



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

Federation Chamber

BILLS

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

Second Reading

SPEECH

Wednesday, 16 July 2014

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Wednesday, 16 July 2014 Page 125 Questioner Speaker Brodtmann, Gai, MP</p>	<p>Source House Proof Yes Responder Question No.</p>
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Ms BRODTMANN (Canberra) (11:00): This bill gives effect to the recommendations made in the government review of the Woomera Prohibited Area, which was conducted by Dr Allan Hawke between 2010 and 2011, to investigate how to use the area in a way that ensured that its full national security and economic potential was realised. The review recommended that a system be established to improve the coexistence of Defence and non-Defence users of the area, including miners, pastoralists and traditional owners.

The Woomera Prohibited Area is 127,000 square kilometres. It is an enormous expanse of northern South Australia. It is larger than Tasmania and is, in fact, larger than many states in Europe. As we all know, the area is incredibly important for the Australian Defence Force. It supports Defence's testing and evaluation requirements and Australia's national security needs. It is, in fact, the world's largest overland long-range weapons testing facility and has been operational since 1947.

This bill will maintain this important role for Defence. Defence will remain the primary user of the area, but it will also allow users to access this land, opening it up to numerous possible future uses. The bill will authorise the Minister for Defence, with the agreement of the Minister for Resources and Energy, to make the area rules prescribing certain matters, including defining the Woomera Prohibited Area and the zones to be demarcated within that area. It will create a permit system for access and use by non-Defence users of the Woomera Prohibited Area. It will introduce offences and penalties for entering the area without permission and for failing to comply with the condition of a permit. An infringement notice scheme and demerit points system will apply to the offence of failing to comply with a permit condition. It would allow appropriately trained and qualified Defence security officials to apply the security powers of the Defence Act 1903 to ensure the safety of all users of the area.

The history of this piece of legislation goes back to the inquiry chaired by Dr Allan Hawke. The inquiry was called for by the former Minister for Defence, Senator John Faulkner. The Hawke report examined the impediments to changing the rules regarding Woomera so that it could have dual use. The Hawke review was published on 4 February 2011 and made 65 recommendations. The Hawke review outlines a coexistence model, whereby Defence maintains primacy of the area, but non-Defence users have clarity regarding their access to a specified area of operation, incorporating both the available location and time of use. Recommendation 14 suggests the division of the area into three zones: a red zone for exclusive Defence use, an amber zone for regular Defence use and a green zone for occasional Defence use. By implementing a zonal timeshare arrangement, Defence is allocated exclusion windows throughout the year, limiting the non-Defence use of the area. This ranges from new non-Defence users' total exclusion within the red zone to up to 56 exclusion days in the green zone, pending notice.

The excluded red zone comprises about eight per cent of the area while the vast majority, some 75 per cent of the area, is designated as the most accessible, green zone. Importantly, the Hawke review recommended that existing mining operations, environmental organisations, Indigenous groups and pastoralists with an extant presence in the area should continue to operate under the current access arrangements unless they choose to be administered under the proposed coexistence model.

I would like to take this opportunity to pay tribute to Senator Farrell, not just for this piece of legislation, but for his service to parliament, to Labor, to South Australia and to the nation. He has made a significant contribution in a range of areas, particularly in the Defence area and in the veterans area. I pay tribute to that and acknowledge his incredible achievements. I also wish him and Nimfa and his family the best for the next phase of his career.

This bill was first introduced by Labor while we were in government, and it was then referred to a committee, and so did not pass the parliament before the election. After the change of government, Senator Farrell reintroduced this bill as a private members' bill, and he worked hard to ensure it had support from the government and the opposition, as well as the South Australian government.

The introduction of the bill by Labor while in government reflected our desire to improve coexistence in the area. The coexistence model provides greater certainty of access to the area for non-defence users, including the resources sector, traditional owners and pastoralists.

The bill gives the resources sector greater confidence and certainty in an area that is highly prospective, with a potential for an estimated \$35 billion of resource developments possible over the next decade. As we all know, this future resource development will be incredibly important for South Australia and South Australia's future. The closure of Holden, the postponing of the expansion of Olympic Dam, and the uncertainty over the future of South Australia's shipbuilding industry have left a cloud over South Australia's employment and economic prospects, which is why this bill is so welcome; it provides part of the solution. It will provide the opportunity for further exploration, and it will provide the opportunity for South Australia to replace declining economic interests with new ones.

A key feature of the new legislation is the new management framework, which includes a timeshare model based on exclusion zones, determined according to defence requirements. The legislation also contains provisions relating to non-defence user access rights, an access permit scheme, compensation and cost recovery arrangements, enforcement provisions and appeals processes.

Importantly, this bill recognises that the area contains significant Indigenous sites, and that Indigenous groups have native title rights and interests in most of the area. All permit holders under this legislation will be required to respect the rights of Indigenous groups and comply with all relevant laws pertaining to native title and the protection of significant Indigenous sites. Indigenous groups will retain their current access arrangements, and will not require separate permission under this proposed legislation. The coexistence scheme established by this bill will only apply to new users of the area.

I also want to acknowledge that there have been many parties involved in the development of this bill. I have mentioned, of course, my former colleague Senator Farrell, who has been a driving force, and Defence has also consulted extensively with the Department of Resources Energy and Tourism. Consultation was also undertaken with the Department of Finance and Deregulation; Treasury; Department of the Prime Minister and Cabinet; Department of Families, Housing, Community Services, as it was then; Indigenous Affairs; and the Attorney-General's Department. An extensive consultation was also conducted with the South Australian Department of Manufacturing, Innovation, Trade, Resources and Energy and Defence SA. Of course, we now also have bipartisan support for this bill.

This bill is an example of how state and federal governments and opposition can work together to achieve a result. It is also a bill that demonstrates that Defence can work with other groups—with farmers, with traditional owners, with resources developers—while looking after our national interests, and I commend the bill to the chamber.