affairs would have the decision conveyed to the firm involved and where appropriate authorise the related Ministerial Determination or import licence.

Criteria

10. In view of the advice conveyed to ASEAN Governments by the Heads of Australian Missions the significant criterion in determining the eligibility of any request is the scope for development of trade in textiles, clothing and footwear with ASEAN countries.

11. Within this policy intention, and to the fullest extent practicable, applicants would be required to demonstrate that they were suffering some commercial disadvantage arising from the rigidities associated with the quota system. Furthermore such problems would have to be shown to be unlikely to be resolved by the recently introduced transferability provisions.

12. Departments regarded it as very important that within the above framework equity and even-handedness apply. Within particular tariff quota categories, all firms with similar problems should be treated in the same way.

13. In addition, the various ASEAN countries should as far as practicable, be treated equitably in relation to each other.

International obligations, in any case, require Australia to act

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in this way.

14. It is not possible at this time to be specific as to the criteria to be applied to individual applications. These would be influenced by the number of applications received for each product category, the nature of the claimed anomalies, the level of quota available within the reserve for each product category and the likely sourcing.

15. Departments therefore consider that an important responsibility of the advisory committee would be to :-

- . consider applications received on a quota category basis;
- . formulate particular criteria for allocations from the anomalies reserve for each quota category taking into account;
 - the intention to use this reserve to maximise trade opportunities for ASEAN sources
 - the nature of the anomalies claimed and how these may best be equitably alleviated within the quota reserve available.

16. Submissions to the proposed Committee of Ministers would detail the nature of the applications received, the criteria used for recommendations made and the level of individual allocations resulting from these recommendations.

Priorities

17. The inability of the Australian firms which have set up off-shore facilities in ASEAN countries to import into Australia from these sources reflects inadequate quota entitlements arising from limited past performance. Recognising this has been a major irritant to ASEAN Governments, Departments consider that the first priority should be given to consideration of requests

Initials

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from those firms known to have established off-shore operations in ASEAN countries prior to the introduction of import quotas.

18. It should be noted that in resolving problems associated with known off-shore venture cases it is possible that the total 15% reserve could be exhausted in a small number of categories e.g. shirts and pyjamas. On the other hand, in some quota categories particularly in textiles, it could be anticipated that requests involving imports by off-shore manufacturers in ASEAN countries would be less than the reserve. In this latter event the balance left in the reserve, could be used firstly to meet requests made by other Australian firms sourcing on ASEAN and then to resolve problems associated with imports from other sources.

Safeguards

19. In addition to certain specific safeguards mentioned in subsequent paragraphs, departments consider that the committee system proposed would help ensure that abuse of the scheme is avoided. In addition such a procedure should assist in achieving consistency of approach and facilitate the co-ordination of policy considerations relating to overseas trade relations, industry policy and quota administration issues.

Monitoring

(a) Overview

20. The Committee could submit progress reports to Ministers on the volume of quota allocated under the scheme, the amount of such allocations for imports from ASEAN sources, and the main types of anomalies to which the special quotas have been directed.

(b) Individual Cases

21. With conditioned Determinations, Customs control procedures are available to check whether or not the anomaly conditions are being met in respect of sourcing. It is possible

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that if special quotas are not conditioned to be valid for ASEAN countries only, they could be utilised for importation of goods from sources other than ASEAN and the fact not detected until after the importation. (Action could be taken against quota holders who act in this way by, for example, debiting the special quota from future entitlements or excluding the importer from any further special consideration.)

22. A further monitoring device would be the administrative procedures devised for transferability of quota. Under this scheme, a register of transfers will be maintained by the Bureau of Customs.

Residual Considerations

(a) Validity Period of Special Anomaly Allocations

23. Cabinet, by Decision No. 3657 of 16 August 1977, authorised levels of supplementary quotas which, in the case of most textile and clothing items, would have a validity period of 6 months commencing 1 March 1978 and in the case of footwear a commencing date of 1 January 1978. The validity date of quota has particular relevance in anomaly cases, involving off-shore ventures in certain ASEAN countries. It would not be possible to ameliorate the difficulties involved in these cases unless special quota had immediate validity. As well, if there is to be an early trade stimulus in other cases, approval would need to be given for the validity dates of quotas allocated from within the 15% anomalies reserve to be brought forward. Precise validity dates to apply to particular allocations could be left to the discretion of the Ministers involved, to be determined in the light of case by case recommendations by the Advisory Committee.

Initials

Date

18/8/78

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(b) Transferability

24. Besides the establishment of the 15 per cent anomalies reserve, Ministers also recently decided to introduce transferability of quotas and the moving base concept with a view to overcoming problems associated with the rigidities of the former quota allocation system. Since allocations under the anomalies reserve scheme are primarily intended to resolve particular problems and at the same time stimulate trade prospects for ASEAN suppliers, Departments gave attention to whether such quotas issued from the reserve should be differentiated from normal quota allocations.

25. In respect of transferability it was considered that if an allocation was made to resolve an anomalous situation, to allow blanket transferability could lead to possible abuse of the scheme. Accordingly, to safeguard against such possibilities it is suggested that the normal situation would be for special quotas from the anomalies reserve to be non-transferable. Transferability of such quotas would only be considered in exceptional circumstances and then only after the Minister for Business and Consumer Affairs was satisfied that such transfers are in keeping with the purpose of the special allocations involved.

(c) ASEAN Sourcing

26. The question of ensuring that special quotas are used for sourcing from ASEAN countries and safeguarding against such quotas being used to cover imports from other sources was considered. Departments concluded that the only certain way of ensuring utilisation in respect of ASEAN suppliers was to condition individual Ministerial Determinations of Import Licences for the countries concerned. It was recognised however that such a procedure would be likely to lead to allegations of discrimination

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vis-a-vis other global sources.

27. In this regard the Department of Overseas Trade drew attention to Australia's obligations under bilateral trade agreements with prominent non-ASEAN suppliers of these products (such as the Peoples Republic of China, the Republic of Korea and India) not to discriminate against these countries on trade matters. As well, the GATT specifically prohibits the attachment of requirements to import licences and tariff quotas to ensure that they be utilised on goods from specified countries or sources of supply unless part of a system of country quotas. Ministers' attention is also invited to the potential trade relations problems which could be generated by such conditioning with certain non-ASEAN Asian countries which accounted for some \$900 million of Australian exports in 1976-77. These countries currently supply the major proportion of Australian imports of apparel, and will be those most directly affected by reductions in, and diversion of, quotas.

(d) Continuation of Provision for Anomalies

28. Departments drew attention to the likelihood that if adequate access was not given in an on-going manner to some off-shore ventures, recent problems of a bilateral relations nature with certain ASEAN members could re-emerge in subsequent quota periods. It is possible that the moving base quota allocation concept could provide some amelioration of this problem; but until details of procedures involved in the implementation of that concept are settled the extent to which this practice would be effective in heading off the re-emergence of such problems is not possible to estimate. Departments emphasize, however, that the procedures expected to be involved in the application of a moving base concept were unlikely to significantly sustain in the next quota period the degree of special access accorded via

Initials

Date

18/8/72

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special quotas issued this quota period. Accordingly it is suggested that the continuance of some provision for anomalies is likely to be required beyond the current quota periods, should import quotas continue. This question will need to be examined when quota arrangements for subsequent quota periods are being determined.

(e) Extension of Provision for Anomalies

29. Departments noted that the terms of Decision No. 3634, to establish quota reserves, do not cover the tariff quota category applying to children's knitted tracksuits, playsuits, rompersuits and like garments, since tariff quotas were introduced on these garments on 29 June 1977 in accordance with Cabinet Decision No. 3185 of 14 June 1977. Quotas for these garments for the six months period 1 March to 31 August 1978 have not yet been allocated. As ASEAN countries are a significant source of imports of these garments, Departments recommend, for consistency of treatment, that the coverage of the anomalies reserve be extended to include these garments by reserving 15% of the quota levels approved for that period.

Recommendations

30. The Departments of Business and Consumer Affairs; Industry and Commerce; and Overseas Trade recommend that :-

- (1) a Textiles, Clothing and Footwear Special Quotas Advisory Committee be established to examine applications and submit recommendations in respect of special quotas to be allocated from within the 15% supplementary quota reserve recently authorised by Cabinet for cases involving anomalies.

- (2) the Committee headed by an independent Chairman, preferably with a commercial or business background, comprise representatives from the Departments of Business

Initials

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Date

18/8/92

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and Consumer Affairs; Industry and Commerce; and Overseas Trade.

- (3) taking into account the advice of the Committee, the Chairman submit reports to a Committee of Ministers comprising the Ministers for Business and Consumer Affairs; Industry and Commerce; and Overseas Trade.
- (4) these reports by the Chairman should :-
- summarise applications received in respect of each quota category
 - set out the detailed criteria used in formulating recommendations, taking into account the Government's intention that the use of the anomalies reserve will be primarily to maximise trade opportunities for ASEAN countries
 - submit recommendations in respect of individual applications against such criteria -
 - . in the first instance the Chairman submit reports in respect of applications from Australian firms which state they invested in off-shore production facilities in the ASEAN area prior to the introduction of quotas, with the objective of placing a substantial part of the output of these facilities on the Australian market.
- (5) where a balance of the anomalies reserve remains after consideration of applications involving sourcing on ASEAN countries, this balance be used in resolving anomalies where other sources of supply are involved.
- (6) the procedures for the examination of applications be as outlined in paragraph 9 of this report.

Initials

Date

19/8/92

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- (7) the precise validity dates to apply to the special quota allocations be left to the discretion of the Ministers involved.
- (8) the transferability of the special quotas be considered only in exceptional circumstances and only after the Minister for Business and Consumer Affairs is satisfied that such transfers are in keeping with the purpose of the special allocations involved.
- (9) the 15 per cent anomalies reserve scheme apply to children's knitted tracksuits, playsuits, rompersuits and like garments for the period 1 March to 31 August 1978.
- (10) the question of whether provision for anomalies should be made in future quota periods, be considered when quota arrangements for these periods are being determined by Cabinet.
- (11) regarding action to ensure that the intent of the special allocations to improve trading opportunities for ASEAN countries is achieved there are three available options.
- (a) condition individual determinations or licences to importation from particular countries,
- this action could give rise to significant trade relations problems as described in paragraphs 26 and 27
- (b) advise importers that approval is on the basis indicated on the application i.e. that imports would be made from the nominated sources approved and use Customs entry checks to see whether this condition is fulfilled. When this does not occur
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action could be taken to exclude such importers from any future scheme which provides for an anomalies

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reserve or to debit imports to future allocations

- supported by the Department of Overseas Trade

(c) approve allocations where sources specified by importers include ASEAN countries but do not advise importers that sourcing on ASEAN is a condition of approval

- this action would reduce the likelihood of trade relations problems but would not ensure that allocations authorised are sourced on ASEAN countries.

(12) no publicity be given to recommendation (11) above.

CANBERRA A.C.T.

September 1977

Initials

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Date

19/8/92

	Total Tariff Quota level for additional 6 months period	RESERVE FOR ANOMALIES	OFF-SHORE VENTURES
A. CLOTHING	'000 garments		
Knitted coats, jumpers, cardigans and like garments	6,000	900	
Knitted outerwear shirts for men, boys and infants	3,000	450	
Knitted shirts and blouses for women and girls and woven shirts and blouses for women and girls and infants	3,500	525	
Woven coats for women, girls and infants	375	56	
Knitted and woven dresses	1,400	210	
Knitted tracksuits for adults	200	30	
Knitted or woven trousers and jeans for men and boys	1,400	210	initials
Woven sleepwear for women, girls and infants	1,000	150	Yes
Knitted or woven dressing gowns, kimonos and bathgowns and the like	100	15	
Woven pyjamas and sleepwear for men and boys	600	90	Yes
Knitted undergarment shirts and woven shirts for men and boys	2,500	375	Yes
Knitted or woven suits for men and boys	25	4	
Woven short length coats (excluding ski jackets, parkas and rain coats) for men and boys	100	15	
Knitted or woven shorts for men and boys	750	113	Yes
Certain outer garments for women, girls and infants	2,000	300	
Swimwear	350	53	
Babies Napkins	450	68	
Brassieres	1,160	174	
B. FOOTWEAR	'000 pairs		
Leather	1,500	225	Yes
Non-leather	7,000	1,050	Yes
Parts	\$980,000	\$147,000	

1560

initials

		Total Tariff Quota level for additional 6 months period	RESERVE FOR ANOMALIES	OFF-SHORE VENTURES
C. TEXTILES				
Acrylic Yarn	M kg	0.4	0.06	
Woven Man-Made Fibre Fabrics	M sq m	17.5	2.625	
Knitted Man-Made Fibre Fabrics	M kg	1.4	0.21	
Pile Fabrics of Man-Made Fibres		50% of 1974/75 imports	7.5% of 1974/75 imports	Yes
Towels	M sq m	1.27	0.19	
Towelling		50% of 1975/76 imports	7.5% of 1975/76 imports	
561 Polyamide and Polyester yarns	M kg			
- for Carpets		0.8	0.12	
- Other		1.0	0.15	
Unraised Cotton Sheeting		Nil	Nil	
Bed Linen		Nil	Nil	

26/11/81

Initials MC

APPENDIX 2 TO ATTACHMENT B

TEXT OF CABLE NO. CH 557493 OF 18 AUGUST 1977

TO ASEAN POSTS

TO HEADS OF MISSIONS

Further to instructions contained in reference cables we now wish you to approach your host Governments at Ministerial level and convey the following clarification of the Australian Government's decisions on quota allocation principles.

2. In reserving 15% of total quotas for cases involving anomalies the Government expects ASEAN exporters to be the major beneficiaries. Administrative arrangements are being determined in Australia with this objective in mind. ASEAN exporters should provide details of their Australian agents to Embassy or High Commission as appropriate. This information will be forwarded to the Committee, comprised of Departments of Overseas Trade, Industry and Commerce and Business and Consumer Affairs, responsible for advising on quotas.

3. To avoid any misunderstanding it should be noted that quotas for firms who invested in offshore production facilities prior to the imposition of quotas will be included in the 15% quota reserve.

4. In conveying the above you should indicate that the Government's capacity to implement the new arrangements in the manner intended will depend to a large degree on continuing confidentiality being observed in handling the matter. By the same token it is important that Governments know that we regard the package decided as a significant gesture of understanding by the Australian Government of ASEAN's concerns.

Initials

Date

MO

18/8/77

CHRONOLOGY OF MIDFORD REPRESENTATIONS

- 1987 . 14 December, Rodger requested Fitzpatrick for a meeting with DITAC and Customs (S.1271)
- . 16 December, Roger Smith (Customs) file note re advice to Mr Rodger that Customs would not attend meeting of 17 December. (Rodger FOI material and S.2217)
- . 17 December, O'Connor and Smith met Midford and Rodger re reinstatement of Quota (S.3985)
- . 18 December, Partlett wrote to DITAC. (M.1609)
- . 18 December, Mr Rodger wrote to Department outlining case for continued off-shore quota.(K.1087 and S.4070)
- . 18 December, Mr Rodger sent Minister copy of letter to Department.(M.1611 and S.3172)
- . 18 December, Midford met with Department regarding the case.(M.1612-14 and K.1096)
- . 21 December, Midford wrote to NSW Premier's Dept (S.813)
- . 21 December, S West MP wrote to Minister on behalf of Midford requesting an early decision on charges against Midford.(M.1616)
- . 21 December, G Punch MP fax to Minister on behalf of Midford.(M.1615)
- . 21 December, Midford's solicitor met with Mr Punch and Mr Brian Langton re seizures and cancellation of quota. (S.2804)
- . 21 December, Midford's solicitors wrote to Mr Punch, re cancellation of quotas and seizures of shirts. (S.2804)
- . 21 December, Rodger letter to DITAC and Customs. (S.2608)
- . 21 December, several phone conversations between Paul O'Connor and Rodger. (S.2218)
- . 22 December, Midford and Rodger met with Paul O'Connor. (S.2218)
- . 22 December, Midford again met with DITAC to discuss the case. (S.1279-84, S.4445 and S.4449)
- . 23 December, DITAC advised the Minister of Midford's loss of special quota. (S.6826, M.1620 and S.3709)
- . 24 December, Mr Rodger wrote to Taylor in DITAC seeking restoration of 1988 quota and detailed the nature and scope of Midford's restructuring in Australia and Malaysia. (S.410-414 and S.744)
- 1988 . 4 January, Mr Rodger advised DITAC of new agreement between Midford (Malaysia) and Pen Apparel complies with conditions laid down in Mr Collopy's letter of 2 May 1985. (S.779 - See copy of agreement at K.2491)
- . 5 January, conversation between Mr Graham Taylor (DITAC) and Mr Rodger regarding the restoration of 1988 quota.(M.1634)

1988 . 7 January, J Chesworth briefed Minister re representations from Frank Arkell MP (S.684-687)

. 7 January, Mr Rodger wrote to Graham Taylor of DITAC outlining the commercial impact of seizure of the goods.(M.1640)

. 7 January, Mr Rodger provided the Department with a copy of the Agreement between Pen Apparel and Midford Paramount. (S.6842, M.1636-38)

. 7 January, ACS advise Minister Jones of details of Midford case.

