



Australian Government

Minister's Sydney Airport Curfew Delegation Instrument 2020 (No. 1)

I, **MICHAEL MCCORMACK**, Deputy Prime Minister and Minister for Infrastructure, Transport, and Regional Development, make the delegations shown in this instrument under section 24(1) of the *Sydney Airport Curfew Act 1995*.

Dated

5/6/2020

A handwritten signature in blue ink, appearing to read 'Michael McCormack'.

MICHAEL MCCORMACK

Deputy Prime Minister and
Minister for Infrastructure, Transport and Regional Development

1. Name of Instrument

This instrument is the *Minister's Sydney Airport Curfew Delegation Instrument 2020 (No.1)*.

2. Commencement

This instrument commences when it is signed.

3. Definitions

In this instrument:

Classification Rules means the rules issued under section 23 of the *Public Service Act 1999*.

Secretary means the Secretary of the Department.

Deputy Secretary means a Deputy Secretary in the Department.

Duty Officer means an APS employee who is classified as an Executive Level 2 or an Executive Level 1 employee under the Classification Rules.

SES 1 means an SES employee who is classified as a Senior Executive Band 1 employee under the Classification Rules.

SES 2 means an SES employee who is classified as a Senior Executive Band 2 employee under the Classification Rules.

EL 2 means an APS employee who is classified as an Executive Level 2 employee under the Classification Rules.

Note Section 2B and subsection 46(1) (where applicable) of the *Acts Interpretation Act 1901* incorporates into this instrument the definition of SES employee from the *Public Service Act 1999*.

the Department means the Department of Infrastructure, Transport, Regional Development and Communications.

4. References to section

Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedule is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.

5. References to business division or branch

Unless the contrary intention appears, a reference in the Schedule to a business division or branch is a reference to such an organisational structure within the Department.

6. Delegations

- (1) The delegation in each item in the Schedule is made under the delegation power referred to in column 1 of that item.
- (2) The *delegates* in each item are:
 - (a) the persons specified in column 4 of that item or persons acting in a position usually occupied by a person specified in column 4 of that item; and
 - (b) the persons for the time being holding, occupying or performing the duties of the positions specified in column 4 of that item.

Note Delegations may be described in the Schedule by employee classification (eg “SES 1”) or by position description (eg “Deputy Secretary”). Section 34AA and subsection 46(1) (where applicable) of the *Acts Interpretation Act 1901* permit delegations set out in this instrument to persons acting in positions.

- (3) The delegates in each item are delegated the function or power of the Minister under the section or regulation mentioned in column 2 of that item.
- (4) However, each delegation is made only to the corresponding limit (if any) or subject to the directions (if any) specified in column 2 of the relevant item.
- (5) The description of a function or power in column 3 of the Schedule is for information only. Delegates must refer to the legislative source of the function or power as specified in column 2 of the Schedule before exercising the delegated function or power.

7. Revocations

- (1) Subject to the next subsection, all previous delegations of the Minister’s powers or functions under the *Sydney Airport Curfew Act 1995* are revoked.
- (2) For the avoidance of doubt this instrument does not revoke any instrument which:
 - (a) authorises or appoints a person to be an authorised person or authorised office under any Act or Statutory Rule described in the Schedule; or
 - (b) states that it authorises a person to do a thing under an Act or Statutory Rule.

Schedule**Schedule****Delegations**

(section 6)

1. Sydney Airport Curfew Act 1995

	Column 1	Column 2	Column 3	Column 4
Item	Delegation source	Power(s) or function(s) delegated	Summary of power or function (for information only)	Delegate(s)
1.01	Subsection 24(1)	Section 20, other than subsection 20(5)	Authorising take offs or landings in circumstances that would otherwise contravene section 7, 10 or 11 if there are exceptional circumstances	Secretary Deputy Secretary SES 2 in Aviation and Airports Business Division SES 1 in Aviation and Airports Business Division EL 2 in Aviation and Airports Business Division Duty Officer