



17th April 2014

Foreign Affairs, Defence and Trade Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee,

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

The South Australian Chamber of Mines and Energy (SACOME) represents over 340 members in the resources and energy sectors in South Australia. We welcome the opportunity to provide comments to the Senate committee on Foreign Affairs, Defence and Trade in relation to the re-introduction of the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014*.

Since August 2010 the Chamber and other relevant stakeholders have been in consultation with the Departments of Defence, Resources, Energy and Tourism, and Mineral Resources and Energy on a coexistence framework, model, and system for access to the Woomera Prohibited Area. The Hawke Review, Draft Deed of Access, and the Rules and Bill are the culmination of this four year process.

The *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* currently before the Senate is the final step in delivering a co-existence model for Resources, other stakeholders, and Defence users to operate in this highly prospective area and well regarded test range.

It is SACOME's opinion and that of the wider industry that the legislative framework as written is sufficient in outlining the detail for a permitting system to exist and for access arrangements to be organised through the *Woomera Prohibited Area Rules 2013*.

It is essential that the publication of the final draft of the Woomera Prohibited Area Rules is released to enable all stakeholders to assess the interaction of sections in the Bill to the relevant parts in the Rules.

There are instances, for example in Section 72TH(2)(b) that state "*in accordance with any requirements set out in the rules*", that cannot be holistically understood as the draft rules have not been amended or clarified based on stakeholder consultation conducted in May 2013.

The current changes to include pastoralists and users of the Adelaide to Darwin railway line are welcomed. It was understood from consultation that there needed to be more clarity for these users as to their access requirements for this process to proceed. However while existing users and infrastructure corridors are specified in the Bill, it makes no mention of future corridors or how they can be handled when they do occur.

It is understood that there are provisions for combining various mining leases under a resource purpose permit under the new WPA Rules, which can include relevant licences for infrastructure. However as there is no definitive section in the Bill for future infrastructure corridors and operators, or an updated draft of the Rules it is difficult for the industry to assess whether future infrastructure needs could be impacted.

We ask the committee to consider our past submissions to the Foreign Affairs, Defence and Trade committee on this Bill from the 13th May 2013, 19th July 2013, 11th of February 2014 to understand the concerns of the industry over this process. Furthermore with respect to the Rules we ask the committee to consider SACOME's submission on the same matter on the 12th July 2013 to understand our concerns which will give a rounded view of this co-existence permitting framework. Where inconsistencies lay the latest submission should be read as the final industry position.

To these points SACOME recommends the following:

- 1) **The committee must urge the release of the updated draft of the WPA Rules with sufficient time to read and comment before this legislation is passed through both houses.**
- 2) **That section 72TP 'Woomera Prohibited Area Rules', including sub-sections (1)-(6), is not amended further.**
- 3) **Consult prior SACOME submissions as outlined above and all prior relevant mineral company submissions from past committees on the *Defence Force Amendment (Woomera Prohibited Area) Bill 2013*.**
- 4) **The Committee determines the proper process to allow for future infrastructure corridors and whether the Bill and Rules are sufficient to allow future infrastructure needs to be met.**
- 5) **The committee in its final report clarify for the users of the WPA under this framework that the words "defence of Australia" refer to the direct armed attack by State and Non-State actors outlined in the 2009 White Paper and originally discussed as policy in the 1986 Dobb Report.**
The clarification of these words in the Bill will alleviate any concerns that a Minister of Defence may utilise this power to restrict access based on no direct armed incursion on the sovereignty of Australian territories.

Should you require further clarification please contact Jonathon Forbes or Dayne Eckermann

Yours Faithfully,

Jonathon Forbes
Director of Industry Development