

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator Harradine asked the following question at the hearing of 20 November 2002:

How many children were adopted from overseas in the last ten years? Please provide a breakdown by country and year.

I am advised that the answer to the honourable Senator's question is as follows:

Attached is a schedule of figures provided by the Australian Institute of Health and Welfare in Canberra. A total of **4,134** children have been adopted from overseas in the last 14 years.

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OUTPUT 1.3
QUESTIONS ON NOTICE

Senator Harradine asked the following question at the hearing of 20 November 2002:

Please provide a breakdown of costs country by country for adoption of a child.

Please itemise these costs.

I am advised that the answer to the honourable Senator's question is as follows:

The Commonwealth Central Authority is unable to provide this information because adoption case work is a state responsibility. Our understanding is that a significant proportion of the costs incurred by adoptive parents are fees and charges imposed by the country of origin of the child.

SENATE ESTIMATES COMMITTEE
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OUTPUT 1.3
QUESTIONS ON NOTICE

Senator Harradine asked the following question at the hearing of 20 November 2002:

Is the Department taking any steps to reduce what are prohibitive costs for many Australian couples wanting to adopt a child from overseas?

I am advised that the answer to the honourable Senator's question is as follows:

The Department, as the Commonwealth Central Authority, does not charge any fees for the work that it does in this area. The States and Territories charge fees for processing applications. Fees and charges are also imposed by the countries from which the adoption takes place. These costs are not a matter over which this Department has any control.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

On 17 November, the Canberra Times reported, and I quote:

"A team of maverick federal Coalition backbenchers has set up a new committee to press for major changes to the family law.

Led by NSW Liberal Ken Ticehurst, the group, which includes one Cabinet minister and former Senate president Margaret Reid, plans an overhaul of the law to reintroduce fairness and equity for children in the aftermath of family breakdown."

And further on:

"The groups first meeting last Tuesday attracted more than 20 MPs, ran an hour overtime and had to be moved to a bigger committee room. Families Minister Larry Anthony attended as an observer."

The article further stated that the meeting was attended by the Shared Parenting Council and the Men's Rights Agency.

Has anyone from the Department been invited to attend, or attended, a meeting of this group?

Was the Cabinet Minister referred to the Attorney-General?

If not, was it the Minister for Employment and Workplace Relations.

I am advised that the answer to the honourable Senator's question is as follows:

No officer from the Department has been invited to attend a meeting of this group. A Departmental Liaison Officer in the Attorney-General's office did attend the meeting on 12 November 2002 as an observer.

The Attorney-General did not attend the meeting on 12 November 2002.

I do not know whether the Cabinet Minister referred to was the Minister for Employment and Workplace Relations.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

What work has been done to comply with the privacy audit and how long will it take to comply with the privacy principles?

I am advised that the answer to the honourable Senator's question is as follows:

Customs is compliant with the privacy principles, and has policies and procedures in place to support these principles. The majority of recommendations arising from the OFPC audit were shown to reflect existing standard procedure for Customs. Customs has acted on all recommendations requiring action; in particular, additional locks have been installed in the Compactus Storage unit and additional secure storage cabinets have been acquired. Documents that are not shredded on site are disposed of in bulk through an ASIO accredited secure document collection and disposal system. Additional high security cabinets are on order and due for delivery in February 2003.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

In regard to diesel fuel fraud offences still being followed through by Customs, are there still any more in the pipeline?

I am advised that the answer to the honourable Senator's question is as follows:

Customs is not currently handling any diesel fuel fraud cases. The response to question 105 contains more detail.

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

Regarding the new x-ray equipment, can you indicate the categories you examined or the type of percentage coverage you gave that question back in estimates in May and provide an update of that information? Are you able to put together a table about what the reality is and what your targets are?

I am advised that the answer to the honourable Senator's question is as follows:

Goods and passengers arriving in Australia are subject to a risk assessment process. Customs undertakes physical examinations only where the level of risk or initial inspection indicates that this is warranted. Technology, particularly x-ray, is used to maximise the effectiveness of this process.

As outlined at the 20 November 2002 hearing of the Senate Estimates Committee, Customs, in conjunction with other border control agencies, is currently achieving the following national inspection rates:

Stream	Current Inspection Rate (as at November 02)	Target Inspection Rate (by July 03, if not already achieved)
International Air Cargo	>70%	70%
International Post	Almost 100%*	100%
International Passenger Baggage	>90% **	81%
International Sea Cargo	<1%	>5%

**Screening for Customs purposes only. AQIS screens 100% of mail for quarantine purposes, using x-ray and dogs*

*** Screening is for IQI purposes, not solely Customs purposes*

Sea cargo inspection rates will rise significantly with the introduction of container x-ray capabilities to Australia's major ports (Melbourne, Sydney, Brisbane and Fremantle). For example, once fully operational, Customs will use the new system to inspect 100 containers per day in Sydney and Melbourne which will enhance Customs ability to detect illegal activity and to validate the risk assumptions underlying its selections.

