

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 2015 -2016 Amendment No.4

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.

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Details of the Amendment are set out in Attachment 1.

Consultation

Consultation was not required in relation to this amendment on the basis that the determination of exclusion periods is an administrative process undertaken for each financial year.

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.

Details of the Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2015 - 2016 Amendment No.4

The Determination dated 24 March 2015 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 2015 -2016.

A number of amendments to the Determination have amended the exclusion periods for Amber Zone 1 and Amber Zone 2 during financial year 2015 - 2016.

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2015 - 2016 Amendment No.4 further amends the exclusion periods by removing the period 29 February 2016 to 13 March 2016 as an exclusion period for Amber Zone 2.

This amendment will take effect retrospectively but does not breach the limits on retrospective commencement set out in section 12 of the *Legislation Act 2003*. The removal of the period 29 February 2016 to 13 March 2016 as an exclusion period will allow permit holders to enter the Woomera Prohibited Area during this period and as such is and is not adverse to any person's rights.

In accordance with this amendment, the remaining exclusion period for financial year 2015 - 2016 will be as follows:

Exclusion Period	Zone to which the Exclusion Period applies
8 February 2016 – 27 March 2016	Amber Zone 1
9 May 2016 – 12 June 2016	Amber Zone 1
16 May 2016 – 29 May 2016	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 2015 - 2016 Amendment No.4

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

The Determination made under subsection 8(1) of the *Woomera Prohibited Area Rule 2014* dated 24 March 2015 exercised the power of the Minister for Defence by his delegate to determine the exclusion periods for Amber Zone 1 and Amber Zone 2 in the Woomera Prohibited Area for the financial year 2015 - 2016.

The Determination set out the dates in 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 2015 - 2016. Further amendments have removed exclusion periods for Amber Zone 1 and Amber Zone 2 during financial year 2015 - 2016.

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2015 - 2016 Amendment No.4 further amends the exclusion periods by removing the period 29 February 2016 to 13 March 2016 as an exclusion period for Amber Zone 2.

In accordance with this amendment, the remaining exclusion period for financial year 2015 - 2016 will be as follows:

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Human rights implications

This amendment does not engage any of the applicable rights or freedoms. While the instrument will have retrospective commencement, it does not breach the limits on retrospective commencement set out in section 12 of the *Legislation Act 2003* in that the amendment has a beneficial effect by removing restrictions on access to the Woomera Prohibited Area.

Conclusion

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

Mr Chris Birrer, Acting First Assistant Secretary Strategic Policy