

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

Question No. 39

Senator Pratt asked the following question at the hearing on 24 May 2012:

Senator PRATT: Operation XYLEAN, which was in March 2010, concerned the existence of imported asbestos gaskets. I know there was a significant campaign to address that issue. I would like a report back on how confident we are that these items are no longer coming in.

Mr Carmody: I am sorry, that is not one that we prepared for, but I am happy to provide an answer on notice if that is okay.

Senator PRATT: Okay but I might ask my complete question—

Mr Carmody: So that we can give you a complete answer.

Senator PRATT: I note that there were about 1,300 items of contaminated equipment—gaskets for industrial machinery primarily for use in the natural resources sector. I have heard from workers at the time when such items were detected of their concerns at being exposed to asbestos. It was good to see that campaign happen in response to that. I would like to know what the current detection procedures look like and whether such items are still coming in at that high rate, or whether industry has significantly got the message that these items are no longer welcome.

Mr Carmody: I will give you the answer on notice. It has been pointed out to me that we have a wonderful case study. The last paragraph, I am sure, does not answer your question but does say that indications are that there has been a substantial reduction.

Senator PRATT: I am actually more interested in the substantive numbers attached to that.

Mr Carmody: We will get your a more definitive answer.

Senator PRATT: My other question is a similar question in relation to Operation SCARE, although you might well be in the same situation in relation to that. The operation was run with the Therapeutic Goods Administration. Is there evidence that the reductions which occur from a campaign like that are sustained? Or are such items beginning to creep back in? In contrast to asbestos, where you would hope that outcome is permanent and stable once the message gets through to industry, it strikes me that products like these are very diverse—they come from all sorts of different sources. So I am interested in the sustainability of Customs outcomes on an issue like that.

Mr Carmody: I will take that on notice.

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

Operation XYLEAN

Operation XYLEAN commenced in June 2010 and concluded in July 2011. During the Operation, Customs and Border Protection detected approximately 1,300 items containing asbestos across 28 separate matters.

Since the Operation concluded, Customs and Border Protection continues to apply risk assessment techniques to identify high risk cargo. As a result, Customs and Border Protection has pursued or is pursuing another eight matters dealing with asbestos. To date, seven of those matters have identified approximately 1,600 items containing asbestos; in the other matter, the number of items is not available. The matter involved a gross weight of 2.88 tonnes, which included the weight of double bagging and hazard containment material.

Customs and Border Protection is also working with industry to ensure that goods are asbestos free before exportation to Australia. Some companies have employed Australian expert hygienists to inspect and certify goods at their place of manufacture, prior to shipment to Australia. Some overseas suppliers have changed their manufacturing practice. These factors, as well as the impact

of the Operation, have contributed to the reduction in rate of asbestos importation matters since July 2011.

Customs and Border Protection continues to review its approach to asbestos to ensure better compliance outcomes. This includes refining its targeting activity to account for some specific destinations and suppliers.

Customs and Border Protection also strongly encourages reporting of any instances of non-compliance and seeks assistance from industry and members of the public in identifying possible breaches of legislation.

Operation SCARE

Customs and Border Protection undertook Operation SCARE in conjunction with the Australian Competition and Consumer Commission (ACCC) and the Therapeutic Goods Administration (TGA).

The purpose of the Operation was to determine quickly and effectively if there were public health risks with the importation of counterfeit personal care and hygiene products, in particular sunscreen, cosmetics, toothpaste and mouthwash, following reports of risks with these products in some overseas markets.

Operation SCARE assessed 401 importations and conducted 43 examinations. These examinations resulted in four seizures, three of these seizures occurred because the importer was not registered with the TGA. The fourth seizure occurred as the goods were subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Operation SCARE did not identify any evidence of counterfeit sunscreen, cosmetics, toothpaste and mouthwash, being imported into Australia.

We will continue to monitor the situation and assess any referrals from the ACCC, TGA and the community, to determine if individual importers are attempting to import counterfeit products.