

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS SERVICE

Question No. 61

Senator Ludwig asked the following question at the hearing on 13 February 2007:

a) Regarding Table 7.3 in the Commonwealth Ombudsman 2005/06 Annual Report (page 94):

- i) Why have the complaints lifted by nearly 60% from 73 in 2003/04 to 115 in 2005/06?
- ii) What actions has the ACS taken to remedy this increase in complaints?

b) Regarding Table A1 on page 129 of the same report without identifying the identity or breaching the privacy of the individual concerned:

What are the facts of the case that resulted in an apology from Customs to the complainant?

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

- a)
 - i) The increase in the number of complaints in this period can be attributed to the changes made to passenger concessions which resulted in any duty owing being imposed on the entire amount of goods imported, as opposed to only being applied to the excess over the duty-free allowance, and can also be attributed to the problems associated with the introduction of the Integrated Cargo System in October 2005.
 - ii)
 1. Passenger Concessions legislation which was introduced on 1 Feb 2005 – Greater awareness about this issue was achieved through publicity and promotion provided to passengers by Customs via airports and travel agents; and
 2. Integrated Cargo System – Customs commissioned Booz Allen Hamilton to review the Integrated Cargo System and consistent with their recommendations Customs is working closely with industry to address their immediate concerns and to develop the future for trade facilitation.
- b) Customs made two apologies to complainants. The facts of the two cases are:
 1. An individual who was an employee of another federal government agency was involved in an incident with Customs at an airport in November 2003. As a result, a Customs officer made a complaint to that agency about the work performance of the individual. The complaint was sent via email to the supervisor, and the title of the email included reference to the person's ethnicity. The individual became aware of the reference after having submitted an FOI request about the Customs complaint, and then complained to the Ombudsman about the racial reference. Customs apologised to the individual on 11 August 2005 for identifying them by their ethnicity. A staff direction was also issued, reminding Customs officers that it is not appropriate to identify someone by their ethnicity.
 2. There was a lengthy delay in responding to an FOI request. Customs admitted the delay and apologised to the individual.