

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 69

Division/Agency: Compliance Division

Topic: Staff resources allocated to the Investigations Unit

Proof Hansard page: 57

Senator RHIANNON asked:

Senator RHIANNON: Okay. Could you provide a breakdown of the staff and non-staff resources allocated to the Investigations Unit for the investigation of complaints relating to live exports?

Ms Vivian: I would have to take that on notice.

Senator RHIANNON: If you could take it on notice. Could you provide the information on staff and non-staff resources overall for the unit and then also for complaints relating to live animal exports, and could that be for the last three years?

Ms Vivian: Yes, I will take that on notice. I can give the overall resourcing for the unit, as it currently stands, but I will take that on notice and give you back years as well.

Answer:

Staff members and associated budget for the Investigations unit are as follows:

	2012-2013	2013-2014	2014-2015
Enforcement staff	38	36	41
Enforcement staff dedicated to LAE investigations	2	2	2

	2012-2013	2013-2014	2014-2015
Employee expenses	3 540 138	3 554 319	3 901 361
Non-employee expenses	1 928 481	2 195 776	2 801 495
TOTAL BUDGET	5 468 619	5 750 095	6 702 856

	2012-2013	2013-2014	2014-2015
Employee expenses dedicated to LAE Investigations	186 211	197 264	189 996
Non - Employee expenses dedicated to LAE Investigations	101 438	121 865	136 433

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 70

Division/Agency: Compliance Division

Topic: Statute of limitation

Proof Hansard page: 57

Senator RHIANNON asked:

Senator RHIANNON: This might also be for live animals export. Is there a statute of limitations on any of the matters that come to you if they are going to be referred on elsewhere?

Ms Vivian: I would need to take that on notice.

Answer:

In general, section 15B of the *Crimes Act 1914* applies to the limitation of criminal proceedings.

In the case of a prosecution against an individual:

- if the maximum penalty that can be imposed for an offence committed by an individual includes imprisonment for more than six months in the case of a first conviction - the prosecution may be commenced at any time;
- in any other case - a prosecution must be commenced within one year of the offence taking place.

In the case of a prosecution against a corporation:

- if the maximum penalty includes a fine of more than 150 penalty units (1 penalty unit=\$170) - the prosecution may be commenced at any time;
- in any other case - within one year of the offence taking place.

In the case of a prosecution against an individual for an offence of aiding and abetting an offence committed by a corporation:

- if the maximum offence that can be imposed on the corporation in respect of the primary offence includes a fine of more than 150 penalty units in the case of a first conviction - the prosecution can be commenced at any time

Question: 70 (continued)

- in any other case - within a year after the individual has committed the (aiding and abetting) offence.

Section 15B(3) provides that a Commonwealth law can stipulate a longer time for the commencement of a prosecution for a particular offence.

There are a number of offence provisions contained with the *Export Control Act 1982*, the *Australian Meat and Livestock Industry Act 1997* and their subordinate Regulations and Orders that are subject to the limitation of criminal proceedings. Any applicable limitations are considered before a matter is referred to the Commonwealth Director of Public Prosecutions (CDPP) for consideration of commencing proceedings.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 71

Division/Agency: Compliance Division

Topic: Importation of Chinese Sand

Proof Hansard page: 58

Senator BACK asked:

Senator BACK: Regarding the importation of Chinese sand which was supposed to be Chinese fertiliser, can you tell what the resolutions of that investigation were and whether there have been any repeat attempts at similar importations?

Ms Vivian: I might have to take that one on notice.

Senator HEFFERNAN: It was not really sand. It was soil and weeds.

Senator BACK: Dirt. Okay, you will take that one on notice. The importation of the hides from South America—

Answer:

The Department of Agriculture understands the question is refers to a case in May 2011 where 27 containers of supposedly inorganic fertiliser imported from China were found after arrival in Australia, to contain soil contaminated with plant material. A further seven containers arrived in Australia from the same supplier in June 2011.

