

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Defence

Woomera Prohibited Area Rule 2014

Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for the Green Zone for 10 June 2025 to 30 June 2025 Repeal

Authority

The instrument is made under subsection 8(1) of the *Woomera Prohibited Area Rule 2014*.

The instrument repeals *Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for the Green Zone for 10 June 2025 to 30 June 2025* (the Original Instrument) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*. That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.

The instrument commences on the day after it is registered on the Federal Register of Legislation. It is a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

Background

The Original Instrument determined an exclusion period between 10 June 2025 and 30 June 2025 (inclusive) for the Green Zone of the Woomera Prohibited Area. The Original Instrument would not take effect until 10 June 2025, as set out in the exclusion periods for that instrument. The Original Instrument would have meant that during the exclusion period, non-Defence users of the Green Zone in the Woomera Prohibited Area, could not use or access the zone during the period. That would have supported the safety and security of Defence activities, and the safety and security of other users.

Purpose and operation of the Repealing Instrument

The purpose of the *Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for the Green Zone for 10 June 2025 to 30 June 2025 Repeal* (the Repealing Instrument) is to revoke the exclusion period prescribed by the Original Instrument. The effect of this is that areas of the Green Zone that could not have been accessed for the period 10 June 2025 to 30 June 2025 inclusive will continue to be accessible as usual.

Given the nature of Defence testing activities in the Woomera Prohibited Area, the actual duration of an exclusion period and the extent of exclusion areas are subject to change. Defence testing activities in the specified part of the Green Zone are no longer required and therefore there is no requirement to exclude permit holders from the specified part of the Green Zone.

Legislative Instrument

The Repealing Instrument is a legislative instrument for the purposes of the Legislation Act.

Commencement

The Repealing Instrument commences on the day after it is registered on the Federal Register of Legislation.

Regulatory Impact Statement

The Office of Impact Analysis has previously advised that no impact analysis is required for exclusion period determinations (OIA24-07360).

Consultation

Consultation was not undertaken prior to making the Repealing Instrument because it will have a beneficial impact on WPA users who would have been excluded from the specified part of the Green Zone between 10 June 2025 to 30 June 2025 inclusive. The users who would have been affected will be able to access the specified part of the Green Zone during that period as usual. In addition to making the Repealing Instrument, Defence will ensure that the cancellation of the exclusion period is made public by giving written notice to affected permit holders and by publication on the Woomera Prohibited Area website as soon as practicable. Defence will also lift any restrictions on access to the specified part of the Green Zone that may have been implemented before the decision was made to cancel the exclusion period and repeal the Original Instrument.

Parliamentary scrutiny

The instrument is subject to disallowance under section 42 of the Legislation Act. A Statement of Compatibility with Human Rights has been prepared in relation to the instrument, and provides that the instrument is compatible with human rights. The Statement is included at **Attachment A** to this explanatory statement.

The instrument is made by a delegate of the Minister for Defence, in accordance with subsection 63(2) of the *Woomera Prohibited Area Rule 2014*.

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 the Green Zone for 10 June 2025 to 30 June 2025

This Disallowable Legislative Instrument 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 Repealing Instrument

The *Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for the Green Zone for 10 June 2025 to 30 June 2025* (the Original Instrument) was made by the Director Woomera Prohibited Area Coordination Office as a delegate of the Minister for Defence. During the prescribed exclusion period, the holders of a permit issued under the *Woomera Prohibited Area Rule 2014* are excluded from entering the specified part of the Green Zone for the period 10 June 2025 to 30 June 2025 inclusive.

The purpose of the *Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for the Green Zone for 10 June 2025 to 30 June 2025 Repeal* (the Repealing Instrument) is to repeal the exclusion period for the specified part of the Green Zone in the Woomera Prohibited Area. Defence testing activities in the specified part of the Green Zone are no longer required and, therefore, there is no requirement to exclude permit holders from the specified part of the Green Zone.

Human rights implications

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.