. 8 January, Ian McManus, MP, wrote to Minister Button on behalf of Ald Frank Arkell about cancellation of Midford's quota. (S.679 and S.7761)

. 8 January, Mr Rodger rang Mr Taylor in DITAC to ascertain what was planned to assist Midford with 1988 quota.(M.1641)

. 11 January, Graham Taylor (DITAC) advised Mr Rodger allocation of 1988 quota can only be done by Customs.(M.1642)

. 12 January, Ian McManus MP wrote to Sen Button representations on behalf of Frank Arkell re cancellation of Midford's quota. (S.243)

. 13 January, Midford Board wrote to Minister Jones requesting a meeting.(M.1643)

. 14 January, Minister Jones wrote to S West MP outlining the state of play with the investigations. (S.677)

. 18 January, Midford Solicitor (Ganz) wrote to Customs (Chesworth) re actions against Midford (S.565 and S.7765)

. 18 January, Minister Jones wrote to Midford advising them that it was inappropriate to meet Board.(M.1645)

. 18 January, Midford applied to Federal Court to have seizures of goods overturned (S.3266)

. 20 January, Robert Tickner MP wrote to Minister Jones re cancellation of Midford's quota (S.243)

. 20 January Robert Tickner MP wrote to Sen. Button

. 20 January, Mr Rodger wrote to Minister Jones concerning Minister's correspondence to Midford dated 18 January. (S.6853 and M.1647)

. 20 January, Mr Rodger wrote to Minister Jones concerning Minister's correspondence to Midford dated 18 January.(M.1647)

. 21 January Don Dobie MP wrote to Sen. Button re ACS action being harsh in relation to Midford (S.243)

. 28 January, Minister Jones responded to Ald Frank Arkell re cancellation of Midford's quota. (S.7774, S.6872 and M.1665)

. 29 January, Norm Petering wrote to Midford's solicitors (Ganz) re letter of 18 January 1988 re cancellation of quotas . States that Midford was required to retain ownership of its factory.(S.565 and S.7766)

. 1 February, Meeting between Government officials (DITAC and Customs) and Midford re future of the company. (E.133 and M.1661)

. 3 February, Dr Woods representations to Minister Jones re Midford. (S.682 and S.7775)

- 1988 . 5 February, Minister Button wrote to Mr Rodger suggesting matter be resolved through the courts. Mentions three weeks and that criteria under new scheme was same as for last scheme. (Exhibit 2, S.6874 and M.1668)
- . 5 February, Midfords' solicitors (Parry, Ware) letter to Hawksworth (Customs) re return of seized documents. (Rodger FOI material)
- . 5 February, Letter from Midford to Dr Fitzpatrick (DITAC) re quota for 1988. (E.133 and M.1650)
- . 5 February, Midford wrote to NSW Premier Unsworth (S.814)
- . 6 February, Midford wrote to DITAC requesting restoration of 1988 off-shore quota. (S.792)
- . 8 February 1988 Dr Bob Woods MP wrote to Sen Button requesting expedite decision to institute proceedings. (S.243)
- . 9 February, O'Connor wrote to Rodger's solicitor re documents taken not covered by the Section 10 Warrant (S.3964)
- . 11 February, Mr Pickering MLC wrote to Senator Button and Mr Jones making representations on behalf of Midford.(M.1663-4)
- . 12 February, O'Connor wrote to Midford's solicitors re press statements and entry of goods scheduled to arrive on 8 February 1988 (S.3977)
- . 12 February, O'Connor wrote to Midford's solicitors acknowledging reasons for four decisions requested - two on seizure, one on revocation of 1987 quota and one on non-issue of 1988 quota (S.4034)
- . 15 February, Lord Mayor of Wollongong (F Arkell MP) wrote to Minister on behalf of Midford.(M.1665)
- . 15 February, Minister's SPS (Richard Johns) advised Midford that meeting with Minister is inappropriate.(S.787 and M.1666-7)
- . 16 February, Midford wrote to Minister Punch enclosing copies of letters of same date to Dr Fitzpatrick and Minister Button. (S.6876, S.7785 and M.1670)
- . 16 February, letter Minister Button to Mr Rodger advising nothing he can do to provide tied quota for 1988.(S.788 and M.1671)
- . 16 February, Midford wrote to Minister seeking meeting. (S.790)
- . 16 February, Midford wrote to DITAC requesting restoration of 1988 off-shore quota. (S.792)
- . 17 February, SPS, Minister for Arts, wrote to SPS Minister IT&C enclosing copy of correspondence sent to DITAC.(M.1679)
- . 19 February, Minister Jones wrote to Senator Baume concerning representations from the Lord Mayor of Wollongong re Midford. (S.678)
- . 22 February, letter from Lewis ACS to Midford concerning removal of records and requirement to produce all records within 24 hours (S.9438)
- . 23 February, letter from Midford to Lewis claiming that records were not removed by any officer of the Company and were still maintained in the prescribed manner (S.9444)

1988 . 25 February, Midford instructed Richardson to enter sample shipments without interest or inland freight charges (S.4457, S.8095 and K.4434)

. 25 February, Customs advised Midford of the re-determination of Customs Values on entries 1-9 of schedule (S.5786, S.5978 and S.5992. See Schedule of 71 redetermined entries at S.5986)

. 26 February, Minister Jones wrote to Robert Tickner, MP re cancellation of Midford's quotas (S.680)

. 29 February Stewart West MP wrote to Sen Button again requesting early decision on charges against Midford (S.243)

. (Undated) March, Mr Rodger rang Dr Fitzpatrick re cancellation of 1988 quota (M.1681)

. (Undated) March, Mr Rodger rang Dr Fitzpatrick re cancellation of 1988 quota. (M.1681)

. 1 March, Minister West wrote to Minister Button re Midford. (S.6888, M.1682 and S.683)

. 1 March, Mr Turnbull (DITAC) advised Mr Paraggio (ACS) that in order to respond to representations from Mr West MP and Mr Punch MP Senator Button's office had inquired about the progress of the Midford investigation.

. 2 March, Minister wrote to Mr West MP and Mr Punch MP enclosing statement on state of play with Midford. (S.683)

. 3 March, Minister Jones wrote to Mr Dobie MP regarding cancellation of Midford's quota. (S.681 & S.796)

. 3 March, letter from Fisher AHC to Ministry of Trade and Industry re. seizures (S.10975)

. 3 March, Minister Jones wrote to Ian McManus MP re representations from Frank Arkell re cancellation of Midford's quotas (S.679)

. 3 and 4 March, Midford and Mr Rodger invited by Customs to attend interviews (S.3269, S.3851, S.3867, S.3882 and S.8687)

. 8 March, Parry, Ware and Carroll (Solicitors for Midford): wrote to DPP re return of documents. (M.1779)

. 9 March, letter from ACS (Hamilton) to Rodger's solicitors (Deane) written questions would not be provided for the interview. (S.8331)

. 10 March, Minister Jones replied to Dr Bob Woods letter of 3 February advising matter is being investigated (S.682)

. 25 March, Rodger advised ACS (Petering) that Midford intends to cease import activity until dispute with ACS resolved. (S.7527)

. 13 April, Ombudsman responded to Midford's letter of 10 March 1988 (S.703)

. 23 May, Minister responded to Lord Mayor of Wollongong advising that matter is for resolution in the Courts.(M.1704)

. 23 May, Sen. Button replied to representation from Mr Pickering MLC on behalf of Midford.(M.1703)

. 1 July, Ombudsman wrote to Midford (S.703)

. 6 July, Mr Rodger met with Dennis Pearce, Commonwealth Ombudsman. (K.2561)

- 1988 . 11 July, Midford wrote to Ombudsman re letter of 1 July (S.708)
- . 14 July, Richardson wrote to Midford detailing the events concerning
airfreight shipments from MM and their subsequent re-export.
(S.8096)
- . 14 July, Customs wrote to Midford revising figures for P.I.P. (S.8125,
and referred to at S.7851)
- . 24 August, Ombudsman provided further response to Midfords March
1988 inquiries (S.709)
- . 29 August Makinson & D'Aprice wrote to Minister Jones requesting
a meeting to discuss Midford's activities and possible charges to be
laid. (S.243)
- . 30 August, Midford's solicitors wrote to Petering re P.I.P> (S.7851
and S.8736)
- . 31 August, Midford's solicitors wrote to Customs concerning future
allocations of quota (S.4123)
- . 27 September, Minister Jones wrote to Makinson & D'Aprice
declining to meet with Midford. (S.258 and S.688)
- . 7 October, Ombudsman wrote to Customs re Midford (S.701)
- . 23 November, Ombudsman responded to Mr Rodger re source of
press leaks "publicly available affidavits". (K.2562)
- 1989 . 24 May, Solicitors for Midford wrote to DPP re missing documents.
(S.2611)
- . 1 June, DPP wrote to Midford's solicitors providing missing
documents. (S.2615)
- . 12 July, Midford's solicitors wrote to Paul O'Connor re P.I.P.
entitlements (S.7855, S.8734)
- . 7 August Electorate officer of Stewart West MP wrote to Sen Button
requesting update of situation including whether litigation took place
and what result. (S.243)
- . 11 August, Midford and Mr Rodger met with Customs seeking
reinstatement of quotas.(M.1751-2)
- . 14 August, Midford wrote to NSW Premier Unsworth (S.816)
- . 21 August, Unsworth responded to Midford. (S.818)
- . 25 August, letter from Stewart West MP to Minister Jones seeking
restoration of quota.(M.1753)
- . 30 August, Midford wrote to S West MP thanking him for
intervention.(M.1755)
- . 12 September, Midford wrote to Minister concerning legal action by
ACS and seeking meeting to finalise matters. (S.3287 and M.471)
- . 21 September Representations from Anna Booth, Clothing & A.T.
Union to Sen Button re problems Midford experiencing following
withdrawal of quota. (S.243)
- . 26 September, Midford wrote to Australian High Commissioner in
Malaysia.(M.470)
- . 28 September, Midford wrote to the Minister seeking restoration of
status quo prior to committal hearings. (S.3286 and M.1764)
- . 10 October, Midford met with Customs (S.648-650 and S.669)

- 1989 . 18 October, Midford made an initial offer of settlement (S.3546)
- . 20 October, Midford wrote to Dennis O'Connor, Deputy C-G re Customs misunderstanding of quota and restructuring arrangements (S.646)
- . 23 October, Midford wrote to Customs (O'Connor) requesting adjustment to quota based on PIP (S.669)
- . 31 October, Mr Tickner MP wrote to Minister Jones requesting meeting re Midford. (S.6971, S.7857 and M.1765)
- . 7 November, Minister Jones replied to Midford's letter of 12 September. (S.693 and S.3285)
- . 7 November, Sen Button responded to Anna Booth (S.692)
- . 13 November, Dr R Woods MP wrote to Minister Jones suggesting that as a result of the failed prosecution documents be returned, quotas be reinstated and compensation paid. (S.243)
- . 14 November, Minister Jones responded to Minister Stuart West re undervaluation and allocation of quotas (S.689)
- . 20 November, Midford wrote to Customs re P.I.P. and seized goods (S.7862)
- . 20 November, Bissaker briefed Minister Jones for meeting with Robert Tickner, MP on 22 November 1989 (S.3283)
- . 21 November, Wilson (Customs) wrote to Midford re adjustments to PIP because of goods manufactured prior to December 1985 imported after that date. Also refers to fax of 24 October 1989. (S.668)
- . 22 November, Minister Jones met with Minister Stewart West and Mr Robert Tickner, MP (S.3283-4, S.3290, S.3294-5)
- . 22 November, Mr Morris (DITAC) wrote to Malaysian Trade Commissioner re the special quota for Midford.(M.1766)
- . 6 December, Minister Jones' office advised Midford that ACS was preparing a "settlement package" and that a meeting would be held to discuss these proposals within days (S.7875)
- . 14 December Midford wrote to Sen Button suggesting that as a result of the failed prosecution documents be returned, quotas be reinstated and compensation paid. (S.243)
- . 21 December, Customs (Wilson) advised Midford of small adjustment to quota based on PIP. (S.666-668)
- . 21 December, Midford wrote to Minister Jones suggesting that as a result of the failed prosecution documents be returned, quotas be reinstated and compensation paid. (S.243)
- 1990 . 4 January, Customs responded to Ombudsman (S.3557)
- . 10 January, Midford met with Customs to put forward their case (S.7878 and S.8671)
- . 12 January, Midford wrote to Minister Jones requesting a meeting. (S.243)
- . 12 January, Ombudsman responded to Mr Rodger declining to take further action (S.3556)
- . 16 January, Waincymer met with Customs (S.651)

- 1990 . 23 January, Midford wrote to Mr Tickner, MP and Minister West advising of developments and outcome of meeting with Customs on 16 January 1990 (S.7880)
- . 23 February, Midford wrote to Ombudsman (S.715)
- . 23 January, Minister Jones responded to Midford's letter of 12 January 1990 declining to meet with Midford (S.3301)
- . 23 January, Minister Jones responded to Minister Stewart West (S.3302).
- . 23 January, Kelly met with Minister Jones re brief provided on 22 January (S.3304)
- . 23 January, Minister Jones responded to Robert Tickner (S.695)
- . 24 January, Robert Tickner, MP wrote to Minister Jones on forwarding letter from Midford seeking meeting with Minister. (S.243)
- . 30 January, Waincymer wrote to Customs re Midford's quotas (S.654-658 and S.3312)
- . 5 February, Bissaker brief to Sen Button and Minister Jones re letter to Dr Bob Woods of 7 Feb (S.3305)
- . 7 February, Minister Jones responded to Dr Bob Woods letter of 13 November 1989 (S.694 and S.3306)
- . 23 February, Midford wrote to Ombudsman.(S.715)
- . 23 February, Dr Buddy MacDessi wrote to Minister Jones seeking a meeting with him (S.268 and S.819)
- . 23 February, Dr Bob Woods, MP wrote to Minister Jones suggesting that himself or a MP representative brief the Minister following the Magistrates comments. (S.243)
- . 1 March, Ombudsman wrote to Kelly re complaints from Midford and asking about disciplinary action against Petering and Fitzpatrick (S.713)
- . 12 March, Pritchard (Customs) responded to Ombudsman's letter of 1 March (S.7891 and S.724)
- . 11 April, Midford wrote to Stewart West, seeking meeting with new Minister for Customs (S.7888)
- . 12 April, Bissaker responded to Ombudsman's letter of 1 March (S.7898 and S.719)
- . 24 April, Midford wrote to Robert Tickner, MP (S.820)
- . 27 April, Robert Tickner MP wrote to Minister Beddall restating the requests made to Minister Jones. (S.243)
- . 4 May, Dr Bob Woods MP wrote to Minister Beddall seeking to discuss the case with the Minister. (S.243)
- . 14 May, Midford wrote to Robert Tickner, MP (S.822)
- . 21 May, Minister Beddall responded to Dr Bob Woods, declining to meet (S.3324)
- . 22 May, Stewart West MP wrote to Sen Button seeking a meeting between Midford and Sen Button or Minister Beddall. (S.243)
- . 24 May, Minister Beddall responded to Dr Bob Woods letter of 4 May 1990 (S.697)

1990 . 25 May, Ombudsman responded to Midford re letter of 17 May (S.721)

. 28 May, Minister Button's secretary wrote to Hon Stewart West re letter of 22 May, referring the matter to Minister Beddall (S.7893)

. 31 May, Mr Rodger wrote to Bissaker re undervaluation issue with first offer of settlement (S.671, S.3514, S.3548, S.7519 and K.7940)

. 4 June, Midford wrote to Minister Beddall restating previous representations made to Minister Jones and Sen Button. (S.243)

. 19 June, Roger's notes of 10.00am phone conversation with Bissaker during which advised of ACS' intention to prosecute. (S.7525)

. 26 June, Waincymer wrote to Beddall requesting intervention in the dispute between Midfords and ACS (S.8919)

. 26 June, Waincymer wrote to Bissaker re proposed prosecution (S.3539)

. 2 July, second settlement offer by Midford to Customs (S.672)

. 6 July, Robert Tickner, MP wrote to Minister Beddall seeking response to earlier representations. (S.243)

. 10 July, Solicitor Waincymer wrote to Minister Beddall seeking to have Minister meet with Midford. (S.243)

. 19 July, Dr Bob Woods MP wrote to Minister Beddall requesting to be kept informed of any action in Midford case. (S.243)

. 23 July, Bissaker met with Rodger re settlement (Customs p.751 and K.7940)

. 27 July, Rodger wrote to Bissaker re third settlement offer (Customs p.754, S.671 and K.7940)

. 30 July, Mr Rodger spoke to Bissaker re settlement offers (S.671)

. 1 August, Bissaker wrote to Rodger re settlement. (K.7940)

. 2 August, Rodger wrote to Bissaker with fourth offer of settlement (Customs p.751 and K.7940)

. 3 August, Bissaker wrote to Rodger, accepting offer of settlement (Customs p.750 and K.7940)

. 28 August, Customs confirmed to Midford that settlement did not cover the committal hearings (K.7940)

. ?? September, Bissaker responded to Ombudsman re letter of 1 March advising ACS did not share Magistrate's view (S.719)

. 7 September, Dr Bob Woods MP wrote to Minister Beddall seeking an extension of time for consideration of agreement to settle. (S.243 and fax from Customs dated 22 August 1991)

. 17 September, Minister Beddall wrote to Midford "pleased to see resolution of this case" (S.3332 and 783)

. 17 September, Minister Beddall responded to Dr Bob Woods (S.699 and S.3333)

. 17 September, Minister Beddall responded to Robert Tickner (S.696 and S.3334)

. 17 September, Minister Beddall responded to Stewart West re settlement (S.3554)

- 1990 . 12 October, Dr Buddy MacDessi wrote to Minister Beddall alleging victimisation by ACS officers and unfair disclosures to the media. (S.823)
- . 26 October, Dr Bob Woods MP wrote to Minister Beddall regarding a claim for compensation by Midford. (S.243)
- . 9 November, Midford wrote to Senator Button, with copy to Stewart West, re Estimates A evidence of damages settlement (S.7930)
- . 12 November, Senator Button's office advised Midford it had referred their fax of 11 November to Minister Beddall (S.7929)
- . 16 November, Mr Rodger and Midford met with the Ombudsman. (K.2528)
- . 26 November, Mr Sid MacDessi wrote to Minister Beddall regarding the amount of costs awarded following the committal hearing. (S.243)
- . 3 December, Minister Beddall wrote to Dr Bob Woods MP rejecting consideration of compensation to Midford (S.276, S.700 and S.3346).
- 1991 . 21 January, Ombudsman letter to Rodger (K.2525)
- . 24 January, Rodger letter to Ombudsman (K.2531)
- . 16 April, Mr Bissaker wrote to Mr Rodger re Mr Prichard of Customs comments regarding Perri Cutten. (K.2485)
- . 12 November, M Tate wrote to Minister Beddall expressing concern regarding pre-trial publicity (S.11055)
- . 27? November, D Beddall wrote to M Tate outlining pre-trial publicity guidelines that are in place (S.11054)

APPENDIX G

CHRONOLOGICAL GUIDE TO THE EVIDENCE

This Chronology was compiled by the Committee as an aid to its examination of the mass of documentation it received during the course of the Inquiry. It is thus a chronology of the evidence which was submitted to the Inquiry and considered helpful in unravelling the events. It is included as an Appendix with the proviso that it may not document all the events that occurred in the Midford case nor reflect all the documentation received.

