

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 111

Senator Ludwig asked the following question on 2 December 2004:

Was the media advised of the operation prior to the event? If so, how, by whom and was there a quid pro quo?

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

Customs Corporate Communication advised Channel 7's 'Border Security' TV program in advance about the operation. Customs did not notify any other media organisation.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Question No. 112

Senator Ludwig asked the following question on 2 December 2004:

By what method were the individual searches conducted? Were personal searches conducted?

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

Searches were undertaken using a variety of methods and technologies available to Customs, including x-ray, ionscan, detector dogs and physical searches of hold luggage, hand luggage and ship's stores. A number of personal searches were undertaken in accordance with Section 219 of the *Customs Act 1901*.

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Question No. 113

Senator Ludwig asked the following question on 2 December 2004:

- a) How many full-time Customs personnel are employed in the Counter-Terrorism Section of Customs?
- b) At what APS levels are these personnel employed?
- c) How many part-time Customs personnel are employed in the Counter-Terrorism Section?
- d) At what APS levels are these personnel employed?
- e) Under what Output is the employment of these personnel made?

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

This question was previously asked as Parliamentary Question on Notice 2637 on 02 March 2004 and was answered on 24 March 2004. The answer is unchanged. A copy of the reply is attached.

(Question No. 2637)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 2 March 2004:

(1)(a) How many full-time Australian Customs Service (ACS) personnel are employed in the Counter-Terrorism Section of ACS; and (b) at what Australian Public Service (APS) levels are these personnel employed.

(2)(a) How many part-time ACS personnel are employed in the Counter-Terrorism Section; and (b) at what APS levels are these personnel employed.

(3) Under what departmental output are these personnel employed.

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

(1) The Counter Terrorism Section was merged with the Security Section of Customs in August 2003, forming the Security and Counter Terrorism Section. There are four full-time Customs personnel employed in the Counter-Terrorism sub-section.

Customs personnel employed in this section are:

1 x Australian Public Service (APS) Executive Level 1 (Customs Level 4)

1 x APS - Administrative Services Officer (ASO) 5/6 (Customs Level 3)

1 x APS - ASO3/4 (Customs Level 2)

1x APS - ASO1/2 (Customs Level 1)

(2) There are no part-time Customs personnel employed in the Counter-Terrorism Section.

(3) The Security and Counter Terrorism section is part of the Border Intelligence and Passengers Division and the Counter Terrorism sub-section's personnel are employed under departmental output 2: "Facilitation of the legitimate movement of people across the border, while identifying illegal movements."

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Question No. 114

Senator Ludwig asked the following question on 2 December 2004:

- (a) How many full-time Customs personnel are employed at international airports around Australia?
- (b) At what APS levels are these personnel employed?
- (c) How many part-time Customs personnel are employed at international airports around Australia?
- (d) At what APS levels are these personnel employed?
- (e) What duties are these personnel involved in?
- (f) Is there any overlap with the duties of the Australian Protective Service personnel at international airports.

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

Customs staffing figures can be counted in different ways. The numbers below are in terms of Full Time Equivalent staff (FTE). FTE indicates the number of people employed as at 31 December 2004 and paid through payroll including staff on paid leave, higher duties and excludes Acting Officers and employees on unpaid leave for greater than three months.

- (a) & (b) As at 31 December 2004 the numbers and APS level of full time personnel employed at international airports around Australia was as follows:

APS Classification	Customs Classification	Number of staff
APS Level 1 - 3	Customs Level 1	865
APS Level 4 – 5	Customs Level 2	187
APS Level 6	Customs Level 3	60
Executive Level 1	Customs Level 4	16
Executive Level 2	Customs Level 5	4
Total		1132

- (c) & (d) As at 31 December 2004 the numbers and APS level of part time personnel employed at international airports around Australia was as follows:

APS Classification	Customs Classification	Number of staff
APS Level 1 - 3	Customs Level 1	338
APS Level 4 – 5	Customs Level 2	2
APS Level 6	Customs Level 3	0
Executive Level 1	Customs Level 4	0
Executive Level 2	Customs Level 5	0
Total		340

(e) Officers identified above are attached to the passenger processing function. Within this function Customs officers Level 1 and 2 are flexibly deployed across a range of activities including:

- Immigration clearance processing at the primary line
- Baggage examination
- Air border security
- Processing of Tourist Refund claims
- Clearance of goods and collection of duty
- Alert response to persons of interest to both Customs and other agencies
- Risk assessment of travellers through behavioural analysis
- Administrative tasks

Customs officers Level 3 have management and supervisory responsibility for some or all of the functions listed above depending on the size of the airport.

Customs officer Level 4 and 5 are managerial positions.

Other Customs staff may also perform some of their duties at international airports. These staff have not been included in the above staffing numbers. Their functions include:

- Drug detector dog handling
- Mobile x-ray and technology support
- Air Cargo screening and examination
- Mail screening and examination
- Investigations
- Intelligence gathering and handling
- Surveillance activities

(f) There is no overlap between the duties performed by Customs personnel and the duties performed by Australian Protective Services personnel.

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Question No. 115

Senator Ludwig asked the following question on 2 December 2004:

What measures and training do screening officers at the passport checking phase have in relation to the identification and processing of suspected war criminals as published by the UN War Crimes Tribunal?

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

Customs primary line officers process passengers according to their travel documentation and authority to enter Australia.

Customs Officers who undertake primary line functions must complete a comprehensive Primary Processing Course conducted by Customs and Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). This training covers the identification and processing of all persons of interest.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Question No. 116

Senator Ludwig asked the following question on 2 December 2004:

Do Customs officers at this phase have access to a watch list containing names and details of these types of suspects?

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

No.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Question No. 117

Senator Ludwig asked the following question on 2 December 2004:

Of the 133 decisions overturned by the AAT since 2002, how many caused financial hardship to the importers?

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

Since 2002 the AAT has overturned seven decisions by Customs, with one of those decisions involving an FOI matter unrelated to an importer.

Customs is not aware of any of the companies involved in the seven overturned decisions, claiming financial hardship as a result of Customs decisions.

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Question No. 118

Senator Ludwig asked the following question on 2 December 2004:

Were any penalties imposed on Customs by the courts as a result of a claim of financial hardship by the importer?

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

There is no record of court action having been initiated in such circumstances in the last three years, i.e. the period referred to in Question No. 117.

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Question No. 119

Senator Ludwig asked the following question on 2 December 2004:

Have any suits been lodged against Customs for recovery of monies lost?

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

There is one suit against Customs involving two importers for recovery of monies lost. The writ against the Commonwealth was lodged in the Queensland Supreme Court in 1999 and is ongoing. That case involves the recovery of additional customs duty paid during Tribunal/Federal Court proceedings disputing Customs decision on the tariff classification of certain mats.

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Question No. 120

Senator Ludwig asked the following question on 2 December 2004:

- a) How many claims for damages/pillage were received by Customs for imports damaged or stolen whilst under the control of ACS?
- b) What was the highest claim?
- c) What was it for?

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

- a) In the 2000 to 2004 calendar years, there have been 104 claims for damages/pillage received by Customs for imports damaged or stolen whilst under the control of the ACS.
- b) The highest claim was for \$6,000
- c) The highest claim was for a viewing scope of a firearm that was damaged while being examined as a part of a passengers baggage.

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Question No. 121

Senator Ludwig asked the following question on 2 December 2004:

What is the total payout for damaged/pillaged goods for 00-01-02-03?

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

The total payout for damaged/pillaged goods for the years 2000 – 2003 is as follows:

2000	\$12 087.19
2001	\$2 932.60
2002	\$7 150.24
2003	\$12 748.50