

## **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 2017 -2018*

### **Purpose**

Subsection 8(1) of the *Woomera Prohibited Area Rule 2014* provides that the Minister for Defence may, by legislative instrument, determine 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.

***Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for  
Financial Year 2017 - 2018***

Details of the Determination are set out in Attachment 1.

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

### **Consultation**

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

### **Commencement**

This instrument 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 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017 - 2018**

**1. *Woomera Prohibited Area Rule 2014***

*Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017 - 2018*

This Determination sets out the Exclusion Periods that apply to the Woomera Prohibited Area for Amber Zone 1 and Amber Zone 2 for financial year 2017 – 2018 in accordance with subsection 8(1) of the *Woomera Prohibited Area Rule 2014*.

The Exclusion Periods in the Schedule are 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 2017 -2018

The Woomera Prohibited Area is the area prescribed in section 5 of the *Woomera Prohibited Area Rule 2014*.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, 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 such instrument.

## **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 2017 - 2018**

This 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 Determination**

This Determination made under subsection 8(1) of the *Woomera Prohibited Area Rule 2014* exercises 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 2017 -2018.

The Determination sets 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 2017 -2018.

Section 10 of the *Woomera Prohibited Area Rule 2014* provides that a permit does not provide permission for a person to be at a place in a zone during an exclusion period for the zone.

#### **Human rights implications**

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

#### **Conclusion**

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

**Mr John Anderson, Director Woomera Prohibited Area Coordination Office**