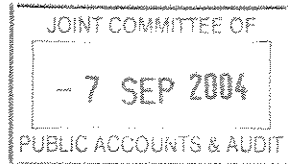




Submission No: 591

**CUSTOMS OFFICERS ASSOCIATION
OF AUSTRALIA**
FEDERAL OFFICE



PO Box 146
Kippax ACT 2615
(02) 6254 1850 ph
(02) 6254 3755 fax
coa_aust@iprimus.com.au

**The Secretary
Joint Committee of Public Accounts and Audit
Parliament House
Canberra ACT 2600**

06 September 2005

Attention: Glen Worthington

Dear Secretary

Thank you for obvious efforts of the Committee to make the Executive of the Australian Customs Service (ACS) aware that they are not entitled to intimidate, directly or otherwise, officers who wish to contribute to your enquiry.

One would think that the advice provided to the ACS by the Committee would have been sufficient to warn the ACS Executive to desist from further actions which may intimidate or dissuade officers from providing information to your enquiry.

Unfortunately, subtle warnings are not readily accepted by ACS management. The attached email was circulated by the ACS (1 September 2005 - Authorised by John Jeffery, Deputy Chief Executive Officer).

The email suggests there may have been some misinterpretation concerning the ALL STAFF MESSAGE of the 4 July 2005 in that it may have restricted Customs staff from co-operating with your committee. The blame for those perceptions were laid at media releases rather than the content of the All Staff Message.

I have spoken to and received numerous communications from officers about their interpretation of the July message. None believe there was any misinterpretation. Officers believe the message was specifically intended to dissuade officers from providing information to your committee. Some officers have offered to provide statements to that effect. However all have expressed the view that to do so would be a career ending exercise. Unless the statements are kept secret from disclosure to the ACS, no officer would be prepared to make statements that would undoubtedly lead to a career detriment.

However the email of itself is more evidence of the intention of the ACS Executive to dissuade officers from providing information to your enquiry.

- 1) The email advises that Customs Officers may not co-operate with the Committee as a Customs Officer; they can only cooperate in a private capacity. The implication is clear that the ACS would not sanction or permit Officers to cooperate with the Committee as Officers acting independently. It follows that the ACS does not condone Officers cooperating with the Committee. This dissuades officers from cooperating with the Committee at any level. The email makes it clear that Officers must not approach the Committee as a Customs Officer.

Passing verbal advice to a Committee member while the Committee is conducting a site inspection would in effect be a breach of the direction in this email. But there is little chance that any Customs Officer with concerns would approach the Committee in this fashion. Management will make sure the Committee is insulated from officers who are critical of matters of aviation security.

We agree that Officers should not claim to be speaking to the Committee on behalf of the ACS if they are not authorised or required to do so by the direction of a senior officer.

However there should be nothing wrong with a serving Customs Officers approaching the Committee as a serving Officer. That is their occupation and that occupation gives them special knowledge and experience. Forcing serving Customs Officers to approach the Committee under the strict rule that they must do so only in a private capacity and not do so as a serving Customs Officer is a clear indication by the ACS Executive that Customs Officers should not volunteer information to your committee.

- 2) The email also draws Officer's attention to particularly important guidelines. These guidelines place requirements on officials when giving evidence to Committees. Then it spells out the 'requirement' to provide factual and technical backgrounds to policies and their administration. But this is deliberately misleading advice.

The ACS Executive has already decreed that officers making private submissions are not to act as 'officials'. Therefore this 'advice' is another misrepresentation of officer's rights with the intent to limit officer cooperation with the Committee. The 'requirement' for advice to be factual and technically correct about policies and administration implies that the Officer must have full factual and technical knowledge of policies. Officers are not told the details of such policies. However their knowledge is based on what happens in the workplace regardless of the policies. This information is more valuable to the Committee than platitudes and rhetoric in the form of policies.

- 3) Then again the email makes it clear that the Officer must disassociate their submissions from anything to do with Customs. They are banned from using Customs letterheads to make submissions. Undoubtedly, if a Customs Officer was found to be using ACS equipment or paper or time to produce a submission for the Committee, the officer would suffer reprisals.
- 4) The email advises that Agencies **cannot** restrict employees from cooperating. The implication is that regardless of the views of Customs they cannot restrict employees from cooperating. But there is no suggestion that the ACS urges or recommends to officers that they raise issues of concern with the Committee.
- 5) The ACS's failure to encourage Officers to make submissions to the inquiry is perhaps the most defining attitude of the Executive. The clear intention to dissuade Officers from making submissions fits hand in glove with the total lack of encouragement for Officers to assist the Committee

This example of bureaucratic interference is systemic in the ACS. At a previous JCPA hearing concerning the Review of Quarantine Functions on 6 June 2002 the ACS engaged in exactly the same course of intimidation and dissuasion. At that time the ACS produced another email to staff warning against the misuse of email facilities and warning of 'regular random audits'. The Minister was asked by the Committee of the time, to explain the apparent ACS interference with persons or organisations wanting to provide information to the Committee. Mr John Carter, Inquiry Secretary of the Quarantine Inquiry should be able to provide further details of that matter.

Also attached to this letter is a copy of the ACS Intranet site – concerning the Role of Staff Council and Council Members. You will note the frequency of the meetings and how they have trailed off to the extent that no meetings have been held since June 2004. This information is provided to show what little opportunity exists for officers to raise issues of concern about general practices or broad based procedures.

The Committee is reminded of the obligations of the Agency under the Australian Public Service Act - s10 Values

....

- (h) the APS has leadership of the highest quality;
- (i) the APS establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace;
- (j) the APS provides a fair, flexible, safe and rewarding workplace;
- (k) the APS focuses on achieving results and managing performance;
- (l) the APS promotes equity in employment;

Added to the failure of the Executive to consult, is the fact that the ACS does not communicate to the Customs Officers Association (COA) on any matter. The Executive even refuses to refer to the Association by name in any correspondence or notices to officers.

Finally there is a **confidential attachment** which provides prima facie evidence that the ACS dissuades or interferes with Officers who attempt to participate in the political process.

Should you wish to discuss this matter further, please use the contact details provided above.

Yours sincerely



Peter Bennett
Federal President.