All 34 containers were exported back to China on 16 December 2011. The Chinese authorities were following up the fraud aspects of this case at that time, and the results of those investigations are unknown.

In response to this interception, on 12 October 2011 the department activated a profile in the Integrated Cargo System managed by the Australian Customs and Border Protection Service to randomly refer a small percentage of fertiliser in bags of less than or equal to 100 kg ('small bag' fertiliser) to the department for inspection on arrival. Prior to this, consignments such as this with appropriate documentation were not referred for inspection.

In 2012, the Interim Inspector General of Biosecurity (IIGB) was asked to independently examine the department's actions in this case, and the likelihood of similar incidents happening again.

Question: 71 (continued)

The IIGB report on this incident (No: 2011–12/01, available on the IIGB website) found that the department had responded appropriately in this case, and the steps taken to manage the identified risks in the future were sound and practical.

A recent (2014) analysis of the inspection results and other data since this small bag fertiliser profile was implemented in 2011 shows a very high level of compliance (over 95 per cent) with the department's import requirements.

No fertiliser/soil substitution cases have been detected or reported since the 2011 import.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 72

Division/Agency: Compliance Division

Topic: Instructional Material for new Staff

Proof Hansard page: 58-59

Senator BACK asked:

Senator BACK: I am anxious to know about the induction of new staff. The early error occurred when staff at the first point of entry were not sufficiently alerted to the risks of importation of foot and mouth disease products. There were other faults and errors that went on subsequently. Part of the focus of the inspector-general's investigation at that time was their clear lack of knowledge. I got an assurance, I think, that through some form of induction or other process staff at the coalface would actually be trained to be alert to the possibility of any product being imported. Have they been so inducted? Are they now so competent? If a similar circumstance repeated itself, are you confident they would be alert to such an outcome or eventuality?

Ms Vivian: Yes. One of the areas is where we have rolled out instructional material to those people who are involved in doing this work. That is about making them more alert and making them think about and look at those sorts of items when they come in.

Senator BACK: Would it be out of order for me to be given a copy of that instructional material?

Ms Vivian: I am happy to take that on notice.

Answer:

An outline of the training and instructional material entry management officers undergo is attached (refer to Attachment A). A CD containing the full training modules has also been provided.

Training Module 12 deals specifically with the assessment of risk associated with imported cargo. A new initiative to include case studies is intended to enable continuous learning based on plausible scenarios. Case study one deals with Foot and Mouth Disease risk cargo.

Training or Instructional material	Description
<u>Entry Management Training Course</u>	
Elearning: Modules 1-3	
Module 1 The Role of Entry Management: elearning storyboard	Module 1 is an introductory elearning module which aims to give participants an understanding of the role of entry management and the key services it provides. It also covers the work areas involved in entry management (EM) and the support provided by each of them.
Module 2 Reporting Cargo: elearning storyboard	Module 2 explains how, where and why imported goods are reported and the different types of import declarations. It gives participants an understanding of how Customs, Department of Agriculture and industry's electronic systems interact.
Module 3 Legislation: elearning storyboard	Module 3 describes the legislative provisions used when performing EM services and where the legislative provisions can be located.
Module 4: To be developed This module has been reserved for future IT architecture changes.	
Module 5: ICON/Import Permits (Facilitated)	
Facilitation Guide	This Module explains the purpose and functionality of the Import Conditions Database. It also explains what an import permit is, how to access ICON permits and how to interpret the permits.
Participant Workbook	
Facilitator Presentation	
Module 6: Quarantine Approved Premises (QAPs) (Facilitated)	
Facilitation Guide	Module 6 describes the purpose of Quarantine Approved Premises, the different classes of QAPs and what they are used for. Participants are taught how to apply the correct QAP for imported goods and gain the ability to locate QAP information.
Participant Workbook	
Facilitator Presentation	