- 1961 . Queens Bench Division Case concerning conflict of laws - sovereign and diplomatic immunity. (S.9997)
- 1972 . Government introduced tariff quotas on woven shirts for period to 30 June 1974.
- 1973 . Midford decided on joint venture operation in Malaysia to export to Australia.
- 1974 . Government removed tariff quotas on shirts from 1 March 1974.
 . Malaysian plant came on stream in October.
 . 19 December, Midford received a SANMA grant of \$125 000.
- 1975 . Tariff quotas introduced on shirts and pyjamas as from 1 January for a period of two years.
 . 10 April, Minister for Manufacturing Industry approved issue of special tariff quotas for 233 000 shirts and 56 400 pyjamas on a no commitment basis. (S.6651)
 . 28 November, additional special tariff quota for 83 000 shirts approved for Midford again without commitment. (S.6655)
- 1976 . 25 February, Minister Cotton approved special tariff quotas for 400 000 shirts and 70 000 pyjamas for Midford. (S.6656)
 . 9 June, tariff quotas on shirts and pyjamas extended to 28 February 1977.
 . 10 September, DITAC minute to Minister Cotton regarding clothing importers Gaty, Bradmill and Amco. (S.3711)
- 1977 . 21 January, Government announced that no special consideration would be given to companies importing from offshore affiliates goods which were covered by tariff quota. (S.6657)
 . 27 January, Midford requested quota for 694 000 shirts and 183 000 pyjamas for 1977 quota year. (S.6658)

- 1977 . 7 February, Minister for Industry and Commerce received representations from Mr O'Connor MP on behalf of Midford. (S.6662)
- . 16 February, duration of tariff quotas was extended to 28 February 1978 and on 29 April 1977 was further extended to 31 August 1978.
- . 21 March, Minister Anthony wrote to the Prime Minister and relevant Ministers on representations from Midford and the Malaysian Minister for Trade and Industry. Suggested that Ministers reassess the impact of Government's decision on the viability of the firm and decide if further special quota allocation should be given to Midford.
- . 30 March, representations to Minister Cotton from Mr Bradfield MP on behalf of Midford. (S. 6663)
- . 4 April, Minister Anthony wrote to Minister for Foreign Affairs advising that he had representations from a Malaysian member of Parliament and enclosed a copy of his letter outlining the proposal he put to the Prime Minister. (S.6664)
- . 11 May, Minister Peacock wrote to Minister Anthony suggesting that he participate in any discussions on special quota allocation for Midford. (S.6665)
- . 23 May, Prime Minister wrote to Minister for Overseas Trade refusing his request of 21 March and stated that the question of a special quota allocation should not be reopened. (S.6666)
- . 25 May, cable from Kuala Lumpur (KL) concerning Australian imports being delayed at Malaysian wharves 'in protest against the withdrawal of Australian import quotas for shirts produced in Malaysia by Midford'. (S.6667)
- . 2 June, Minister Anthony wrote to Midford informing them that their request for special quota allocation could not be approved. (S.6669)
- . 4 July, Mr Bakewell, member of the Commonwealth Secretariat wrote to Secretary of Department of Industry and Commerce (Mr Currie), concerning representations he had received from Malaysia about Midford Malaysia. (S.6670)
- . 19 July, Senator Cotton responded to representations from Minister for Defence and Member for Cunningham that special quota allocation for Midford had been reconsidered and there was to be no departure from the January decision not to grant special tariff quotas to Midford. (S.6673)
- . 4 August, Prime Minister Fraser met with ASEAN Heads of Government in KL.
- . 11 August, Mr Currie responded to Mr Bakewell outlining the current state of affairs. (S.6683)
- . 15 August, Cabinet minute concerning the allocation of import quotas. (S.10556)

- 1977 . 17 August, a joint Ministerial statement was released announcing arrangements from 1 March 1978
- reserve of 15% of total quota set aside for cases involving anomalies
 - provision to be made within this reserve for local firms which had invested in offshore production facilities prior to the introduction of quotas with the objective of placing a substantial part of their output on the Australian market. (S.6678, S.10059 and K.2517)
- 22 August, joint Ministerial statement. (K.2515)
- 26 August, cable from KL indicating that the Malaysian Minister for Trade and Industry, Datuk Hamsah reacted positively to new policy inter alia, because of 'personal interest in the Midford case'. (S.6686)
- September, Cabinet Submission 1651 on proposals for implementation of a quota reserve scheme for cases involving anomalies. (S.10562)
- September, Press Statement on Textile Clothing and Footwear (TCF) Special Quota Reserve for Anomalies. (S.6684)
- 4 October, Government decided that first priority was to be given to requests for quota by firms known to have established offshore operations in ASEAN countries.
- 4 October, Cabinet minute on TCF and proposals for implementation of a quota reserve scheme for cases involving anomalies. (S.10559)
- 12 October, Ministers Cotton and Fife announced the establishment of the TCF Special Quotas Advisory Committee to examine applications for allocations from the quota reserve. (S.6689 and S.10059)
- 17 October, NSW Premier wrote to the Prime Minister making representations on behalf of Midford. (S.6691)
- 24 October, Bureau of Customs Notice No. 77/141 seeking applications for anomalies quotas. (S.7812)
- 7 November, Minister Fife appointed Mr Archer as Chairman of the TCF Special Quota Advisory Committee.
- 1978 . 11 January, DITAC minute to Minister regarding Anomalies Reserve Scheme (ARS). (S.3715)
- 9 February, Minister for Business and Consumer Affairs wrote to Minister for Industry and Commerce following the Prime Minister's request for urgent advice prior to the Commonwealth Heads of Government Regional Meeting on the outcome of the application by Midford for quota allocation from the special quota reserve for anomalies. (S.6692)
- Allocation of quota from the ARS commenced for periods from 1 March 1978 and continued to the final allocation for the period commencing 1 March 1981. Allocations of quota to Midford were decided by Ministers on the basis of advice from the Textile, Clothing and Footwear Special Quotas Advisory Committee.
- 2 May, Archer Report detailing allocation of anomaly quota signed. (K.588-98 and S.3723)

- 1978 . 21 July, DITAC minute to Minister regarding ARS with ASEAN preference. (S.3743)
- . 27 September, letter from the Minister for Business and Consumer Affairs to the other Ministers responsible for the ARS, indicating his concern with its current operation. (S.10060)
- . December, IDC Report on Import Quota ARS - TCF. (S.3746)
- 1980 . 17 March, visit to Midford by Mr Richardson and Mr Irvine concerning invoicing of shirts. (K.8122)
- . 21 March, minute by Mr Richardson concerning visit to Midford (17.3.80) and invoicing of shirts. (K.8122)
- . 7 May, Customs minute concerning visit to Midford and valuation assessments. (K.8117)
- . 11 June, Midford advised the ACS of importation information in response to valuation questionnaire. (S.8948 and K.8022)
- . ? June, assessment by Customs of Midford concerning valuation questionnaire. (K.8019)
- . 24 June, ACS minute to the Chief Inspector of Valuation regarding Midford Malaysia. (K.8015)
- . 24 June, letters from Customs to Midford concerning valuation decision and trading arrangements. (K.8016)
- . On 15 August, the Government decided on a new program of assistance for the TCF industries:
- the ARS was to terminate on 31 December 1981, and
 - the Ministers for Industry and Commerce and Business and Consumer Affairs determine the detailed arrangements necessary to implement the decision.
- . 24 June, letters sent by Import Clearance ACS to Midford concerning valuation decisions. (S.8952)
- . 9 December, Inter Departmental Committee agreed that offshore venture criterion for quota should be tied to the eligible offshore venture under the new TCF Plan. (S.6705)
- 1981 . Exchange of Ministerial letters on 13 February (S.536), 28 February (S.539), 5 March (S.540) and 5 May (S.541) resulted in adoption of offshore criteria for quota allocation but that it be conditioned for use on eligible offshore ventures.
- . 5 February, minute to Minister recommending quota be conditioned to offshore ventures in ASEAN countries.
- . 8 April, DITAC minute to Minister regarding Gaty Clothing Group. (S.3777)
- . 24 April, DITAC minute to Minister regarding Gaty Clothing Group. (S.3780)
- . 27 April, letter to Midford from United Malayan Banking Corporation concerning interest rates. (K.7968)
- . 15 May, Customs wrote to Midford advising of base for quota from 1 January 1982 and that it be conditioned for use solely on Midford Malaysia. (S.542)

- 1981 . 1 September, letter to Midford from United Malayan Banking Corporation concerning interest rates. (K.7969)
- . 23 September, Midford advised by ACS of quota allocation, conditioned for use solely on their offshore venture and should the company cease to satisfy the offshore criteria at any time during the new program the relevant quota entitlement would be cancelled. (S.544 and S.7817)
- . 3 November, Mr Madden (ACS) reports on visit to Midford Malaysia regarding preference duty entitlement. (S.5903)
- . 9 November, Midford acknowledged conditions on quota. (referred to at S.7756)
- . 21 December, Madden Report on Midford preference duty entitlement, subsequent to 3 November report. (S.5909)
- 1982 . 1 January, the new quota program was introduced.
- . 12 March, Mr Rodger applied to DITAC for additional quota for 1983 on behalf of Midford. (K.736)
- . 16 April, DITAC met with Mr Rodger and Midford regarding quotas. (K.184-6 and S.3674)
- . 25 June, letter from United Malayan Banking Corporation to Midford concerning interest rates. (K.7970)
- . 14 July, Midford and Mr Rodger were advised by DITAC that Ministers Lynch, MacKellar, Hodgeman and Moore had conditionally agreed to the allocation of 150 000 units of special quota for the 1983 quota year only. (S.6712)
- . 3 November, letter from Mr L MacDessi to Midford Malaysia concerning potential Customs Duty savings. (K.7964)
- . 8 November, Mr Early (DITAC) wrote to Mr Rodger agreeing to meet with Midford on 17 November but considered it premature to consider quota for 1984. (S.6714)
- . ? November, Midford Malaysia replied to Mr MacDessi's 3.11.82 letter concerning interest charges. (K.7966)
- . 2 December, Customs conducted GATT Valuation investigation at Midford's Miranda premises. (K.7519 and K.7985)
- . 15 December, letter from Mr Miles (Customs agent) to ACS concerning refunds on duties. (K.7976)
- . 21 December, application for refund on Midford's Nature Customs entries. (K.7971)
- . 21 December, Customs approved refunds of Midford's financial accommodation charges. (K.7525)
- . 30 December, letter from Customs to L J Miles & Associates concerning refunds. (K.7978)
- 1983 . 2 March, Madden reports on visit to Midford Malaysia 24 February regarding costings for Developing Country Preference (DCP) purposes. (K.4276)
- . 8 March, Mr Rodger applied to DITAC on behalf of Midford for additional quota for 1984. (S.6715 and K.739)

- 1983 . 14 March, Customs Dumping Branch referred query to Australian Customs Representative Hong Kong (Mr Madden) on invoice with factory cost higher than invoice cost. (K.4263)
- . 16 May, Mr Rodger wrote to Secretary DITAC seeking response to submission of 8 March. (S.6721)
- . 31 May, Mr Rodger telexed Mr Collopy (DITAC) seeking a meeting to discuss special quota allocation. (S.6722)
- . 31 May, letter from M K Feil & Associates to Customs concerning Customs Values. (K.7961)
- . 9 June, DITAC file note on meeting with Midford on 8 June discussing special quota allocation. (S.6723 and K.612)
- . 15 June, Midford wrote to Minister Button requesting meeting to discuss special quota allocation. (S.6725 and S.2834)
- . 15 June, Midford wrote to Minister Bowen requesting additional quota. (S.2839)
- . 17 June, minute to Minister from Mr Purcell (DITAC) recommending refusal of additional quota. (S.6730)
- . 11 July, Mr West MP wrote to Minister Button making representations on behalf of Midford. (S.6732)
- . 19 July, file note, Mr G Kelly requested that no letters be sent to Midford by Department until Minister has met with Mr MacDessi. (S.6733)
- . 27 July, Mr Punch MP wrote to Minister Button making representations on behalf of Midford. (S.6737)
- . 27 July, brief from Mr Collopy (DITAC) to Minister Assisting for meeting with Midford on 28 July. (S.6734)
- . 28 July, Minister Assisting met with Midford regarding special quota for 1984. (S.6739 and K.692)
- . 5 August, DITAC Minute to Minister Button covering draft reply to Midford rejecting application for special quota. (S.6741)
- . 10 August, Minister Button rejected Midford's application for special quota allocation for 1984. (S.6744, K.961 and S.2851)
- . 19 August, Midford wrote to Minister Button requesting special quota for 1984. (S.2856 and S.6748)
- . 1 September, Midford again wrote to Minister Button. (S.6750 and S.2859)
- . 2 September, letter from Customs to M K Feil & Associates concerning Customs Values on past importations. (K.7960)
- . 5 September, Minister Button replied to Mr West MP's letter of 11 July. (S.6752)
- . 6 September, Minister Button replied to Mr Punch MP's letter of 27 July. (S.6755)
- . 13 September, Minister Button again wrote to Midford confirming his decision not to grant special quota. (S.6758)
- . 27 September, Midford wrote to Mr Hayden MP seeking his assistance. (S.6760 and S.2861)
- . 1 November, Mr Hayden MP wrote to Minister Button on behalf of Midford. (S.6761)

- 1983 . 6 December, Minister Button wrote to Minister for Foreign Affairs and Trade who had made representations on behalf of Midford. (S.6762)
- . 7 December, minute from Mr Collopy to Mr Purcell (DITAC) regarding transfer of tied quota. (S.6764)
- 1984 . 16 February, Mr Rodger wrote to DITAC on behalf of Midford advising of possible sale of Midford Malaysia and sought advice on quota entitlement. (S.6765 and K.743)
- . 21 March, DITAC wrote to Department of Overseas Trade seeking comment on change in ownership of Midford. (S.6768 and K.327-8)
- . 23 March, Mr Collopy (DITAC) advised that base quota was allocated on understanding that if ceased to satisfy offshore venture criteria quota entitlement would be cancelled - referred to letter of 23 September 1981. (S.6770 and K.983)
- . 27 March, Midford met with DITAC and Mr Collopy gave initial views on questions about change in ownership of Malaysian operations. (S.6771 and K.698)
- . 10 April, 14 May letters to DITAC from Mr Rodger seeking the untying of Midford quotas. (S.6774 and K.746-50)
- . 15 May, minute to Minister Button regarding response to Midford concerning quota entitlement in the event of change in ownership in its Australian or Malaysian operations. (S.6778 and K.2564)
- . 21 May, telex Mr Rodger to Midford - mentions DITAC view that quota granted because Midford Malaysia was offshore manufacturer. (S.2944)
- . 1 June, telex Mr Rodger to Midford. (S.2995)
- . 4 June, Mr Collopy response to Midford regarding changed ownership. (S.6782 and K.702)
- . 6 July, Mr Rodger advised DITAC that Midford was looking at the possible sale of their business - raised more issues. (S.6784 and K.766)
- . 12 July, Mr Rodger wrote to Midford regarding valuation of plant and machinery - important part of the sale. (S.3000)
- . 24 July, Mr Collopy responded. (S.6785 and K.984)
- . 12 September, note from Mr Collopy to Assistant Secretary Quota Control, ACS concerning use of quota and rules of origin. (S.6786)
- . 9 October, Mr Rodger wrote to Midford regarding work being done on possible sale of Midford operations. (S.3006)
- . 18 October, DITAC news release regarding TCF reference by Industries Assistance Commission. (K.2549-56)
- . 30 November, invoice subsequently 'made up' by Mr Doyle. (K.7603)
- . December, Midford discussed possible sale of its operations. (S.3014)
- . 12 December, Mr Rodger provided DITAC with list of new styles for DCP. (K.7591)
- 1985 . 1 January, Midford's Malaysian factory was taken into account in addition to their base quota Previous Import Performance (PIP). (S.9039)

1985 . 22 February, Mr Rodger provided DITAC with updated list of styles for DCP. (K.7592)

. 4 March, Mr Rodger provided DITAC with updated list of styles for DCP. (K.7595)

. 8 April, Mr Zampa wrote to Midford (Australia) regarding operating losses in Malaysia. (K.2479)

. 10 April, handwritten notes by Mr Rodger of meeting with Midford about restructuring of Midford Malaysia. (K.2494)

. 12 April, Mr Rodger telexed Mr L MacDessi - starting on submission. (S.8334)

. 15 April, Mr Rodger wrote to Midford regarding letter of 16 April to DITAC - deliberately kept the letter vague. (S.335)

. 16 April, Mr Rodger wrote to DITAC advising company not for sale but restructuring Malaysian operations:

- sought approval for restructuring in way to meet offshore criteria and to enable continued exports from Midford Malaysia;
- restructuring by transferring title of land and factories to another buyer; and
- maintain manufacturing facilities by moving plant and equipment (still owned by Midford) to other local manufacturing companies in Malaysia - maintenance of full control within these manufacturing entities through Midford maintaining a styling office, raw material, ordering and quality control office. (S.549-51)

. 24 April, Mr Rodger telexed Mr Dowling (DITAC) regarding Midford's overseas operations. (S.6792, K.772 and S.3028)

. 24 April, file note on discussion between Mr Rodger and Mr Dowling regarding Midford's quota entitlement. (S.6793 and K.341)

. 1 May, Customs decided cost investigation of Midford's Malaysian production is unworkable due to number and frequency of style changes. (K.4162)

. 1 May, Mr Rodger wrote to DITAC regarding the restructuring of Midford Malaysia. (K.2477)

. 2 May, reply by Mr Collopy to Mr Rodger advising that if restructuring is as indicated in letter of 16 April and Midford Malaysia retains ownership of plant and equipment, owns and controls the garment during production and will be the exporter of the garment, Midford Australia would retain eligibility for the quota. (S.381, S.554 and S.7821)

. 13 May, confidential instructions of approved styles ceased to operate. (S.8711)

. 14 June, Mr Zampa in Malaysia sent handwritten memo to Midford regarding DITAC's letter of 2 May 1985 to Mr Rodger regarding restructuring of Midford's Malaysian operations. (S.347)

. 25 June, letter Malaysian Ministry of Finance to Midford Malaysia regarding tax/duty exemptions if no longer located in the Free Trade Zone. (S.7127)

- 1985 . 3 July, Mr Rodger telexed Midford with copy of response from Malaysian Ministry of Finance. (S.348)
- . 5 July, Mr Rodger wrote to Midford with copy of draft letter to Malaysian Treasury. (K.2497 and S.3033)
- . 10 July, Mr Rodger telexed Midford with copy of draft letter to Malaysian Ministry of Finance. (S.341 and S.7138)
- . 29 July, Midford met with Malaysian Ministry of Trade regarding Manufacturing Licence - Export Status for Midford Malaysia. (K.7727, S.3255 and S.7132)
- . 7 August, meeting between Midford Malaysia and the Malaysian Ministry of Trade and Industries regarding the restructuring of Midford Malaysia. (S.350)
- . 20 August, Pen Apparel letter to Midford Malaysia confirming subcontracting arrangement agreements. (S.2304, S.7144, S.2770 and K.2462)
- . 18 September, Pen Apparel wrote to Midford Malaysia regarding proposed working arrangements. (S.7143)
- . 18 September, Midford wrote to Malaysian Ministry of Trade seeking approval for joint venture arrangement. (S.3814, S.2769, S.8338 and S.7142)
- . 26 September, Apparel Importers Association of Australia Status Report. Contains references to 'genuine importer' criterion. (K.2504)
- . 27 September, Mr Rodger letter to Midford requesting details of negotiations in Malaysia. (S.3044)
- . 1 October, Mr L MacDessi resigned as Chief Executive Officer of Midford. (S.7553)
- . 8 October, Pen Apparel letter to Malaysian Treasury. (S.2784)
- . 17 October, Midford letter to Mr Rodger regarding negotiations with Malaysian Government. (S.2766)
- . 22 October, Mr Rodger letter to Midford expressing concern at arrangements in Malaysia. (S.3045)
- . 19 December, ACS advised Midford of quota for 1986, sourced from Midford Malaysia. (S.7819)
- . 23 December, minute from Mr Dowling (DITAC) to Director, Quota Control, ACS concerning conditions of quota. (S.6730)
- . 31 December, Mr L MacDessi ceased working for Midford. (S.7553)
- 1986 . January, Prosecution Policy of the Commonwealth issued. (S.157)
- . January, sale of Midford's Australian and Malaysian operations to Gazel Industries fell through.
- . 10 January, Mr Richardson for L J Miles & Associates wrote to Customs advising of the cessation of operations of Midford Malaysia and importation of used equipment. (S.358 and K.7617)
- . 29 January, Mr Rodger telex to Midford regarding need for Midford to retain production control for joint venture project. (S.3046)

