



19th July 2013

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 2013

The South Australian Chamber of Mines and Energy (SACOME) represents over 340 members in the resources and energy industries in South Australia. We welcome the opportunity to provide comments to the Senate committee on Foreign Affairs, Defence and Trade in relation to the exposure draft of the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013*.

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 three year process.

The *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013* currently before the Senate is the final step in delivering a co-existence model for Resources, other stakeholders, and Defence industries to operate in this well regarded test range and highly prospective area. The Bill enables the Defence and Resources Ministers to develop a set of rules to allow permitted access to the Woomera Prohibited Area for a variety of new stakeholders.

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*.

Neither SACOME nor the resources industry sees a need to amend the Bill before the Senate committee as it is the culmination of three years of discussion and consultation with a wide variety of stakeholders to determine an effective permitting system.

The delay in passing the Bill through the Senate creates unwarranted uncertainty in the process to develop a permitting system, specifically the interaction between the Bill and the Rules. The Rules are due for submissions on the 12th of July. There is a risk that any amendments proposed and agreed to, will fundamentally alter the way in which the Legislation and Rules interact with each other and thus effect the submissions made on the 12th of July.

To these points SACOME recommends the following:

- 1) There are no amendments to the Bill.
- 2) Specifically that section 72TP 'Woomera Prohibited Area Rules' sub-sections (1)-(6) is not amended. The amendment of this section, particularly the powers of the Resources Minister to agree to the rules, will be a fundamental change to the Bill and violate the overall co-existence model outlined in the Hawke Review, and significantly alter Industry comments on the Rules.
- 3) The Bill is introduced and passed within the first sitting week of the new parliament to provide absolute clarity on the final access arrangements for the Woomera Prohibited Area.

Should you require further clarification please contact myself or Dayne Eckermann

Yours Faithfully,

Jason Kuchel
Chief Executive

cc: - Minister for Resources and Energy (Federal), The Hon. Gary Gray AO, MP
- Minister for Mineral Resources and Energy (SA), The Hon. Tom Koutsantonis, MP
- Shadow Minister for Resources and Energy (Federal), The Hon. Ian Macfarlane, MP
- Shadow Minister for Mineral Resources and Energy (SA), Mr. Martin Hamilton-Smith, MP