

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 1

Senator Xenophon asked the following question at the hearing on 12 February 2013:

Senator XENOPHON:... I note from media reports that one of the alleged key players who has been charged in this scandal, a Customs officer, was arrested in 2008 by New South Wales police for having a number of bags of cocaine in his car. He admitted that he was a user. My understanding is that when he went to the courts on those charges there were a number of Customs officers who attended at the court to give him support.

Senator XENOPHON: So the short answer is: if one of your Customs officers has been charged with possession of an illegal substance, they will be suspended?

Mr Pezzullo: And then if they are found guilty that would weigh on the decision maker in terms of their future status.

Senator XENOPHON: How is it that the New South Wales police did not communicate with Customs following the arrest of this person and this person continued to be in border security, border control?

Mr Pezzullo: The short answer to your question is that the trial in question, which occurred in the Burwood Local Court, occurred in June 2009, literally the month before I joined the service, so I have no idea, but I will take it—

Senator XENOPHON: But he was picked up in 2008.

Mr Pezzullo: He was actually arrested in early 2009 and he appeared in court on 17 June 2009. The short answer to your question is: I have no idea. If there is anything I can usefully come back to you with, I will.

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

The Customs Officer in question was arrested on 14 January 2009 on suspicion of self-administer a Prohibited Drug, contrary to s.12(1) *Drug and Misuse Act 1995*. Whilst there was a seizure of three small bags of cocaine, he was not charged with possession. The Customs Officer was then released from police custody. On 6 March 2009, the officer was issued with a Court Attendance Notice. On 17 June 2009, he attended court where he was convicted with no record and placed on good behaviour bond for twelve months.

Customs and Border Protection was not notified of the conviction, as the Customs Officer's occupation was not recorded at the time he was charged. The Customs Officer involved did not inform the Agency of his arrest. The officer is no longer employed by Customs and Border Protection.

There is currently no obligation for any law enforcement agency to report incidents or arrests of Customs Officers to the Service.

These issues are being improved through the introduction of mandatory reporting and enhanced organisational suitability assessment arrangements.