

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE12/0236) Program 3.1: Border Management**

Senator Xenophon asked:

What does the Special Purpose Visa for crew members on international flights into Australia permit them to do while in Australia?

*Answer:*

The Department of Immigration and Citizenship has longstanding facilitative immigration arrangements for international airline crew entering and departing Australia. The relevant legislative provisions have been in place in their present form since 1 September 1994.

Airline positioning crew are taken to hold a special purpose visa (SPV) for five days beginning when they disembark from the aircraft on which they travel to Australia, provided they hold a passport that is in force and carry a letter from their employer certifying air crew status, purpose of travel and arrangements for departure from Australia.

Airline crew members (operational crew) are taken to hold an SPV for 30 days after they disembark from the aircraft on which they travelled to Australia, provided they hold a passport that is in force and an airline identity card.

Both airline crew members and airline positioning crew members are not permitted to work in Australia other than the work of a kind they normally perform in the course of their duties as an airline positioning crew member or an airline crew member.

These provisions are supported by the Crew Travel Authority (CTA), which enables airlines to register crew with the Department in advance and facilitates their processing through our systems at both check-in and on arrival to and departure from Australia.

The intent behind these airline crew SPV provisions is to provide a lawful basis for international airline crew to operate in and out of Australia and not require a formal visa application to do so. This is broadly consistent with established international practice, namely Annex 9 (Chapter 3N) of the Convention on International Civil Aviation, to which Australia is a signatory. In general, DIAC believes that these arrangements work well in facilitating the free entry and departure of international airline crew, thereby benefiting both industry and travellers, and protecting the Australian community by preventing the entry of persons who raise character or other concerns.

This arrangement can only be used by foreign crew entering Australia as employees of international airlines – either as positioning crew or operational crew. Any foreign crew coming to Australia to specifically work on domestic flights would need to hold another appropriate visa (ie. Subclass 457 visa). They would not hold the SPV if they arrived in Australia without arrangements to work on international flights operating in or out of Australia.

Consequently, it is not visa conditions which prevent foreign crew working solely on domestic sectors in Australia. Rather the arrangements themselves ensure only those also working on international flights are eligible to hold the airline crew SPV.

These provisions were not designed to allow foreign airline crew to perform identifiably separate tasks from their international airline crew work in Australia. Such use would run counter to the intended purpose of the SPV arrangements.

Specifically, SPVs do not allow foreign airline crew to operate on domestic sectors in Australia which have no reasonable connection to an international service. Any work performed in relation to a domestic leg of an international flight should be incidental and in no way separate from the international sector.

If an airline has non-Australian or New Zealand citizen staff wishing to work specifically on domestic sectors or to perform other duties in Australia, they should first apply for an appropriate visa, for example the Temporary Business (Long Stay) Subclass 457 visa. For semi-skilled crew categories it would also be necessary for the company or companies to enter into a Labour Agreement with the Department for this course to be available.