

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0210) Program 1.1: Visa and Migration

Senator Xenophon asked:

Cabin crew – 457 visas: It is common ground that foreign cabin crew would require 457 visas to work on domestic flights. Evidence provided to the Senate by Jetstar confirms that their foreign cabin crews are remunerated well below the Aircraft Cabin Crew Award 2010 or the Jetstar Cabin Crew EBAs. If Jetstar employed foreign cabin crew holding SPVs on domestic flights rather 457 visas and it was also determined that their remuneration was less than the Aircraft Cabin Crew Award 2010, which agency would investigate each of those situations and take appropriate enforcement action?

Answer:

Allegations that foreign cabin crews on domestic flights do not hold the appropriate visa for their particular circumstance would be investigated by, and appropriate enforcement action taken by, DIAC. Where foreign cabin crews have travelled to Australia in the course of their employment as a crew member, and this employment includes working the domestic leg of an international flight, the Department regards such activities to be acceptable under the SPV arrangements.

Where the *Fair Work Act 2009* applies to any visa holder, the Office of the Fair Work Ombudsman has the jurisdiction to investigate and take enforcement action in relation to contravention of workplace relations law, modern awards and enterprise agreements.