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**The Secretary
Joint Committee of Public Accounts and Audit
Parliament House
Canberra ACT 2600**

15 July 2005

Attention: Glen Worthington

Dear Secretary

I refer to the invitation from your Committee dated 3 June 2005 to make a submission to the enquiry concerning Airport Security.

As discussed with Mr Worthington of your office; on 23 June 2005, the Customs Officers Association (COA) sent a notice to members, supporters and other relevant Officers inviting them to provide further information about airport security concerns. A copy of that notice is attached.

A number of Customs Officers have provided information to the COA to be used in our submission.

On 04 July 2005 the Australian Customs Officer (ACS) sent a notice to 'All Staff'. This notice is attached. The notice is clearly intended to dissuade Customs Officers from providing information to the COA but not only to the COA. The notice is not even a thinly veiled threat for officers to be silent. It is saturated with implied threats of disciplinary or other more serious action if an officer provides information to the COA or anyone else which may be useful to your enquiry.

The ACS All Staff Notice 'recommends' that officers should lodge complaints about system failures and poor practices to management in the first instance. The presumption is that ACS management doesn't know about these issues already. However the fact is that many of the failures of the airport system are already known to ACS management but they do not know how to resolve those problems. It appears that telling the Government that there are unresolved problems is not an option. Why that is the case can only be surmised.

But in any event the inference in the notice is clear. Officers should not raise concerns about matters of public administration to anyone outside ACS management. To do so will be considered to be a breach of loyalty and fidelity to the Customs Service. And such breaches will draw sanctions from ACS management.

Yet the security problems that were identified to ACS management in the recently leaked 54 page security assessment were not dealt with by ACS management; or they were not dealt with in a timely and effective manner. The assessment was put into the ACS 'system' but was not acted upon by management in a fit and proper manner.

Attached is a letter from Ms Marsden-Smedley which is a response to questions I asked about officers exercising their right raise matters of public interest, in the public (safety) interest. You will note the failure of the ACS to clarify whether charges will be laid against the officer who leaked the report. The implication is that despite the service given to the Government and the public by disclosing serious failures in the ACS administration, the officer may still be liable to charges. How can it be an offence to help the democratic process by exposing bad administrative practices? Is this what the authority to charge officers was meant to achieve. I think not?

Also attached is the Public Service Commission Circular 2005/3 which spells out the mess that exists concerning the rights of public servants to serve the public interest and not the interests of bureaucrats.

These 'reminders of consequences' have a chilling effect on staff. Why should anyone run the risk of making any career threatening comment about operational concerns when there is no meaningful protection available and when it is clear that ACS management will act against anyone who criticises their administration.

The recommended process of advising ACS management about concerns clearly fails to meet the needs of Officers, it clearly fails to meet the operational requirements of the Government and more clearly, it fails to meet the safety needs of the public. Making public comment becomes the only effective means of raising concerns – but at the very real risk of termination of employment or worse.

Evidence from the recent investigation into Immigration matters has identified bad administrative systems, bad practices and a complete lack of faith by officers to approach management about their concerns related to operational matters.

The same is true of the ACS. No officer who wants to have an ongoing career in the Public Service and particularly in the ACS would even contemplate telling ACS management about bad administrative practices or procedures. That would be a career terminating exercise.

The Public Service is rushing into a culture of harassment and intimidation of staff who believe that their senior managers will 'shoot any bad news messenger'. It is clearly evident that this is the case in the Customs Service.

We may still make a submission to the Committee but frankly it seems to be a band-aide approach. If Agency master did not make threats of reprisals against disclosures of bad administration, then perhaps the Parliament would be better informed about the true status of public administration and the raft of matters about which Public Servants are concerned.

The real problem is that Public Servants are stopped from exercising their Constitutional Rights to engage in the democratic process because of their employment status. Yet it is that status which gives them the advantage of knowing what is wrong with the system.

Should you wish to discuss this matter further, please use the contact details provided above.

Yours sincerely

Peter Bennett
Federal President.