

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(AE12/0241) Program 3.1: Border Management

Senator Xenophon asked:

It is very clear from recent evidence at Estimates that DIAC officers had difficulty separating potential Fair Work issues from issues of non-compliance with aviation Special Purpose Visas. It is also clear that neither Senate evidence nor Press coverage has been sufficient to spark any interest within DIAC about the potential abuse of aviation SPVs. What is required to generate a formal investigation into this matter, including an assessment of the adequacy of the existing regulatory framework?

Answer:

Given the evidence presented to the Senate Rural Affairs and Transport Legislative Committee on 6 February 2012 and other information in the public domain concerning the use of the airline crew special purpose visas (SPV), DIAC is working with industry to ensure there is understanding around DIAC's expectations for the airline crew visa arrangements. This will ensure there is a clear understanding of the limits to the use of the SPV arrangements and their intended purpose.

The airline crew SPV provisions were not designed for foreign airline crew to perform identifiably separate tasks from their international airline crew work in Australia.

Specifically, SPVs are not appropriate for 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.

DIAC has clarified this expectation with the Qantas Group and will also be communicating with industry more broadly. DIAC notes that in February 2012, following discussions between Jetstar and the Fair Work Ombudsman, Jetstar voluntarily placed limitations on the number of contiguous sectors on which international crew can work (that is, four) and on the number of hours they can work on those sectors.

Acting Secretary Bowles met with the CEO of the Qantas Group, Mr Alan Joyce on 15 May 2012. At this meeting Mr Joyce reiterated the steps that Jetstar has taken to limit the practice as described above, and also indicated how seriously Qantas and Jetstar have taken the issue, and their desire to ensure that their practices meet both DIAC's expectations and the requirements of the Fair Work Act. DIAC also discussed with Mr Joyce options around a reporting and monitoring regime to ensure appropriate practice is observed.

Additionally, it is open to DIAC to consider regulatory changes as appropriate. Any such consideration would need to carefully balance domestic considerations against international commitments and reciprocity.

In terms of the concerns around the employment conditions and remuneration, DIAC notes that the Fair Work Ombudsman's investigation into Jetstar and its labour hire partners is ongoing. The Department will closely examine the outcomes when it is completed.