

The Senate

Foreign Affairs, Defence and Trade
Legislation Committee

Defence Legislation Amendment
(Woomera Prohibited Area) Bill 2013

August 2013

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Members of the committee

Core members

Senator the Hon Ursula Stephens, ALP, NSW (Chair)
Senator Alan Eggleston, LP, WA (Deputy Chair)
Senator Mark Bishop, ALP, WA
Senator David Fawcett, LP, SA
Senator Anne McEwen, ALP, SA
Senator Scott Ludlam, AG, WA

Participating members who contributed to the inquiry

Senator Nick Xenophon, IND, SA
Senator the Hon David Johnston, LP, WA

Secretariat

Dr Kathleen Dermody, Committee Secretary
Mr Owen Griffiths, Principal Research Officer
Miss Jedidiah Reardon, Senior Research Officer
Ms Penny Bear, Research Officer
Ms Jo-Anne Holmes, Administrative Officer

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

Phone: + 61 2 6277 3535
Fax: + 61 2 6277 5818
Email: fadt.sen@aph.gov.au
Internet: www.aph.gov.au/senate_fadt

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Report

Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

1.1 On 30 May 2013, the Hon Stephen Smith MP, Minister for Defence, introduced the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 (the bill) into the House of Representatives.¹ The bill passed the House on 6 June and was introduced into the Senate on 17 June. The following day, pursuant to the Selection of Bills Committee report, the Senate referred the bill to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 20 August 2013.²

1.2 The bill implements the recommendations of the Final Report of the Review of the Woomera Prohibited Area, which were accepted by the government in May 2011.³ The legislation amends the *Defence Act 1903* and is intended to establish a framework for administering access to the Woomera Prohibited Area (WPA). The bill:

- enables the minister to make the rules prescribing certain matters, including defining the WPA and the zones to be demarcated within that area;
- creates a permit system for access and use by non-defence users;
- introduces offences and penalties for entering the WPA without permission and for failing to comply with a condition of a permit;
- provides for compensation for any acquisition of property from a person otherwise than on just terms; and
- provides for a cap on compensation payable to a person for loss or damage incurred in the WPA.

The Senate asked the committee, when considering the bill, to examine land use and land management issues.⁴

1.3 The committee advertised the inquiry on its website, via twitter, and in the Adelaide Advertiser newspaper. It wrote to relevant ministers and departments calling for written submissions, and contacted a number of other organisations and individuals inviting them to make submissions to the inquiry.

1.4 The committee's inquiry was also advertised by the Woomera Prohibited Area Coordination Office (WPACO), a joint Australian Government and South Australian Government office established to administer non-Defence use near the Woomera

1 The Hon Stephen Smith MP, *House of Representatives Hansard*, 30 May 2013, p. 4518.

2 Selection of Bills Committee, *Report No. 6 of 2013*.

3 Explanatory Memorandum, p. 1.

4 Selection of Bills Committee, *Report No. 6 of 2013*, Appendix 5.

Prohibited Area (WPA). The WPACO advised members on its mailing list, comprising some 280 individuals and organisations, about the committee's inquiry. The WPACO also included a slide about the inquiry in their consultation presentations conducted in the first week of July 2013.

1.5 The committee received 14 submissions and these are published on the committee's website.

1.6 On 5 August 2013, the 43rd Parliament was prorogued. Senate committees, however, are authorised to continue to meet and transact business, such as conduct hearings and make reports, after a prorogation if they choose to do so.⁵ The committee has decided not to continue with its inquiry at this stage. In particular, some members felt that to continue with a scheduled public hearing on 7 August, during the election period, would not do justice to the inquiry. The committee therefore cancelled the hearing. Should the bill be reintroduced in the 44th Parliament and referred to the committee, the committee will resume its consideration of the legislation.

1.7 The committee thanks all those who assisted with the inquiry, particularly those who made written submissions.

**Senator the Hon Ursula Stephens
Chair**

5 See Harry Evans and Rosemary Laing, ed., *Odgers' Australian Senate Practice*, 13th ed., Department of the Senate, 2012, pp. 189, 190, 332 and 487.

Dissenting report by Coalition Senators

1.1 As the majority report indicates, Senate committees are able to continue their inquiry activities and complete reports after the prorogation of the Parliament. In this case the committee has cancelled a scheduled hearing in Adelaide and has decided to report without making findings in relation to the bill. This has meant that witnesses interested in the bill, including several existing users of the Woomera Prohibited Area, have not been able to provide evidence to the committee. Further, the conclusion of the inquiry, and the re-referral of the bill in the next Parliament, will likely result in a delay in the passage of this proposed legislation.

1.2 As the submissions from the Department of Defence, the Department of Resources, Energy and Tourism and the South Australian government have indicated, the bill will make important changes to the access arrangements to the Woomera Prohibited Area. Potentially, these reforms will have significant benefits for Australia's defence interests and the economy of South Australia.

1.3 Coalition Senators on the committee disagreed with the decision to cancel the hearing and to report without making findings in relation to the bill. Given the importance of a timely outcome to both national security and the South Australian economy, they wished to proceed with the inquiry and to report their findings.

Senator Alan Eggleston
Deputy Chair

Senator David Fawcett

Senator the Hon David Johnston

Appendix 1

Public submissions

- 1 Ilkurlka Aboriginal Corporation
- 2 Australian Rail Track Corporation Ltd
- 3 South Australian Chamber of Mines and Energy
- 4 Australian Radiation Protection and Nuclear Safety Agency
- 5 Kokatha Uwankara Native Title Claim Group
- 6 Arrium Mining
- 7 AustralAsia Railway Corporation
- 8 Maralinga Tjarutja and Anangu Pitjantjatjara Yankunytjatjara
- 9 Genesee and Wyoming Australia Pty Ltd
- 10 Department of Defence and the Department of Resources, Energy and Tourism
- 11 Conservation Council of South Australia
- 12 Mr David Noonan
- 13 Government of South Australia
- 14 Northern Territory Government

