

SENATE LEGAL AND CONSTITUTIONAL COMMITTEE
AUSTRALIAN CUSTOMS SERVICE

Question No. 143

Senator Mark Bishop asked the following question:

Overseas Aid

- a) Has Customs been consulted in the initiative whereby extra funds have been allocated for the posting of transport security experts to SE Asian posts?
- b) How many Customs officers are stationed abroad, and what are their functions?
- c) What assistance has Customs given to regional governments on Customs matters eg training, consultancy advice?
- d) What is the annual budget?
- e) Is this funded by Customs, is it aid money, or is it fee for service?

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

- a) Yes
- b) Customs has officers at the Australian embassies in Brussels (one Australian-based and three locally-engaged staff), Tokyo (one Australian-based and two locally-engaged staff), Bangkok (one Australian-based and one locally-engaged staff) and Washington (two Australian-based and one locally-engaged staff).

These officers are responsible for maintaining liaison with customs administrations in the region including the exchange of information, providing customs information to industry and the community, supporting Customs participation in forums such as the World Customs Organization and assisting Australian Customs in gaining information to support research and operations.

Additionally, Customs has one officer temporarily assigned in Port Moresby as part of the Enhanced Cooperation Program. The role of this officer is to undertake a detailed assessment of capacity building requirements.
- c) Customs regularly exchanges information with and provides assistance to other customs administrations, particularly those in the Asia-Pacific region. Table 1 (attached) lists formal assistance on customs matters provided to countries within the Asia-Pacific region during 2003-04. The source of funding for this assistance is also shown in the table.

Customs also regularly provides informal assistance to other customs administrations, including hosting visiting delegations for discussions on technical customs matters. These instances of informal assistance have not been included, as Customs does not consider them to fall within the scope of overseas aid.
- d) The 2003/04 Customs budget for assistance to regional governments comprised internal overhead allocations of \$345 566 for international assistance projects and \$198 000 for the conduct of the Customs International Executive Management Program, a management development course for regional administrations.

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Customs additionally supports a number of APEC programs funded by the APEC Secretariat and is participating in the Enhanced Cooperation Program in Papua New Guinea which is funded by AusAID.

Some specific line area assistance is not covered in the international overhead allocation, and is funded through line area internal allocations.

- e) See answers to c and d above.

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Question No. 144

Senator Bishop asked the following questions:

DIMIA Interface with the Australian Customs Service

- a) What role does Customs play in the processing of incoming passengers in Australian international airports?
- b) How is this role different from the role of DIMIA personnel?
- c) Are any passengers ever processed by both Customs and DIMIA? If so under what circumstances? Please describe the logistics of how this happens.
- d) How many passengers are processed by both Customs and DIMIA, and what percentage of total passengers and total foreign passengers does this number represent?
- e) At how many airports does Customs supply these services? Is this every international airport in Australia?
- f) Are there any international airports where Customs does not supply this service?
- g) Are there any periods where Customs staff are not present to supply these services in Australian international airports?
- h) Do DIMIA officers or other commonwealth officers ever carry out tasks usually carried out by Customs officers in international airports in Australia?
- i) If so what are these duties, what agency are they carried out by, how often are they carried out by other agencies?
- j) On what basis are these Customs powers conferred on other Commonwealth officers?
- k) On what basis are these Customs functions carried out by other agencies paid for?
- l) Does Customs ever carry out tasks usually carried out by other Commonwealth agencies at Australian international airports? If so what are these duties, what agency are they carried out on behalf of, how often are they carried out by Customs?
- m) Does Customs carry out assessments at other international entry points other than international airports, such as ports of first entry? What role does Customs play in the assessment of people first entering Australia by sea?
- n) How is this role different from the role carried out by DIMIA?
- o) Do Customs process all people arriving in Australia by sea? If not, who are not processed?
- p) What record do Customs have of passengers who arrive in Australia and are not processed?

