

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CUSTOMS SERVICE

**Question No. 155**

**Senator Ludwig asked the following question on 2 December 2004:**

4% of containers selected for examinations which are returned to the wharf with no free storage days remaining, can you provide an actual number of that and break that down by each port facility?

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

See answer to Question on Notice No. 154.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
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**Question No. 156**

**Senator Ludwig asked the following question on 2 December 2004:**

Can you advise of the number of complaints you receive in respect to the number of containers which have no free storage days remaining and break that down by port?

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

Customs records complaints by specific categories and does not specifically note the number of instances where there are no free storage days remaining. The complaint categories that provide the closest indication of the number of containers that may have been effected by storage issues are "Didn't expect fees" and the "Process took too long".

From December 2003 to November 2004, there were 17 complaints recorded against "Didn't expect fees" category and 55 against the "Process took too long" category. These 72 complaints do not represent the actual number of containers with no free storage days remaining. In a number of cases one complaint was recorded under both issues and the investigation of the complaints revealed that some people were complaining about "Process took too long" before the free storage days were expired.

Customs does not record complaints against individual ports but rather the region where the complaint was managed. The following provides information about complaint category by region:

<b>"Didn't expect fees"</b>		<b>"Process took too long"</b>	
Australian Capital Territory	2	Australian Capital Territory	7
New South Wales	4	New South Wales	25
Queensland	2	Queensland	7
Victoria	7	Victoria	15
Western Australia	2	Western Australia	1
<b>TOTAL</b>	<b>17</b>	<b>TOTAL</b>	<b>55</b>

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**Question No. 157**

**Senator Ludwig asked the following question on 2 December 2004:**

Are you advised by brokers of the slot times for that particular container when you remove that container for checking? Is it possible to advise whether in returning a container how many times that the broker has lost a slot time for the transport of a container?

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

No. The stevedores operate the Vehicle Booking System, which brokers and importers use to arrange for the pick-up of their cargo. Customs clearly stated position as outlined in the Australian Customs Notice 2004/33 issued in August 2004, is that slot times should not be booked in the stevedores' Vehicle Booking Systems before the cargo is cleared by Customs. Where slot bookings are made prior to Customs clearance, to try and facilitate the speedy turnaround of cargo, Customs position is that the importer and/or broker will be responsible for any charges they may incur if the cargo is not available for collection from the stevedore.

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**Question No. 158**

**Senator Ludwig asked the following question on 2 December 2004:**

In your planning of checks for containers do you take into consideration the slot time available for the container that you are checking?

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

As outlined in the response to Question on Notice No 157, Customs clear advice to importers, which is contained in the Australian Customs Notice 2004/33, is that slots should not be booked in the stevedores' vehicle booking systems before cargo is cleared by customs.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
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**Question No. 159**

**Senator Ludwig asked the following question on 2 December 2004:**

Are you aware of how many times a container might be returned within the three free days available but there no subsequent slot time available for the removal of that container before it accrues storage costs?

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

Customs does not administer or use the stevedores' Vehicle Booking Systems and is not aware of the number of vacant slots that may be available at any point in time. The stevedores have consistently indicated that there are slots available if importers are prepared to collect their containers out of normal office hours. While industry representatives have indicated that it is very difficult to get access to slots during office hours, they have not suggested that it is difficult to book slots outside of these hours.

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**Question No. 160**

**Senator Ludwig asked the following question on 2 December 2004:**

At page 40 of the annual report it states that a joint review “of the funding for the logistics component of the facilities was undertaken by customs and the department of finance and administration” can you provide a copy of that review?

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

The document is classified and cannot be provided.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
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**Question No. 161**

**Senator Ludwig asked the following question on 2 December 2004:**

The annual report at page 40 also states “complaints about CEF’s and their impact on the industry have been decreasing” have you done any surveys or other examinations of those figures which might point to either conclusion either people have given up on complaining because there is no point or alternatively there has been an improvement to the system and the complaints have reduced as a consequence of these actions?

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

Records held by Customs Complaints and Compliments System indicate that the number of CEF related complaints has decreased. No surveys or other examinations have been undertaken to address the propositions advanced in the question.

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**Question No. 162**

**Senator Ludwig asked the following question on 2 December 2004:**

The Customs Legislation Amendment (Airports and Cargo Security) Act 2004 which was passed on 26 June 2004 contains 2 proposed changes to cargo reporting requirements. The first related to a first port reporting for all cargo and the second related to the timing and obligation of these reports? Can you outline what progress you have made with respect to those two matters?

**The answer to the Honourable Senator's question is as follows:**

With effect from 13 January 2005, all cargo intended to be landed at any port or airport in Australia must be reported before the ship or aircraft arrives at its first Australian port or airport. Further details are contained in Australian Customs Notice No. 2004/55. A copy of the notice may be accessed at Customs website: [www.customs.gov.au](http://www.customs.gov.au).

The minimum period for lodging these cargo reports will remain unchanged from the current periods for the time being. In the context of maritime security, Customs is examining possible changes to the sea cargo reporting times in consultation with industry.



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**Question No. 163**

**Senator Ludwig asked the following question on 2 December 2004:**

Regarding the Customs intercept system, can you provide details whether it has been completed and whether it is now online and whether the department of transport and regional services have online access to the system and if not, when is it likely to be finalised to allow DOTARS to have online access? Are there any impediments to that going ahead?

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

The redevelopment of the Australian Customs Service (Customs) INTERCEPT system has been substantially completed, and the system is scheduled to be released on 31 January 2005. The Department of Transport and Regional Services (DOTARS) has on-line access to the existing system, and will retain access to the new system from the date of its introduction.

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**Question No. 164**

**Senator Ludwig asked the following question on 2 December 2004:**

Each port authority is to be regulated under the *MTSA* which is the *Maritime Transport Security Act 2003* and establish a port security committee to prepare risk assessments and security plans as required by the *Act*. Are Regional Customs officers participating in the committees and if so, can you indicate which areas Regional Customs officers are participating in the committees and which ports they are not?

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

Regional Customs officers were represented on all Port Security Committees established to prepare for the implementation of the *Maritime Transport Security Act 2003*.

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**Question No. 165**

**Senator Ludwig asked the following question on 2 December 2004:**

In respect of Custom Enforcement Officers, what training has been provided to them to undertake the role of maritime security?

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

Australian Customs Service (Customs) Enforcement officers have not been provided with formal training from either Customs or the Department of Transport and Regional Services. However, a comprehensive document providing guidance on these powers was issued to Customs Enforcement officers prior to the commencement of the *Act*. This document is not publicly available.

The document covered:

- Overview of the Act;
- Roles and Powers of Officials;
- Offences Against the Act;
- Customs/DOTARS Memorandum of Understanding;
- Customs Specific Role;
- Customs Interim reporting Arrangements to DOTARS; and
- DOTARS Reporting Arrangements to Customs.

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**Question No. 166**

**Senator Ludwig asked the following question on 2 December 2004:**

In respect of page 44 of the annual report it states under the heading of “Significant Drug  
Detections”

"This also suggests that MDMA use is not declining as reported in some overseas jurisdictions”

Can you advise which overseas jurisdictions are suggesting a decline in MDMA use and secondly  
what other factual basis do you rely on to draw the conclusion that suggests MDMA use is not  
declining?

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

- 1) The statement in the Annual Report was based on media reporting of declining MDMA use  
in the United Kingdom and the United States of America.
- 2) The *Illicit Drug Data Report 2002-03*, published by the Australian Crime Commission,  
notes that increasing number and weight of border detections of MDMA are “consistent  
with the increasing use of MDMA in Australia” (p. 12).