

## **SUPPLEMENTARY EXPLANATORY STATEMENT**

Issued by authority of the Secretary of the Department of Home Affairs

*Aviation Transport Security Act 2004*

*Aviation Transport Security (Screening Officer Requirements) Determination 2021*

### **Purpose of the supplementary explanatory statement**

The purpose of this supplementary explanatory statement is to provide additional information about the purpose and exercise of the discretionary powers in paragraphs 5(1)(b) and 5(2)(b) of the Determination. This is done in accordance with paragraph 15J(1)(c) of the *Legislation Act 2003* and is in response to a request from the Senate Scrutiny of Delegated Legislation Committee, as part of their review of the instrument.

### **Amendments to the initial explanatory statement**

*Under ‘Purpose’, after the 6<sup>th</sup> paragraph (which starts with “Broadly, the following has been determined...”), insert the following paragraph:*

The Determination provides the Secretary of Home Affairs with discretionary powers to enable a mandatory qualification for a new or existing screening officer to include one that the Secretary is satisfied meets the requirements outlined in the Determination. The purpose of these discretionary powers is to ensure that the Secretary has the flexibility to determine whether certain qualifications, not explicitly specified in the instrument, are suitable for meeting the qualifications requirements.

*Under ‘Attachment B – Details of the Aviation Transport Security (Screening Officer Requirements) Determination 2021’, Section 5 – Qualifications, after the 2<sup>nd</sup> paragraph (which starts with “Subsection 5(2) provides that ...”), insert the following paragraph:*

The discretionary powers available to the Secretary in paragraphs 5(1)(b) and 5(2)(b) of the Determination enable a mandatory qualification for a new or existing screening officer to include one that the Secretary is satisfied will enable the holder to carry out the duties of a screening officer under the Aviation Act (for new screening officers), or one that is equivalent to a Certificate II in Security Operations (for existing screening officers). The intention is that the main criterion against which the Secretary would exercise a discretionary power is the relevance of the qualification to the role of a screening officer, and their ability to carry out their various duties as a screening officer under the Aviation Act.