EXPLANATORY STATEMENT

Issued by the authority of the Minister for Defence

Defense Act 1903

Woomera Prohibited Area Rule 2014

Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 Amendment No.3

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 pursuant to subsection 63(2) of the Woomera Prohibited Area Rule 2014.

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 paragraph 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 1901 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.

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 Amendment No.3

Details of the Amendment are set out in Attachment 1.

Consultation

Defence consulted on the general principles of exclusions periods in the WPA as part of the introduction of the Woomera Prohibited Area Rule 2014. Through this process, the persons who are directly affected by the exclusion periods were given the opportunity to comment on the Minister’s power to determine exclusion periods, including detailing the direct or indirect impact an exclusion period would have on them or their business.

Additionally, Defence contacts those people who will be directly affected by the exclusion periods, including pastoralists, traditional owners and miners, when the exclusion period approaches.
As a result of the above, and on the basis that the amendment reduces the potential impact that exclusion periods have on affected persons by reducing the number of days that persons may be excluded from the WPA, specific consultation was not undertaken at the time of making this amendment.

Commencement

This amendment commences on the day after registration.


A statement of compatibility with Human Rights is set out at Attachment 2.
Details of the Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 Amendment No.3

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 dated 17 March 2020 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 2020-2021.

The amendment to the Determination dated 20 May 2020 removed the period 20 July 2020 – 16 August 2020 as an exclusion period for Amber Zone 2 during financial year 2020-2021.

The amendment to the Determination dated 13 July 2020 removed the exclusion periods for Amber Zone 1 as set out in the table below.

<table>
<thead>
<tr>
<th>Exclusion Period</th>
<th>Zone to which the Exclusion Period applied</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 July 2020 – 26 July 2020</td>
<td>Amber Zone 1</td>
</tr>
<tr>
<td>27 July 2020 – 2 August 2020</td>
<td>Amber Zone 1</td>
</tr>
<tr>
<td>3 August 2020 – 9 August 2020</td>
<td>Amber Zone 1</td>
</tr>
<tr>
<td>10 August 2020 – 16 August 2020</td>
<td>Amber Zone 1</td>
</tr>
<tr>
<td>17 August 2020 – 23 August 2020</td>
<td>Amber Zone 1</td>
</tr>
<tr>
<td>24 August 2020 – 30 August 2020</td>
<td>Amber Zone 1</td>
</tr>
</tbody>
</table>

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 Amendment No.3 will amend the Determination by removing the exclusion periods for Amber Zone 2 as set out in the table below.

<table>
<thead>
<tr>
<th>Exclusion Period</th>
<th>Zone to which the Exclusion Period applies</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 November 2020 – 25 November 2020</td>
<td>Amber Zone 2</td>
</tr>
<tr>
<td>26 November 2020 – 2 December 2020</td>
<td>Amber Zone 2</td>
</tr>
</tbody>
</table>
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

Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 Amendment No.3

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 2020-2021 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 2020-2021.

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 2020-2021.

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2020-2021 Amendment No.3 amends the Determination by removing certain exclusion periods for Amber Zone 2 as 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 this amendment to 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