

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0322) Program 2.1: Border Management

Senator Xenophon asked:

DIAC undertook on notice (Estimates Hansard - Legal and Constitutional Affairs Legislation Committee, 22 May 2012, page 50) to provide a precise definition of 'disembarked' in regard to the commencement of the period of validity of an aviation SPV. While acknowledging the interrelationship with that question, the whole issue of 'tag' flights, sovereignty and the applicable law invokes a further query: What is the status of operating crew when the aircraft is on the ground in Australia during a transit stop, noting that some crew may remain on board and some may be present in the transit areas assisting with passenger handling and flight preparation?

Answer:

Foreign aircrew, prior to disembarking an aircraft that has landed within the migration zone have, by operation of law, been granted a Special Purpose visa. Once the foreign crew member has disembarked, the prescribed status begins, for a period of 5 days or 30 days, depending on whether they are positioning or operational crew.