- 1986 . 12 February, Mr Rodger wrote to Midford advising that DITAC had withdrawn quota in cases where offshore manufacturing had ceased. Referred to discussions of 23 January 1986. Urged Midford to ensure that:
- all fabric is purchased in name of Midford;
 - Midford do have control over the production process;
 - a joint venture relationship be established with Pan Apparel so that shared production facilities can be used for the production of Midford's export products to Australia;
 - Midford undertake all exports to Australia;
 - Midford Malaysia's name appear on all export documentation, invoicing etc; and
 - all financial dealings remain as previously between Midford Malaysia and Midford Australia. (K.2501 and S.3047)
- . 25 February, Mr Rodger telexed Midford regarding draft agreement between Midford Malaysia and Pen Apparel. (S.360-364 and S.562)
- . 2 June, Agreement between Midford Malaysia and Pen Apparel. (S.369-373, S.415, S.7160 and K.7671)
- . 17 June, Mr Rodger letter to Midford regarding untying of quota before 1988 and unrestricted quota post-1988. (S.3051)
- . 20 June, notes by Mr Rodger on meeting with Midford. (S.2606)
- . 24 June, telex Mr Rodger to Midford regarding untying of quota. (S.3053)
- . 7 July, Mr Rodger's handwritten notes regarding meeting with Midford. (K.2503)
- . 9 July, Mr Issa and Mr P MacDessi signed agreement between Midford Malaysia and Midford Australia. (S.3391, S.3698, S.7330, K.7583 and K.7958)
- . 21 July, Mr Rodger wrote to Midford's Auditors (Mr Parlatt) regarding the value of Midford's quotas. Mr Rodger said 'the quota is tied to Midford Malaysia's manufacturing facility'. (K.2512 and S.3058)
- . 13 August, Mr Rodger wrote to Dr Fitzpatrick (DITAC) seeking relaxation of quota to allow sourcing from other Malaysian operations and other countries - again sought to untie quota. (S.374 and S.556)
- . 27 August, Mr Constable (DITAC) phoned Mr Rodger to advise quota could not be untied. (S.7447)
- . 27 August, Mr McCarthy (DITAC) advised Mr Rodger that he could not agree to untie quota. (S.559)
- . September, Midford's Bond Store moved from Miranda to Kembla Grange. (K.7244)
- . 14 November, Mr Rodger wrote to Minister Button seeking to untie Midford's quota. (S.377 and S.560)
- . 17 November, Customs issued advice of 1987 quota to Midford 'claused to an individual offshore supply source.' (S.545)
- . 28 November, Government announced decisions on long-term assistance arrangements for TCF Industries - untied quotas from 1 March 1989. (S.3071)

- 1986 . 2 December, Mr Rodger advised Midford that he had been successful in having the offshore quota untied from 1 March 1989. (S.2665 and S.3071)
- . 8 December, Mr Constable (DITAC) reiterated Mr McCarthy's previous advice to Mr Rodger regarding letter of 14 November 1986. (S.563 and S.10768)
- 1987 . 14 January, Mr Rodger met with Midford Board of Directors, who decided to sell quota. (S.2898)
- . 19 January, Mr Rodger wrote to DITAC requesting meeting to discuss recent Government announcement on post-1988 TCF arrangements. (S.7371)
- . 24 February, Mr Rodger minutes of meeting with DITAC. (S.2741, S.7372 and S.7446)
- . 24 February, Mr Rodger wrote to Customs regarding quota arrangements for 1987. (S.3091, S.7375 and K.1075)
- . February, Customs commenced investigations in John Wong/Rizoli Pty Ltd Case. (S.3590)
- . March, Customs commenced investigation in Bazos/Elite Wood Products Case. (S.3590)
- . 20 March, Mr Bazos arrested and charged under Customs Act. (S.2075)
- . 23 March, telex Mr Rodger to Midford - mentions quota would be cancelled if not within strict guidelines for offshore quota. (S.3098)
- . 24 March, Mr Rodger report to Midford Board regarding quota arrangements. (S.3099)
- . 31 March, telex Mr Rodger to Midford regarding sale of quotas. Mentions difficulties in relation to the 'very rigorous conditioning of the quota by the Government'. (S.3102)
- . 2 April, Customs and Australian Federal Police (AFP) raided M K Feil & Associates regarding alleged false interest charges. (S.3264)
- . 22 April, Australian Customs Notice (ACN) 1987/68 issued. (S.4413)
- . 8 May, Mr Bazos arrested and charged under Crimes Act. (S.2075)
- . 22 May, ACN 87/89 issued regarding PIP entitlements. (S.7848 and S.9957)
- . 27 May, Government announced new 7 year quota scheme to take effect from 1 March 1989. (S.661)
- . 5 June, Proceeds of Crimes (POC) Act came into force. (S.2010)
- . 16 June, DPP issued minute to Deputy Directors giving guidelines for use of POC Act. (S.8172)
- . 22 June, ACN 1987/114 issued. (S.4417 and S.5978)
- . July, Wong/Rizoli Case referred to DPP. (S.3590)
- . 1 July, amendments to Customs Act took effect regarding need for financial accommodation agreements to be in writing. (K.7202)
- . 21 July, Midford Malaysia wrote to Malayan Bank regarding credit arrangements with Midford Australia, Pen Apparel and other manufacturers. Applied for \$1 million back to back letter of credit and refers to 180 day letters of credit from Midford Australia. (K.7664 and S.3242)

1987 . 14 September, Customs officers Mr Greig and Mr Merchant met with Mr Richardson, Mr Issa and Mr P MacDessi regarding duty payable on charges by forwarding agents. (K.1909)

. 15 September, Mr Richardson provided Mr Merchant with copy of Midford Malaysia/Midford Australia agreement on financial accommodation dated 9 July 1986. (K.7233, S.5978 and S.8791)

. ? September, Mr Doyle (ACS) commenced initial scrutiny of Midford. (S.3870)

. 6 October, report tabled on Review of Systems for Dealing with Fraud on the Commonwealth - recommended consideration of criminal sanctions for cases involving fraud on Customs. (S.2006 and S.2025)

. 12 October, Mr Doyle submission on financial accommodation undervaluation. (S.3347 and K.7583)

. 21 October, Customs issued advice of 1988 quota to Midford 'cloused to an individual offshore supply source.' (S.547)

. November, Customs referred Bazos Case to DPP. (S.3590)

. 10 November, Mr Rodger letter to Mr Petering (ACS) regarding discrepancy in Customs determination of Midford's base 1985 and 1986 imports. (S.3157)

. 12 November, Mr Walshe (ACS) confirmed to Mr Doyle that Midford entitled to claim DCP. (K.7587)

. 16 November, further submission by Mr Doyle recommending s. 214 action against Midford. (S.3393 and K.7611)

. 17 November, Customs wrote to Midford regarding PIP entitlements. (S.8123, and referred to at S.7851)

. 20 November, Mr Doyle conducted reconnaissance of Midford premises. (S.4350)

. 23 November, Mr Hamilton (ACS) recommended s. 214 action against Midford. (S.3395 and K.7623)

. 1 December, Mr Benson (ACS) supported Mr Hamilton's recommendation for s. 214 action. (K.7634)

. 1 December, Mr Doyle issued sworn s. 214 information. (S.3399 and K.7618)

. 1 December, Mr Paraggio (ACS) submission supporting s. 214 action. (S.3397, K.7635 and K.7863)

. 2 December, Warrants and Notices to Produce Documents issued. (K.7620)

. 2 December, Collector of Customs NSW approved s. 214 action. (K.7636 and K.4387)

. 3 December, ACS entered Midford's premises and impounded a large quantity of documents. (S.3843, S.3871-2, K.7642 and K.4410)

. 3 December, Midford's solicitors wrote to Mr Doyle strenuously denying allegations in the Notice. (K.7639)

. 6 and 8 December, Midford's Customs Agent (L J Miles & Associates) lodged some Nature 30 Customs entries. (S.3267 and S.7101)

. 7 December, Mr Doyle debriefing report on s. 214 action. (K.7638)

. 7 December, Mr Hamilton sent Central Office a 'significant action' report on s. 214 action. (K.7640)

1987 . 7 December, Mr Hamilton contacted Mr Petering (ACS) regarding Midford's quota arrangements. (K.7739)

. 7 December, Mr Doyle went to Midford's Customs Agent to discuss the quota and obtain some documents. (S.3845)

. 8 December, Customs contacted Royal Malaysian Customs (RMC) for company search on Pen Apparel. (K.7662)

. 8 December, Mr Hamilton file note regarding conversation with Mr Petering regarding discovery of anomalies quota irregularities. (S.329, S.1271, S.3865 and K.7661)

. 8 December, Mr Richardson phoned Mr Paraggio. (S.3887)

. 8 - 10 December, Midford's Agent lodged 10 Nature 30 entries to clear 29 411 articles from Bond. (S.7101 and S.9130)

. 9 December, Mr P MacDessi phoned Mr Doyle requesting meeting to prove financial accommodation payments. (K.4424)

. 9 December, Mr Cassin (AGS) advised Mr Petering to sign cancellation of quota and bring to meeting with Counsel (Mr Stevens) on 10 December 1987. (S.4051)

. 9 December, first documents returned to Midford. (S.3875)

. 9 December, Mr Richardson phoned Mr Paraggio regarding meeting proposed for 11 December. (S.3887)

. 9 December, Mr Petering memo to Chief Inspector Quota Operations regarding uncertainty of conditioning of Midford's quotas and requesting existing quotas be cancelled and re-issued with the conditions attached. (S.8654)

. 9 December, Mr P MacDessi requested meeting with Customs regarding 200 000 shirts to be cleared. (K.7761)

. 10 December, Mr Paraggio and Mr Hamilton met Mr Benson (AGS) and Counsel Mr Stevens QC. (S.3866, S.3873-4, S.8655, K.4418 and K.7843)

. 10 December, Mr Hamilton submission regarding quota irregularities. (S.330, S.7116 and K.7736)

. 10 December, Mr Petering revoked all offshore quota for Midford. (S.383, S.1271 and K.7769)

. 11 December, three Nature 20 entries for goods seized from Port Botany container depot and moved to St Marys. (S.9129)

. 11 December, Mr Richardson phoned Mr Petering regarding cancellation of quotas, advising that the conditions were met and informing him of the Government agreement. (S.1245)

. 11 December, Midford advised by ACS of cancellation of 1987 and 1988 quotas. (S.384, S.564, S.1271 and K.7761)

. 11 December, Mr Doyle, Mr Ricketts and Mr Hamilton interviewed Mr Issa and Mr Ramshaw from Midford regarding undervaluations. (S.3265, S.3401, S.3866, S.3875, S.3888, S.8071 and K.4451)

. 12 December, RMC response to Australian inquiries regarding Pen Apparel. (K.7741)

. 14 December, Mr Hamilton recommended s. 10 action against Mr Rodger. (K.7743 and K.7745)

1987 . 14 December, Mr Benson minutes of conference held on 10 December with ACS and AGS officers. (K.4418)

. 14 December, Mr O'Connor (ACS) met with Mr Petering, who provided copies of documents seized in s. 214 action. (S.4184)

. 14 December, Midford's accountants (Mr Partlett) wrote to Midford regarding effects of cancellation of Midford's quotas. (S.6813 and S.3167)

. 14 December, Mr Rodger requested Dr Fitzpatrick for a meeting with DITAC and Customs. (S.1271)

. 14 December, Midford met Malaysian Trade Commissioner in Sydney. (S.2777)

. 14 December, Mr Strang took up his appointment as Regional Manager, Investigation ACS, NSW. (S.11017)

. 14 December, Mr Rodger phoned Mr Petering requesting a meeting with Customs and DITAC. (S.2217)

. 15 December, Midford wrote to Malaysian Trade Commissioner. (Sydney) regarding cancellation of quota. (S.2777)

. 15 December, Mr Doyle status report to Customs covering Developing Country costings and financial accommodation. Says 'It is reasonable to conclude that financial accommodation never existed'. (K.7761)

. 15 December, ACS advised DITAC of Customs action. (S.736)

. 16 December, Mr Hamilton minute to Mr Doyle requesting report on status of shipments. (K.7764)

. 16 December, Mr Smith (ACS) file note regarding advice to Mr Rodger that Customs would not attend meeting of 17 December. (S.2217)

. 17 December, Mr O'Connor and Mr Smith met Midford and Mr Rodger regarding reinstatement of quota. (S.3985)

. 17 December, file note Mr Chesworth (Customs) regarding discussions with DITAC and Customs Legal Services 'ACS is awaiting the entry of a further 150 000 before initiating action'. (S.2772 and S.6813)

. 17 December, (in some places recorded as 18 December) Midford met with DITAC regarding the case. (S.6818, K.1096, S.2744 and S.3162)

. 18 December, Mr Hamilton minute supporting Mr Doyle's proposal to seize goods. (K.7771)

. 18 December, Mr Smith (ACS) file note regarding meeting between DITAC and Midford/Rodger on 17 December. (S.2217)

. 18 December, Mr O'Connor provided legal opinion. (S.1276 and S.3946)

. 18 December, Mr Rodger wrote to Department outlining case for continued offshore quota. (K.1087 and S.4070)

. 18 December, Mr Rodger sent Minister Button a copy of letter to Department. (S.3172)

. 18 December, Mr Partlett wrote to DITAC. (S.6815)

. 21 December, Lord Mayor of Wollongong, Alderman Arkell representations to Minister Button, Prime Minister Hawke, Minister Jones, Customs and Mr Tickner MP regarding cancellation of Midford's quota. (S.6871, S.7759, S.7762 and S.7771)

1987 . 21 December, Mr Paraggio minute supporting proposal to seize goods. Also approving retention in Midford's Bond Store and mentions quota irregularities evasion of duty. (K.7791)

. 21 December, Mr Hamilton minute on schedule of seized goods. Also covers tort of conversion. (K.7792)

. 21 December, Mr Chesworth (ACS) responded to Mr O'Connor's legal opinion.

. 21 December, Midford wrote to NSW Premier's Department. (S.813)

. 21 December, Minister West wrote to Minister Jones on behalf of Midford requesting an early decision on charges against Midford. (S.6822 and S.677)

. 21 December, Mr Punch MP fax to Minister Button on behalf of Midford. (S.6821)

. 21 December, Mr Doyle submission proposing seizure of Midford's goods. Also contains schedule. (S.3434 and K.7765)

. 21 December, Midford's goods seized. (S.3846, S.3858, S.3875-6, S.3888 and K.7772)

. 21 December, Mr Petering briefed Comptroller-General and Minister Jones' office. (S.1271)

. 21 December, Midford's solicitor met with Mr Punch MP and Mr Langton regarding seizures and cancellation of quota. (S.2804)

. 21 December, Midford's solicitors wrote to Mr Punch MP, regarding cancellation of quotas and seizures of shirts. (S.2804)

. 21 December, Mr Rodger wrote to DITAC and Customs. (S.2608)

. 21 December, several phone conversations between Mr O'Connor and Mr Rodger. (S.2218)

. 22 December, Midford and Mr Rodger met with Mr O'Connor. (S.2218)

. 22 December, goods seized at Port Botany taken directly to St Marys. (S.6001)

. 22 December, Midford and Mr Rodger again met with DITAC to discuss the case. (E.126, S.1279-84, S.4445 and S.4449)

. 22 December, Mr Miller (ACS) claimed ACS case devoid of all morality. (S.1271)

. 22 December, Port Kembla Customs visited Midford Bond. (K.7850)

. 23 December, Mr Hamilton minute to Mr Doyle requesting redetermination of Customs Values for seized goods. (K.7794)

. 23 December, Mr Ricketts file note regarding call from Port Kembla Customs regarding check on Bond Store conducted 22 December 1987. (K.7795)

. 23 December, Mr Doyle redetermined Customs Values for three entries. (K.7796 and S.5993)

. 23 December, Mr O'Connor met with AGS in Sydney regarding advice provided to Mr Petering on 10 December 1987. (S.3958 and S.4185)

. 23 December, DITAC advised Minister Button of Midford's loss of special quota. (S.6826 and S.3709)

. 24 December, Mr O'Connor requested AGS Sydney to confirm verbal advice in writing. (S.4185 and S.3950)

- 1987 . 24 December, Mr Rodger wrote to Mr Taylor in DITAC seeking restoration of 1988 quota and detailed the nature and scope of Midford's restructuring in Australia and Malaysia. (S.410-414 and S.744)
- . 26 December, Mr Issa and Mr Rodger flew to Malaysia to ensure restructuring met DITAC's requirements. (S.3269 and S.3182)
- . 30 December, Port Kembla Customs report to Mr Doyle on Midford Bond inspection. (K.7850)
- . 30 December, Mr Doyle phoned Mr Richardson to advise that he had processed five Nature 30 entries that morning. (K.4425 and S.9129)
- . 30 December, Mr Paraggio minute supporting proposed s. 10 action against Mr Rodger. Also mentions quota misuse as further grounds for seizure. (K.7842)
- . 30 December, Mr Doyle phoned Mr Richardson. Claimed Midford admitted mistake on financial accommodation. (S.3888 and K.4425)
- . 30 December, Mr Chesworth advised Minister Jones of Midford's loss of special quota.(S.2774)
- . 30 December, Mr Benson for AGS wrote to Customs recommending the case be referred to the DPP. (S.406-9 and K.7845 and S.6015)
- . 31 December, approval of s. 10 action given by Director, Investigations. (K.7844)
- . 31 December, Mr Paraggio minute to Director, Investigations regarding receipt of formal AGS advice. (K.7849)
- 1988 . 4 January, Mr McCarthy provided comments to DITAC on Midford case. (S.6836)
- . 4 January, Midford claimed, under s. 205(6), its goods seized on 21 December 1987. (S.3889 and K.7859)
- . 4 January, Mr Rodger advised DITAC of new agreement between Midford Malaysia and Pen Apparel complied with conditions laid down in Mr Collopy's letter of 2 May 1985. (S.779 and K.2491)
- . 4 January, Mr Locker (ACS) handed Mr Zervos (DPP) referral of case on Midford. (K.7852-3 and S.6101)
- . 4 - 5 January, DPP officers provided advice and assistance in drafting search warrants. (S.127, S.3877 and K.7853)
- . 5 January, s. 10 search warrant issued to AFP Officer Jamieson. (K.7831)
- . 5 January, conversation between Mr Taylor (DITAC) and Mr Rodger regarding the restoration of 1988 quota. (S.6840 and S.2218)
- . 6 January, Senator Baume representations to Prime Minister on behalf of Alderman Arkell regarding cancellation of Midford's quota. (S.6886 and S.678)
- . 6 January, Customs and AFP raided offices and home of Mr Rodger. (S.3267, K.7834 and K.7853)
- . 7 January, ACS advised Minister Jones of details of Midford case.
- . 7 January, Mr Pritchard (Customs) minute to Comptroller-General regarding raid on Mr Rodger's premises. (S.6403)

1988 . 7 January, Mr Rodger provided the Department with a copy of the Agreement between Pen Apparel and Midford Paramount. (S.6842)

. 7 January, Mr Chesworth briefed Minister Jones regarding representations from Alderman Arkell. (S.684-687)

. 7 January, certain files relating to case sent to ACS by DITAC. (S.738)

. 7 January, Mr Rodger wrote to Mr Taylor (DITAC) outlining the commercial impact of seizure of the goods. (S.6846)

. 8 January, Mr Casey (DITAC) file note regarding contact with Mr Caune of DITAC Legal Services.