Module 7: EM Fees & Charges (Facilitated)	
Facilitation Guide	Module 7 aims to explain where the legal authority to allow EM officers to assign fees and charges comes from and how to locate these. It explains the relevant fees and charges for EM, when they are applied and how to apply the correct charges for imported goods.
Participant Workbook	
Presentation	
Module 8: Biosecurity Measures (Facilitated)	
Facilitation Guide	Module 8 describes the purpose of a biosecurity measure and the different treatment measures used to address biosecurity risks. This module teaches participants how to locate and identify our treatment standards, offshore and onshore treatment schemes and other biosecurity measures.
Participant Workbook	
Presentation	
Module 9: Biosecurity Directions (Facilitated)	
Facilitation Guide	Module 9 explains the purpose and legal requirements of a quarantine direction. It identifies the common quarantine directions initiated by entry processing officers and how to apply the correct directions for imported goods.
Participant Workbook	
Presentation	
Module 10: Document Assessment Part A & B	
10A Facilitation Guide	Module 10 explains the purpose of document assessment and how officers identify the documents required for assessment. It also explains the requirements for different import documents and how to assess documents in accordance with the relevant policies and procedures.
10A Participant Resources	
10A Participant Workbook	
10A Presentation	
10B Facilitation Guide	
10B Participant Resources	
10B Participant Workbook	
10B Presentation	

Module 11: Broker Accreditation Schemes Part A & B	
11A Facilitation Guide	Module 11 describes the department’s broker accreditation schemes. It explains the broker’s responsibilities under the scheme and how entry processing officers audit a broker’s compliance under the scheme.
11A Participant Workbook	
11A Presentation	
11B Facilitation Guide	
11B Participant Workbook	
11B Presentation	
Module 12: Electronic Processing – AIMS (Activities 1-4)	
Activity 1 Facilitation Guide	Module 12 explains how an officer would understand why an entry has been referred to the Department via the Agriculture Import Management System (AIMS). It explains how to identify the risks associated with the consignment, and how to process an entry in AIMS after a document assessment has been completed.
Activity 1 Facilitator Presentation	
Activity 1 Participant Presentation	
Activity 2 Facilitation Guide	
Activity 2 Facilitator Presentation	
Activity 2 Participant Presentation	
Activity 3 Facilitation Guide	
Activity 3 Facilitator Presentation	
Activity 3 Participant Presentation	
Activity 4 Facilitation Guide	
Activity 4 Facilitator Presentation	
Activity 4 Participant Presentation	
Module 12 Participant Resources Booklet	
Module 12 Participant Workbook	
Module 13: Electronic Processing – SAC	
Module 13 Facilitation Guide	Module 13 explains how consignments lodged as Self Assessed Clearances (SAC) in the integrated Customs System (ICS) are processed by the Department of Agriculture. These are imported goods that are valued at less than \$1000. It describes the main functions in the Departments SAC application and how an officer would process a SAC entry.
Module 13 Facilitator Presentation	
Module 13 Participant Presentation	
Module 13 Participant Workbook	

EM Entry Processing Job Card	This job card is a fundamental component of competency and capability development for all Entry Management Processing officers. Participants must satisfy the assessment criteria and specified performance standards against each activity to be assessed as competent. Entry processing officers are required to complete the job card after completing the Entry Management Training Course.
<u>AIMS Training Course</u>	
AIMS Training Course Overview	This document provides an overview of the Agriculture Import Management System (AIMS) training course. This training course is delivered as blended learning consisting of four e-learning modules and one facilitated module. The AIMS training course is an introduction to the functionality and use of the system. This is the system which is primarily used by entry processing officers.
AIMS Job Card	Officers are required to complete the AIMS job card after completing the AIMS Training Course. This job card is a fundamental component of competency and capability development for all officers using the system. Participants must satisfy the assessment criteria and specified performance standards against each activity to be assessed as competent.
AIMS User Guide	This document explains the functionality and use of AIMS. It is designed to support the training material and assist officers when using the system in the work place.
<u>ICS Training Course</u>	
ICS Training Course Overview	This document provides an overview of the Integrated Cargo System (ICS) training course. This training course is delivered as blended learning consisting of two e-learning modules and two facilitated module. The ICS training course is an introduction to the functionality and use of the system. The training course describes how Department of Agriculture

