

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 106

Senator Ludwig asked the following questions at the hearing on 25 May 2004:

In relation to the Charter of the United Nations –Terrorism and Dealing with Assets Regulations 2002:

- a) Can you detail how much assistance has been sought under the regulation and how many times that has happened over the last few financial years?
- b) Can you advise whether or not you have detected a trend in the data going up or down as to those request for assistance? Have there been more or fewer requests under the regulations?
- c) How many hours might be attributable to the AFP handling these requests in each financial year?

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

- a) Financial Year 2002 - 2003 272 requests.
Financial Year 2003 - 2004 66 requests.
- b) Data suggests the rate of requests for assistance is trending down. This decline may be attributable to data-matching now being focussed largely on transactions. In the initial stages of implementing the resolutions, institutions would have made enquiries against their customer holdings.
- c) Financial Year 2002 - 2003 266 hours.
Financial Year 2003 - 2004 182 hours.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 107

Senator Kirk asked the following question at the Budget Estimates hearing on 25 May 2004:

Regarding a phone call to Dr Makkai from an officer in the National Crime Prevention Unit:

- a) What was the date of the phone call?
- b) Who was the caller?
- c) Was the advisory committee of the National Community Crime Prevention Program (NCCPP) discussed?

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

- a) Dr Makkai received an email not a phone call from the National Crime Prevention Unit on 4 May 2004.
- b) The email was from an officer of the Community Safety and Justice Branch.
- c) No the NCCPP was not the subject of discussion.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 108

Senators Ludwig and Kirk asked the following question at the hearing on 25 May 2004:

In relation to the *Proceeds of Crime Act*:

- (a) Provide a breakdown of the current return of \$2.5 million to demonstrate where the money is being recovered from.
- (b) Has there been any restraint in relation to literary proceeds?
- (c) With regard to DPP performance targets published in the portfolio budget statement, is the organisation on track to meet the target of a 90% success rate in applications for proceeds of crime orders?
- (d) How many applications have been made?
- (e) How many have been refused by the courts?

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

- (a) The \$2.5m estimate was made by the Insolvency and Trustee Services Australia (ITSA) as the estimated receipts in 2003-2004 into the Confiscated Assets Account under the *Proceeds of Crime Act 2002*.

ITSA is responsible for the confiscated asset(s), for their conversion into cash and payment into the Confiscated Assets Account. The estimate is based on their forecasts and projections.

ITSA advise that \$1.8m has been recovered as cash to 30 April 2004. The breakdown of the \$1.8m by type is:

- \$0.8m Drugs
- \$0.7m Money laundering and *Financial Transaction Reports Act 1988* offences
- \$0.3m Fraud

- (b) No;
- (c) Yes;
- (d) One hundred and forty-five applications were made for restraining orders and confiscation orders under the *Proceeds of Crime Act 2002* during the period 1 July 2003 to 30 April 2004; and
- (e) One.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
OFFICE OF THE FEDERAL PRIVACY COMMISSIONER

Question No. 109

Senator Ludwig asked the following question at the hearing on 25 May 2004:

In relation to complaints received by the Office of the Federal Privacy Commissioner (OFPC):

- a) Provide a breakdown of where the complaints are generated from;
- b) What is the length of time taken to finalise each individual complaint?

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

- a) In the financial year to 11 June 2004, the Office received 1158 complaints from individuals. These complaints cover 1183 matters as some complaints involve more than one matter (e.g. there may be a National Privacy Principle (NPP) matter and a Credit Reporting matter contained in a single complaint).

The majority of the matters raised through complaints (766) relate to the application of the NPPs in the private sector – see Table A below.

Table A: Matters raised in complaints (1 July 2003 – 11 June 2004)

Type of matter raised	Number
National Privacy Principles	766
Credit Reporting	207
Information Privacy Principles	173
Tax File Number Guidelines	20
Not within jurisdiction	7
Spent Conviction Scheme	6
Contracted Service Provider	2
Data-matching Act	2
Total	1183

Table B (below) shows the categories of industries from which most NPP matters are generated. These categories are based upon the Australian and New Zealand Standard Industrial Classification (ANZSIC).

