

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.