Australian Government

Review of the Woomera Prohibited Area

Final Report

4 February 2011
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Executive Summary

On 17 May 2010, the Commonwealth Government announced a Review into the Woomera Prohibited Area (WPA) to make recommendations about the best use of the WPA in the national interest (see Annex A).

2. The Review’s Interim Report of 5 November 2010 identified the requirements of WPA user groups, assessed the extent to which these requirements were being met, and proposed mechanisms to support better coexistence. The Review found that introducing a comprehensive range management framework would increase use of the WPA in Australia’s national interest by better balancing national security and economic interests. Public comment was sought on the Interim Report before recommendations were finalised for inclusion in this Final Report.

3. The Review’s recommendations define the comprehensive range management framework and transition arrangements necessary to facilitate its introduction. A significant judgment underpinning the framework is that the South Australian Government and Defence are key stakeholders in the WPA, but that Defence is the primary user. This means Defence should continue to control access to the WPA, but it should exercise this right in a way that seeks to maximise the opportunity for non-Defence users to operate in the area.

4. Another important judgment is that the WPA has significant resources potential. Exploiting this potential is likely to bring significant economic benefit to South Australia and the nation more broadly. This means the WPA should be opened up to resources exploration to the maximum extent possible given the requirement for governments at all levels to understand the nation’s resource wealth. To facilitate this, Defence should set restrictions on access by reference to its testing and evaluation activity in the WPA. Industry should then make commercial decisions based on the restrictions set by Defence. This has implications for the handling of foreign investment in companies operating or wishing to operate in the WPA, and means Defence should mitigate the security risks associated with foreign ownership on the ground in the WPA.

5. These judgments are reflected in the comprehensive range management framework which comprises the five elements identified in the Interim Report:
• a statement of principles;
• a consultative framework;
• a policy framework;
• a legal framework; and
• improved range management systems.

6. The framework should be implemented as a package because each element operates to support the others. Failing to implement the framework as a package would risk unravelling the coexistence model.

7. The statement of principles and consultative mechanisms should support self-regulation in the WPA by fostering relationships among stakeholders, harmonising their usage requirements and facilitating the informal resolution of coexistence challenges. The legal and policy frameworks should underpin self-regulation by introducing measures that confirm Defence’s position as primary user while ensuring its use does not unnecessarily compromise the interests of other WPA users. The improved range management system should reduce Defence’s footprint in the WPA in time and space over the medium term, providing other users greater access to the area and supporting increased economic development.

8. The specifics of the Review’s proposed access arrangements are outlined in the policy framework. At the heart of the proposal is a time-share model determined according to Defence use of the WPA, with new users excluded from areas of high Defence use and admitted to areas of periodic or infrequent Defence use. The model will operate through the establishment of a Red Zone where no new users should be admitted; an Amber Zone where new non-Defence users should be excluded for 140 days a year in some parts and 70 days in others; and a Green Zone where users could be excluded for up to 56 days a year. Other key elements of the policy framework are the introduction of a permit system, as well as cost recovery and enforcement mechanisms. As each of these elements should have a statutory basis, their introduction will create a requirement for new legislation.

9. As the passage of legislation can be a time-consuming process, the Review has identified transition arrangements to support the introduction of the coexistence model. Adopting a phased approach to admitting new non-Defence users will enable Defence to acquire the capabilities and build the expertise required to ensure it can
manage increasing complexity on the WPA. To facilitate the transition to the new access control arrangements, only exploration activity should be permitted in the south-eastern Amber Zone until the permit system and cost recovery model are in place.

10. Given the challenges associated with developing the coexistence model and uncertainty surrounding future usage requirements, the Review also recommends a re-examination of the coexistence model in 2018. This will allow the model to be updated to accommodate future contingencies and amend any structural deficiencies that may become apparent during operation of the proposed coexistence model.

Recommendation 1

The proposed recommendations supporting the coexistence model should be introduced as a package.

Recommendations

11. The Review has made 65 recommendations to better use the WPA in Australia’s national interest. The recommendations appear throughout the Final Report as the issues they relate to are considered and discussed. They are listed below grouped against the outcome they are intended to achieve or function they are expected to serve.

The Coexistence Model

- Existing mining operations, environmental organisations, indigenous groups and pastoralists with an extant presence on the WPA should continue to operate under their current access arrangements unless they choose to be administered under the proposed coexistence model. (Recommendation 11)
- The proposed recommendations supporting the coexistence model should be introduced as a package. (Recommendation 1)
- Security risks associated with foreign investment in non-Defence activities should be mitigated through appropriate access conditions set by Defence. (Recommendation 2)

Management of the WPA

- The Commonwealth and South Australian Governments should establish the WPA Coordination Office according to the Terms of Reference at Annex E to
act as a ‘one-stop shop’ for decision-making on access to the WPA.
(Recommendation 9)
• The WPA Coordination Office should implement the recommendations of this Review and support the administration of non-Defence access to the WPA, taking into account Australia’s broader national interests in the area.
(Recommendation 42)
• The WPA Coordination Office should: implement the coexistence model and transition arrangements; leverage the expertise developed during the Review Process; and be headed initially by a Senior Executive Service (SES) Band 1 officer. (Recommendation 39)
• The WPA Coordination Office should act as an ‘honest broker’ and not be organisationally aligned with the two key Defence stakeholder groups: Air Force and Defence Support Group. The Secretary of Defence should settle these arrangements. (Recommendation 41)
• The WPA Coordination Office should implement the transition model at the conclusion of the six-month moratorium phase. (Recommendation 53)
• The WPA Coordination Office should publicise access information to the maximum extent possible while preserving Defence security.
(Recommendation 54)
• The WPA Coordination Office should establish a Reference Group as a source of technical advice on the practicalities and appropriateness of coexistence, which should include representatives from parties with a recognised interest in the WPA. (Recommendation 37)
• Given the likely financial returns to Consolidated Revenue arising from this Review, consideration should be given to resource supplementation for departments and agencies contributing to the WPA Coordination Office.
(Recommendation 10)
• As it is a non-ongoing position at this level, the officer heading the WPA Coordination Office should be provided outside the SES cap.
(Recommendation 40)
Policy Framework

