



28 January 2014

Committee Secretary
Senate Foreign Affairs, Defence and Trade Committee
PO Box 6100
Parliament House
Canberra ACT 2600

**Re: Inquiry into Defence Legislation Amendment (Woomera Prohibited Area)
Bill 2013**

I write on behalf of the AustralAsia Railway Corporation (AARC) in response to the notice of inquiry into Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 introduced by Senator the Hon Don Farrell. As you will be aware the Corporation provided a submission for consideration of the Senate Foreign Affairs, Defence and Trade Legislation Committee into a substantially similar bill during the 43rd Parliament. We also now understand that the government intends to prepare an amended version of the bill for the autumn 2014 sitting.

The purpose of this letter is to reiterate to the Committee the reliance of businesses in the NT and SA on the timely delivery of railway freight services including provision of essential supplies. The previous Draft Rules indicated that access to the railway could be affected for periods of up to 7 days each and up to 10 consecutive occasions per year. Whilst it is accepted that this eventuality may be unlikely, the effect of closing the railway for up to a maximum of 70 days at a time would be unsustainable for the efficient ongoing operation of the railway. Any closures which adversely impact transport services to customers would undermine the express intentions of the Commonwealth, State and Territory to expand economic activity along the entire central corridor.

The reliance of communities such as Alice Springs, Tennant Creek, Katherine and Darwin on just in time deliveries of consumables and produce should not be overlooked as any risks to certainty of supply is certain to result in adverse implications. Similarly, the ability for exporters to maintain steady supply of products to ports would be potentially at risk by the introduction of rules restricting the operation of the railway proposed as part of this legislative amendment. The operation of the twice weekly Ghan passenger service which is a major tourist attraction in its own right as well as a significant contributor to meeting the transport needs of the broader tourism sector would also be compromised by such any exclusion periods impacting its scheduled services. The viability of this essential service should be complemented by the opportunity for increased activity at the Woomera weapons testing range rather than be compromised by it.

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It is understood that as a result of submissions from the concession holder Genesee and Wyoming Australia, the Australian Rail Track Corporation and representatives from the SA government to the Department of Defence, there is currently work being undertaken to develop a protocol detailing the process for consultation between the railway operator and the Department of Defence. The development and adoption of this protocol would enable the required access window for deployment of weapons within the WPA to be coordinated so as not to adversely impact scheduled train services and maintenance activities along the corridor. It is the Corporation's preferred position that provisions of existing legislation be maintained in relation to the operation and maintenance of the Tarcoola to Darwin railway and be excluded (as an existing use) from the proposed legislation. The development and adoption of the protocol provides a pragmatic approach to ensure the safety of railway workers whilst providing the opportunity for greater use of the WPA facility in the best interest of the State and country.

The Corporation therefore submits the operation of the railway should subject to and be excluded from the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013. The adoption of a protocol currently under development between the Department of Defence and the railway operator should be pursued as the measure to enable greater use of the WPA whilst preserving the integrity of operations to ensure this essential piece of infrastructure can continue to deliver the transportation needs of the State and Territory.

Yours sincerely,

Peter Caldwell

Chairman