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- q) What is the total number of people not processed?
- r) Does this processing involve face to face checks? If not under what circumstances are face to face checks not made?
- s) How many people are not subject to face to face checks each year?
- t) Does this processing always involve a Customs officer actually sighting the travel documents on which foreign visitors are travelling? If not under what circumstances are travel documents not sighted? (Senator corrected 'cited' to 'sighted'.)
- u) Does DIMIA or any other agency ever carry out tasks usually carried out by Customs in relation to people first arriving in Australia by sea? If so what are these duties, where and when do they occur?
- v) On what basis are these Customs functions carried out by other agencies? Who pays for them?
- w) Do Customs carry out any tasks usually carried out by another commonwealth government agency in relation to people first arriving in Australia by sea? If so what are these duties, what agency are they carried out on behalf of, how often are they carried out by Customs?

The answers to the honourable senator's questions are as follows:

- a) Customs officers perform the following functions as part of the clearance process for incoming passengers at Australian international airports:
 - Primary immigration screening and recording of entry movements for all passengers and crew at the Entry Control Point (ECP). Customs officers are delegated powers as clearance officers under the Migration Act to perform this function;
 - Screening of all passengers and crew through system and visual checks to identify travellers of interest for Customs and/or other client agency purposes;
 - Examination of baggage and other goods carried by travellers and management of related compliance activity and/or referral to other agencies as necessary.
- b) Customs Officers perform primary immigration screening and processing for all passengers arriving at Australian international airports. Customs officers refer to DIMIA where a passenger is identified within the processing system as being of immigration interest, if the Customs officer suspects that the person may be in breach of immigration laws, where the passenger's identity cannot be clearly established or where entry permission status cannot be determined on the spot.

DIMIA personnel provide expertise and support to Customs officers on specific matters of immigration interest. This includes making secondary assessments and decisions about immigration issues that cannot be resolved by a Customs Officer at the Primary Line and expertise on document examination and fraud matters.

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c) Yes.

Customs commences the immigration clearance process for all passengers. If immigration clearance cannot be granted on the spot, the Customs officer will call an Immigration officer to attend at the primary line counter. One or more DIMIA officers (depending on the number of passengers arriving) are generally stationed behind the Primary Line for this purpose.

The Immigration officer will either make an on the spot assessment or in more complicated situations, remove the passenger to an immigration office for further investigation. This process occurs to ensure that relevant expertise is applied to the case and that other passengers are not delayed.

At the end of the assessment, the DIMIA officer will either direct the Customs officer to complete the clearance process (if at the primary line), complete the clearance process (if at the DIMIA office), or deny entry. For passengers not granted entry at the primary line, responsibility for all further immigration processing and assessment rests with DIMIA.

d) For the period 1 July 2003 to 30 April 2004 a total of 7,925,692 inbound air passengers were processed into Australia.

Customs maintains records of the number of passengers entering the country who are referred to DIMIA. For the same period a total of 139,158 arriving passengers were referred to DIMIA for additional immigration inspection. This represents approximately 1.8% of all incoming passengers and 2.8% of all foreign passport holders entering the country.

e) Customs supplies passenger clearance services at all airports designated under s15 of the Customs Act. There are however, limitations on the use of some airports and the availability of services at these airports is subject to pre approval by Customs.

Customs supplies passenger clearance services at any time at s15 airports that are also identified as an "International Airport" by Regulations under the Customs Act. These airports are:

- Adelaide International Airport;
- Brisbane International Airport;
- Cairns International Airport;
- Coolangatta (Gold Coast) Airport (by arrangement with the airport operator);
- Darwin International Airport;
- Melbourne International Airport;
- Perth International Airport;
- Sydney International Airport.

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Services at other s15 airports are generally available within limited operating hours and/or by prior arrangement with Customs. These airports are:

- Avalon Airport
- Broome Airport
- Canberra Airport
- Coffs Harbour Airport
- Hobart International Airport
- Learmonth Airport
- Lord Howe Island Airport
- Newcastle Airport
- Port Hedland Airport
- Townsville Airport

Arrangements are also in place for clearances to occur at:

- designated military airports where required; and
- non-international airports on application by an operator but only where appropriate border agency controls and facilities are available for the flight.

f) No

g) For airports designated as International under Customs Regulations, staff are rostered to attend according to the operating hours of each airport and known patterns of arrival and departure for scheduled international aircraft. Attendance at these airports outside of rostered hours or at airports with no dedicated Customs presence is subject to prior arrangement.

h) No

i) Not applicable

j) Not applicable

k) Not applicable

l) Customs performs tasks at international airports on behalf of a range of client agencies. These tasks are undertaken in conjunction with Customs and immigration clearance processes and are not replicated by the client agency. Client Agencies and activities undertaken include:

Attorney General's Department

Detection of arrival or intended departure of certain passengers and crew; weapons approvals.