Strategic Guidance

• The WPA should remain a Defence-controlled area and retain its current boundaries. (Recommendation 3)

• The WPA should be managed within the construct of two stakeholders (the Commonwealth and South Australian Governments) and one primary user (Defence). (Recommendation 5)

• The Core Area of Operations as depicted in the Defence Minister’s Statement of 17 May 2010 should be retained. (Recommendation 4)

• A comprehensive range management framework that includes a statement of principles, policy and procedural frameworks, consultative bodies and improved range management systems should be adopted and resourced appropriately. (Recommendation 7)

• The Commonwealth and South Australian Governments should sign a Memorandum of Understanding (MoU) that articulates principles of coexistence for the WPA and outlines consultative mechanisms and management protocols. (Rec 6)

Statement of Principles

• The Commonwealth and South Australian Governments should agree the Statement of Principles at Annex F to guide coexistence in the WPA. (Recommendation 13)

Time-share Model

• The WPA should be divided into Red, Amber and Green zones, with the Red and Amber Zones falling in the Core Area of Operations depicted in the Defence Minister’s Statement of 17 May 2010. (Recommendation 14)

• A free right of access should be given for use of the north-south rail link and Stuart Highway, subject to a Defence right to close the rail link and highway when required, inspect traffic, refuse entry and confiscate equipment to preserve the safety and security of testing activity. (Recommendation 16)

• Defence (through the WPA Coordination Office – see Recommendation 30) and Primary Industry and Resources South Australia (PIRSA) should agree an
exact boundary of the Red Zone along tenement boundaries that follows the map at Figure 1 as closely as possible. (Recommendation 15)

- No new non-Defence users should be granted access to the Red Zone, with the exception of a South Australian Government-sponsored geological survey. (Recommendation 17)

- New non-Defence users should be excluded for 20 windows of seven days each in the south-eastern corner of the Amber Zone and ten windows of seven days each in the centre-line corridor every year. (Recommendation 18)

- Defence should retain discretion over how it uses the windows of time, but use them in a way that minimises disruption to WPA commercial operators. (Recommendation 19)

- Non-Defence users in the Amber Zone should be informed of Defence’s exclusion periods for the coming financial year each March. (Recommendation 20)

- Defence should be entitled to exclude new non-Defence users in the Green Zone for up to eight windows of seven days per year after giving permit holders with permanent facilities in the WPA six months’ notice, and other permit holders 14 days’ notice. (Recommendation 21)

- New non-Defence users should be entitled to a presumption of access in the Green Zone. (Recommendation 22)

- New non-Defence users should be required to demonstrate their capacity to meet their evacuation requirements before receiving their full WPA access permit. (Recommendation 23)

- The Defence Minister should have discretion to suspend all non-Defence access to the WPA when there is an urgent national Defence requirement. (Recommendation 24)

**Consultative Body – Establishment of the Advisory Board**

- The Commonwealth Government should negotiate with the South Australian Government to establish an Advisory Board with the Terms of Reference at Annex G. (Recommendation 36)

- The Advisory Board should be headed by an independent Chair agreed by the Ministers of the following: Defence; Resources, Energy and Tourism; Finance and Deregulation; and the Premier of South Australia. (Recommendation 46)
• The Chair of the Advisory Board should have the power to refer Defence access conditions to the Secretaries of Defence and Resources Energy and Tourism to seek their review by Defence where necessary. (Recommendation 57)

**Improving Range Management**

• Defence should establish a compliance team, to operate under the WPA Range Manager, that is capable of reaching remote parts of the WPA and inspecting all non-Defence sites. (Recommendation 38)

• Defence should receive additional funding to upgrade the WPA range management tools and establish the compliance team. (Recommendation 52)

**Legal Framework**

**Legislation**

• The Commonwealth should introduce legislation to enable the introduction of a permit system to control access to the WPA and establish enforcement and cost recovery mechanisms. (Recommendation 25)

• Introduction of the legislation should be afforded the highest priority and receive Category T status. (Recommendation 26)

**Permit System**

• To control access to the WPA, Defence should introduce a system of permits for resources, pastoral, research, tourist and environmental purposes. (Recommendation 29)

• Permits should be issued by the WPA Coordination Office. (Recommendation 30)

• Permits should be issued in phases, with non-Defence users first issued a provisional permit with conditions set by the WPA Coordination Office to complete the preparatory work necessary to receive a full permit. (Recommendation 31)

• Permits should include conditions that preserve Defence’s ability to conduct testing at the WPA, enable the recovery of costs associated with the administration of non-Defence users on the WPA, and provide for the enforcement of access conditions. (Recommendation 32)
Conditions that preserve Defence’s ability to operate in the WPA should be limited to: restricting structures, equipment, people and electromagnetic emissions; and the reservation of a Defence right to inspect non-Defence sites and remove people, equipment, and unauthorised structures. (Recommendation 33)

**Enforcement Mechanism**

- The enforcement mechanism should enable Defence to: issue fines for breaches of access conditions that are sufficient to act as a deterrent for commercial operations; establish a demerit points system for breaches of access conditions; and revoke access for breaches of access conditions. (Recommendation 27)

**Cost-Recovery Mechanism**

- Defence, in consultation with the Department of Finance and Deregulation, should establish a cost recovery model to recover the expenses it incurs in managing non-Defence access to the WPA. (Recommendation 28)

**Compensation**

- Defence should introduce a compensation system to cover any cases where Defence breaches its duty of care and causes loss to the non-Defence user. (Recommendation 34)
- The compensation system should recognise the elevated hazard to non-Defence users of operating on a range used for testing war materiel and cap Defence’s potential liability. (Recommendation 35)
- Pastoralists with an extant presence on the WPA should be able to access compensation for damage and disruption caused by Defence activity through the WPA Coordination Office. (Recommendation 12)