. 8 January, Mr Rodger rang Mr Taylor to ascertain what was planned to assist Midford with 1988 quota. (S.6847)

. 8 January, Mr McManus MP wrote to Minister Button on behalf of Alderman Arkell about cancellation of Midford's quota. (S.679 and S.7761)

. 11 January, Mr Doyle requested redetermination of Customs Values of entries 1-9 on schedule at K.7770. (K.7862)

. 11 January, Mr Taylor advised Mr Rodger allocation of 1988 quota can only be done by Customs. (S.6848)

. 12 January, Mr Watson (ACS) redetermined Customs Values. (K.7231, K.4067, S.5786 and S.8674)

. 12 January, Mr McManus MP wrote to Minister Button representations on behalf of Alderman Arkell regarding cancellation of Midford's quota. (S.243)

. 13 January, Mr Casey file note regarding contact with Mr Doyle and Mr Johns.

. 13 January, Midford Board wrote to Minister Jones requesting a meeting. (S.6849)

. 14 January, Mr Casey file note regarding contact with legal sections.

. 14 January, Minister Jones as Acting Minister for Industry Trade and Commerce wrote to Minister West in response to letter of 21 December 1987 to Minister Button and outlined the progress of the investigations. (S.677)

. 15 January, Mr Doyle's brief of evidence delivered to DPP by ACS. (S.127, S.2713 and S.6102, brief at K.2613)

. 18 January, Mr Rodger phoned Mr Doyle and requested a meeting which Mr Locker later overruled. (S.3847, S.3889 and K.4426)

. 18 January, Mr Ganz (Midford's solicitor) wrote to Mr Chesworth (ACS) regarding actions against Midford. (S.565 and S.7765)

. 18 January, Minister Jones wrote to Midford advising them that it was inappropriate to meet the Board. (S.6851)

. 18 January, Midford applied to Federal Court to have seizures of goods overturned. (S.3266 and S.7765)

. 19 January, Mr Doyle spoke to Midford regarding return of documents and claims for release of seized goods. (S.3847)

. 20 January, Mr Tickner MP wrote to Minister Jones regarding cancellation of Midford's quota. (S.243 and S.7768)

. 20 January Mr Tickner MP wrote to Minister Button. (S.680)

1988 . 20 January, file note by Mr Morris (DITAC) on discussions with Mr Rodger regarding forwarding information to Customs. Also mentions DITAC/Customs demarcation dispute. (S.6852)

. 20 January, Mr Rodger wrote to Minister Jones concerning Minister's correspondence to Midford dated 18 January. (S.6853)

. 21 January, note from Mr Morris to Mr Chesworth concerning the passing on of submission by Midford. (S.6854)

. 21 January, Mr Dobie MP wrote to Minister Button regarding ACS action being harsh in relation to Midford. (S.7772, S.243, S.6892 and S.681)

. 21 January, fax from Mr Wilson (ACS) to Mr O'Connor concerning Notices of Seizure. (S.8959)

. 22 January, conversations Mr Rodger and Mr Hawksworth. (S.2218 and S.2238)

. 27 January, Mr O'Connor file note that Mr Benson to retire and Mr Cassin take over the case at Sydney AGS office. (S.4028)

. 27 January, Mr Rodger phoned Mr Doyle and agreed to provide a statement explaining the situation. (S.3847, S.3889 and K.4428)

. 27 January, Mr Benson advice to Customs on quota issue. (S.4094)

. 28 January, Minister Jones responded to Alderman Arkell regarding cancellation of Midford's quota. (S.7774 and S.6872)

. 28 January, Midford requested s. 13 Statement of Reasons from Collector regarding seizure and quota. (S.4030)

. 28 January, Mr Chesworth file note regarding meeting with Mr Rodger and Mr Ganz attended by Mr Hawksworth, Mr Chesworth and Mr Petering (ACS). (S.4070, S.4071 and S.3703)

. 28 January, Mrs Hannam (DPP) minute to Mr Walshe and Mr Zervos regarding progress of investigation. (S.2221)

. 29 January, Mr O'Connor wrote to AGS regarding Midford's s. 13 request on Notices of Seizure. (S.3996)

. 29 January, Mr Petering wrote to Mr Ganz regarding letter of 18 January 1988 regarding cancellation of quotas. (S.565 and S.7766)

. 1 February, meeting between Government officials (DITAC and Customs) and Midford regarding future of the company. (E.133)

. 2 February, Mr Chesworth phoned Mr Taylor to bring DITAC up to date on legal aspects of case. (S.6855)

. 2 February, fax from Mr Paraggio to Mr Thurlow (ACS) requesting assistance concerning statements from DITAC and ACS. (S.8961)

. 3 February, Dr Woods MP representations to Minister Jones regarding Midford. (S.682 and S.7775)

. 3 February, Mr Parry rang Mr Richardson whilst Mr Doyle in attendance regarding making a statement. (S.3847, S.3890 and K.4429)

. 3 February, meeting of Dr Fitzpatrick, Mr Morris (DITAC) and Minister Button. (S.3709)

. 4 February, fax from Mr Paraggio to Mr Chesworth concerning access to various files. (S.8963)

. 4 February, reference to Mr Chesworth minute regarding meeting. (S.4074)

- 1988 . 4 February, Mr Chesworth minute to Mr Miller regarding Minister Jones' concerns that AGS advice be sought regarding conditions attaching to quota instruments. (S.4092)
- . 5 February, Mr Issa wrote to Minister Button regarding Midford's quota. (S.6873)
- . 5 February, Minister Button wrote to Mr Rodger suggesting matter be resolved through the Courts. Mentions three weeks and that criteria under new scheme was same as for last scheme. (S.6874)
- . 5 February, Midford's solicitors (Mr Parry and Mr Ware) wrote to Mr Hawksworth regarding return of seized documents. (S.11436)
- . 5 February, letter from Midford to Dr Fitzpatrick regarding quota for 1988. (E.133, S.6856 and S.7777)
- . 5 February, Midford wrote to NSW Premier Unsworth. (S.814)
- . 8 February, Dr Woods MP wrote to Minister Button requesting expedite decision to institute proceedings. (S.243)
- . 9 February, Mr O'Connor wrote to Mr Rodger's solicitor regarding documents taken not covered by the s. 10 warrant. (S.3964)
- . 9 February, note to Minister Button from Dr Fitzpatrick covering letter to Mr Rodger advising that the Minister or Department can do nothing to provide tied quota for 1988. (S.6863)
- . 10 February, Mr O'Connor wrote to Attorney-General's Department seeking clarification of the advice provided by the Sydney AGS Office and that he has sought clarification of the advice from AGS. (S.3975)
- . 10 February, Mr O'Connor minute to Mr Chesworth that no quota conditions existed. (S.3966 and S.4085)
- . 10 February, ACS Investigation Officers interview Mr Collopy (DITAC) and examine departmental files.
- . 11 February, Mr Pickering MLC wrote to Minister Button and Minister Jones making representations on behalf of Midford. (S.6869)
- . 12 February, fax sent by Mr Paraggio to Mr O'Connor including papers relating to the Collector's authorisation of s. 214 action. (S.8965)
- . 12 February, Mr O'Connor wrote to Midford's solicitors acknowledging reasons for four decisions requested - two on seizure, one on revocation of 1987 quota and one on non-issue of 1988 quota. (S.4034)
- . 12 February, Mr O'Connor minute to Mr Paraggio regarding DPP's view that s. 13 Statement not required if application also made to the Court. (S.4035)
- . 12 February, Mr O'Connor file note regarding DPP advising Mr Paraggio of additional grounds for seizure. (S.4036)
- . 12 February, Mr O'Connor wrote to Midford's solicitors regarding press statements and entry of goods scheduled to arrive on 8 February 1988. (S.3977)
- . 15 February, Customs entry for airfreight shipment. (S.868)
- . 15 February, certain files relating to case sent to ACS by DITAC. (S.738)
- . 15 February, Alderman Arkell wrote to Minister Button on behalf of Midford. (S.6871 and S.7784)

- 1988 . 15 February, Minister Button's Senior Private Secretary (SPS), (Mr Johns) advised Midford that meeting with Minister Button is inappropriate. Mentions resolution through Courts in three weeks. (S.787 and S.6872)
- . 16 February, Midford wrote to Minister Punch enclosing copies of letters of same date to Dr Fitzpatrick and Minister Button. (S.6876 and S.7785)
- . 16 February, letter Minister Button to Mr Rodger advising nothing he can do to provide tied quota for 1988. Same as letter to Midford of 15 February 1988. (S.788, S.6877 and K.8145)
- . 16 February, Midford wrote to Minister Button seeking meeting. (S.790, S.6879 and S.6876)
- . 16 February, Midford wrote to DITAC requesting restoration of 1988 offshore quota. (S.792, S.6881, S.6876)
- . 17 February, Mr O'Connor wrote to the Attorney-General's Department regarding quota instruments not conditioned. (S.3980)
- . 17 February, Ms Harlow SPS for Minister Punch, wrote to Ms Eccles SPS for Minister Button enclosing copy of correspondence sent to DITAC on 16 February. (S.6885 and S.7792)
- . 17 February, Customs undertook stocktake of seized goods in Midford's Bond Store. (S.3268 and S.3881)
- . 18 February, Mr Richardson phoned Mr Doyle regarding entry of goods. (S.3847, S.3890 and K.4430)
- . 18-19 February, Mr Schwager and Mr Olander (ACS) reconciled cartons in Bond Store to Bond Register. (S.4391, S.6134, S.6001 and K.4089)
- . 19 February, Mr Muecke (Attorney-General's Department) wrote to ACS confirming earlier advice of 27 January 1988. (S.4098 and S.6480)
- . 19 February, Minister Jones wrote to Senator Baume regarding letter of 6 January 1988 concerning representations from Alderman Arkell on cancellation of Midford's quota. (S.678, S.6886)
- . 22 February, Mr Schwager and Mr Olander returned to Midford Bond to continue reconciliation - Bond Register given to Midford's solicitors. (K.4089, S.6135, S.6001 and S.9442)
- . 22 February, letter from Mr Lewis (ACS) to Midford concerning removal of records and requirement to produce all records within 24 hours. (S.9438)
- . 22 February, minute from Mr Hamilton to Mr Doyle concerning seizure of goods and storage to be at St Marys and not Midford's warehouse. (S.9439)
- . 23 February, minute from Mr Hamilton to Mr Doyle concerning proposed seizure. (S.9436)
- . 23 February, letter from Midford to Mr Lewis claiming that records were not removed by any officer of the company and were still maintained in the prescribed manner. (S.9444)
- . 23 February, file note written by Mr Lewis concerning phone conversation with Mr S MacDessi advising that all records had been returned to premises. (S.9445)

1988 . 24 February, Mr Richardson phoned Mr Ricketts regarding three trial
 . airfreight shipments. (S.867, S.3891 and K.4431)
 . 24 February, Mr Petering and Mr Paraggio met with Mr Collopy,
 . Dr Fitzpatrick, Messrs Taylor, Casey and Turnbull from DITAC. (S.738
 . and S.3879)
 . 24 February, Comptroller-General met with Mr Temby QC to discuss
 . arrangements between Customs and the DPP for Crimes Act
 . prosecutions of Customs cases. (S.2080)
 . 24 February, file note by Mr Hamilton considers freight forwarding
 . matter. (S.8701)
 . 25 February, Midford instructed Mr Richardson to enter sample
 . shipments without interest or inland freight charges. (S.4457, S.8095
 . and K.4434)
 . 25 February, Customs advised Midford of the redetermination of
 . Customs Values on entries 1-9 of schedule. (S.5786, S.5978 and S.5992.
 . See Schedule of 71 redetermined entries at S.5986)
 . 25 February, Mr Richardson phoned Mr Doyle regarding entry of 3
 . airfreight shipments. (S.3849 and S.3891)
 . 25 February, Mr Doyle issued ADJR Act s. 13 Statement of Reasons to
 . Midford. (M1940-62, S.3849, S.3891 and S.4046)
 . 26 February, Minister Jones wrote to Mr Tickner MP regarding
 . cancellation of Midford's quotas. (Letter may be dated 3 February
 . 1988.) (S.680)
 . 27-28 February, Midford conducted stocktake at Midford's Bond Store.
 . (S.6135-6)
 . 29 February, Mr Doyle and Mr Ricketts visited Mr Richardson
 . regarding his statement. (S.3849 and S.3891)
 . 29 February, Midford's goods seized. (S.3473, S.3849, S.3858, S.6135,
 . S.6002 and K.4434)
 . 29 February, Minister West wrote to Minister Button again requesting
 . early decision on charges against Midford. (S.7793 and S.243)
 . ? March, Mr Rodger rang Dr Fitzpatrick regarding cancellation of 1988
 . quota. (S.6887)
 . 1 March, Mr Zervos minute regarding Midford case. (referred to at
 . S.2255. See also S.2417)
 . 1 March, Minister West wrote to Minister Button regarding Midford.
 . (S.6888 and S.683)
 . 1 March, Mr Richardson phoned Mr Doyle regarding decision on
 . airfreight shipments. (S.3849, S.3892 and K.4436)
 . 1 March, Mr Turnbull advised Mr Paraggio that in order to respond
 . to representations from Minister West and Minister Punch, Minister
 . Button's office had inquired about the progress of the Midford
 . investigation.
 . 1-2 March, Mr Schwager and Mr Henderson checked cartons to Bond
 . Register at Midford Bond. (S.6135)
 . 1-2 March, Customs continued reconciliation of Bond stock. (S.6002,
 . S.6890)

1988 . 2 March, Minister Button wrote to Minister West and Minister Punch enclosing statement on state of play with Midford. (S.683, S.6888, S.7795, S.7797, and S.7803)

. 2 March, Customs issued three s. 38B Notices to Midford for goods imported on 15 February by aircraft. (S.867-70, S.3849, S.3858, S.3892, K.4435, S.4458, S.1774 and S.8103)

. 3 March, cablegram Australia to KL regarding seizures and withdrawal of quota. (S.1274)

. 3 March, Midford's Agent applied for withdrawal of three Customs entries for return of goods to Malaysia. (S.7352)

. 3 March, further seizure of Midford shirts. (S.6135)

. 3 March, Minister Jones asked Mr Hayes when charges were likely to be laid against Midford. Mr Hayes told Minister he would approach the DPP to expedite prosecution action. (S.251)

. 3 March, Minister Jones responded to Mr Dobie MP letter of 21 January 1988 regarding cancellation of Midford's quota. (S.681, S.796, S.6892 and K.8144)

. 3 March, Minister Jones responded to Mr McManus MP letter of 8 January 1988 regarding representations from Alderman Arkell regarding cancellation of Midford's quotas. (S.679)

. 3 March, letter from Mr Fisher AHC to Malaysian Ministry of Trade and Industry regarding seizures. (S.10975)

. 3 March, Midford's seized goods removed from Bond Store to Commonwealth repository. (S.3268, S.3490, S.3858-9, S.4310, S.4458, S.6135, S.6002, K.4072 and S.9422)

. 3 and 4 March, Midford and Mr Rodger invited by Customs to attend interviews. (S.3269, S.3851, S.3867, S.3882 and S.8687)

. 4 March, letters from Mr Richardson to ACS concerning the withdrawal of entries by Midford. (S.8916)

. 4-9 March, seized goods unloaded by Customs at St Marys store. (K.4072, S.6135 and S.6003)

. 7 March, Mr Richardson interviewed by Customs. (S.11588)

. 8 March, Messrs Parry, Ware and Carroll (solicitors for Midford): wrote to DPP regarding return of documents.

