

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/208) PROGRAMME – Australian Customs and Border Protection Service

Senator Carr (Written) asked:

Have there been any reports of rail and car importers importing asbestos contaminated materials?

- a. If so, how were they discovered?
- b. If so, how many reported cases have there been?
- c. If so, have prosecutions commenced?
- d. If prosecutions have not yet commenced, are there plans to commence prosecution in the future?
- e. What compliance measures are required to ensure this practice is monitored appropriately?

Answer:

Yes

- a. Australian Customs and Border Protection Service (ACBPS) applies an intelligence-led, risk-based approach to address the unlawful importation of goods containing asbestos. Recent risk assessment activities have resulted in ACBPS turning its attention to other sectors including the automobile and rail industry. Ateco Automotive Pty Ltd, importer of Great Wall light trucks and Chery passenger vehicles from China, was one of the companies targeted. Initial tests on imported spare parts identified some contamination. ACBPS confirmed these parts were also in vehicles already imported into Australia.
- b. There are a number of active investigations underway. It is not appropriate to comment further on those matters.
- c. No prosecutions have commenced in connection with rail and car related asbestos importations.
- d. Where appropriate, ACBPS pursues prosecutions. ACBPS makes decisions on whether or not to prosecute based on the Prosecution Policy of the Commonwealth, whether there is sufficient evidence to prove the offence, and whether there are reasonable prospects of a successful conviction.

e. ACBPS applies an intelligence-led, risk-based approach to address the unlawful importation of goods containing asbestos. ACBPS ensures compliance through monitoring and intervention activities that are proportionate to the level of risk. ACBPS has a range of treatment options open to it to address non-compliance including warnings, administrative sanctions such as the imposition of infringements notices or prosecution.

ACBPS also works proactively with a range of federal, state and territory agencies to address concerns about the importation of goods containing asbestos, and our multi-layered approach includes education, campaigns, outreach activities, and refining our targeting activity to account for high-risk countries of origin and suppliers.