**Transition Arrangements**

**Immediate Actions**

- The Commonwealth and South Australian Governments should immediately establish the WPA Advisory Board. (Recommendation 45)
- The Commonwealth and South Australian Governments, through the WPA Coordination Office, should establish immediately the Reference Group as a source of technical advice. (Recommendations 47)
Implementing the Comprehensive Range Management Framework

- Implementation of the comprehensive range management framework should be undertaken in a phased approach. (Recommendation 8)
- Defence should adopt a three-phased approach to implementing the Review’s recommendations that incorporates a moratorium period, a transition phase and a final steady state. (Recommendation 48)

Phase 1 - Moratorium

- The WPA Coordination Office should use the moratorium to develop: risk assessments for Defence testing and evaluation activity; standardised Deeds of Access; an enforcement policy; and an application process for non-Defence access. (Recommendation 50)
- The WPA Coordination Office should use the moratorium period to identify upgrades to the WPA range management system and establish an enforcement capability controlled by the WPA Range Manager. (Recommendation 51)
- Subject to Recommendation 43, non-Defence parties with outstanding access matters, as identified by PIRSA, should receive access to the WPA during the six month moratorium period. (Recommendation 49)
- Non-Defence parties with outstanding access matters, as identified by PIRSA, should receive access immediately following conclusion of Defence’s risk assessment of the proposed activity and agreement on conditions of access. (Recommendation 43)
- The Deeds of Access for outstanding applicants should immediately convert to the standardised Deeds of Access to be developed by Defence. (Recommendation 44)

Phase 2 - Transition

- Only exploration activity should be permitted in the south-eastern Amber Zone during the transition phase and until the permit system and cost recovery models are in place. (Recommendation 55)
- Defence should be able to place conditions on WPA access during the transition phase to preserve the safety and security of its testing and evaluation activity. (Recommendation 56)
During the transition phase, PIRSA should work closely with Defence on the assessment and granting of exploration licences to accommodate Defence’s capacity to manage increasing non-Defence activity in that specific area. (Recommendation 58)

PIRSA should grant exploration licenses during the transition phase by a joint, staged assessment process that incorporates Defence access conditions into the conditions of licence. (Recommendation 59)

**Phase 3 - Steady State**

- The WPA Coordination Office should implement the coexistence model outlined in Chapter 3 once Commonwealth legislative amendments have passed. (Recommendation 60)

**Oversight**

- The Steering Committee jointly chaired by the Departments of the Prime Minister and Cabinet and Defence should continue for at least the next 12 months to monitor the WPA Coordination Office’s progress. (Recommendation 62)

- The South Australian Government should be invited to attend the Steering Committee meetings. (Recommendation 63)

**Review**

- Defence should capture accurately its past activity and plan appropriately for the future in accordance with the coexistence policy framework. (Recommendation 64)

- In 2018, the WPA Advisory Board should review all aspects of the coexistence model to determine its efficacy and make recommendations on amendments to policy and procedures to maximise the national value of the WPA. (Recommendation 65)

- Drawing on their respective expertise and resources, the Commonwealth and South Australian Governments should continue to work together to implement enhanced coexistence in the WPA. (Recommendation 61)
Chapter 1: Introduction

Overview

On 17 May 2010, the then Minister for Defence, Senator the Honourable John Faulkner, made a public statement on mining interests in the Woomera Prohibited Area (WPA) to provide greater certainty for resources companies operating in the area (see Annex A). In response to the growing interest in the WPA from both Defence and the resources sector, the Minister also announced the Commonwealth Government Review of the national security and economic significance of the WPA (the Review). In essence, the Review was asked to make recommendations to support the best use of the WPA in the national interest.

Terms of Reference for the Review

1.2 The Review’s Terms of Reference set the objective of analysing Australia’s short- and long-term national security and economic interests in the WPA (see Annex B). Within this objective, the Review was specifically tasked with analysing:

- the WPA’s legal status;
- current use of the WPA;
- the WPA’s contribution to Australia’s current and future Defence capability;
- anticipated future Defence need for the WPA;
- the value and location of mineral deposits in the WPA and the cost of further identifying the mineral potential of the WPA;
- the likely future economic value of the mineral deposits in the WPA;
- the future potential exploitation of minerals in the WPA; and
- property interests in the WPA.

1.3 The findings of that analysis are contained in the Review’s Interim Report, which can be found at: www.defence.gov.au/woomerareview. Public comment on the Interim Report was sought to inform the conclusions and recommendations of this Final Report.

1.4 Having undertaken the analysis contained in the Interim Report, the Review undertook to develop recommendations on the best use of the WPA and the mechanisms for implementing its findings, including:

- practical measures for coexistence;
• the viability of extinguishing existing tenements in Defence’s Core Area of Operations;
• the practical and financial feasibility of a moratorium on issuing licences in the Core Area of Operations;
• the feasibility of shifting or realigning Defence’s activities within or outside the WPA; and
• a process for ongoing monitoring of the balance of Australia’s national interests in the WPA.

Purpose of this Report

1.5 This Report makes recommendations to Government, in accordance with the Terms of Reference, on practical approaches to managing the WPA that best support its use to advance Australia’s national security and economic interests.

1.6 Overall, the Review has concluded that there is no need to move the Defence test and evaluation capability as there is significant scope to increase the national value of the Woomera Prohibited Area by improving the coexistence of national security and economic interests. In that context, this Report contains specific recommendations to facilitate enhanced coexistence, in particular:

• Defence and non-Defence users would access most of the WPA on a time-share basis;
• as the recognised primary user of the WPA, time-share arrangements would be determined by Defence’s requirements;
• time-share arrangements would be supported by a comprehensive range management framework, including a legislative framework, governance arrangements, policy and procedures and guiding principles; and
• a WPA Coordination Office would be established to implement and manage the coexistence model.