Table B: Industry categories that generate the most complaints under the NPPs (1 July 2003 – 11 June 2004)

Industry categories	Number
Finance Sector Organisations	144
Health Service Providers	114
Telecommunications & Internet Service Providers	69
Landlords & Real Estate Agents	51
Insurance Organisations	48
Tenancy databases, credit reporting agencies and debt collectors	41
Retail	36
Legal, Accounting and Management Services	34
Theatres, Libraries, Sport and Media	22
Education	20

- b) Of the 1158 complaints received since 1 July 2003, 826 complaints have been finalised. Table C (below) shows that the Office resolved 94% of these complaints within three months.

Table C: Length of time taken to finalise complaints (1 July 2003 – 11 June 2004)

Time taken to finalise	Number of Complaints	%
<=10 days	385	47%
<=30 days (1 month)	231	28%
<=90 days (3 months)	156	19%
<=180 days (6 months)	45	5%
<=270 days (9 months)	9	1%
Total	826	100%

Of those cases that took less than 10 days to finalise the majority involved the Office declining to investigate. The Office may decline to investigate a matter for a number of reasons including that there was no breach of the Privacy Act, the complainant had not first taken the matter up with the organisation or the matter was not within jurisdiction.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 110

Senator Ludwig asked the following question at the hearing on 25 May 2004:

What was the suggested figure at that time of how much the tender (to provide consultancy advice as a result of the DOFA inquiry into Customs' budget) would cost?

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

No figure had been suggested for the cost of the consultancy services. The intended method of obtaining a consultant was for Department of Finance and Administration to issue a Request for Quote (RFQ). Quotes were delivered to Department of Finance & Administration in April 2004. The successful tenderer was Ernst & Young, for a contract price of \$302,500 including GST.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 111

Senator Ludwig asked the following question at the hearing on 25 May 2004:

Provide the results to the evaluation of the SmartGate program.

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

An overview of the SmartGate trial, including the evaluation results, is attached.



OVERVIEW OF SMARTGATE TRIAL

SmartGate has been trialed by Customs at Sydney International Airport since November 2002. The primary objective of the trial was to develop and introduce a system of self-processing utilising face recognition biometric technology to confirm identity and streamline the existing crew facilitation process while maintaining the integrity of the border.

Eligible Qantas aircrew are enrolled by Customs to enable them to use the voluntary system. At this time, five high-quality images are taken and stored for later comparisons against the live image of the crew person presenting at passport control. When processing aircrew, SmartGate also checks against the Qantas crew manifest to ensure they are a bona fide crew member and against Customs passenger processing security systems. If any problem is identified, the crew member is referred to the Customs officer for manual processing.

Average processing time for SmartGate is around 17 seconds. In the 15 months of its operation, SmartGate has carried out over 84,000 transactions and has over 4,400 enrollees.

The trial has been introduced in partnership with the Department of Immigration and Multicultural and Indigenous Affairs and Passports Australia. Customs continues to work with these agencies to advance the use of the system to automate border control.

Customs chose face recognition over other biometric systems as it is considered more user friendly than other biometric technology. It has been nominated by the International Civil Aviation Organisation (ICAO) as the primary biometric for border control.

Trial evaluation

During 2003 Customs undertook a formal evaluation of the SmartGate trial. The role of the evaluation was to assess the effectiveness with which the system has met its original objectives. The evaluation included a quantitative analysis of the SmartGate data by the Defence Science and Technology Organisation (DSTO), a survey of the Qantas aircrew by ACNielsen, an ergonomics assessment (ACTSAFE Australia), and an overall report by international experts. The results of each component follows.

Technical Evaluation- Defence Science and Technology Organisation (DSTO)

DSTO was asked to carry out a technical assessment of the SmartGate system. A number of tests were developed to evaluate the overall performance of the system.

Results showed that the percentage of users incorrectly rejected as being themselves by the system (i.e. X being falsely rejected as being X) was two per cent and the percentage of falsely identified users (i.e. Y being falsely accepted as X) was less than one per cent for each presentation of the passport. This is consistent with the overall system performance measured during the trial. Most referrals were for immigration issues and unrelated to the face recognition system. These included errors in the spelling of the crew member's name or flight details on the crew manifest or crew using expired passport.

The DSTO analysis identified a number of areas where there could be further refinement of the SmartGate design and its operating procedures such as reducing the time allowed to gather matching images.

Overall DSTO's rigorous evaluation found SmartGate to be a state-of-the-art system for one-to-one face recognition.

