

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Defence

Defence Act 1903

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 Amendment No.1

Purpose

Subsection 8(1) of the *Woomera Prohibited Area Rule 2014* provides that the Minister for Defence may, by legislative instrument, determine the exclusion periods for Amber Zone 1 and Amber Zone 2 in the Woomera Prohibited Area for a financial year. The Minister has delegated the power to determine exclusion periods for a financial year.

During a financial year, exclusion periods determined by legislative instrument may be amended to vary access to zones within the Woomera Prohibited Area in accordance with subsection 13(1)(a) of the *Legislation Act 2003* and subsection 33(3) of the *Acts Interpretation Act 1901*. This subsection of the *Acts Interpretation Act* provides that, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend or vary any such instrument.

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Details of the Amendment are set out in Attachment 1.

Consultation

Consultation was not undertaken in relation to this amendment on the basis that the determination of exclusion periods is an administrative process that is machinery in nature undertaken for each financial year. The amendment does not substantially alter existing arrangements.

Commencement

This amendment commences 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*.

A statement of compatibility with Human Rights is set out at Attachment 2.

Attachment 1

Details of the Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 Amendment No.1

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 dated 18 March 2019 set out the dates on which holders of a permit issued under the *Woomera Prohibited Area Rule 2014* are excluded from entering the Amber Zone 1 and Amber Zone 2 during financial year 2019-2020.

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 Amendment No.1 will vary the Determination by removing the exclusion periods for Amber Zone 2 set out in the table below.

Exclusion Period	Zone to which the Exclusion Period applies
26 November 2019 – 2 December 2019	Amber Zone 2
3 December 2019 – 9 December 2019	Amber Zone 2

Statement of Compatibility with Human Rights

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

Woomera Prohibited Area Rule 2014

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 Amendment No.1

This amendment to the Determination under the *Woomera Prohibited Area Rule 2014* 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 Amendment

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 made under subsection 8(1) of the *Woomera Prohibited Area Rule 2014* exercised the power of the Minister for Defence by the delegate to determine the exclusion periods for Amber Zone 1 and Amber Zone 2 in the Woomera Prohibited Area for the financial year 2019-2020.

This Determination set out the dates in which holders of a permit issued under the *Woomera Prohibited Area Rule 2014* are excluded from entering Amber Zone 1 and Amber Zone 2 during financial year 2019-2020.

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019-2020 Amendment No.1 amends the Determination by removing the exclusion periods for Amber Zone 2 set out in the Schedule to the Determination.

Human rights implications

This amendment does not engage any of the applicable rights or freedoms specified in the compatibility statement for the original determination. This amendment is considered to have a beneficial effect as it removes restrictions on access to the Woomera Prohibited Area. Those people with a permit to access Amber Zone 2 within the Woomera Prohibited Area will no longer be subject to exclusions and restrictions on their access during the periods specified in the Determination.

Conclusion

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

John Anderson, Director Woomera Prohibited Area Coordination Office