Once fully operational, Customs will inspect more than 80,000 containers per year by x-ray. This will represent more than a twentyfold increase in the number of sea cargo containers examined.

SENATE ESTIMATES COMMITTEE
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QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

The ANAO report No. 54 made eight recommendations to improve customs systems, can you provide an update of where you are up to in implementing those recommendations?

I am advised that the answer to the honourable Senator's question is as follows:

Recommendation 1: Post-detection reporting now includes distribution of a Preliminary Detection Report (PDR) on the day of the detection. This is followed by a more detailed Post Detection Report within one week of detection, and generally within one day.

Recommendation 2(a): A review of the recruitment, training and career development of intelligence analysts has commenced. It incorporates a survey to collect objective data directly from current and ex-Customs analysts.

Recommendation 2(b): The current Assignment and Career Management Policy allows employees to pursue movement within the analytical stream and ensures that Customs derives the benefit of retaining suitably skilled analysts within the organisation. This solution provides greater flexibility than would be provided by defining intelligence analysts as a specialist area, while meeting the desired outcome.

Recommendation 2(c): To improve NIS user training, a Systems Trainer position was created to coordinate NIS training. All analysts nationally received NIS user training in May 2002, and an ongoing program has been developed to deliver improved NIS user training.

Recommendation 3a): The evaluation of regional variations will be conducted once container x-ray facilities are operating on the eastern seaboard.

Recommendation 3b): A number of desk-top exercises were conducted during 2002 to establish a benchmark for screening and targeting sea cargo in the regions in which container x-ray will be operated. These exercises identified parameters which will be used for similar exercises across all regions for sea cargo. Another exercise will be conducted for air cargo once sufficient data is available from the 70% x-ray screening of air cargo.

Recommendation 4a): The implementation of Release 3 of the Integrated Cargo System (ICS) requires the review of cargo profiles across all cargo systems prior to December 2003. This amounts to over 5000 profiles. To avoid duplication of process, the review of country of origin profiles will be conducted as part of this overall profile review.

Recommendation 4b): During late 2002 a regional officer was seconded to develop guidelines for a review of profiles in the commercial applications. These guidelines will then be applied across all Customs cargo systems.

Recommendation 5 (a): A follow up review of the STARS report is currently being undertaken and appropriate action initiated to address any outstanding recommendations.

Recommendation 5 (b): The National Pleasure Craft Search Training course incorporates a module that addresses risk assessment of small craft, and assists to identify risk indicators while a search is being conducted.

Recommendation 5 (c): The proposed Guide for Boarding Officers has not yet been introduced. This will be addressed early in 2003.

Recommendation 6 (a): Customs has run a desktop/discussion exercises in most regions during 2002. There are plans to continue these exercises in all regions during 2003 together with briefing sessions from Operations Coordinators from Enforcement Operations. These briefings will cover operational taskings and asset capability.

Recommendation 6 (b): Customs has not yet programmed a major field exercise in 2003. Depending on other priorities Customs will assess the opportunity for a multi agency exercise early in 2003.

Recommendation 7: Customs is continuing its efforts to develop an accurate, reliable and measurable performance measurement system for its NIDS initiatives, and its drug law enforcement activities more broadly. This process involves collaboration with partner agencies funded under NIDS, to assess the impact and effectiveness of the entire NIDS strategy.

Qualitative information on the effectiveness of existing measures has been collected. New methods, and/or data sources, for conducting quantitative evaluations of existing initiatives are being explored.

Recommendation 8: In conjunction with partner agencies involved in the National Drug Strategic Framework, and through close links to peak research bodies, Customs is participating in:

- several research projects aimed at developing and testing drug law enforcement performance measures; and
- the development of performance measures across the range of objectives of the National Drug Strategic Framework (NDSF).

SENATE ESTIMATES COMMITTEE
AUSTRALIAN CUSTOMS SERVICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

In November you were trialing the integrated cargo system pilot project. Could you supply the Committee with an update of where you are up to?

I am advised that the answer to the honourable Senator's question is as follows:

Progress in relation to the software analysis, design, build and test for each of the three publicly announced releases of the Integrated Cargo System is as follows:

Release	Progress
One - Cargo reporting by express couriers of documents	Release 1 of the Integrated Cargo System is now complete. User acceptance testing was successfully concluded on 4 December.
Two – Exports	The analysis and design is complete. Software build is scheduled for completion on 21 January 2003. Testing is expected to be completed in May 2003.
Three – Imports	Analysis is scheduled to be complete in February 2003. Design is also well underway.

The timetable for rollout of the Integrated Cargo System is consistent with the information that has been publicised nationally to industry and CMR over the last 6 months through:

- a suite of information sessions and seminars, and
- distributed brochures explaining CMR and its broad planned timetable.

