



SOUTH AUSTRALIA POLICE
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POLICE



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Committee Secretariat
Foreign Affairs, Defence and Trade Committee
Department of the Senate
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Canberra ACT 2600



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Re: **Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014**

The Woomera Prohibited Area (WPA) is a declared 'prohibited area' under Defence Force Regulations and covers vast stretches (approximately 127,000 square kilometres) of outback South Australia. It extends well beyond the test-range facility at Woomera, reaching as far as the Anangu Pitjantjatjara Yankunytjatjara Lands to the north and the Maralinga Tjarutja Lands to the west.

The South Australia Police (SAPOL) provides policing services throughout this area, often working with other emergency services. Under the provisions of the *Emergency Management Act 2004* (SA) and State Emergency Management Plan, police have a responsibility for the coordination of resources in response to all emergencies. Existing protocols for access to the WPA in order to deliver those services and other general policing requirements have worked successfully for many years.

It is understood that the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* seeks to amend the *Defence Act 1903* to establish a framework to manage access to the Woomera Protected Area (WPA) by non-Defence users on a conditional basis. In particular the Bill addresses the needs of mining ventures, pastoralists and Indigenous groups. It is noted that the proposed access regime established by the Bill will only apply to new users of the WPA. The Explanatory Memorandum identifies that those with an extant presence (including police) will continue to operate under their current access arrangements.

It is unclear however under what authority other emergency or support services, including social services, may access the WPA, should the need arise.



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Clause 72TP of the Bill provides for the Minister for Defence to prescribe 'rules' governing access to the WPA. Clause 72TD of the Bill provides for the rules to include 'standing permissions' for access. Under part 3 of the 'exposure draft' of the *Woomera Prohibited Area Rules 2013*, it is proposed that standing permissions be provided for those using certain roads and railways, also those using the Woomera Village.

In order to remove any ambiguity, it would seem appropriate for Part 3 (Standing permissions) of the rules to include provision addressing access to the WPA (excluding the test-range facility or other prohibited areas) by police and other emergency and social services, in circumstances where such services are requested or required in order to conduct their lawful business, or respond to an emergency.

I recommend to the Committee that consideration be given to amending Part 3 of the proposed *Woomera Prohibited Area Rules 2013* accordingly.

Yours faithfully

(Gary Burns)
COMMISSIONER OF POLICE