



COPY

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The Hon Stephen Smith MP  
Minister for Defence  
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Dear Minister

I am writing in response to the Senate Foreign Affairs, Defence and Trade Legislation Committee's inquiry into the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013.

The Northern Territory Government is concerned that the proposed Woomera Prohibited Area Rules contemplate the Department of Defence being able to close both the Stuart Highway and the Darwin to Adelaide railway. The grounds of "security of defence activities" and "safety of persons in the Woomera Prohibited Area" are used to justify the closure of these vital transport corridors whenever the Department of Defence chooses to conduct exercises in their vicinity.

Both the road and railway links to Adelaide are vital to the economy of the Northern Territory. The Stuart Highway and the Tarcoola to Darwin rail line are the only road and rail links between the Northern Territory and South Australia. The rail is now the primary transport route for perishable freight and food for the Territory. It is not appropriate that these corridors can be closed at the sole discretion of the Department of Defence.

Territory consumers and freight operators depend on these transport links. Time lost waiting for the road or railway to open will adversely affect the profitability of rail and road transport operators and that will have a flow on effect in the cost of freight to Territory businesses and consumers. A few hours of closure has the potential to significantly impact on the quality of perishable goods.

Unlike the declaration of an exclusion period, there is no guarantee in Rule 11 that any advance notice of closure will be given to parties likely to be affected by a closure under that rule. Nor is there any limit on the time that the road and rail links might be closed.

Clearly, it is preferable that any Defence exercises be held elsewhere than in the vicinity of either the road and railway line.

However, in the event that it is absolutely necessary to conduct exercises near the railway line, the scheduling of those exercises should be arranged in consultation with the rolling stock operators to ensure that the exercises do not impact upon scheduled train services. The ability to close this railway at any time is totally incompatible with the operation of a commercially viable passenger and freight service. Even a short delay to the Ghan passenger service is unacceptable.

Likewise, military exercises in the vicinity of the Stuart Highway should be a rare event and the length of closure must be minimal.

If the Department of Defence requires the ability to close the road and rail links to the Territory, there needs to be a formal protocol between the Department of Defence, rail operators and road managers setting out rules for consultation and public notification before any planned closure of either the Darwin to Adelaide rail line or the Stuart Highway takes place.

Yours sincerely

ADAM GILES

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**RE: Exposure Draft - Woomera Prohibited Area Rules 2013**

The AustralAsia Railway Corporation (AARC) administers the Concession Deed for the AustralAsia Railway on behalf of the Northern Territory and South Australia. The Northern Territory understands that AARC intends to provide comment on the Exposure Draft Woomera Prohibited Area Rules 2013. AARC holds title to the railway corridor which is sub-leased to the concession holder Genesee and Wyoming Australia (North) through the Woomera Prohibited Area which is subject to the proposed rules.

The Territory is concerned that the Draft Rules which are intended to give effect to the proposed Woomera Exclusion Zone Amendments Bill may result in unanticipated consequences for the operator of the railway. The potential for closure of the railway of up to 70 days is unsustainable for the Northern Territory economy. The establishment and operation of this vital piece of infrastructure connecting to all the mainland states via a standard gauge network was finally realised through the joint efforts of the Commonwealth, State and Territory governments. The potential risk to the viability of the project, the concession holder and the communities of the Northern Territory who rely on the railway for all imported goods must be avoided through providing certainty about the ability of the railway to operate without disruption to scheduled freight services.

Additionally, the tourism industry is reliant on the twice weekly Ghan passenger service and would suffer adversely from imposition of exclusion periods which impacted access to the railway through the Woomera prohibited Area.

Given that the Exposure Draft makes reference to Standing permission to use certain roads and railways, and that the railway has been in existence on the current alignment through the Woomera Exclusion Zone since 1974, it is appropriate that Department of Defence gives consideration to exempting railway operations from imposition of exclusion periods. At the very least there should be a requirement that before undertaking planned weapons testing programs, appropriate consultation must be undertaken with the railway operator to mitigate against delays to scheduled services which would result in adverse impacts on State and Territory customers.

I hereby request that you take into consideration those issues raised above as well as those raised by the AustralAsia Railway Corporation in relation to the drafting of Woomera Prohibited Area Rules.

Yours sincerely

**Clare Gardiner-Barnes**

9 July 2013