

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING : 24 March 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE17/275) - Maritime Crew Visas - Rio Tinto Marine - Programme 2.3: Visas**

Senator Pratt, Louise (L&CA) written:

Are foreign-flagged ships operated by Rio Tinto Marine carrying bauxite between Weipa and Gladstone and does the Department deem them as “imported” under s49 of the Customs Act 1901 and entered for home consumption?

As those ships are engaged in intra-State voyages and given that Rio Tinto Marine has not sought to opt into the Coastal Trading (Revitalising Australian Shipping) Act 2012 (CT Act) for the purpose of having those voyages authorised under a Temporary License which then activates a s112 exemption from the Customs Act, that the foreign crew on those ships, must hold a valid and current work visa whilst those ships are voyaging along the Queensland coast inside the Migration Zone?

Please explain how the crew on its intra-State bauxite vessels are able to hold Maritime Crew Visas (subclass 988) which are a transit visa only and expire after 5 days, when those ships trade indefinitely on the Australian coast?

*Answer:*

We are unable to provide comments on individual situations or details of commercial arrangements for reasons including privacy and confidentiality.

Foreign ships that engage in interstate coastal trading in Australia are required to operate under an appropriate licence under the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (Coastal Trading Act).

The Department of Infrastructure and Regional Development is the authority responsible for the issue of licences under the Coastal Trading Act. Should you have any specific examples to be investigated where you believe a ship is operating in circumstances without a required licence the Department of Infrastructure and Regional Development requests that you provide those details to them. If you require further clarification about the licensing process, the Department of Infrastructure and Regional Development will assist.

The Maritime Crew visa (MCV) (subclass 988) is a temporary visa (not classed a transit visa), which is valid for three years from date of grant and allows an individual to:

- enter Australia by sea as an articulated member of a ship's crew
- leave and enter Australia any number of times while the visa is valid
- undertake work that meets the normal operational requirements of the vessel while crew are in Australia.

An individual may be eligible for a MCV if they will be serving as crew on a non-military ship that is taking an international voyage to Australia.

On arrival in Australia, the crew are 'signed on' to a vessel which 'enlivens' the MCV onshore. On departure, the crew are 'signed off' the vessel. This mechanism provides the cessation for the MCV and requires the crew to leave Australia, sign onto another non-military vessel or lodge another appropriate visa within five days of signing off a vessel.

If the vessel is imported under s49 of the Customs Act, the work condition on the MCV (8113) ceases on importation/deemed importation of the vessel. When this occurs, the crew must either lodge for another appropriate visa to remain with the vessel, sign off the vessel and depart Australia in five days or sign onto another non-military vessel.