

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

Question No. 43

Senator Xenophon asked the following question at the hearing on 18 October 2011:

Senator XENOPHON: ... I just want to go to a couple of issues. Firstly, Mr Kessing wrote, through my office, on 12 August a letter of response to Mr Coles at the Attorney-General's Department in relation to his application for a pardon under the royal prerogative of mercy. We know from the evidence given earlier today during my questioning of the AFP commissioner that the AFP was provided with a copy of that letter of 12 August, presumably in order to comment on it for the Attorney-General's office to consider. Can you advise whether Customs received that letter or whether there have been any communications with the Attorney-General's Department in relation to Mr Kessing's application for a pardon?

Mr Carmody: We are not aware of any. We will correct that if it is the case but on the material we have we are not aware of having received that.

Senator XENOPHON: Could you double-check that.

Mr Carmody: I will double-check it, of course.

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

The Australian Customs and Border Protection Service (Customs and Border Protection) does not have any record of receiving a copy of the letter dated 12 August.

On 18 August 2011, Customs and Border Protection provided the Attorney-General's Department with responses to questions which that department had asked in relation to Mr Kessing's application for a pardon. Specifically, Customs and Border Protection confirmed Mr Kessing's date of resignation from the organisation. Previously, on 21 December 2010, the Customs and Border Protection Whistleblower policy that was relevant in 2005 was also provided to the Attorney-General's Department.