Review Process

1.7 The Review was undertaken by Dr Allan Hawke AC, a former Secretary of the Departments of Veterans’ Affairs, Transport and Regional Services, and Defence. Dr Hawke was supported by an interdepartmental secretariat with members drawn from the Departments of: the Prime Minister and Cabinet; Defence; and Resources,
Energy and Tourism. The Review was also overseen by a steering committee jointly chaired by the Departments of the Prime Minister and Cabinet and Defence.

Consultation and Engagement

1.8 The Review process involved extensive stakeholder consultation to obtain the views of individuals or groups that may have an interest in future use of the WPA. The Review met with representatives from the South Australian Government and its agencies, the Commonwealth Government and its agencies, the resources industry, pastoralists, indigenous groups, the Woomera community, and Defence and its international partners (particularly the United States of America and United Kingdom). Interested parties were also invited to make submissions to the Review.

1.9 Twenty formal written public submissions were received. A list of individuals and organisations, unless confidentiality was requested, is provided at Annex C. Copies of the submissions, unless confidentiality was requested, are available at: www.defence.gov.au/woomerareview/submissions.

1.10 Eight Commonwealth departments and agencies also made written contributions to the Review. As they were provided in confidence, public release is at the discretion of each agency concerned.

Interim Report

1.11 Based on analysis of the consultations undertaken, and submissions received, the Review put forward its key observations and preliminary findings in an Interim Report, released on 5 November 2010. The Interim Report identified the needs of WPA users and the extent to which those needs are currently being met. A coexistence model aimed at addressing the underlying causes of unmet needs was also put forward for public comment. The Interim Report can be viewed at: www.defence.gov.au/woomerareview.

1.12 Public comment on the Interim Report closed on 3 December 2010. Three written public comments were received. Overall, the comments were supportive of the proposed coexistence model and included constructive suggestions on how to develop it further. A list of those who provided comments on the Final Report, unless confidentiality was requested, is at Annex D. Copies of the comments, unless confidential, are available at: www.defence.gov.au/woomerareview.
1.13 During the period of public comment, the Review consulted with Defence and non-Defence Departments and Agencies regarding specific arrangements for the proposed time-share model in the Interim Report. The results of those consultations and the public comment received are reflected in the recommendations and proposed arrangements of the coexistence model put forward in this Final Report. All stakeholders consulted support the coexistence model contained in this Report.

**Conclusion**

1.14 The Review aimed to examine the national security and economic interests in the WPA and make recommendations on the practical management of the WPA in the national interest. The recommended coexistence model, which is designed to maximise the national value of the WPA, represents a balanced and integrated package based on the information provided by all interested parties.

1.15 Full implementation of the coexistence model will protect Defence interests, promote further resources development and modernise management of the WPA. The Commonwealth and the South Australian Governments will need to work closely together so that both parties foster a deeper appreciation of each other’s needs to implement this Report’s recommendations successfully.
Chapter 2: The Woomera Prohibited Area (WPA) – Strategic Judgments

Overview

This Chapter outlines the key strategic findings. Overall, the Review concluded the WPA is an important asset in the national interest, but that its full potential is not currently being realised. It was evident that introducing a comprehensive range management framework would improve the coexistence of national security and economic interests in the WPA.

Key Findings

An Important Asset in the National Interest

2.2 The WPA is an important Defence test and evaluation capability and there is a genuine and increasing need for it into the future. Its size (127,000 km²), relatively remote location, clear warm weather, and quiet electromagnetic environment (limited interference from radios, mobile phones and radars) make it an ideal test and evaluation site. It is home to weapons-development activities important to Defence, and its capability was identified for upgrade in the 2009 Defence White Paper.

2.3 Although it is not easy to estimate the value of the resources developments that could take place in the WPA, the South Australian Government assesses that over the next decade some $35 billion worth of developments, iron ore, gold and uranium projects, would be possible. This assessment is consistent with the mineral resource potential analysis undertaken by Geoscience Australia. This analysis does not serve as an economic case for development, but it provides further evidence that the economic benefits of developing the WPA are likely to be high.

Foreign Investment

2.4 The Review found foreign investment, a common and often necessary element of resources development, is a national interest issue. Any preconditions on the nature and scope of a potential foreign investment in the WPA should be dealt with by the Foreign Investment Review Board (FIRB) in accordance with its policy and procedures. Security concerns or risks posed by foreign investment should be dealt with through the conditions of access to the area set by Defence.

2.5 Non-Defence users should continue to consult with Defence on access arrangements before submitting an application to the FIRB. Although not a
precondition of FIRB consideration, prior agreement with Defence on access arrangements will provide non-Defence users with greater clarity regarding how they are to operate in the WPA before finalising foreign investment arrangements.

**Recommendation 2**

Security risks associated with foreign investment in non-Defence activities should be mitigated through appropriate access conditions set by Defence.

**Quantifying the Nation’s Resource Base**

2.6 Promoting long-term economic security depends, in part, on understanding Australia’s natural resources potential. Consequently, the WPA needs to be accessible for exploration to the maximum extent possible. Further refining the collective knowledge of the WPA’s resources potential will also contribute to a better understanding of the balance of interests and inform future management plans.

**WPA to Remain a Defence-controlled Area**

2.7 In assessing the competing national security and economic interests of the WPA, the scope for greater practical coexistence without relocation of Defence infrastructure was clear. The WPA should remain a Defence-controlled area.

2.8 There is no doubt that the south-eastern boundary area has a high resources potential. A more precise understanding of the scope and nature of the deposits is required, however, before considering excision of this portion of the WPA.

**Recommendation 3**

The WPA should remain a Defence-controlled area and retain its current boundaries.

