

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARINGS: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0047) Program 3.1: Border Management

Senator Xenophon asked:

Is the department satisfied that the legislation is sufficiently clear that a court would uphold the distinction between international and domestic airline crew work? With regards to response to AE12/0237: has legal opinion been sought or is this just a practice of the department in how it determines its approach with respect to domestic and international cabin crew distinction?

Answer:

It would not be appropriate for the department to presume how a court may interpret migration legislation. Aspects of the department's approach, as described in its answer to AE12/0237, have been informed by legal advice.