

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 90

Senator Ludwig asked the following questions at the hearing on 17 February 2006:

- a) What is the timeline for the government response to the House of Representatives Standing Committee on Legal and Constitutional Affairs report on averments
- b) Did the Department of Finance and Administration contact Customs about the ex-gratia payment
- c) Did the Department of Finance and Administration request information from Customs about the ex-gratia payment
- d) Describe what information ACS provided to the Department of Finance and Administration

The answer to the honourable senator's question is as follows:

- a) The government response to the House of Representatives Standing Committee on Legal and Constitutional Affairs (LACA) report *Modern-day usage of averments in Customs prosecutions* is currently being prepared for tabling. Once submitted the report will be subject to normal tabling processes and timeframes.
- b) Yes.
- c) Yes.
- d) Customs provided DOFA with the following documents:
 - 1. Covering letter;
 - 2. Copy of points relating to Mr Tomson's claims provided to the Government in response to the LACA Committee report;
 - 3. Dissenting report - Hon Duncan Kerr MP;
 - 4. Submission 4.1 – Supplementary statement by the Australian Customs Service to the House of Representatives Standing Committee on Legal and Constitutional Affairs;
 - 5. Submission 4.2 – Supplementary submission by the Australian Customs Service to the House of Representatives Standing Committee on Legal and Constitutional Affairs (21 July 2003);
 - 6. Submission 4.4 – Supplementary submission by the Australian Customs Service to the House of Representatives Standing Committee on Legal and Constitutional Affairs (6 February 2004); and
 - 7. Submission 4.6 – Supplementary submission by the Australian Customs Service to the House of Representatives Standing Committee on Legal and Constitutional Affairs (7 May 2004).