**A Core Area of Operations**

2.9 In assessing Defence’s current and anticipated future use of the WPA, the Review concluded two key judgments: Defence activities in the area vary in frequency and location; and there was a need for a core area of operations. Further analysis, however, also revealed that the Core Area of Operations in the south-east corner of the WPA, as depicted in the Defence Minister’s statement of 17 May 2010, could be divided into two distinct zones.
Recommendation 4
The Core Area of Operations as depicted in the Defence Minister’s Statement of 17 May 2010 should be retained.

Two Stakeholders, one Primary User
2.10 Defence’s authority to control access to the WPA makes it the principal user, but not the sole stakeholder. The majority of the WPA, which is South Australian Crown land, holds significant economic potential for the State through resources development. This makes the South Australian Government a key stakeholder along with the Commonwealth (Defence from a national security perspective and the Department of Resources, Energy and Tourism from a resources perspective). Management of the WPA in the national interest should be within the construct of two stakeholders, one primary user. This should be formalised through the signing of a Memorandum (MoU) between the Commonwealth and South Australian Governments that articulates principles of coexistence for the WPA and outlines consultative mechanisms and management protocols.

Recommendations
5. The WPA should be managed within the construct of two stakeholders (the Commonwealth and South Australian Governments) and one primary user (Defence).
6. The Commonwealth and South Australian Governments should sign an MoU that articulates principles of coexistence for the WPA and outlines consultative mechanisms and management protocols.

Clarity and Consultation
2.11 The Review found that non-Defence users of the WPA needed greater certainty of access and clarity over Defence processes. There was also an overarching need for better engagement between Defence and non-Defence users to facilitate practical outcomes and shared solutions. The Review concluded that there is a clear need for a framework that would promote these key elements of coexistence.

A Comprehensive Framework for Enhanced Coexistence
2.12 Coexistence already occurs in the WPA and the Review found further coexistence would require a comprehensive supporting management framework. The
framework should provide clearly defined operating parameters, procedures and guidelines for all non-Defence users.

2.13 Under a comprehensive management framework, non-Defence users should have guaranteed access to parts of the WPA for specific periods of time. Conditions of access for non-Defence users need to be developed based on Defence activity to ensure operational safety and security risks are addressed appropriately. This means the conditions may vary across the WPA if Defence tests different capabilities in different locations. Although standard conditions of access should be applied to non-Defence users, there should also be the opportunity to negotiate with Defence as to the most practical approach to implement access conditions. Non-Defence users already operating in the WPA would have the option to remain under current arrangements or transition to the new ones.

2.14 The Review acknowledges the Woomera Range Managers are already operating beyond capacity and that in promoting greater coexistence, they will be faced with administering increased complexity. It will be essential that the Woomera Range Managers are appropriately resourced.

2.15 Non-Defence parties seeking to use the WPA’s test and evaluation facilities would continue to be managed in accordance with Defence Instruction (General) Administration 38-1. Management of the test and evaluation facility is a core responsibility of the Woomera Range Managers. The comprehensive framework would be for non-Defence access not involving use of the WPA’s test and evaluation capability.

Non-Defence Access Management
2.16 The Review also found the need for a joint South Australian-Commonwealth WPA Coordination Office to grant non-Defence access to the WPA. This would minimise the potential for conflict, promote a more streamlined approach to administering non-Defence access to the WPA and allow Range Managers to focus on their core function of coordinating activities on the range.

Transitioning to Enhanced Coexistence
2.17 Acknowledging that time will be required to establish new processes and procedures, there will need to be a gradual transition from current arrangements to the comprehensive management framework. The transition should be phased, making as
many adjustments as is possible under current arrangements, taking into account that the capacity to promote greater coexistence will increase as new processes are implemented and bedded down.

**Recommendations**

7. A comprehensive range management framework that includes a statement of principles, policy and procedural frameworks, consultative bodies and improved range management systems should be adopted and resourced appropriately.

8. Implementation of the comprehensive range management framework should be undertaken in a phased approach.
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Chapter 3: The Coexistence Model

Overview

The proposed coexistence model will promote Australia’s national interests in the WPA by facilitating economic development in the area while preserving Defence’s test and evaluation capability. The model ensures that Defence retains access to the whole WPA for the entire year, but also guarantees access for non-Defence users to most of the area for set periods. It should be implemented through a comprehensive range management framework that reflects user priority, driven by the Review’s strategic judgments with respect to the WPA.

3.2 The most effective way of optimising coexistence is to divide the WPA into three zones and introduce three sets of clearly defined access arrangements between Defence and non-Defence users. Establishing red, amber and green zones according to frequency of Defence use would allow implementation of time-share arrangements in the parts of the WPA where Defence use is periodic or infrequent. No new non-Defence users should be given access to the Red Zone, which encompasses the high frequency Defence use area. Non-Defence users in the Amber Zone should be obliged to evacuate for 140 days in some parts and 70 days in the remainder to preserve the safety and security of Defence activity. Non-Defence users in the Green Zone should be obliged to evacuate for up to 56 days if required by Defence. Introducing these arrangements would ensure the WPA remains a valuable asset for Defence by preserving its size, electromagnetic quietness and, when required, emptiness. It would also provide certainty of access for non-Defence users wishing to operate in the WPA and increase the potential for commercial operations in the area.

3.3 Defence should introduce a permit system to support administration of the time-share arrangement and articulate conditions of access for non-Defence users. The permit system should operate according to clearly defined criteria and timelines, and recognise different types of non-Defence activity. Each permit should include standard conditions that preserve Defence’s ability to operate in the WPA, specify the access rights of the permit holder, and identify their obligations to the Commonwealth and other WPA users. Information on permit applications, conditions, procedures and timelines should be made readily available to the public. A WPA Coordination Office should be established to manage access decisions and it should be complemented with
a new advisory body and reference group to represent all WPA users and advise
decision-makers on the implementation and effectiveness of the coexistence model.