	officers use the ICS to manage biosecurity risks and how it interact with the Departments Import Management Systems (AIMS and SAC applications)
ICS Job Card	Officers are required to complete the ICS job card after completing the ICS Training Course. This job card is a fundamental component of competency and capability development for all officers using the system. Participants must satisfy the assessment criteria and specified performance standards against each activity to be assessed as competent.
<i>ICS User Guide</i>	This document explains the functionality and use of ICS. It is designed to support the training material and assist officers when using the system in the work place.
<u>Instructional Material</u>	
Entry Processing – Understanding an AIMS entry	This Instruction and Guideline (I&G) outlines the key information that a Compliance Assessment officer must understand in AIMS prior to processing an entry. Some key concepts explained in this I&G include information contained in the different sections of the AIMS entry as well as understanding the reason for entry referral (that is determining the risk associated with the consignment).
Entry Processing – document assessment	This Instruction and Guideline (I&G) outlines the procedure for conducting a documentation assessment. This includes, understanding the reason for referral, linking documentation to information on the AIMS entry and assessing various types of commodity and non-commodity related documentation against policy requirements.
Entry Processing – recording outcomes of a document assessment and issuing directions in AIMS	This Instruction and Guideline (I&G) outlines the procedure for recording outcomes of a documentary assessment in AIMS. It also includes instructions on adding directions in AIMS to address biosecurity concerns.
Entry Processing – Assessing Cargo Risk Analysis profiles in AIMS	This reference describes the different types of Cargo Risk Analysis (CRA) profiles seen in AIMS entries, how to identify them and take the appropriate action. CRA profiles are created in the Integrated Cargo System (ICS) and can

	target goods of biosecurity concern. These concerns are reflected in AIMS.
<u>Case Studies</u>	
Management and completion of compliance assessment case studies guidelines Aug 14	This Guideline outlines the management and procedure for completion of case studies. This information includes the purpose of case studies, the roles and responsibilities of management and participants, how case studies are developed and the procedure for undertaking case studies and managing underperformance.
EM Case Study 1 Documentation	These documents relate to the scenario created for EM Case Study 1. They are a set of mock documentation to be used by participants to answer some questions in the Case Study.
Case Study 1 Q&A	Case study 1 has been based on the importation of food products containing dairy ingredients. This document contain the questions and answers to the first case study currently available on the Learning Management System (LMS)
Management and completion of compliance assessment case studies guidelines Aug 14	This Guideline outlines the management and procedure for completion of case studies. This information includes the purpose of case studies, the roles and responsibilities of management and participants, how case studies are developed and the procedure for undertaking case studies and managing underperformance.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 73

Division/Agency: Compliance Division

Topic: Date Ombudsman contacted our office

Proof Hansard page: 66

Senator STERLE asked:

Senator STERLE: May I ask what date it was referred to the Ombudsman.

Dr Grimes: I do not have that date. I do not believe any officers here would have it.

Ms Vivian: The matter was referred to the Ombudsman by Alannah MacTiernan. Then the Ombudsman contacts our office. The next question you may ask is, 'What was the date our office received it?' We would have to take that on notice.

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Supplementary Budget Estimates proof Hansard Thursday 20 November 2014, page 69.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 74

Division/Agency: Compliance Division

Topic: Mr Baxter employed by the department

Proof Hansard page: 66

Senator STERLE asked:

Senator STERLE: In relation to an employee of the Department of Agriculture, Fisheries and Forestry who was responsible for the investigation in this round, a Mr Andrew Baxter, may I ask you how long Mr Baxter has been employed by DAFF.

Dr Grimes: I would not have that information. He is no longer an employee of the department and is in no way related to the matters that we are discussing at the moment. I would have to take on notice the period that he was an employee of the department. I do not have that information here.