The implementation timetable currently stands as follows:

Release	Industry Exposure & Testing	Operational
One - Cargo Reporting for Express Couriers of Documents	Detailed planning commences in December with test transactions commencing in March 2003	March 2003 (DHL) Other express couriers in 2003
Two – Exports	From May 2003	Nov 2003
Three - Imports	Cargo Reporting Functionality From Oct 2003; Other Functionality – From January 2004	March 2004

Planning for the integration of the Integrated Cargo System and Customs Connect Facility is currently underway and may impact the early industry exposure (presently scheduled for May 2003) by up to 6 weeks.

SENATE ESTIMATES COMMITTEE
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QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

Can you make known your concerns regarding the OPC concept of a monitoring role for the new Customs power? I am interested perhaps in how you were going to address them and whether a monitoring role had yet been finalised and the nature of any agreement that might have been struck?

I am advised that the answer to the honourable Senator's question is as follows:

The Office of the Federal Privacy Commissioner (OFPC) provided a submission to the Senate Legal and Constitutional Legislation Committee with regard to its Inquiry into the Security Legislation Amendment (Terrorism) Bill 2002 (No. 2) and Related Bills. In this submission the OFPC pointed out that when legislation allows an individual's privacy rights to be eroded, adequate accountability measures must be implemented in order to ensure that privacy rights are not further diminished.

In particular, the OFPC recommended that a future review of the legislation was desirable. Such a review should include an examination of the impact of any unintended consequences, such as functional creep. OFPC recommended that the legislation include a sunset clause, such that it lapses after a set period.

Customs and the OFPC discussed the concerns raised by the OFPC in its submission. In response Customs undertook to develop a regular program of independent auditing and monitoring of the privacy issues arising from the implementation of the Border Security Legislation Amendment Bill. Customs and the OFPC agreed that the OFPC would set up an independent audit function that will be undertaken by OFPC and funded by Customs.

In late July 2002, a number of representatives of the OFPC undertook a site visit to examine Customs operations at Sydney (Kingsford Smith) Airport. Also in that month, officers from both the Compliance and Policy sections of the OFPC visited Customs' Passenger Analysis Unit based in Canberra. According to OFPC these visits were helpful in assisting the Compliance officer scope the monitoring role they will perform.

Considerable progress has been made towards striking an agreement with the OFPC to establish an audit and monitoring role. The OFPC proposes to dedicate the equivalent of one ASO6 position to be funded by Customs on an annual basis. This arrangement will be extended to a second year after reviewing the performance of the first year.

The funded position will provide policy advice, along with audit and monitoring services for border security initiatives. The position is likely to complete the following tasks:

- Consideration of issues relating to the broad collection powers of Customs under the Border Security Bill;
- Review collection and disclosure arrangements entered into by Customs with related agencies and private sector organisations;
- One full privacy audit of Customs' border security systems per year;

- A written report on each audit; and
- At least one follow-up meeting or visit per year, with the potential for more follow-up as needed.

In its 01/02 Annual Report the OFPC made the following comments in respect of the Border Security Legislation Amendment Bill.

“ This Office gave advice on the privacy implications of some of these proposals, including the need for appropriately resourced and effective oversight and accountability mechanisms to deal with complaints and to monitor, audit and investigate the border security systems. This is particularly important because the Privacy Act was identified as the primary protection against improper operation of the legislation. However, this protection will not be adequate if the Office is not adequately resourced to discharge this new function.

In respect of the work being undertaken in relation to border security, this Office looks forward to working closely with the Customs Service on matters of oversight and accountability.”

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Senator Ludwig asked the following question at the hearing of 20 November 2002:

Exactly how has Customs amended its practices to ensure that information is in accordance with privacy principles?

I am advised that the answer to the honourable Senator's question is as follows:

Customs stores and manages information in accordance with the privacy principles, and has policies and procedures in place to support these principles. Policies concerning the release of personal information have been updated and redistributed to all relevant staff. Reference documents detailing why personal information is collected and to whom it may be disseminated have also been circulated and the need for compliance reinforced.

Customs has a Privacy Contact Officer to assist staff should they have queries on any Privacy issues.

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Senator Ludwig asked the following question at the hearing of 20 November 2002:

Diesel fuel fraud offences. Annual Report notes a fine and term of imprisonment for an individual guilty of "diesel fuel fraud offences". Are there any outstanding matters of this nature?

I am advised that the answer to the honourable Senator's question is as follows:

The matter referred to in the Annual Report related to a NSW case that was referred to the Commonwealth Director of Public Prosecutions (CDPP) at the time of the hand over of matters to the Australian Taxation Office (ATO) on 12 July 1999. It was agreed between Customs and ATO that Customs would continue the case management role for this matter in order to facilitate liaison with the CDPP during the course of its prosecution.

There are no other outstanding matters of this nature.

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Senator Ludwig asked the following question at the hearing of 20 November 2002:

From May Estimates the ACS has agreed to provide a table showing current figures and targets by broad categories for the extent of X-Ray examination of goods.

I am advised that the answer to the honourable Senator's question is as follows:

Information in relation to this question is contained in the answer to question 100.