

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/023) PROGRAMME – Australian Customs and Border Protection Service

Senator Singh (L&CA 84) asked:

Senator SINGH: Can you please take on notice a question on the application of that enforcement—what has it brought to the surface in relation to asbestos? We obviously know what gets through, unfortunately, rather than what does not get through. It would be useful to know how effective the work of the Australian Customs and Border Protection Service is in doing its job of enforcement—and also about the prosecutions that follow from that. Please also take on notice whether you have received correspondence from stakeholders regarding the ban as well.

Mr Pezzullo: Yes, we can deal with that in a single omnibus response if you like.

Answer:

Australian Customs and Border Protection Service ran Operation XYLEAN from June 2010 to July 2011 focusing on the importation of asbestos contaminated goods in the mining and energy sectors. Since then, the rate of asbestos detections in imported goods connected to those industry sectors has declined significantly.

The Operation and subsequent Australian Customs Border Protection Service activity has resulted in the prevention of the importation of a wide range of contaminated goods including for example gaskets within vessels and heavy industrial equipment, vehicle spare parts, drilling fluid, fire wallets, brake lining and pads, major project infrastructure and exhaust shields.

Australian Customs and Border Protection Service continues to review its approach to asbestos importation to ensure better compliance outcomes. Recent risk assessment activities have resulted in the Service turning its attention to other sectors including the automobile industry. This work has resulted in the detection at the border of asbestos in imported vehicle spare parts, which subsequently led to recalls of passenger vehicles from China that were already in the Australian market. The compliance programme includes education campaigns and refining our targeting activity to account for some specific countries of origin and suppliers. Australian Customs and Border Protection Service continues to work closely with a range of high-risk industry sectors including mining and energy to ensure that goods are, in fact, 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.

Experience to date indicates that companies are generally keen to ensure that the goods they import are asbestos free, as asbestos contamination can have significant implications for corporate image, workplace health and safety, their ability to retain employees, and to continuity of operations.

Where appropriate, prosecutions are pursued. There has been one successful prosecution for importing asbestos since June 2010. In 2012, the court found an international engineering company, Clyde Bergemann Senior Thermal Pty Ltd (CBST) guilty of two counts of importing prohibited imports, namely chrysotile asbestos contrary to section 233(1)(b) of the Customs Act. The Court fined CBST \$64,000 including costs. Australian Customs and Border Protection Service makes decisions on whether or not to prosecute based on the Prosecution Policy of the Commonwealth, whether there is sufficient evidence to prove the offence, and whether there are reasonable prospects of a successful conviction.

Australian Customs and Border Protection Service 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. Australian Customs and Border Protection Service has received referrals about potentially contaminated goods, voluntary disclosures, and various correspondence from interested parties about Australian Customs and Border Protection Service's approach to managing the risk of goods containing asbestos being imported into Australia. However, Australian Customs and Border Protection Service is unable to provide further details on that correspondence due to privacy and confidentiality requirements including those under Section 16 of the Customs Administration Act 1985.