. 9 March, more files relating to the case provided to ACS by DITAC. Mr Paraggio examined copies of Cabinet Documents. (S.6893, S.738 and S.5899)

. 9 March, letter from Mr Hamilton to Mr Rodger's solicitors (Mr Deane) written questions would not be provided for the interview. (S.8331)

. 10-28 March, Customs officers counted seized shirts. (S.6135 and S.6003)

. 10 March, Minister Jones replied to Dr Woods MP letter of 3 February advising matter is being investigated. (S.682)

. 10 March, statement by Dr Fitzpatrick signed and witnessed by Mr Paraggio. (S.6894 and S.738)

. 11 March, Mr Locker wrote to DITAC asking them refrain from communicating with Midford and to make all documents available to Customs and DPP. (S.6906 and K.2573)

1988 . 15 March, Mrs Hannam minute to Director regarding progress of investigation. (S.2233)

. 11 March, 16 March, Mr Zervos (DPP) minute to the Director regarding progress of investigation into Midford. Mentions absence of conditioning of quotas, concern at conduct of certain Customs officers, information withheld from Investigation team, unauthorised contact between accused and Customs/DITAC, and intense pressure from Customs on DPP to ensure prosecution proceeds. (S.2210)

. 16 March, ACS situation report discussing forwarding charges as a basis for further grounds for seizure. (S.8701)

. 17 March, DPP (Mr Temby QC) spoke to Mr Hayes regarding pressure to bring early prosecution. (S.3270 and S.4209)

. 17 March, Midford's goods seized. (S.3495, S.3851, S.3858, S.6135 and S.6002)

. 18 March, goods seized on 17 March delivered to DAS store. (S.6135 and S.6002)

. 18 March, Messrs Schwager, Walker and Henderson commenced counting all seized shirts. (K.4073 and K.4090)

. 18 March, Mr O'Connor, Mr Petering (and later) Mrs Hannam met with Counsel Stevens. (S.4049 and S.4051)

. ? March, Mr Petering made s. 13 Statement detailing reasons for cancelling Midford's quota. (S.7823)

. 18 March, Mr O'Connor met with Mrs Hannam and Mr Zervos regarding DPP's concerns about meetings with Midford and Mr Petering's s. 13 Statement. (S.3983)

. 21 March, Mr Doyle obtained copies of Ministerial determinations from Mr Miles. (S.3851)

. 24 March, Mr O'Connor file note regarding meeting with Midford on 17 December 1987. (S.3985)

. 24 March, Midford claimed all goods seized under s. 205(6). (S.3851 and S.3894)

. 24 March, Mrs Hannam and Mr Paraggio visited DITAC and examined files and interviewed Dr Fitzpatrick. (S.738)

. 25 March, Mr Rodger advised Mr Petering that Midford intends to cease import activity until dispute with ACS resolved. (S.7527)

. 25 March, Mr O'Connor minute to Mr Miller regarding meeting with DPP on 18 March 1988 covering s. 13 Statement and contact with Midford. (S.3990)

. 28 March, Customs completed count of shirts seized from Midford. (K.4090, K.4437 and S.6135)

. 29 March, Mr O'Connor, Mr Petering and Mr Cassin met with Counsel Stevens. (S.4049 and S.4051)

. ? March, Mr Schwager reported on removal of seized goods from Midford Bond on 3 March 1988. (S.4390)

. ? April, Customs stocktake of goods seized from Midford. (S.3859, K.4437, S.6396 and S.6401)

. ? April, Mrs Hannam brief to Counsel. (S.2430 and K.2636)

. 6 April, additional files relating to case sent to ACS by DITAC. (S.738)

1988 . 7 April, Mr O'Connor file note regarding Mr Murphy's objection to Mr O'Connor's involvement in the case. (S.4005)

. 7 April, Mr Temby QC and Comptroller-General joint submission to Ministers on criminal sanctions and Customs Act. (K.7461)

. 8 April, Customs forwarded prosecution submission to DPP. (S.252)

. 8 April, Mrs Hannam minute to Mr Zervos recommending prosecution proceed. (S. 2256)

. 11 April, Mr Gray (DPP) minute regarding proposed POC action. (S.2399)

. 13 April, Ombudsman responded to Midford's letter of 10 March 1988. (S.703)

. 18 April, Mr Petering provides ADJR Act s. 13 Statement of Reasons to Midford (due 25 February). (S.386-95 and S.4054)

. 21 April, Mr Zervos (DPP) minute to Director. (S.2253)

. 22 April, fax from Mr Paraggio to Mr Mutton (ACS) enclosing situation report of 22.4.88. (S.8973)

. 27 April, minute from Investigations ACS concerning the valuation of goods seized. (S.8646)

. ? May, DPP brief to Mr Tobin, QC. (S.2713)

. 2 May, Mrs Hannam file note of conversation with Mr Paraggio. (S.3835)

. 2 May, Mrs Hannam file note of conference with Mr Hamilton, Mr Doyle and Mr Ricketts regarding Malaysian inquiries. (S.3836-7)

. 3 May, Mr Tobin QC advice to DPP, that prima facie case exists. (S.2273, S.2683 and K.2661)

. 5 May, DPP wrote to Mr Paraggio proposing that Messrs Robinson and O'Shannassy collect evidence in Malaysia. (S.420 and S.7107)

. 5 May, Mrs Hannam minute to the Director. (S.2271)

. 9 May, DPP wrote to Customs detailing specific inquiries to be carried out in Malaysia. (S.422. See also S.7121)

. 12 May, Customs confirmed to DPP that all material relevant to the prosecution had been provided. (S.3270)

. 13 May, Customs issued Midford with notices requiring them to bring an action to recover seized goods within four months. (S.3266, S.3851, S.3884 and S.3894)

. 13 May, Mrs Hannam (DPP) minute to the Director setting out proposed charges. (S.2283)

. 16 May, schedule prepared by Mr Doyle showing production of shirts by various manufacturers. (S.5788 and K.7871)

. 17 May, minute written by Mr Doyle concerning schedule relating to financial accommodation and forwarding charges. (K.7953)

. 23 May, Minister Button responded to Alderman Arkell advising that matter is for resolution in the Courts. (S.6910)

. 23 May, Minister Button replied to representation from Mr Pickering MLC of 11 February 1988 on behalf of Midford. (S.6909, S.7799)

. 24 May, minute from Mr Hamilton concerning schedule of manufacturers. (S.8620)

. 26 May, Mr Delaney (DPP) minute to Director. (S. 2318)

1988 . 31 May, Mr Cassin (AGS) wrote to Mr O'Connor regarding Mr Petering Statement of Reasons for non-issue of 1988 quota. (S.4192)

. 2 June, Mr Gray (DPP) minute to Director regarding progress of (POC) action. (S.2427)

. 3 June, Mr Cassin wrote to Mr Petering regarding Statement of Reasons for 1988 quota. (S.4190)

. 7 June, draft s. 13 Statement by Mr Petering. (S.4066)

. 10 June, Mr Temby QC (DPP) wrote to Customs regarding sufficient evidence available for laying of charges. (S.417, S.127 and S.8332)

. 14 June, Mr Petering provides another s. 13 Statement of Reasons (due 28 February 1988). (S.396-404, S.4081 and S.4112)

. 15 June, Informations sworn by Mr Hamilton exhibited at Local Court in Sydney charging Midford under Crimes Act. (S.224, S.128 and S.3867)

. 15 June, affidavit by AFP Officer Clarke regarding POC application. (S.2146 and K.2708 regarding Midford, S.2166 and K.2728 regarding Mr Rodger)

. 15 June, DPP obtained restraining orders against Midford and Mr Rodger. (S.224)

. 16 June, fax from Mr Locker to Mr Murphy (ACS) enclosing report on proceedings and DPP advice. (S.8976)

. 16 June, minute to Mr Doyle from ACS Inspector Valuations (Mr Carmen) regarding Customs Values for Midford's imports. (S.5795, S.5989, S.5986 and K.7950)

. 16 June, AFP served summonses on solicitors for defendants in Midford case. (S.418)

. 17 June, Customs determined that forwarding charges should be included in the Customs value for 71 entries at S.5986. (S.5990 and K.7949)

. 18 June, POC Act Court Order restraining Mr Rodger from disposing of assets. (S.128)

. 21 June, Customs determined that financial accommodation charges for entries 21 to 71 of schedule at S.5986 are dutiable and are part of the Customs value. (S.5991 and K.7948)

. 21 June, Customs sent briefing paper to Ministers regarding Crimes Act charges against Midford and Mr Rodger. (S.253-6 and S.257)

. 22 June, article by Tom Burton in *The Sydney Morning Herald*. (S.1286, S.8254 and S.117. See also S.1995 for response by Editor)

. 24 June, Mr Hamilton wrote to Mrs Hannam regarding substitution of seized goods and whether AGS or DPP should prosecute. (S.6108)

. 30 June, Midford Federal Court application withdrawn. (S.4025)

. 1 July, Ombudsman wrote to Midford. (S.703)

. 6 July, Mr Rodger met with Mr Pearce, Commonwealth Ombudsman. (K.2561)

. 7 July and 20 July, Customs and AFP seized documents from Midford's bankers. (S.224)

1988 . 8 July, DPP wrote to Mr Hamilton that substitution matter should go to AGS. (S.6110)

. 11 July, Midford wrote to Ombudsman regarding letter of 1 July. (S.708)

. 12 July, Mr Locker wrote to DPP regarding conversion of stock and requested they reconsider decision that AGS handle the matter. (S.6115)

. 14 July, Mr Richardson wrote to Midford detailing the events concerning airfreight shipments from Midford Malaysia and their subsequent re-export. (S.8096)

. 14 July, Customs wrote to Midford revising figures for PIP entitlements. (S.8125 and S.7851)

. 18 July, charges mentioned in Sydney Local Court and committal hearing set for 5 June 1989 - adjourned to 5 September 1988. (S.224)

. 22 July, DPP wrote to Mr Locker referring to Customs letter of 12 July 1988. (S.6112)

. 22 July, Mrs Hannam brief to Counsel, Ms Beazley. (S. 2487 and K.2670)

. ? August, brief on s. 33 Breach at Midford Bond Store prepared. (S.6134)

. 1 August, OSCORD advice to Singapore High Commission. (S.5945)

. 3 August, minute from Comptroller-General to all staff concerning survey of industrial relations - accompanied by survey. (S.8794)

. 5 August, minute from Inland Services ACS referring to cancellation of warehouse licence. (S.8561)

. 24 August, Ombudsman provided further response to Midford's March 1988 inquiries. (S.709)

. 29 August, Makinson & D'Aprice (Midford's solicitors) wrote to Minister Jones requesting a meeting to discuss Midford's activities and possible charges to be laid. (S.243, S.7800 and S.258)

. 30 August, Midford's solicitors wrote to Mr Petering regarding PIP entitlements. (S.7851 and S.8736)

. 31 August, Midford's solicitors wrote to Customs concerning future allocations of quota. (S.4123)

. 1 September, DPP served particulars of offences alleged against Midford and Mr Rodger. (S.11592)

. 5 September, DPP ordered by Court to serve witnesses statements to the defendants. (S.224)

. 7 September, Messrs Robinson and O'Shannassy arrived in Malaysia. (S.226)

. 8 September, ACS referred brief on conversion to AGS. (S.6009 and S.6023, response at S.6019)

. 8 September, Mr Kelly appointed as Comptroller-General, replacing Mr Hayes. (S.7102)

. 12 September, Mr O'Shannassy contacted Mr Butler in Australian High Commission (AHC) KL to advise arrived on 7 September. (S.3783 and S.3787)

1988 . 14 September, Messrs Robinson and O'Shannassy travelled from KL to Penang. (K.2654 and K.2838)

. 15 September, letter from Mr Jaya to ACS Penang outlining authorisation to act only for Pen Apparel. (S.8629)

. 16 September, statement by Mr Keat. (S.7197)

. 16 September, fax from Hira Singh & Co to AHC concerning High Court Order. (S.10275)

. 16? September, letter from AHC requesting Mr O'Shannassy contact AFP Liaison Officer (Mr Butler) as a matter of extreme urgency. (S.10276)

. 16 September, Malaysian High Court issued Ex-Parte Order against Customs. (S.505 and S.2371)

. 16 September, ACS Officers departed from Malaysia. (S.850)

. 16 September, affidavit by Mr Mat. (S.523)

. 16 September, affidavit by Mr Vijayandran. (S.10696)

. 16 September, affidavit by Mrs Kian.

. 16 September, file notes Mrs Hannam regarding conversation with Mr Robinson whilst he was in Malaysia. (K.2624 and S.7369)

. 16 September, phone conversation involving ACS and the DPP. (S.9460)

. 16 September, cablegram from KL to Canberra advising of High Court Order and lack of contact by ACS with the AHC. (S.9754)

. 16 September, fax from KL to Canberra including the Notice of Motion, affidavits of Mr Mat and Mrs Kian and Ex-Parte Order. (S.9829)

. 17 September, Messrs Robinson and O'Shannassy fax to Mr Locker reporting on achievement of objectives in Malaysia, trip report. (S.8138, K.3120 and S.8931, S.11013)

. 17 September, letter from DPP to Attorney-General's Department concerning return of documents. (S.9860)

. 17 September, Mr Robinson contacted Mr Butler from Singapore. (S.3784)

. 19 September, Mr Butler briefed Malaysian AHC about events in Malaysia. (S.3603 and S.9910)

. 19 September, cablegram sent from KL to Canberra concerning court injunction and actions taken so far. (S.9612-21 and S.10277)

. 19 September, faxes from Mr Locker to Mr Bissaker (ACS) concerning injunction at the application of Midford. (S.8979, S.8982)

. 19 September, Mr Bissaker briefed Minister Jones concerning a response to solicitors for Midford, Makinson & D'Aprice. (S.257)

. 19 September, articles from the *New Straits Times*. (S.10279)

. 21 September, appeal by Malaysian Customs against injunction dated 16 September. (S.5943)

. 21 September, cablegram from KL to Canberra concerning ACS inquiry and legal action. (S.9791)

. 22 September, letter from Mr Singh to Malaysian AHC confirming fax of 16 September and outlining events of 16 September. (S.7550 and S.9819)

1988 . 22 September, conference between DPP (Ms Drennan) and Messrs
 Robinson, O'Shannassy, Lindsay and Benson regarding Malaysia.
 (S.8143)

. 22 September, letter from Mr Hamilton to ACS Legal Services
 regarding any action instituted. (S.8669)

. 22 September, minute from Mr Butler to AHC. (S.9919)

. 22 September, fax from Mr Locker to Mr Bissaker concerning
 injunction. (S.8985)

. 22 September, cablegrams from KL to Canberra concerning meeting
 between AFP Liaison Officer and the Deputy Director, Prevention,
 Malaysian Customs and discussions with Attorney-General's
 Department. (S.9797 and S.9807)

. 23 September, cablegram from KL to Canberra concerning High Court
 order on Messrs Robinson and O'Shannassy. (S.9794)

. 26 September, fax from Mr Locker to Mr Bissaker concerning DPP
 actions. (S.8987)

. 27 September, Minister Jones wrote to Makinson & D'Aprice regarding
 their letter of 29 August 1988, declining to meet with Midford. (S.258
 and S.688)

. 27 September, DPP letter to Customs concerning return of documents.
 (S.2332 and S.9861)

. 27 September, letters from DPP to Skrine & Co concerning legal
 proceedings and documents held. (S.9858 and S.9863)

. 28 September, Mr Locker rang DPP to advise that RMC had rung him
 indicating they were disposed to return copies of the documents
 obtained in Malaysia. (S.2329)

. 29 September, affidavit by Mr Heng. (S.3927-9, S.8114)

. 29 September, ACS letter to DPP concerning forfeiture of goods.
 (S.8668)

. 29 September, fax from KL to DFAT and Attorney-General's
 Department concerning mutual assistance case. (S.10280)

. 4 October, file note regarding conversation Mrs Hannam with
 Mr Hennessey regarding alleged interference with witnesses. (K.2619)

. 4 October, file note Mr Doyle and Mr Ricketts regarding interview of
 Mr Oborn. (K.2621, S.3852 and S.3895)

. 4 October, fax Mr Locker to Mr Bissaker concerning RMC. (S.8989)

. 4 October, file note Ms Drennan regarding conversation with
 Mr Locker. Mentions Mr Bissaker ordered that documents obtained in
 Malaysia be returned but subsequently rescinded that order. (S.2332)

. 5 October, Mr Ricketts and Mr Doyle interview Mr Hartigan. (S.3852
 and S.3896)

. 6 October, minute to Senior Inspector, Investigations concerning the
 condemnation of goods. (S.8666)

. 7 October, minute from Mr Hamilton to Director, Investigations
 concerning the condemnation of goods. (S.8666)

. 7 October, Ombudsman wrote to Customs regarding Midford. (S.701)

. 17 October, affidavit by Mr Vijayandran commenting on other
 affidavits. (S.851)

1988 . 19 October, statement by Mr Hawksworth. (S.3706)
. 20-21 October, Mr Paraggio visited DITAC and discussed draft witness
. statement with Dr Fitzpatrick. (S.738)
. 21 October, affidavit by Mr Woo. (S.533, S.8111)
. 27 October, cablegram from KL to Canberra concerning High Court
. hearing for the 4.11.88. (S.9811)
. 27 October, Mr Doyle phoned Mr Oborn regarding his statement.
. (S.3853 and S.3896)
. 27 October, DPP's Malaysian lawyers wrote to DPP regarding
. proceedings in Malaysia. (S.512)
. 28 October, AGS wrote to Customs regarding charges and in relation
. to goods incorrectly seized. (K.4470, S.6009 and S.6019)
. 28 October, DPP wrote to Customs advising not to enter into an
. appearance in the Malaysian proceedings. (S.511)
. 31 October, file note concerning solicitors for Commonwealth.
. (S.10283)
. 1 November, letter from Shearn Delamore & Co to AHC concerning
. criminal application and Notice of Motion and two affidavits. (S.9876)
. 2 November, statement by Mr Roberts. (K.7236)
. 2 November, statement by Ms Bates. (K.7240)
. 2 November, affidavit by Mr Cheng. (S.530)
. 3 November, further affidavit by Mr Mat.
. 4 November, letter and attachment from Shearn Delamore & Co to
. AHC concerning legal proceedings and the latest decision of the High
. Court of Malaya. (S.9672)
. 7 November, DPP forwarded first 11 witness statements to defendants.
. (S.11587)
. 7 November, Mr Weinberg QC appointed as DPP.
. 8 November, cablegram from Canberra Attorney-General's Office to KL
. suggesting Shearn Delamore & Co proceed along lines indicated.
. (S.10282)
. 9 November, statement by Ms Rogers. (K.7255)
. 9 November, Midford Directors met with Director of RMC. (S.6580)
. 10 November, Midford Directors met with Malaysian Ministry of Trade
. officials. (S.6581)
. 10 November, statement by Ms Bailey. (K.7268)
. 10 November, Notice to Appellant by the Malaysian High Court.
. (S.9904)
. 15 November, statement by Mr McDonald (ACS) explaining entry
. documents and systems for processing. (S.4547)
. 15 November, statement by Ms Gee. (K.7261)
. 15 November, statement by Ms Slaby. (K.7250)
. 17 November, Ministerial Submission by Senator Evans concerning
. approved maintenance of Diplomatic and Sovereign Immunity. (S.9655
. and S.9814)
. 17 November, statement by Mr Richardson. (K.7275)
. 21 November, letter from AHC to Shearn Delamore & Co concerning
. maintenance of Diplomatic and Sovereign Immunity. (S.10284)

1988 . 22 November, statement by Mr McClean, ANZ Bank. (S.8746)

. 23 November, Ombudsman responded to Mr Rodger regarding source of press leaks 'publicly available affidavits'. (K.2562)

. 24 November, statement by Dr Fitzpatrick signed at meeting with Mrs Hannam of DPP's Office. (S.738)

. 25 November, statement by Mr Stretton. (K.7243)

. 25 November, DPP forwarded another 11 witness statements to defendants. (S.11587)

. 25 November, letter from Shearn Delamore & Co to AHC concerning criminal application and draft Notice of Motion and affidavit. (S.10287)