Australian Security Intelligence Organisation

Detection of arrival or intended departure of certain passengers and crew.

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Agriculture, Fisheries and Forestry Australian Quarantine and Inspection Service (AQIS)	Plant, animal and general quarantine detection arising from examination of goods for Customs purposes – AQIS performs this function for travellers not of interest for Customs examination purposes.
AUSTRAC	Record information on currency movements of \$A10,000 or more.
Australian Taxation Office	Collection of tax on imported goods. Refund of GST on eligible goods through Tourist Refund Scheme.
Australian Federal Police	Detection of arrival or intended departure of certain passengers and crew.
Department of Defence	Restricted goods permits.
Department of Health and Ageing	Human health referral.
Department of Immigration and Multicultural and Indigenous Affairs	Immigration clearance.
Environment Australia	Detection of imports/exports of species or products of plants or animals covered by wildlife legislation.

m) Yes. Customs performs assessments at the first port of entry for all passengers and crew arriving by sea.

Customs officers perform the following functions as part of the clearance process for incoming passengers and crew at first ports of entry:

- Primary immigration screening and recording of entry movements for all passengers arriving in Australia. Customs officers are delegated powers as clearance officers under the Migration Act to perform this function.
- Primary immigration screening and provision of entry movement information to DIMIA for all arriving crewmembers disembarking the vessel.
- Screening of all arriving passengers through systems and visual checks against travel documents to identify travellers of interest for Customs and/or other client agency purposes.
- Screening of all arriving crewmembers through system checks to identify travellers of interest for Customs and/or other client agency purposes.
- In those cases where Customs boards a vessel at its first port of arrival, checks are conducted to determine if crew hold both a valid passport and seafarer's identity document.

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- Examination of baggage and other goods carried by passengers and crew and management of related compliance activity and/or referral to other agencies, as deemed necessary on a risk-assessed basis, at the port at which the passenger or crew member disembarks the vessel.
- n) Customs Officers perform primary immigration screening and processing for all passengers and crew arriving at Australian seaports.

DIMIA personnel provide expertise and support to Customs officers on specific matters of immigration interest.
- o) Customs performs all Customs and Immigration processing and screening activities for all passengers and crew arriving in Australia by sea.

As not all vessels are boarded by Customs, not all crew are verified against their travel documents.
- p) All passengers are processed.
- q) Customs is unable to provide statistics on the number of crew not physically processed.
- r) All arriving passengers undergo a face to travel document check. A face to travel document check is only conducted on crew where Customs boards the vessel and the risk assessment process indicates it is required.
- s) Customs is unable to provide statistics on the number of crew on whom a face to passport check is not conducted.
- t) Customs officers physically verify all overseas passengers against their travel documents when they first arrive by sea. Customs officers do not physically verify all foreign crewmembers against their travel document. Verification of crewmembers is performed on a risk assessed basis.
- u) No.
- v) Not applicable
- w) Customs performs tasks at international seaports on behalf of a range of client agencies. These tasks are undertaken in conjunction with Customs and immigration clearance processes and are not replicated by the client agency. Client Agencies and activities undertaken include:

Attorney General's Department

Detection of arrival or intended departure of certain passengers and crew; weapons approvals.

Australian Security Intelligence Organisation

Detection of arrival or intended departure of certain passengers and crew.

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SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
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Question No. 145

Senator Faulkner asked the following question:

How many cases of sexual slavery and servitude have the Federal Police investigated in last 12 months?

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

Between 1 June 2003 and 31 May 2004 the AFP has investigated 52 cases related to sexual slavery and servitude.

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Question No. 146

Senator Faulkner asked the following question:

How many cases are there in which evidence may have been taken if AFP officers had more time to undertake interviews before sex workers were deported?