User evaluation- ACNielsen

The aims of the ACNielsen survey were to measure how effective SmartGate has been from a user's perspective and identify areas where the process could be improved. The survey found:

- ninety eight per cent of crew preferred SmartGate to manual methods
- over two thirds of eligible crew have now enrolled in SmartGate
- faster clearance through Customs was the motivation for crew to enrol
- ninety six per cent of crew did not express privacy concerns.

Overall it was found that SmartGate had proved to be very effective among Qantas crew. After using SmartGate for up to six months, the vast majority of Qantas crew expressed a preference for SmartGate over the standard manual clearance process.

Ergonomic evaluation- ACTSAFE Australia Pty Ltd

The aim of the ACTSAFE analysis was to identify user interaction patterns with the SmartGate kiosk and to provide recommendations for improving user transactions in relation to the existing kiosk design.

The recommendations contained within the evaluation included:

- the rearrangement of queuing barriers
- consideration of clearer user instructions.

The analysis concluded that the SmartGate kiosk offered a high percentage of successful automatic transactions for the experienced user and allows for the very rapid passage through the Customs control point.

Expert evaluation- Dr James Wayman and Dr Anthony Mansfield

World biometric experts, Dr James Wayman and Dr Anthony Mansfield, were engaged to review the evaluation reports and undertake a high-level analysis of the SmartGate system. The report included an assessment of the overall system performance against the objectives of the business plan and made recommendations about the future of the project.

They ascertained that the face recognition system is a documented success in this application and had supplied Australia with the world's most advanced border entry system based on facial recognition. It was the considered opinion of the experts that:
"...it is desirable to continue the SmartGate project, and extend participation to aircrew of other airlines, and to frequent flyers".

PROFILES

Dr James Wayman is a Director of Biometric Identification Research at the Office of Research and Graduate Studies and College of Engineering, San Jose State University, USA. He also lectures at UCLA and is a Staff Consultant to RAND Corporation. His professional activities include involvement in the British Standards Institute IST/44 national delegation to ISO/IEC JTC1 SC37 Committee for Biometric Standards and U.K. editor, Special Group on "Vocabulary Harmonization". He is also the author of numerous publications.

Dr Wayman earned his PhD from the University of California in 1980.

Dr Tony Mansfield is a Principal Research Scientist at the National Physical Laboratory (NPL) where he works on performance evaluation for biometric systems. His work includes developing and improving test methodologies, conducting evaluations, and technical consultancy on biometric system performance for government and industry. He is actively involved in the UK Government Biometrics Working Group, the biometrics standardisation committees ISO/JTC1/SC37 and BSI/IST44, and the Association for Biometrics.

Prior to joining NPL, Dr Mansfield received the DPhil degree in Mathematics from Oxford University in 1982.

ACNielsen, a VNU company, is the world's leading marketing information company. With 21,000 employees worldwide offering services in more than 100 countries, ACNielsen provides market

research, information, analysis and insights to the consumer products and service industries. Clients rely on ACNielsen's market research, proprietary products, analytical tools and professional service to understand competitive performance, uncover new opportunities and to raise the profitability of their marketing and sales campaigns.

ACTSAFE Australia's main charter is assisting employers maximise performance in the workplace. This is achieved through the proactive integration of ergonomic considerations pertaining to work systems, the work environment and individual's requirements.

ACTSAFE Australia services include workplace analysis, equipment design, hazard identification, risk management, safety system development and OH&S training.

Ergonomic and industrial occupational therapist Lenore Gunning has conducted ergonomic assessments and developed strategies for the implementation of Rehabilitation and OH&S policy within administration, transport, printing, construction, cleaning, mining, retail and textile industries.

The **Defence Science and Technology Organisation (DSTO)** is part of Australia's Department of Defence. DSTO's role is to ensure the expert, impartial and innovative application of science and technology to the defence of Australia and its national interests.

DSTO research supports Australia's defence by:

- Investigating future technologies for defence applications
- Ensuring Australia is a smart buyer of defence equipment
- Developing new defence capabilities
- Enhancing existing capabilities by increasing performance and safety, and reducing the cost of ownership.

Defence customers - the Australian Defence Force (ADF) and other parts of the Department of Defence - initiate much of DSTO's research. DSTO complements this with its own forward-looking research to position Defence to exploit future developments in technology.

DSTO also collaborates with science and technology organisations around the world to strengthen its technology base and to support the Australian Government's broader objectives.

SENATE LEGAL AND CONSTITUTIONAL COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 112

Senator Scullion asked the following question at the hearing on 25 May 2004:

Provide the Committee with any advice that was provided to Customs by Mr Bellew.