. 25 November, letter from Shearn Delamore & Co to Secretary-General, Ministry of Foreign Affairs KL concerning legal proceedings. (S.10288)

. 26 November, note from Ministry of Foreign Affairs to AHC concerning 'Notice of Appellant'. (S.9901)

. 29 November, acknowledgment by the AHC of letter sent by the Ministry of Foreign Affairs. (S.9907)

. 30 November, affidavit by Mr Hock. (S.107 and S.7552)

. 30 November, ACS delivered documents obtained in Malaysia to the DPP. (S.11585)

. 1 December, letter from Shearn Delamore & Co to AHC enclosing affidavit for signature. (S.10295)

. 2 December, Commonwealth of Australia appealed against Malaysian injunction. (S.5943)

. ? December, statement by Mr Zampa. (S.6563)

. 2 December, affidavit by Mr Vijayandran commenting on other affidavits. (S.859)

. 2 December, DPP forwarded another 20 witness statements to defendants. (S.11587)

. 7 December, DPP wrote to Customs regarding proceedings in Malaysia. (S.519)

. 8 December, letter from DPP to DFAT concerning legal proceedings. (S.9922)

. 8 December, the AHC requests the Malaysian Ministry of Foreign Affairs to issue a certificate confirming Sovereign Status of Australia. (S.10297)

. 8 December, the Malaysian Ministry of Foreign Affairs provides a Certificate of Sovereign Status to the AHC. (S.10300)

. 9 December, letter from Shearn Delamore & Co to AHC concerning court appearance. (S.10299)

. 9 December, fax from KL to DFAT and Attorney-General's Department. (S.10298)

. 13 December, DPP wrote to Customs regarding proceedings of court case in Malaysia on 9 December. (S.516-518)

. 16 December, affidavit by Mr Mat. (S.527)

- 1988 . 21 December, subpoena to witnesses issued to DITAC to produce documents on 6 February 1989. [Served on Customs on 11 January 1989] (S.6927 and S.4157)
- . 23 December, Customs forwarded brief to DPP in relation to financial accommodation for one shipment only - 109. (S.3884, S.6010 and S.6116)
- . 27 December, affidavit by Mr Khoon.
- . 29 December, letter from Shearn Delamore & Co to AHC on court proceedings. (S.10301)
- . 29 December, Customs wrote to AGS with brief of evidence on forfeiture. (S.6026 and see K.4470)
- 1989 . 5 January, affidavit by Mr Hennessey concerning statements of Messrs Robinson and O'Shannassy. (S.8335 and S.2373)
- . 6 January, DPP provided witnesses statements to defendants. (S.224)
- . 30 January, Mr Doherty (DPP) file note regarding conference with Counsel, Ms Beazley. (S.2701)
- . 31 January, DPP advised Customs that prima facie case exists against Midford based on shipment 109 only. (S.3884, S.6120, K.4125 and K.7190)
- . 2 February, RMC wrote to Comptroller-General requesting return of Midford Malaysia's documents. (S.865)
- . 8 February, AGS wrote to Customs regarding forfeiture brief. (K.4470, S.6009 and S.6028)
- . 14 February, final statements served on defendants. (S.2113)
- . 14 February, Mr Locker wrote to AGS regarding unauthorised removal of forfeited goods. (S.6029)
- . 20 February, Mr Waincymer letter to DPP. (S.2097 and K.2681)
- . 21 February, DPP wrote to Mr Locker regarding proceedings in Malaysia and letter from Malaysian Customs. (S.863)
- . 22 February, fax sent by Mr Strang to Mr Bissaker concerning proceedings in Malaysia. (S.8993)
- . 22 February, DITAC submitted documents to AGS relating to case. (S.6930)
- . ? February, letter from Comptroller-General to Director-General of RMC concerning return of documents. (S.10048)
- . 2 March, AGS advised DITAC that defendant sought the claim of privilege on certain documents listed for hearing. (S.6931)
- . 9 March, Mr Doherty minute to DPP (Mr Weinberg QC) regarding Mr Waincymer representations on behalf of Mr Rodger. (S.2115)
- . 17 March, DPP brief to Mr Cowdery QC. (S.2466)
- . 17 March, DPP file note regarding conference with Mr Cowdery QC. (S.2704)
- . 28 March, Comptroller-General wrote to RMC in response to letter dated 2 February 1989. (S.861)
- . 7 April, Mr Waincymer letter to DPP. (S.2113 and K.2697)

1989 . 6 July, Mr Petering commented on Mr Cowdery QC report on Midford case. (S.569-572)

. 12 July, Midford's solicitors wrote to Mr O'Connor regarding PIP entitlements. (S.7855, S.8734)

. 13 July, Mr Doyle and Mr Ricketts met Mr Doherty regarding financial accommodation issue. (K.4123)

. 14 July, cablegram from Canberra to KL concerning proceedings. (S.10333)

. 17 July, restraining orders against Midford and Mr Rodger were lifted. (S.239 and S.129)

. 17 July, Customs wrote to DPP regarding financial accommodation brief. (K.4123-4 and S.6132)

. 27 July, cablegram from KL to Canberra concerning Australia/Malaysia Bilateral Trade Relations. (S.10334)

. ? August, briefing on 'Midford Case Importation of Shirts under Special Quota'. (S.10926 and S.10945)

. 7 August, electorate officer of Minister West wrote to Minister Button requesting update of situation including whether litigation took place and what result. (S.7802 and S.243)

. 9 August, Mr Adams QC provided advice recommending Crimes Act charges proceed. (S.578-610, S.2499 and S.10778)

. 11 August, Midford and Mr Rodger met with Customs seeking reinstatement of quotas. (S.6957)

. 14 August, Midford wrote to NSW Premier Unsworth. (S.816)

. 15 August, DPP advised Customs that fresh Crimes Act charges can proceed against Midford. (S.575, S.611 and S.10052)

. 21 August, Premier Unsworth responded to Midford. (S.818)

. 23 August, fax from Mr Locker to Mr Bissaker concerning prosecution of Midford. (S.9004)

. 25 August, letter from Minister West to Minister Jones seeking restoration of quota. (S.6959, S.7804)

. 25 August, cablegram from KL to Canberra requesting advice on how to proceed or withdraw from the case. (S.9628)

. 28 August, Mr Locker advised DPP to institute further prosecution of Midford. (S.614)

. 28 August, article by Barry Lowe in *The Australian*. (S.266, S.10252 and S.10955)

. 28 August, Mr Bissaker briefed Ministers on article by Barry Lowe in *The Australian*. (S.264)

. 28 August, internal DFAT briefing on Midford case by Mr Graham (S.9758 and S.9927)

. 29 August, Mr Locker wrote to DPP regarding Mr Adams QC advice of 9 August and requested Crimes Act charges be pursued. (S.614)

. 30 August, Midford wrote to Minister West thanking him for intervention. (S.6961, S.7806)

. 30 August, basic background to the Midford Malaysia case by Mr Tagkalidis. (S.10700)

- 1989 . 30 August, Mr Maddock (Minister Button's office) wrote to Malaysian AHC regarding the status of the Midford quota. Mentions visit to Minister Button by Malaysian Trade and Industry Minister to discuss Midford's quota. (S.6962, S.7807 and S.10774)
- . 5 September, letter from Shearn Delamore & Co to Mr Singh enclosing a copy of the Petition of Appeal. (S.10337)
- . 6 September, cablegram to Canberra from KL recommending acceptance of Dr B MacDessi's proposal. (S.10960)
- . 6 September, cablegram to KL from Canberra concerning an interim report on the position of the Midford case. (S.10255, S.10345 and S.10970)
- . 7 September, cablegram to KL from Canberra concerning rejection of allegations that ACS acted illegally. (S.10254 and S.10338)
- . 12 September, Midford wrote to Minister Button concerning legal action by ACS and seeking meeting to finalise matters. Mentions Cabinet decisions and enclosed extract of Inter Departmental Committee report. (S.3287, S.10907 and K.8140)
- . 15 September, memo from Mr Morris to Mr Bissaker concerning advice to the Minister's Office on Midford. (S.6969, S.7808)
- . 15 September, Mr Doherty's opinion regarding reinstatement of Midford's quotas. (S.632-636 and S.10862)
- . 18 September, DPP advice concerning decision not to proceed with charges of imposition. (S.616-631, S.141, S.7832 and S.10814)
- . 19 September, DPP advised Customs of decision not to proceed. (S.615 and S.10056)
- . 21 September, representations from Ms Booth, Clothing and Allied Trades Union to Minister Button regarding problems Midford experiencing following withdrawal of quota. (S.7810 and S.243)
- . 22 September, initial contact between Customs and AGS regarding charges under the Customs Act for undervaluation and Bond Store irregularities.
- . 25 September, Mr Doyle wrote to AGS regarding financial accommodation issue for shipments 109 and 115. (S.3497, S.6030, K.4104, K.4119, K.4444, K.4487, K.4043, S.8721 and S.8725)
- . 25 September, Customs officers met with AGS officers regarding alleged offences by Midford.
- . 26 September, Midford wrote to AHC in Malaysia. (S.10905)
- . 26 September, cables from KL to Canberra concerning legal proceedings and future action. (S.10877 and S.10888)
- . 27 September, fax from KL to DFAT concerning papers sent to AHC from Midford. (S.10346)
- . 28 September, Midford wrote to the Minister Button regarding their unanswered letter of 12 September 1989 seeking restoration of status quo prior to committal hearings. (S.3286, S.6970)
- . 29 September, fax from Mr Locker to Mr Bissaker concerning substance of draft letter to Midford. (S.9007)
- . 29 September, draft letter concerning mutual assistance from DFAT Canberra to KL. (S.10067)

1989 . 29 September, Mr Stretton (ACS) wrote to Midford regarding post-committal proceedings. (S.690 and S.10914)

. 3 October, fax from Mr Locker to Mr Bissaker concerning Ministerial representations on behalf of Midford. (S.9008)

. 6 October, Mr Wilson (ACS) reviewed Mr Petering's decisions regarding quotas and agreed. (S.638 and S.639-45)

. 6 October, Mrs Hannam sworn affidavit as to costs. (S.11580)

. 10 October, Midford met with Customs regarding PIP. (S.648-650, S.669 and S.646)

. 10 October, draft cable from Canberra to KL concerning appeal. (S.9939)

. 13 October, letter from Shearn Delamore & Co to AHC concerning hearing of the Appeal to the Supreme Court. (S.10350)

. 18 October, ACS handwritten note cancelling bond licence. (S.8564)

. 18 October, Senate Estimates Committee A deliberations. (S.10983)

. 18 October, Midford made an initial offer of settlement. (S.3546)

. 20 October, Midford wrote to Mr O'Connor, Deputy Comptroller-General regarding Customs misunderstanding of quota and restructuring arrangements and meeting of 10 October. (S.646)

. 23 October, Midford wrote to Mr O'Connor requesting adjustment to quota based on PIP. (S.669)

. 23 October, cablegrams to KL from Canberra concerning Midford litigation concerning an update on current position. (S.9772, S.10662, S.10720 and S.10919)

. 25 October, Mr O'Connor rejects consideration of offer 'at that time'. (S.3545)

. 27 October, Mr Mulgrew (ACS) wrote to Attorney-General's Department seeking confirmation of decision to revoke Midford's quotas. (S.659, S.7750 and S.9036)

. 27 October, Mr Tickner MP met Dr B MacDessi. (S.7857)

. 31 October, letter from Shearn Delamore & Co to AHC concerning proceedings and the Appeal Record, the Notice of Hearing and the Petition of Appeal. (S.9968)

. 31 October, Mr Tickner MP wrote to Minister Jones requesting meeting regarding Midford. (S.6971, S.7857)

. 31 October, Mr Bissaker briefed Minister Jones, with copy to Minister Button covering draft reply to Minister West bringing him up to date on current position with Midford. (S.3278)

. 2 November, letter from Malaysian Ministry of Trade and Industry to AHC seeking reasons for quota not being reinstated. (S.10976)

. 6 November, further affidavit by Mrs Kian. (S.3930-2)

. 6 November, Ms Mackintosh of Minister Button's office met with Malaysian officials. (S.7877, S.6973)

. 7 November, cablegram from KL to Canberra concerning correspondence with the Malaysian Ministry of Trade and Industry. (S.10751 and S.10977)

- 1989 . 7 November, letter from Shearn Delamore & Co to AHC concerning affidavit (Mrs Kian), extract from Hansard (18.10.89) and Notice of Motion. (S.10353)
- . 7 November, Minister Button responded to Midford's letters of 12 and 28 September 1989. (S.693 and S.3285)
- . 7 November, Minister Button responded to Ms Booth's letter of 21 September 1989. (S.692)
- . 8 November, letter to Shearn Delamore & Co from AHC supporting actions. (S.10384)
- . 8 November, letters from Shearn Delamore & Co to Mr Singh. (S.10385)
- . 13 November, Mr Clay for Attorney-General's Department wrote to Customs in response to letter of 27 October 1989 confirming decision to revoke Midford's quotas and disallow claims for PIP. (S.663 and S.9036)
- . 13 November, Dr Woods MP wrote to Minister Jones, Minister Button and Comptroller-General suggesting that as a result of the failed prosecution, documents be returned, quotas be reinstated and \$9 million in compensation paid. (S.7859 and S.243)
- . 13 November, Appeal in the Malaysian Supreme Court. (S.10391)
- . 13 November, newspaper clippings by Barry Lowe concerning legal proceedings. (S.9764)
- . 13 November, draft minute from Mr Morris to Ms Mackintosh concerning meeting with Malaysian officials. (S.10651)
- . 14 November, Minister Jones responded to Minister West's representations of 7 and 25 August 1989 regarding undervaluation and allocation of quotas. (S.689)
- . 14 November, cable from KL to Canberra concerning appeal. (S.9937)
- . 15 November, letter from Shearn Delamore & Co to AHC concerning the written submission of the appellant. (S.10391)
- . 16 November, Mr Wilson (ACS) brief regarding no vindictiveness in Customs treatment of Midford. (S.3281)
- . 17 November, statement by Mr Henderson regarding removal and counting of Midford's seized stock. (K.4072)
- . 17 November, AGS responded to ACS request of 25 September regarding financial accommodation issue. (S.3501, K.4112-8, S.6009 and S.6039)
- . 20 November, Midford wrote to Customs regarding PIP entitlements and seized goods. (S.7862)
- . 20 November, Mr Bissaker briefed Minister Jones for meeting with Mr Tickner MP on 22 November 1989. (S.3283)
- . 21 November, Mr Wilson wrote to Midford regarding adjustments to PIP entitlements because of goods manufactured prior to December 1985 imported after that date. Refers to fax of 24 October 1989. (S.668)
- . 22 November, Minister Jones met with Midford, Minister West and Mr Tickner MP. Minister directed that case be resolved on the principles of natural justice and the continuation of employment in Wollongong. (S.3283-4, S.3290, S.3294-5, S.7869 and S.695)

1989 . 22 November, Comptroller-General met with Minister Jones following meeting with Mr Tickner MP 'Minister concerned case not properly handled by Customs'. (S.3290)

. 22 November, DITAC wrote to Malaysian officials regarding their visit to Minister Button's staff (Ms Mackintosh) and Mr Morris regarding Midford's quota. (S.7868)

. 22 November, Mr Morris wrote to DFAT and the Consulate of Malaysia regarding the special quota for Midford and visit by Malaysian officials. (S.10766 and S.9955)

. 24 and 27 November, letters from Shearn Delamore & Co to DPP concerning proceedings and letter to Malaysian Public Prosecutor. (S.10476 and S.10480)

. 30 November, Midford's seized goods (listed for disposal on 6-7 December 1989) withdrawn from auction. (S.3273)

. 30 November, minute from Mr Locker to Investigations concerning Ministerial representation by Dr Woods MP. (S.9032)

. 4 December, fax from Mr Wilson to Midford disallowing some claims for PIP. Mentions fax of 20 November 1989. (S.667)

. 5 December, Mr Wilson minute to Customs disallowing claims for PIP entitlements. (S.7755)

. 6 December, seized goods withdrawn from auction. (S.7872)

. 6 December, Minister Jones' office advised Midford that ACS was preparing a 'settlement package' and that a meeting would be held to discuss these proposals within days. (S.7875)

. 6 December, fax from Shearn Delamore & Co to AHC concerning letter sent by the Public Prosecutor regarding criminal proceedings. (S.10484)

. 7 December, draft cable sent to KL from Canberra concerning quota decision. (S.10777)

. 11 December, Midford complained about their lack of opportunity to put forward their case regarding undervaluation issue and Bond Store irregularities. (S.3272)

. 11 December, Mr Bissaker and Mr Naylor briefed Minister Button and Minister Jones recommending prosecution for undervaluation of imports. (S.3291)

. 11 December, fax from Shearn Delamore & Co to AHC concerning letter sent to Mr Singh regarding criminal proceedings. (S.10494)

. 14 December, Midford wrote to Minister Button suggesting that as a result of the failed prosecution documents be returned, quotas be reinstated and compensation paid. Also says goods withdrawn from auction scheduled for 6 December and that in absence of Minister Jones, Customs pressing Minister Button to make decisions without correct background. (S.7869 and S.243)

. 16 December, letter to Public Prosecutor from Shearn Delamore & Co concerning the High Court Order procedures. (S.10501)

. 21 December, Mr Bissaker briefed Minister Jones on ACS decisions on quota and undervaluation issues. (S.3294)

- 1989 . 21 December, Mr Wilson advised Midford of small adjustment to quota based on PIP. (S.666-668)
- . 21 December, Midford wrote to Minister Jones suggesting that as a result of the failed prosecution, documents be returned, quotas be reinstated and compensation paid. (S.7874 and S.243)
- 1990 . 4 January, Customs responded to Ombudsman. (S.3557)
- . 10 January, Midford met with Customs to put forward their case. (S.7878 and S.8671)
- . 12 January, Midford wrote to Minister Jones requesting a meeting. (S.7878 and S.243)
- . 12 January, Ombudsman responded to Mr Rodger declining to take further action. (S.3556)
- . 16 January, Mr Waincymmer met with Mr Wilson. (S.7880, S.7886, S.651 and S.3308)
- . 18 January, cablegram from Canberra to KL concerning quota allocation. (S.10656)
- . 19 January, letter from AHC to Malaysian Ministry of Trade and Industry concerning quota allocation. (S.10990)
- . 22 January, Mr Bissaker and Mr Naylor briefed Minister Jones and Minister Button advising inappropriate to meet with Midford. (S.3299)
- . 23 January, Midford wrote to Mr Tickner MP and Minister West advising of developments and outcome of meeting with Customs on 16 January 1990. (S.7880)
- . 23 January, Minister Jones responded to Midford's letter of 12 January 1990 declining to meet with Midford. (S.3301)
- . 23 January, Minister Jones responded to Minister West. (S.3302).
- . 23 January, Comptroller-General met with Minister Jones regarding brief provided on 22 January. (S.3304)
- . 23 January, Minister Jones responded to Mr Tickner MP. (S.695)
- . 24 January, Mr Tickner MP wrote to Minister Jones on forwarding letter from Midford seeking meeting with Minister. (S.7879 and S.243)
- . 29 January, fax from Mr Lindsay to Mr Bissaker concerning meeting with Messrs Waincymmer, Hennessy and Rodger. (S.9017)
- . 30 January, Mr Waincymmer wrote to Customs regarding Midford's quotas. (S.654-658 and S.3312)
- . 31 January, Customs officers met AGS officers regarding charges of undervaluation.
- . 5 February, Mr Bissaker brief to Minister Button and Minister Jones regarding letter to Dr Woods MP of 7 February. (S.3305)
- . 7 February, Minister Jones responded to Dr Woods MP letter of 13 November 1989. (S.694 and S.3306)
- . 8 February, Magistrate Falzon delivered final summation. (S.270, S.567, S.74-91, S.3320 and S.7889)
- . 9 February, Supreme Court of Malaysia allowed appeal by the Commonwealth of Australia. (S.521, S.5943 and S.10088)