Senator STERLE: Can you tell us what positions he held within DAFF?

Dr Grimes: I would not know the formal titles. I do not know whether we would have an officer here who would be able to provide them. Otherwise we can take that on notice.

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Supplementary Budget Estimates proof Hansard Thursday 20 November 2014, page 73.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 75

Division/Agency: Compliance Division

Topic: Senior investigating officer

Proof Hansard page: 67

Senator STERLE asked:

Senator STERLE: And when you say 'senior', was that his title—'senior investigating officer'?

Ms Vivian: I would need to take that on notice. I apologise, I have been with the department for three months—that is why I cannot just talk about the history there. We will certainly follow it up and get back to you.

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Supplementary Budget Estimates proof Hansard Thursday 20 November 2014, page 73.

Mr Baxter's formal title was 'Regional Investigations Manager'.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 76

Division/Agency: Compliance Division

Topic: Serana (WA) Pty Ltd

Proof Hansard page: 68

Senator STERLE asked:

Senator STERLE: And I think I know the answer already but I am saying that that there is confidential information about Serana (WA) Pty Ltd to a number of their suppliers and customers. I will put the question and will give you the opportunity: can you advise which suppliers and customers of Serana did the department contact and when these contacts were made?

Dr Grimes: Again, although the questions you are asking are of a slightly different nature, I do not have those details with me here and it may well be that we are not in a position to provide information. It may be best for us to take that on notice—

Senator STERLE: Take it on notice.

Dr Grimes: and see what we might be able to provide you.

Answer:

The investigation is of a serious nature. Enquiries have, and will continue to be appropriately conducted with a range of people and business entities. To protect the integrity of the investigation, the Department of Agriculture cannot disclose information sources and it is not appropriate to discuss the details of an ongoing investigation. Investigations concerning the alleged disclosure of confidential information are ongoing by the department's Fraud and Security section.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 77

Division/Agency: Compliance Division

Topic: Investigating from the department regarding Serana

Proof Hansard page: 69

Senator STERLE asked:

Senator STERLE: Has there been any form of investigating from the department on this issue regarding Serana?

Dr Grimes: If you can just bear for me for just one moment, Senator, just to ensure that we have got the right people answering in the right way at the right time.

Senator STERLE: Yes.

Dr Grimes: Senator, I will say a few words and then hand to Ms Vivian to see if she can provide you with further information. In terms of actions undertaken by the department, there was a complaint made in relation to the performance of an officer which was investigated within the department. As you have alluded to previously, there is an ongoing investigation into a complaint that has been made to us in relation to the handling of confidential information.

In addition to that, where there is a serious investigation being undertaken by the department, at various points there will be a review of that investigation, as you might appreciate and expect, to make sure that the investigation has been conducted appropriately. But I am a handover to Ms Vivian to see if she is able to provide any further information to expand on my response.

Ms Vivian: Mr Grimes refers to a complaint made by an associate of Serana about the behaviour of one of our investigators. We deal with matters like that. So we had an independent officer review it, seek more information on it. At the end of the day the officer was cleared of any misbehaviour. That is the internal investigation that has been undertaken there.

Senator STERLE: The officer being Mr Baxter? Is that who you are talking about or is there another officer?

Ms Vivian: Yes, I think the officer was Mr Baxter.

Senator STERLE: Okay, if you can just let us know whatever that cost was in accommodation, airfares, whatever it was—whatever it took.

Ms Vivian: The cost of—

Question: 77 (continued)

Senator STERLE: Doing the investigation, yes. I do not expect an answer now. If you could take it on notice.

Answer:

On 28 August 2014 the Department of Agriculture commenced a preliminary investigation into a complaint the department received from Mr Christopher Garvey, lawyer representing Serana (WA) Pty Ltd, in which he made a number of allegations against Mr Baxter in regard to a visit he had made to Ms Jigal Mistry's home address on 30 July 2014.

The department carefully considered the information, including the information provided by both Mr Garvey and others, as part of the inquiry.