**Establishment of a WPA Coordination Office**

3.4 The Commonwealth and South Australian Governments should establish a WPA Coordination Office to administer all aspects of non-Defence use of the WPA and serve as a ‘one-stop shop’ for non-Defence users seeking resources licenses and leases, as well as entry into the WPA. This Coordination Office should have regard to the broader national interest within the Defence construct. It should be based within Defence, but be separate to the Defence areas responsible for managing, enabling or using the WPA capability. It should also include representatives from Primary Industry and Resources SA (PIRSA), as the other key stakeholder, and the Departments of Resources, Energy and Tourism (RET), and Finance and Deregulation (Finance) as required. The WPA Coordination Office should approve or deny requests for access against a specific set of criteria based on Defence activity and a strategic policy framework. PIRSA should handle all its activity relating to leases and licenses through its representative in the WPA Coordination Office. The Coordination Office should also have direct links with range, capability and estate managers to ensure Defence stakeholders’ views are considered.

3.5 Departments and agencies should be supplemented for their contribution to the WPA Coordination Office.

**Recommendations**

9. The Commonwealth and South Australian Governments should establish the WPA Coordination Office according to the Terms of Reference at Annex E to act as a ‘one-stop shop’ for decision-making on access to the WPA.

10. Given the likely financial returns to Consolidated Revenue arising from this Review, consideration should be given to resource supplementation for departments and agencies contributing to the WPA Coordination Office.
Existing non-Defence Users of the WPA

3.6 Existing mining operations, as well as environmental organisations, and pastoralists with an extant presence on the WPA should continue to operate under their current access arrangements. Indigenous users of the WPA should also continue to operate under their existing access arrangements. The coexistence model proposed by the Review should only apply to new users of the WPA, with existing WPA users provided the option of joining the Review’s coexistence model voluntarily. The only amendment to existing access arrangements should apply to pastoralists, who should be able to access compensation for damage and disruption caused by Defence activity through the WPA Coordination Office.

Recommendations

11. Existing mining operations, environmental organisations, Indigenous groups and pastoralists with an extant presence on the WPA, should continue to operate under their current access arrangements unless they choose to be administered under the proposed coexistence model.

12. Pastoralists with an extant presence on the WPA should be able to access compensation for damage and disruption caused by Defence activity through the WPA Coordination Office.

The Comprehensive Range Management Framework

3.7 Introducing a comprehensive range management framework would materially enhance coexistence in the WPA. To be effective, it should include a statement of principles, policy and legal frameworks, consultative bodies, and improved range management systems. Collectively, they should operate to address the operational, safety and security risks posed by increasing non-Defence use of the WPA. The policy framework should implement the time-share system and the legal framework should support the permit system. The consultative arrangements should provide advice on the effectiveness of the coexistence model; the improved range management system should ensure the most efficient Defence use of the WPA; and the statement of principles should promote a cooperative approach to coexistence among WPA users.
A Statement of Principles

3.8 Defence and non-Defence use of the WPA should be managed according to a statement of principles agreed jointly by the Commonwealth and South Australian Governments. The principles should capture the key elements of coexistence and provide an effective basis to support self-regulation of non-Defence activity on the WPA. Ideally, the statement of principles will enable the consultative bodies to foster a constructive approach towards WPA coexistence and reduce the need for Defence to resort to enforcement mechanisms to ensure compliance with access conditions.

Recommendation 13

The Commonwealth and South Australian Governments should agree the Statement of Principles at Annex F to guide coexistence in the WPA.

The WPA Policy Framework

3.9 The policy framework should implement the time-share model, which should be determined according to Defence’s needs and provide Defence with unfettered access to the parts of the WPA it requires to conduct testing safely and securely. Identifying and establishing access zones according to frequency of Defence use would recognise that Defence activity occurs in some parts of the WPA more than others, and that areas of periodic and infrequent Defence use can be managed in a way that provides certainty of access to other users. Establishing red, amber and green zones in this manner would balance Defence’s requirement to evacuate other users to carry out testing safely and securely with its responsibility to accommodate other users whenever possible. An indicative map of the zones is included below (Figure 1). Defence and PIRSA should consult through the WPA Coordination Office to set the exact boundary of the Red Zone along tenement boundaries to match the map below as closely as possible.
Figure 1 – Indicative Zoning of the WPA
The Access Zones - Red, Amber and Green

Locations

3.10 The Red Zone should be the area of frequent Defence use, the Amber Zone the area of periodic Defence use and the Green Zone the area of infrequent Defence use. The Red and Amber Zones should fall within the Core Area of Operations identified in the Defence Minister’s statement of 17 May 2010. The Red Zone should be located in the south-east corner of the WPA, close to the Woomera village and where the range instrumentation is located. The Amber Zone should sit around the Red Zone in the south-east corner of the WPA and along the centre line corridor, but exclude the Wirrida railway siding given its significance to mining companies wishing to transport ore using the north-south rail link. The Green Zone should include the Wirrida siding and occupy the remainder of the WPA.

Non-Defence Access

3.11 The frequency of Defence use of the Red Zone, the associated safety and security requirements, and the complexity of managing existing non-Defence users means that no additional non-Defence users should be admitted into the Red Zone. The one exception involves a geological survey conducted by the South Australian Government in collaboration with Commonwealth Government agencies.

3.12 Periodic Defence use of the Amber Zone and the associated safety and security requirements means non-Defence users should be denied access to the area for set periods. Non-Defence activity in the Green Zone should be handled similarly to current arrangements, with users being required to evacuate up to a set number of weeks each year following a defined notice period. New non-Defence users’ activity in the Amber and Green Zones will be restricted by the conditions of access imposed by Defence to preserve the safety and security of its activity.

3.13 Separate from the Red, Amber and Green Zones, there should be a public right of access to the north-south rail link and the Stuart Highway. This access should be subject to a Defence right to close the rail-link and highway when required, inspect traffic, and to refuse entry and confiscate equipment to preserve the safety and security of testing activity.
Recommendations

14. The WPA should be divided into Red, Amber and Green Zones, with the Red and Amber Zones falling in the Core Area of Operations depicted in the Defence Minister’s Statement of 17 May 2010.