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

The relevant extracts of the advice provided by Mr Bellew to Customs is attached.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 113

Senator Ludwig asked the following question at the hearing on 25 May 2004:

Provide the answer for operation, shifts, and the throughput of each in terms of the containers that are x-rayed?

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

On 20 July 2004, as part of its enhancements of maritime security, the Government provided additional funding for the Container Examination Facilities (CEFs), including funding to extend the hours of operation and throughput to an annual target of 100,000 containers (133,000 TEU - Twenty-foot Equivalent Units) per annum, which is seven per cent of total loaded import containers. To achieve this increased throughput, each CEF will work one shift on Saturdays and the Brisbane CEF will increase its hours of operation to include afternoon shifts on Monday to Friday. The arrangements for extending the hours of operations are currently being finalised with staff and industry. It is expected the hours of operation, shifts and throughput for the Container Examination Facilities will be:

Facility	Hours of Operation	Number of Shifts	Target Average X-ray Throughput/week
Melbourne	Monday – Friday 06:00 – 21:30 Saturday 06:00 – 14:00	2 1	550
Sydney	Monday – Friday 06:00 – 21:30 Saturday 06:00 – 14:00	2 1	550
Brisbane	Monday – Friday 06:00 – 21:30 Saturday 06:30 – 14:30	2 1	550
Fremantle	Monday – Friday 07:30 – 22:00 Saturday 06:00 – 14:00	2 1	290

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 114

Senator Ludwig asked the following question at the hearing on 25 May 2004:

Have Customs looked to see how the number of complaints (OH&S) compares with other agencies of Customs' size?

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

Comcare is the administering authority for the Safety Rehabilitation and Compensation Act 1988 (SRC Act) and manages all workers' compensation claims for Customs. Under the SRC Act an employee can request a reconsideration of any decision made by Comcare in relation to a claim for workers compensation. This includes the initial decision to accept or reject a claim, any decisions made on individual benefit entitlements and the details of return-to-work plans. In addition, if any employee is still not satisfied with a decision following a reconsideration, they can apply to the Administrative Appeals Tribunal (AAT) for a review of the decision.

Given Comcare's role in the reconsideration and appeal processes, Customs does not conduct benchmarking activities on these matters with other agencies. However recent advice from Comcare indicates that the number of reconsiderations and appeals from Customs, expressed as a percentage of total staff numbers, is less than that for aggregated 'all agencies' under Comcare's administration.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 115

Senator Ludwig asked the following question at the hearing on 25 May 2004:

Do you have statistics on complaints handling process and the way staff can deal with their grievances?

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

Customs has a comprehensive 'Review of Action' process, the details of which are available to all Customs staff via the Staffing Branch page on the Customs intranet site. This process encourages staff and supervisors to attempt to resolve workplace problems in an informal manner where appropriate. When informal resolution is not possible, the matters are formally addressed using the prescribed Customs 'Review of Action' process, which is based on the principles of natural justice and procedural fairness.

Customs advise all staff that if they are not satisfied with the outcomes of the final Customs internal review, the aggrieved staff member is able to apply to the Merit Protection Commission for a secondary review as per section 33 of the *Public Service Act 1999*.

During the 2003/04 financial year, there have been 33 Review of Action investigations conducted.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 116

Senator Ludwig asked the following question at the hearing on 25 May 2004:

Do you have any contracts related to advertising?

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

Australian Customs Service utilises the Whole of Government contract with HMA Blaze, arranged and managed by the Department of the Prime Minister and Cabinet. This contract is specifically designed for departmental non-campaign advertising relating to business opportunities, public notices and job vacancies.

SENATE LEGAL AND CONSTITUTIONAL COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 117

Senator Ludwig asked the following question at the hearing on 25 May 2004:

What can you tell me about the show "Reality Customs" that is not subject to Commercial-In-Confidence?

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

The Seven Network approached customs in 2002 with a proposal to develop a 'reality' TV series based around the work of Customs officers at the border. Following consultation with other border agencies, including the Australian Quarantine and Inspection Service and the Department of Immigration, Multicultural and Indigenous Affairs throughout 2003, an agreement was reached between the Commonwealth and the Seven Network.

Filming of the series commenced in January 2004 and is substantially complete. Airing of the series (including a broadcast date and timeslot) is a commercial programming decision for the Seven Network.