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

Since the introduction of the Government package of measures in October 2003, all identified matters have been dealt with appropriately by the AFP.

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Question No. 147

Senator Faulkner asked the following questions:

- a) How many protective visas have been offered?
- b) How many of these visas have been taken up?

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

- a) A major DIMIA initiative in the whole-of-government strategy to combat people trafficking has been the development of a new visa regime. The Bridging F Visa (BVF) and the Witness Protection (Trafficking) visas (temporary and permanent), coupled with the existing Criminal Justice Stay Visa, form a visa regime that enables persons who are assisting, or have assisted, with a people trafficking investigation or prosecution to lawfully remain permanently or temporarily in Australia.

The AFP only seek a BVF once investigators are satisfied that a suspected victim can assist with a people trafficking investigation or prosecution and that the person is willing to assist. The BVF is granted for up to 30 days during which time the investigators determine whether the person's continued presence in Australia is required. In these circumstances, it would be necessary to seek a Criminal Justice Stay Certificate, which would then lead to the grant of a Criminal Justice Stay Visa.

- b) Since 1 June 2003:
 - 9 Bridging F Visas have been issued;
 - 17 Criminal Justice Stay Visas have been issued;
 - 2 Criminal Justice Entry Visas have been issued; and
 - No Witness Protection (Trafficking) visas have been issued.

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Question No. 148

Senator Faulkner asked the following question:

- a) What proportion of women picked up for visa violations in brothels are interviewed in relation to the sex trade?
- b) How many are routinely asked to identify their employers and name overseas contacts who arrange passage to Australia?

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

- a) All women located through DIMIA Compliance field operations, who are unlawful non-citizens or non-citizens working in breach of their visa conditions, are interviewed by DIMIA Officers.

DIMIA officers look for indicators of people trafficking when conducting on-site and office-based interviews. Interviews seek information relating to work arrangements, freedom of movement, transportation to and from work, payment for services and reasons for working in the sex industry.

Where any indicators of trafficking are identified DIMIA immediately refers the matter to the Australian Federal Police (AFP). The threshold for referral is very low. The AFP then makes a further assessment of the case.

- b) Once it has been established by DIMIA that one or more indicators of people trafficking or sexual servitude exist, the AFP is immediately notified in accordance with established protocols. Once the AFP is involved more detailed questioning is conducted, including an attempt to establish the organisers.

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Question No. 149

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

How many more cases could the AFP interview if they had the resources to do so?

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

Resource allocation is appropriate to deal with all victims, witnesses and offenders currently identified.

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Question No. 150

Senator Faulkner asked the following questions:

- a) What is the current level of AFP resourcing for investigations in this area?
- b) Is it expected that this level of resourcing will remain constant over the next 12 Months, and if not, what changes are expected?

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

- a) Due to the number and location of allegations of sexual servitude reported, Sydney and Melbourne Office have dedicated teams which investigate sexual servitude matters. Sydney Office has a team of eight investigators and Melbourne Office has a team of seven investigators. Canberra Office provides a national intelligence capacity for Sexual Exploitation and Trafficking and has eight investigators.

The AFP has implemented a functional model enabling all AFP offices to devote resources to these crimes types. AFP offices in Darwin, Cairns, Perth and Adelaide are currently dedicating investigation hours to sexual slavery and servitude cases. Due to the flexible teams based structure of AFP investigation areas, additional investigational resources are dedicated to those offences when required.

- b) Given current indicators, resourcing will remain at these levels.

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Question No. 151

Senator Faulkner asked the following question:

Are the AFP aware of any women who would like to make statements to police about the conditions of their employment or how they were brought to Australia, but whom the police are unable to interview due to a lack of resources?

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

No.

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Question No. 152

Senator Faulkner asked the following question:

- a) Can the police cope with all women who are coming forward to make statements about being held in conditions of sexual servitude?
- b) Does the AFP have enough staff and resources to take statements, investigate and launch appropriate prosecutions in these cases?

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

- a) Given the current number of referrals, yes.
- b) The AFP is managing resources to service the needs of these cases.