

EXPLANATORY STATEMENT

Minute No. 10 of 2019 - Minister for Infrastructure, Transport and Regional Development

Subject - *Air Navigation Act 1920*

Air Navigation (Aircraft Noise) Amendment (Delegations) Regulations 2019

INTRODUCTION

The *Air Navigation Act 1920* (the Act) gives effect to the International Convention on Civil Aviation (the Chicago Convention) which regulates all aspects of international air transport.

Section 26 of the *Air Navigation Act 1920* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed.

Section 24 of the *Air Navigation (Aircraft Noise) Regulations 2018* allow the Secretary to delegate powers to an employee of the Department of Infrastructure, Regional Development and Cities, an officer of the Civil Aviation Safety Authority or an employee of Airservices Australia.

OUTLINE

The *Air Navigation (Aircraft Noise) Amendment (Delegations) Regulations 2019* amends section 24 of the *Air Navigation (Aircraft Noise) Regulations 2018* to ensure that before delegating a power to an officer or employee other than a Senior Executive Service (SES) employee, or acting SES employee, the Secretary must be satisfied that the officer or employee has appropriate qualifications or expertise to exercise the power.

Regulatory impact analysis

This is a minor administrative amendment. Prior to remaking the Regulations in April 2018, the regulatory impact was assessed using the Preliminary Assessment tool approved by the Office of Best Practice Regulation (OBPR). The OBPR considered that the amendments could be expected to have a minor impact on business and the community. A certification letter was provided to OBPR certifying that the 1984 Regulations are operating effectively and efficiently, and that therefore a Regulation Impact Statement was not required for this regulation to be remade (OBPR 22597).

Consultation before making

This is a minor administrative amendment. Prior to remaking the Regulations in April 2018, consultation was undertaken with the affected Australian airlines, the peak industry association for international airlines and Australia's major airport operators.

A Statement of Compatibility with Human Rights is set out in Attachment A prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Act specifies no conditions that need to be satisfied before the power to make the legislative instrument may be exercised.

The Regulations are a legislative instrument for the purpose of the *Legislation Act 2003*.

The Regulations commenced on the day after registration.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Air Navigation (Aircraft Noise) Regulations 2018

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Regulations

Amendments to the *Air Navigation (Aircraft Noise) Regulations 2018* to ensure that before delegating a power to an officer or employee other than an SES employee, or acting SES employee, the Secretary must be satisfied that the officer or employee has appropriate qualifications or expertise to exercise the power or perform the function.

The amendments do not alter any of the substantive provisions which previously applied.

Human rights implications

The amendments made by this Legislative Instrument do not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack MP