

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 21-22 MAY 2012**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(BE12/0174) Program: Internal Product**

Senator Xenophon asked:

If an international flight in a foreign-operated and foreign-registered aircraft conducts a flight between two Australian ports, does it revert to being foreign-controlled territory whilst in flight (during "flight time" as defined in the Civil Aviation Regulations 1988)?

*Answer:*

Such an aircraft would be subject to a complex range of Australian regulation exercising varying degrees of territorial control over its flight path. In respect of the Migration Act 1958, the aircraft would need to have complied (and would need to continue to comply) with a range of provisions; for example, reporting on its passengers and crew on board. The term "foreign-controlled territory" is not a term used in the Migration Act 1958.

Australian government agencies have specific regulatory responsibilities in relation to civil aviation and their definitions may vary as their legislation is designed to enable them to meet those responsibilities. Specific questions regarding the application of specific legislation should be directed to the responsible portfolio.