15. Defence (through the WPA Coordination Office – see Recommendation 30) and PIRSA through the WPA Coordination Office should agree an exact boundary of the Red Zone along tenement boundaries that follows the map at Figure 1 as closely as possible.

16. A free right of access should be given for use of the north-south rail link and Stuart Highway, subject to a Defence right to close the rail link and highway when required, inspect traffic, refuse entry and confiscate equipment to preserve the safety and security of testing activity.

Time Share Provisions

3.14 While no new non-Defence users should be admitted to the Red Zone, new non-Defence users should be granted access to the Amber and Green Zones on a time-share basis with Defence. The uncertainty inherent in Defence’s test and evaluation program means Defence must have flexibility when setting evacuation requirements. To support this, Defence should be allocated a fixed number of exclusion windows of seven days duration during which non-Defence users will be required to evacuate the Amber and Green Zones. There is likely to be a need for some limitation on Defence’s use of its units. The Review is inclined to think that something along the lines of six weeks between non-Defence exclusions in the Amber Zone and four months in the Green. This would require Defence to use its allocation in groups, but the size of each group and when they are used during the financial year would be determined by Defence. Defence should also have to notify permit holders when it will use its evacuation windows in the Amber Zone for the coming financial year every March. This will assist commercial planning by providing a clear indication of when non-Defence users will and will not be able to access the WPA.

3.15 Defence should have an annual allocation of 20 windows of time in the Amber Zone in the south-east corner and ten windows of time in the centre-line corridor. To preserve the security of testing activity, the model requires Defence to use its full
entitlement in the Amber Zone, which would require non-Defence users to evacuate completely for 140 days per year in the south-east and 70 days in the centre-line. Complete evacuation should mean zero non-Defence personnel and activity on site.

3.16 Defence should have an annual allocation of eight windows of time in the Green Zone. As the exercise of Defence’s allocations in the Green Zone will depend on the frequency and type of testing being conducted, non-Defence users may not need to be evacuated during the course of a year. If they are, their requirement to be evacuated should have an annual cap of 56 days. New non-Defence users wishing to enter the Green Zone should be able to operate on a presumption of access, subject to the exercise of a Defence entitlement to exclude them. Defence should provide a minimum six months’ notice before exercising an entitlement in the Green Zone if a permit holder is resident in the WPA, or 14 days’ on application for entry if a permit holder does not have a permanent presence on the WPA.

3.17 Before receiving a permit, any non-Defence user wishing to access the WPA should be required to demonstrate their capacity to meet their evacuation requirements.

<table>
<thead>
<tr>
<th>Annual Exclusion Requirement</th>
<th>Red Zone</th>
<th>Amber Zone</th>
<th>Green Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not issued*</td>
<td></td>
<td>Requirement for 20 units (SE Corner)*</td>
<td>Potential for 8 units*</td>
</tr>
<tr>
<td>Requirement for 10 units* (Centre-line)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Excluding research permits that use the Defence capability in the red zone and are managed according to Defence’s internal policy on accessing the WPA.

*Where one unit equals seven days

Table 1 – Time allotments per zone

Suspension of Access - Exceptional Circumstances

3.18 Non-Defence users in all zones would remain subject to suspension of their access at the discretion of the Defence Minister. Any decision to suspend non-Defence access outside the standard processes should only be made by the Defence Minister when there is an urgent national Defence requirement.
Future Use of Woomera Village

3.19 Defence could consider leveraging the growth of Roxby Downs as a service hub to support its activity in the WPA in the medium-to-long term. Roxby Downs has a population of around 5000, which may grow to 10,000 with the expansion of BHP Billiton’s Olympic Dam mine. Roxby Downs is proximate to the range instrumentation and could provide Defence key enabling infrastructure while reducing the overhead of maintaining the village. This is a matter for Defence consideration when the Woomera contract is up for renegotiation. In the short term, there is a clear need for the services provided by the Woomera village and the Review does not recommend amending current support arrangements.

Recommendations

17. No new non-Defence users should be granted access to the Red Zone, with the exception of a South Australian Government-sponsored geological survey.

18. New non-Defence users should be excluded for 20 windows of seven days each in the south-eastern corner of the Amber Zone and ten windows of seven days each in the centre-line corridor every year.

19. Defence should retain discretion over how it uses the windows of time, but use them in a way that minimises disruption to WPA commercial operators.

20. Non-Defence users in the Amber Zone should be informed of Defence’s exclusion periods for the coming financial year each March.

21. Defence should be entitled to exclude new non-Defence users in the Green Zone for up to eight windows of seven days per year after giving permit holders with permanent facilities in the WPA six months notice, and other permit holders 14 days’ notice.

22. New non-Defence users should be entitled to a presumption of access in the Green Zone.

23. New non-Defence users should be required to demonstrate their capacity to meet their evacuation requirements before receiving their full WPA access permit.

24. The Defence Minister should have discretion to suspend all non-Defence access to the WPA when there is an urgent national Defence requirement.
The Legal Framework

3.20 Defence should have the legal power to control access to the WPA and set access conditions to protect its safety and security requirements. This legal power should also enable Defence to ensure that access conditions are being met, impose a graduated series of penalties for breaches of access conditions, and recover costs associated with administering non-Defence access on the WPA. The legal power supporting the permit system should enable inclusion of these features in the permits issued by Defence. At the same time, the legal power should ensure that the permit system offers non-Defence users transparency, fairness and a timely decision-making process when seeking access to the WPA.

Requirement for Legislative Amendments

3.21 Implementing the proposed coexistence model requires the Commonwealth Government to introduce legislation. The model envisaged requires a more sophisticated legal basis than that provided by the current Defence Act (1903) and Defence Force Regulations (1952). More comprehensive enforcement and cost recovery mechanisms in particular require legislative amendments to be effective. Given the significance to the national interest, the legislation should receive high priority and be afforded T-status.