There were no costs involved (other than salary costs of the investigating officer).

The matter was concluded on 26 September 2014.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 78

Division/Agency: Compliance Division

Topic: Cost of the Serana investigation

Proof Hansard page: 69

Senator STERLE asked:

Senator STERLE: 28 October, thank you. Then can I come back to you, Dr Grimes, and ask about the cost of the Serana investigation. Is anyone able to tell the committee the cost so far in terms of, say, court proceedings, accommodation, airfares? Is that information available?

Mr Grimes: We would have to take that on notice. We would not be able to provide it now.

Answer:

As at 27 November 2014, the total cost of the Serana investigation are as follows:

Legal fees including settlement \$220 169.71.

Airfare costs for a total of 20 return flights to Perth, Melbourne, Hobart and Canberra \$8032.29.

Accommodation costs for total of 20 trips to Perth, Melbourne, Hobart and Canberra where overnight accommodation was required \$6855.25.

Car Hire costs for two vehicles to travel return from Perth to Bunbury \$481.83.

As at 27 November 2014, freight costs for transportation of evidence, Perth to Sydney return and Perth to Canberra \$1896.75. Figures concerning the transportation of evidence from Perth to Sydney and Perth to Canberra on 8 January 2014, and the return of evidence from Canberra to Perth in April 2014 are not available at this time.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 79

Division/Agency: Compliance Division

Topic: Cost and dates for a charter plane

Proof Hansard page: 69-70

Senator STERLE asked:

Senator STERLE: All right. I was told about the department was billed for the charter of a plane as part of the investigation from Perth to Bunbury, which, as I say, is 200 kilometres—it is probably not 200k. Is that the case? Does anyone know that? Ms Evans?

Ms Evans: I don't know.

Mr Grimes: I have no information on that, but we could take it on notice.

Senator STERLE: If you could, please, on the dates of the charter plane. I drive to Bunbury, Senator Back drives to Bunbury, Senator Siewert drives. What cost that was and when the plane was used?

Senator HEFFERNAN: I drive to Junee.

Senator STERLE: I used to drive to Darwin, but I would have loved to have flown. If you could take that on notice: the costs, the dates, how many times a plane was chartered to go to Bunbury? Thank you.

I want to ask you questions towards the source, if you can tell me. There are a lot of allegations floating around

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Supplementary Budget Estimates proof Hansard Thursday 20 November 2014, page 73.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 80

Division/Agency: Compliance Division

Topic: Serana visited by Mr Baxter and another gentleman

Proof Hansard page: 72-73

Senator STERLE asked:

Senator STERLE: Anyway, I am going to show what I know, so you will know as much as I do after this, minister. Can I just come back to you, Mr Grimes? One of the employees of Serana is a person by the name of Ms Jigal Mistry, and she was visited by Mr Baxter and another gentleman. I am led to believe that Ms Mistry identified this person as an employee of a rival firm to Serana. Are you able to tell us who accompanied Mr Baxter when he visited Ms Jigal Mistry?

Dr Grimes: I am aware of the issue that you are raising. If you would allow me one moment to confer with colleagues and see if we are able to assist you.

Senator STERLE: Absolutely.

Dr Grimes: Just to confirm, it was another departmental officer that was with Mr Baxter. It was only departmental officers. I think it may have been a case of mistaken identity.

Senator STERLE: If you could take it on notice to tell us who that other officer was?

Dr Grimes: We will take that on notice and see if we can provide information

Answer:

Mr Baxter was accompanied by Senior Investigator Mark Hannigan who is employed by the Department of Agriculture.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 81

Division/Agency: Compliance Division

Topic: Details of which cases have gone to court

Proof Hansard page: 93

Senator RHIANNON asked:

Senator RHIANNON: Can you provide the details of which of those cases have gone to court—which ones they were?

Ms Vivian: I can provide the ones where the prosecutions have been finalised—not at this point of time, but we can certainly get you that information.

