

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Defence

*Defence Act 1903*

*Woomera Prohibited Area Amendment (Technical Amendments) Rule 2014*

### **Purpose**

Subsection 72TP(1) of the *Defence Act 1903* provides that the Minister for Defence may, by legislative instrument and with the agreement of the Minister for Industry, make the Woomera Prohibited Area Rule prescribing matters:

- (a) required or permitted by Part VIB of the *Defence Act 1903* to be prescribed by the Rule; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to Part VIB.

### **Woomera Prohibited Area Rule 2014**

Details of the amendments to the Rule are set out in Attachment 1.

The Rule is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

### **Consultation**

Consultation has occurred with the Minister for Industry in accordance with the requirement in section 72TP(1) of the *Defence Act 1903* that he agree to the *Woomera Prohibited Rule 2014*. Further consultation has also occurred with the Government of South Australia (Department of State Development).

### **Commencement**

The *Woomera Prohibited Area Amendment (Technical Amendments) Rule 2014* commences on the day after which it is registered on the Federal Register of Legislative Instruments.

**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.

**Details of the Woomera Prohibited Area Amendment (Technical Amendments)  
Rule 2014**

**Schedule 1 – Amendments**

**1. Section 5 – The Woomera Prohibited Area**

This amendment omits the plan “GP 249/1989” at section 5 of the *Woomera Prohibited Area Rule 2014* and replaces it with the plan “GP 249/1989 Sheet 2, dated 1 September 2014”.

This revised plan amends the boundary of the Woomera Prohibited Area to excise the area known as section 400.

**2. Section 6 – Zones within the Woomera Prohibited Area**

This amendment omits “DMITRE Plan 204192-001” and substitutes “DMITRE Plan 204192-001 dated 1 September 2014”. This is a revised plan which identifies the amended boundaries of the Woomera Prohibited Area to excise Section 400.

In addition, the revised plan removes the Woomera village from the ‘Red Zone’ and places it in the ‘Green Zone’. This is consistent with the use and functions of the village and removes a number of the restrictions associated with the village being within the ‘Red Zone’.

**3. Section 11 – Standing permission to use certain roads and railways**

This amendment updates the provision of standing permission to reflect the correct names of access routes. The Lake Cadibarrawirracanna Road is now referred to as ‘Public Access Route 18’ as declared under the section 45 of the *Pastoral land Management and Conservation Act 1989 (SA)*. On 8 May 2014, The Olympic Dam – Pimba Road was renamed the Olympic Dam Highway, this amendment reflects this change and continues to permit access without having to seek a permit under the Rule.

**4. Part 2 of Schedule 1**

This amendment repeals the current simplified map of the Woomera Village Standing Permission Area, and substitutes it with a revised map of the area. The revised map renames the Olympic Dam – Pimba Road as the Olympic Dam Highway.

## **Statement of Compatibility with Human Rights**

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

### **Woomera Prohibited Area Amendment (Technical Amendments) Rule 2014**

This amendment to 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**

This amendment to the *Woomera Prohibited Area Rule 2014* makes technical amendments under section 72TP of the *Defence Act 1903*.

The amendment includes an updated plan that defines the Woomera Prohibited Area. The Woomera Prohibited Area boundary is amended to excise the northern part of section 400. The updated plan includes this boundary amendment.

The amendment also updates names applied to Standing Permission access routes in the Woomera Prohibited Area to reflect the correct names of specific roads.

None of the amendments make any substantive changes to the law.

#### **Human rights implications**

This amendment does not engage any of the applicable rights or freedoms.

#### **Conclusion**

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

**Senator David Johnston, Minister for Defence**