

## **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 Amendment No.2*

### **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 33(3) of the *Acts Interpretation Act 1901*. This section 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 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 2017 -2018 Amendment No.2***

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 2017 -2018 Amendment No.2**

*Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017 -2018* dated 20 March 2017 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 2017 -2018.

This Determination was amended by *Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017 -2018 Amendment No.1* which varied the exclusion periods for the relevant zones.

*Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017 -2018 Amendment No.2* will further vary the Determination by cancelling the exclusion periods for Amber Zone 2 set out in the table below.

Exclusion Period	Zone to which the Exclusion Period applies
12 November 2017 – 18 November 2017	Amber Zone 2
19 November 2017 – 25 November 2017	Amber Zone 2
26 November 2017 – 2 December 2017	Amber Zone 2
3 December 2017 – 9 December 2017	Amber Zone 2

The cancellation of these exclusion periods will allow people to access Amber Zone 2 in accordance with their permit.

## 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 2017 -2018 Amendment No.2*

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 2017 -2018* made under subsection 8(1) of the *Woomera Prohibited Area Rule 2014* exercised the power of the Minister for Defence by her 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 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 2017 -2018.

*Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017 -2018 Amendment No.2* will amend the Determination by cancelling the exclusion periods set out in the table below.

Exclusion Period	Zone to which the Exclusion Period applies
12 November 2017 – 18 November 2017	Amber Zone 2
19 November 2017 – 25 November 2017	Amber Zone 2
26 November 2017 – 2 December 2017	Amber Zone 2
3 December 2017 – 9 December 2017	Amber Zone 2

### Human rights implications

This amendment does not engage any of the applicable rights or freedoms and 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 set out in the table above.

### **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**