Senator RHIANNON: You will take that on notice. Thank you. Dr Cupit, could you provide a breakdown of the staff and non-staff resources allocated to the investigations unit for the investigation of complaints relating to live animal exports?

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Supplementary Budget Estimates proof Hansard Thursday 20 November 2014, page 93 - *and I will also just add that we have had two live animal export prosecutions finalised to date this year.*

The two prosecutions relate to offences alleged to have been committed by a Queensland based exporter and its company director during a 2012 export by air of breeder cattle to Vietnam. It was alleged that the cattle were loaded out from a registered feedlot in Victoria for transport to Sydney Airport before the department had issued a Permission to Leave for Loading (PLL). It was further alleged that the exporter fraudulently altered a National Vendor Declaration (NVD) to change the time of departure from the feedlot to conceal the fact that the cattle had departed prior to the PLL being issued. The charges arising out of the alleged conduct were one count of Dishonestly Influencing a Commonwealth Public Official contrary to section 135.1(7) of *the Criminal Code Act 1995* by the director of the export company and one count of Contravention of Licence Condition contrary to section 9(1) of *the Export Control Act 1982* by the export company.

On 16 July 2014 the director and export company were both found not guilty of all charges in the Brisbane Magistrates Court. The magistrate was unable to find that the prosecution proved its case beyond reasonable doubt. In relation to the export company, the magistrate found that the circumstances that caused the offence to occur were beyond the control of the exporter.

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 82

Division/Agency: Compliance Division

Topic: Budget of the investigation unit allocated to the investigation of live export related issues

Proof Hansard page: 93

Senator RHIANNON asked:

Senator RHIANNON: What actual amount and proportion of the total budget of the investigations unit is allocated to the investigation of live export related issues?

Ms Vivian: It is in our investigation and enforcement unit. If it is all right, I will talk not from a budget perspective but from a number-of-staff perspective. We have approximately 41 staff in our investigations unit. As of today, we actually have two staff that are fully dedicated to live export investigations.

Senator RHIANNON: Two of the 41?

Ms Vivian: Two of the 41.

Senator RHIANNON: Can you also do that in a budget—give it the budget breakdown as well—even if you have to take it on notice?

Ms Vivian: I could. I will just take that on notice.

Answer:

Refer to the Rural and Regional Affairs and Transport Legislation Committee Supplementary Budget Estimates proof Hansard Thursday 20 November 2014, page 93 - *We have approximately 41 staff in our investigations unit. As of today, we actually have two staff that are fully dedicated to live export investigations.*

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Enforcement staff	38	36	41
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Question: 82 (continued)

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2014

Agriculture

Question: 83

Division/Agency: Compliance Division

Topic: Illegal Logging Legislation and Due Diligence Regulations

Proof Hansard page: Written

Senator STERLE asked:

1. Due diligence Regulations under the Act are due to commence on 30th of November?
2. How many DAFF staff are committed to assessing due diligence and ensuring compliance with the act?
3. How many additional staff will commence in this area on November 30 due to Due Diligence requirements coming into effect?
4. What is the budget to ensure compliance with the act?
5. What is the budget over the forward estimates to ensure compliance with the act?
6. The Parl.Sec has stated that for the first 18 months that the new requirements are in place, the Government's focus will be on awareness and education.... so no convictions are expected to be made in this period unless there is deliberate and reckless breaking of the law in this regards?
7. Will funding and staffing arrangements be amended after the 18 months?

Answer:

1. The statement is correct.
2. 2.0 FTE are committed to assessing compliance with the due diligence requirements of the Regulation.
3. No additional staff.
4. The budget to assess compliance with due diligence requirements of the regulation is \$426 000 for the 2014-15 Financial Year.
5. The forward estimate budget to assess compliance with due diligence requirements of the regulation is \$376 000 for the 2015/16 Financial Year and \$383 000 for the 2016/17 Financial Year.
6. The statement is correct.
7. Funding and staffing arrangements will be reviewed before 18 month post- commencement.