- 1990 . 9 February, fax from Shearn Delamore & Co to AHC concerning Judgment of the Supreme Court Criminal Appeal. (S.10082 and S.10092)
- . 12 February, fax from KL to DFAT informing them that the appeal had been upheld. (S.10506)
- . 12 February, Mr Wilson wrote to Mr Waincymer regarding meeting of 16 January and letter of 30 January 1990 attaching comments regarding Midford's arguments to reinstate quota. (S.651 and S.3309)
- . 13 February, letter from Shearn Delamore & Co to AHC concerning professional fees. (S.10198)
- . 13 February, letter from KL to Canberra concerning Supreme Court Judgment. (S.10193)
- . 14 February, letter from Ms Manning to Mr Matthews concerning Malaysian High Court decision on 9.2.90. (S.10081)
- . 15 February, letter from Mr Hamilton to Messrs Stoop and Matthews concerning the Supreme Court Judgment. (S.10209)
- . 15 February, fax from Shearn Delamore & Co to AHC concerning a new Notice of Motion. (S.10212)
- . 20 February, further conference between Customs and AGS regarding charges. (K.4099-4101)
- . 21 February, Mr Waincymer wrote to Mr Bissaker regarding undervaluation issue. (S.3508)
- . 23 February, AGS brief to Counsel, Mr Adams QC, on financial accommodation. (K.4102-10, S.6009 and S.6034)
- . 23 February, Midford wrote to Ombudsman. (S.715)
- . 23 February, Dr B MacDessi wrote to Minister Jones seeking a meeting with him. (S.268 and S.819)
- . 23 February, Dr Woods MP wrote to Minister Jones suggesting that himself or a Midford representative brief the Minister following the Magistrate's comments. (S.7881 and S.243)
- . 23 February, AGS instructed Senior Counsel.
- . 23 February, Mr Bissaker discussed contents of letter to Minister Jones from Dr B MacDessi with Minister's Private Secretary, Mr Cockburn. Correspondence endorsed no action required. (S.268)
- . 29 February, Mr Ricketts minute to Mr Swinton (AGS) providing schedule of dates for letters of credit. (K.7221)
- . 1 March, Mr Swinton (AGS) wrote to Customs enclosing copy of brief of evidence to Counsel and stating need to obtain further evidence. (K.4101 and S.6048)
- . 1 March, Mr Adams QC attended conference with Customs and AGS officers - charges likely to succeed. (K.4100 and S.6046)
- . 1 March, Ombudsman wrote to Comptroller-General regarding complaints from Midford and asking about disciplinary action against Mr Petering and Dr Fitzpatrick. (S.713 and S.7891)
- . 8 March, Mr Adams QC provided preliminary advice on undervaluation issue. (S.3272 and K.7218)

1990 . 9 March, fax from Mr Locker to Mr Bissaker concerning minute to National Manager, Investigations regarding Customs Act charges. (S.9020)

. 12 March, Mr Pritchard responded to Ombudsman's letter of 1 March. (S.7891 and S.724)

. 14 March, Mr Pritchard briefed Minister Jones on current status regarding Midford issues. (S.3307)

. 23 March, Mr Ricketts covering letter regarding brief of evidence mentioned actually dated 29 March - see S.7100. (K.7218)

. 26 March, fax from Mr Ricketts to Mr Bissaker concerning Mr Adams QC Preliminary Advice. (S.9021)

. 27 March, fax from Mr Locker to Mr Bissaker concerning briefing paper by the Counsel. (S.9023)

. 28 March, Mr Bissaker responded to Mr Waincymer. (S.3512, S.7516 and K.7869)

. 29 March, further papers given to AGS by ACS. (S.6013)

. 2 April, AGS brief to Counsel on 42 of 52 shipments. (K.7218)

. 4 April, Minister Beddall replaced Minister Jones.

. 11 April, Midford wrote to the Hon S West MP, seeking meeting with new Minister for Customs. (S.7888)

. 12 April, Mr Bissaker responded to Ombudsman's letter of 1 March. (S.7898 and S.719)

. 24 April, Midford wrote to Minister Tickner. (S.820)

. 27 April, Minister Tickner wrote to Minister Beddall restating the requests made to the Hon B Jones MP. (S.243 and 7882)

. 1 May, minute outlining Ministerial arrangements. (S.11018)

. 4 May, Dr Woods MP wrote to Minister Beddall seeking to discuss the case with the Minister. (S.7883 and S.243)

. 4 May, Mr Bissaker briefed Minister Beddall regarding Midford Case, including disagreement with Magistrate Falzon's views. (S.3317 and S.3326)

. 9 May, fax to Mr Lewington from Mr Bissaker concerning briefing entitled 'Midford Case: Importation of Shirts under Special Quota'. (S.10755)

. 9 May, Mr Bissaker telexed DFAT Canberra regarding Midford Case.

. 9 May, further conference between Senior Counsel, AGS and Customs officers. (K.4099 and S.6050)

. 10 May, AGS advised Customs to expect formal advice after 18 May. (K.4099)

. 11 May, Mr Bissaker and Mr Stretton met with Minister Beddall regarding issues in Midford Case. (S.3323)

. 14 May, Midford wrote to Minister Tickner. (S.822)

. 21 May, Minister Beddall responded to Dr Woods MP declining to meet. (S.3324) (Letter may have been sent 24 May - see S.697)

. 21 May, Mr Bissaker briefed Minister Beddall regarding response to Dr Woods MP. (S.7884 and S.3323)

1990 . 22 May, The Hon S West MP wrote to Minister Button seeking a meeting between Midford and Minister Button or Minister Beddall. (S.7887 and S.243)

. 24 May, Minister Beddall responded to Dr Woods MP letter of 4 May. (S.7885 and S.697)

. 25 May, Mr Doyle wrote to Mr Swinton regarding further information requested by Mr Adams QC regarding meeting of 9 May. (S.6051)

. 25 May, Ombudsman responded to Midford regarding letter of 17 May. (S.721)

. 28 May, Minister Button's secretary wrote to the Hon S West MP regarding letter of 22 May, referring the matter to Minister Beddall. (S.7893)

. 31 May, Mr Rodger wrote to Mr Bissaker regarding undervaluation issue with first offer of settlement. (S.671, S.3514, S.3548, S.7519 and K.7940)

. 31 May, Senior Counsel advised of offer of settlement.

. 1 June, Mr Bissaker briefed Mr O'Connor recommending not accept offer but instead proceeding to prosecution. (S.3547 and K.7940)

. 4 June, Midford wrote to Minister Beddall with copy to the Hon S West MP restating previous representations made to the Hon B Jones MP and Minister Button and offering financial settlement. (S.7895 and S.243)

. 15 June, advice by Mr Adams QC regarding undervaluation issues. (S.3519, S.6077 and S.6058)

. 18 June, Mr Adams QC provided final advice regarding undervaluation issue. (S.3272, S.6009 and S.6096)

. 19 June, Mr Rodger's notes of phone conversation with Mr Bissaker during which ACS' intention to prosecute was advised. (S.7525)

. 19 June, Mr Bissaker briefed Mr O'Connor on Midford's offer of 31 May and recommended proceeding to prosecution. (S.3553, K.4095 and K.7940)

. 22 June, ACS Sydney wrote to AGS with prosecution brief. (S.3538, K.4094, S.6010 and S.6052)

. 25 June, Customs delivered three volumes of evidence to AGS. (K.4091 and K.4098 and S.6013)

. 26 June, Mr Waincymer wrote to Minister Beddall requesting intervention in the dispute between Midford and ACS. (S.8919)

. 26 June, Mr Waincymer wrote to Mr Bissaker regarding proposed prosecution. (S.3539 and S.7908)

. 26 June, Mr Bissaker briefed Minister Beddall - inappropriate to meet with Midford. Also states that DPP and Customs disagree with Magistrate. (S.3325 and S.7932)

. 28 June, AGS asked Customs whether representative charges or all 1 336 charges should be laid in respect of financial accommodation. (K.4091-3, S.6010 and S.6053)

. 2 July, second settlement offer by Midford to Customs. (S.672)

. 3-6 July, Comptroller-General visited KL. (S.11003)

1990 . 5 July, AGS wrote to ACS regarding financial accommodation advising
 1 344 charges to be laid. (S.3543, S.6056 and K.4096-7)

. 6 July, fax from Mr Strang to Customs Central Office concerning
 preliminary assessment of Midford's settlement. (S.9028)

. ? July, fax from Mr Locker to Mr Bissaker concerning intent to evade
 s. 233(1)(a). (S.9030)

. 6 July, Minister Tickner wrote to Minister Beddall seeking response to
 earlier representations. (S.7903 and S.243)

. 10 July, Solicitor Waincymer wrote to Minister Beddall seeking to have
 Minister meet with Midford. (S.7904 and S.243)

. 13 July, Customs met with AGS regarding likely minimum penalties.

. 16 July, Mr Bissaker advised Mr Steven (Minister Beddall's office) of
 'bottom line' for settlement. (S.674)

. 19 July, Dr Woods MP wrote to Minister Beddall requesting to be kept
 informed of any action in Midford case. (S.7918 and S.243)

. 23 July, Mr Bissaker met with Mr Rodger regarding settlement.
 (K.7940)

. 26 July, Midford inspected seized goods in storage.

. 27 July, Mr Rodger wrote to Mr Bissaker regarding third settlement
 offer. (S.671 and K.7940)

. 30 July, Mr Rodger spoke to Mr Bissaker regarding settlement offers.
 (S.671)

. 30 July, Mr Bissaker briefed Mr O'Connor regarding third settlement
 offer.

. 1 August, sale of remainder of Midford Paramount to Gazel Industries.

. 1 August, Mr Bissaker wrote to Mr Rodger regarding settlement.
 (K.7940)

. 2 August, Customs advised AGS of proposed terms of settlement.
 (K.7940)

. 2 August, Mr Rodger wrote to Mr Bissaker with fourth offer of
 settlement. (K.7940)

. 3 August, Mr Bissaker wrote to Mr Rodger, accepting offer of
 settlement.

. 10 August, Midford contacted by journalist - successfully prevented
 article from being published. (S.825 and S.844)

. 15 August, fax from Mr Ricketts to Mr Prichard concerning Midford
 figures. (S.9031)

. 23 August, Customs asked AGS to advise within two hours on a Deed
 of Release. (K.7940)

. 24 August, Mr Bissaker briefed Minister Beddall on settlement offer
 accepted from Midford. (Customs p.157-8)

. 28 August, Customs confirmed to Midford that settlement did not
 cover the committal hearings. (K.7940)

. 5 September, letter from Shearn Delamore & Co to AHC concerning
 hearing date for the Notice of Motion and Settlement of Account.
 (S.10512 and S.10510)

1990 . 6 September, Mr Bissaker provided reasons for agreeing to offer of settlement from Midford, including background paper. (S.671-3 and S.11291)

. ? September, Mr Bissaker responded to Ombudsman regarding letter of 1 March advising ACS did not share Magistrate's view. (S.719)

. 7 September, Dr Woods MP wrote to Minister Beddall seeking an extension of time for consideration of agreement to settle. (S.243 and S.7919)

. 13 September, Deed of Release signed by Midford and the Commonwealth.

. 17 September, Minister Beddall wrote to Midford 'pleased to see resolution of this case'. (S.3332, and S.3555)

. 17 September, Minister Beddall responded to Dr Woods MP. (S.699 and S.3333)

. 17 September, Minister Beddall responded to Minister Tickner. (S.696 and S.3334)

. 17 September, Minister Beddall responded to the Hon S West MP regarding settlement. (S.3554)

. 24 September, request for payment of money to Shearn Delamore & Co for legal fees. (S.10307)

. 7 October, article by Bruce Jones in *The Sun Herald* and Ministerial Submission relating to it. (S.846, S.119, S.10239, S.10935 and S.11004)

. 8 October, Mr Bissaker briefed Minister Beddall on article in *The Sun Herald*. (S.3335, S.3338 and S.7920)

. 8 October, Comptroller-General met with Minister Beddall regarding article in *The Sun Herald*. (S.3337 and S.7921)

. 8 October, Mr Bissaker possible parliamentary question and brief to Minister Beddall. (S.3338)

. 9 October, Mr Ricketts, Mr Doyle and others deny involvement in press leak regarding *The Sun Herald* article of the same day. (S.3607)

. 9 October, comment by GATT Branch concerning *The Sun Herald* report on the secret trade deal. (S.10230)

. 12 October, Senate Estimates A hearings.

. 12 October, Dr B MacDessi wrote to Minister Beddall alleging victimisation by ACS officers and unfair disclosures to the media. (S.823)

. 14 October, article by Bruce Jones in *The Sun Herald* regarding Senate Estimates hearings. (S.3342 and S.10236)

. 15 October, Mr Thurlow (ACS) briefed Ministers Beddall and Button regarding article in *The Sun Herald* of 14 October. (S.3340)

. 26 October, Dr Woods MP wrote to Minister Beddall regarding a claim for compensation by Midford. (S.7923 and S.243)

. 31 October, cablegram from KL to Canberra concerning Notice of Motion. (S.10222)

. 6 November, Mr McLucas (DITAC) report on failed prosecution. (K.2576)

- 1990 . 9 November, Midford wrote to Minister Button, with copy to the Hon S West MP, regarding Estimates A evidence of damages settlement. (S.7930)
- . 12 November, Minister Button's office advised Midford it had referred their fax of 11 November to Minister Beddall. (S.7929)
- . 16 November, Mr Rodger and Midford met with the Ombudsman. (K.2528)
- . 16 November, Mr Bissaker brief to Ministers Beddall and Button regarding compensation claim of \$8.82 million by Midford. (S.3343)
- . 26 November, Mr S MacDessi wrote to Minister Beddall with copies to the Hon S West MP, Minister Button and Minister Tickner, regarding the amount of costs awarded following the committal hearing. (S.7928 and S.243)
- . 3 December, Minister Beddall wrote to Dr Woods MP rejecting consideration of compensation to Midford. (S.276, S.700 and S.3346).
- . 5 December, Senate referred Midford Paramount Inquiry to Joint Committee of Public Accounts.
- 1991 . 21 January, Ombudsman letter to Mr Rodger. (K.2525)
- . 24 January, Mr Rodger letter to Ombudsman. (K.2531)
- . 6? February, draft letter from DFAT to JCPA concerning their involvement in the Midford Case. (S.10219)
- . 16 April, Mr Bissaker wrote to Mr Rodger regarding Mr Prichard of Customs comments of Perri Cutten case. (K.2485)
- . 23 March, letter from Mr Vijayandran to Messrs Robinson and O'Shannassy - fax copy of Court Order given to Mr Robinson on way to airport. (S.850)
- . 19 June, AAT Tribunal to review Customs decision concerning Topper Case and Mr Richardson. (S.10620)
- . 21 June, Mr Bissaker and Mr Thurlow addressed staff at Adelaide Customs House. (S.7101, S.10601 and S.10998)
- . 25-26 June, Comptroller-General met with Adelaide Airport staff - statements by staff. (S.10599 and S.10601-29)
- . 6 August, further affidavit by Mr Cheng reaffirming earlier affidavit of 2 November 1988. (S.1299)
- . 28 August, Mr Bazos sentenced to 4½ years imprisonment. (S.2076)
- . 29 August, response to Midford by Deputy Editor of *The Sydney Morning Herald* regarding article by Tom Burton of 22 June 1988. (S.1996)
- . 30 August, letter from ACS to Mr Richardson advising him that his claim cannot be justified. (S.9463)
- . 4 September, Mr Robinson wrote to DPP regarding missing notebook. (S.7193)
- . 12 November, Minister Tate wrote to Minister Beddall expressing concern regarding pre-trial publicity. (S.11055)
- . 27? November, Minister Beddall wrote to Minister Tate outlining pre-trial publicity guidelines that are in place. (S.11054)

DISSENTING REPORT

I dissent from a number of the recommendations of the Report for the following reasons:

Recommendation 3

I do not agree that it is 'unacceptable' to second Australian Customs Service officers to the Ombudsman. There is nothing inherently wrong with such a practice as illustrated by the frequent seconding of appropriate departmental staff to this Committee.

Recommendation 7

The concepts addressed in the recommendations are muddled. Of course Commonwealth agencies should not lose sight of the presumption of innocence but neither should they be blind to the benefits that flow from publicity from a successful prosecution.

Recommendation 48

I cannot detect any proper basis for this conclusion. Parliament has conferred upon Customs a wide power. I am not persuaded that the selection of a figure of twice the amount of duty allegedly underpaid or evaded is other than arbitrary. I believe each case should be considered on its own merits. Indeed I believe the law mandates that approach.

Recommendation 65

This recommendation is probably unnecessary. It is a case of cracking a nut with a sledgehammer.

Recommendation 67

There is nothing in the Committee's Report to justify this conclusion. Obviously Department of Industry Technology and Commerce should seek legal advice when uncertain. Any further obligation is not made out.

Recommendation 71

This is too rigid in the bald form it is expressed. I believe a more appropriate recommendation would be to call on the Australian Customs Service to take formal disciplinary action against any officer who wilfully withholds material facts from a legal advisor thereby seeking to obtain advice to fit a predetermined objective.

Recommendation 97

This proposal is too inflexible - there may be good reasons to utilise the expertise of an officer familiar with the area under investigation.

Recommendation 103

I agree that Customs must never refuse to allow an opportunity for explanation to be provided but the remainder of the recommendation is expressed too simplistically. When legal matters are pending some restrictions on contacts may be appropriate.

Recommendation 115

This is a trivial point. It will be costly to implement and I see no public interest in insisting on such costings simply as a matter of routine.

Duncan Kerr, MP
17 December 1992