

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CUSTOMS SERVICE

**Question No. 166**

**Senator Ludwig asked the following question at the hearing on 31 October 2005:**

- a) Is it correct that a response to the *Modern Day Use of Averments in Customs Prosecutions* was given to the government in May of 2004?
- b) Was the response sent back to the Department for redrafting or any other reason?  
If so, when was it sent back to the department?  
If so, has a revised response been provided to the government?
  - (i) If not, why not? Does the Department intend to provide a response and when will the Department provide one?
  - (ii) If so, on what date was it provided to the government?
- (c) What was wrong with the response that was presented to you that was not adequate?

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

- a) No. The House of Representatives Standing Committee on Legal and Constitutional Affairs tabled its report *Modern-day usage of averments in customs prosecutions*, on 31 May 2004.
- b) Yes. 12 August 2005.
  - i) N/A.
  - ii) A revised response was provided in November 2005.
- c) The proposed response required amendment to clearly articulate the Government's position.