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Mr David Sullivan
Committee Secretary
Senate Foreign Affairs, Defence and Trade Committee
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Dear Mr Sullivan

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 supports the objective of opening up the Woomera Prohibited Area to new users in order to maximise its economic potential, which may realise some benefits for the Territory.

However, the Bill and the proposed new Woomera Prohibited Area Rules 2013 that accompany the Bill present the potential for Defence activities to cause major disruptions to the road and rail links between Adelaide and Darwin.

It is simply unacceptable for these major arterial routes, which are vital for the Territory's economy and the development of Northern Australia, to be subject to lengthy closures.

The railway line is now the primary transport route for perishable freight and food for the Northern Territory. Prolonged closures of up to seven days at a time, for up to 70 days per year, would have a major impact on people living in the Northern Territory. Indeed even a few hours of closure has the potential to significantly impact on the quality of perishable goods. Delays of up to seven days could create food shortages, adversely affect the price of groceries and drive up the cost of living.

Time lost waiting for the road or railway to open will affect the profitability of rail and road transport operators and foreseeably affect future investment considerations. Even short closure periods of a couple of hours could cause the cancellation of a train. This will have a flow-on effect in the cost of freight to Territory businesses and consumers. The risk of closures to the extent of 70 days per year may also affect the feasibility of resource projects that might seek to transport ore to and from the Northern Territory, either for domestic consumption or for international transit to and from Northern Territory ports.

The tourism industry is also important to the Northern Territory economy. Any lengthy closure to the Stuart Highway prevents visitors from entering and exiting the Territory, as well as preventing people from exiting the Territory and should be avoided wherever possible. Closure of the rail for any length of time will also affect the Ghan services.

The Northern Territory's major concerns about the proposed Bill and the associated Rules are:

- a) Rule 6 establishes Zones within the Woomera Prohibited Area, including the Stuart Highway and the railway line in the Amber Zone 2 and the Green Zone. Rule 8 establishes the maximum exclusion periods for the zones, allowing up to 70 days of closures for the Amber Zone 2 and up to 56 days of closures in the Green Zone. Closures can be for up to seven days at a time, and closure periods may commence immediately after a previous one. This could allow for up to 70 consecutive days of closure to the Stuart Highway and the railway line.
- b) Rule 11 establishes standing permissions for persons to travel on the Stuart Highway and the railway line. However, it provides the Minister with the ability to suspend this permission by legislative instrument without any reference to stakeholder consultation.
- c) In contrast, Rule 9 requires the Minister to give notice of exclusion periods to permit holders. However, the giving of notice does not imply that any consideration will be given to stakeholder concerns about exclusion periods.
- d) Part 10 gives the Minister the ability to delegate decision-making powers to determine an Exclusion Period, to suspend standing permissions to access the road and rail and the issue of permits to a member of the Australian Public Service or an officer of the Navy or Army. It is not appropriate that these corridors can be closed at the sole discretion of the Department of Defence.

The Northern Territory is also concerned about the intended future use of the Woomera Prohibited Area by the Department of Defence. Although closures for defence activities are currently a rare occurrence, the significant exclusion periods set out in the Rules could indicate an intention by Defence to conduct exercises on a much more regular basis.

The Northern Territory submits that the above rules should be amended to remove the possible 70 day closure proposed for the Stuart Highway and the railway line. The following additional actions should then be taken to mitigate against the potential impact of the Rules on access to the Stuart Highway and the railway line:

1. Defence should be required to, wherever possible, conduct military exercises in the Woomera Prohibited Area away from the vicinity of the railway line or the Stuart Highway to remove the need for closures. The onus should be on Defence to explain why the activity can't be undertaken in other areas, to protect rail and road access, given their economic and social importance to the Territory.
2. The proposed zones for the Woomera Prohibited Area should be modified to establish a separate Zone containing the railway line and the Stuart Highway. This Zone should be prescribed to have no closures except in the most extreme circumstances.

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3. A formal protocol should be established between the Department of Defence, rail operators and road managers, setting out rules for consultation and public notification in the extreme circumstances before any planned suspension of standing permissions to access either the Darwin to Adelaide rail line or the Stuart Highway takes place.
4. Given that closure of the Stuart Highway and the railway line should only occur in extreme circumstances, the Minister's ability to delegate this important decision-making power to relatively junior public servants or members of the Defence Force should be removed.

Given the importance of this issue to the Territory, I would expect to be further consulted on this issue. I look forward to the Committee's report on the Bill and working constructively with the Federal Government on this issue in the future.

Yours sincerely,

ADAM GILES

- 6 FEB 2014