Cost Recovery

3.22 Defence should not carry the resource burden of admitting non-Defence users to the WPA. Instead, Defence should recover the cost of the compliance and range management systems it introduces to facilitate greater non-Defence access. Non-Defence users should bear this cost, which should be an annual fee linked to the type of activity they are undertaking on the WPA. The cost-recovery fee should be distinct from any administrative penalty imposed on non-Defence users for breaches of permit conditions. Defence should consult with the Department of Finance and Deregulation to develop a cost-recovery model to apply to non-Defence use of the WPA. The cost-recovery model should support an enforcement and management mechanism appropriate to protecting Defence’s interest in the WPA.
The Permit System

3.23 The permit system should enable Defence to issue permits to non-Defence users for resources, pastoral, research, tourist and environmental activities. The system should also provide Defence with the ability to issue a discretionary permit to allow case-by-case access for exceptional activities not recognised by other permits. Each type of permit should identify the part of the WPA the non-Defence user is permitted to access and contain a standard set of conditions that would apply to the activity being undertaken by the non-Defence user. The process for issuing individual permits should be conducted in parallel, and in consultation, with the PIRSA process for issuing tenements.

Permit Conditions

3.24 Standard permit conditions should:

- specify restrictions on structures, people and electromagnetic emissions;
- provide Defence with extensive powers of inspection; and
- enable Defence to confiscate equipment and remove people from the WPA for safety and security reasons.

3.25 Potential security issues related to foreign investment should also be addressed within this construct. Conditions should not include a requirement for people accessing the WPA to obtain Defence security clearances unless Defence is able to demonstrate they are likely to be exposed to national security material. Restrictions on non-Defence users should be based exclusively on Defence requirements for the part of the WPA the non-Defence user is seeking to access. Defence should not be permitted to proscribe types of activity that can be undertaken by a permit holder. Instead, restrictions should be based on Defence’s projected use of that part of the WPA the non-Defence user wishes to access.

3.26 To develop these conditions, Defence should identify the types of activity it wishes to conduct in different parts of the WPA and conduct a risk assessment to identify the restrictions necessary to preserve the safety and security of that activity. The effect should be the development of checklists that proscribe specific structures, equipment and electromagnetic activity for different parts of the WPA. These checklists should then be incorporated as standard conditions for permits issued to
enter a particular part of the WPA. Non-Defence users should be able to negotiate with Defence on how the conditions will be implemented to ensure the most economical and effective approach to addressing Defence’s concerns. The benefits of adopting this approach would be that permits could be issued swiftly, the need for Defence to undertake a case-by-case examination of non-Defence applicants would be reduced, and the restrictions imposed on non-Defence users would have clear links to Defence activity.

3.27 Other standard conditions should relate to cost recovery and compensation for damage caused by Defence activity if Defence breaches its duty of care. Non-Defence users should have a clear process to access compensation if they suffer loss as a result of Defence’s testing and evaluation program. The system should also recognise the elevated hazard to non-Defence users of operating on a range used for testing war materiel and cap Defence’s potential liability.

3.28 Defence should also be given the power to issue penalties for breaches of access conditions. Penalties should be imposed through fines levied according to a schedule of breaches that non-Defence users agree to abide by as a permit condition. A demerit points system should be introduced that suspends a non-Defence user’s access to the WPA if they accumulate a specified number of breaches within a specified period. Penalties should be administrative, but the fines and suspension period should be sufficient to act as a credible deterrent against breaches of access conditions by commercial operators in the WPA.

3.29 Permit holders should be obliged to give Defence 14 day’s notice before entering the WPA and specify the amount of time they will remain within the area. The permit holder should have guaranteed access to the Amber Zone if the proposed access falls outside the specified exclusion period. A permit holder in the Green Zone should automatically receive access unless Defence exercises its discretion to use one of its allocated exclusion periods.

3.30 The conditions should also specify that a permit holder would compensate other permit holders for losses caused by their failure to evacuate the WPA when required. This condition is intended to cover circumstances where Defence is forced to delay its testing program because a permit holder is present on the WPA, and is required to extend the period of exclusion to meet its testing and evaluation objectives. The losses
caused to other non-Defence users by the extension should be borne by the permit holder who caused the original delay in the Defence testing program.

Issuing Permits

3.31 The WPA Coordination Office should be made responsible for receiving permit applications and managing consultation on access decisions. The Coordination Office should also be responsible for ensuring information on WPA access policies and processes is readily accessible to the public. This information should include:

- how to apply for access to the WPA;
- information required from applicants;
- the generic safety, security, and compatibility risk mitigation measures to be implemented in the various zones;
- those areas of the WPA available for non-Defence access and any time constraints;
- common restraints on proposed non-Defence activities;
- opportunities and processes for seeking redress;
- timeframes for assessing applications; and
- obligations and compliance mechanisms.

3.32 The WPA Coordination Office should ensure that each applicant has applied for the appropriate license or lease from the South Australian Government through the PIRSA representatives on the WPA Coordination Office. It should also ensure each application specifies the:

- type of permit being sought;
- part of the WPA the applicant wishes to access;
- persons accessing the WPA under the permit; and
- type of activity the applicant wishes to undertake.

The WPA Coordination Office should establish permit conditions according to the Defence checklists, which they should develop based on projected Defence use of the WPA and the associated safety, security and compatibility risk assessments.
3.33 When an access decision has been made and permit conditions identified, applicants should negotiate the implementation of access conditions with Defence and receive a provisional permit enabling them to enter the WPA to carry out any work to meet permit pre-conditions. If the applicant fails to meet the pre-conditions, the application should lapse subject to a Defence discretion to extend. The applicant should receive a full permit when Defence is satisfied that all permit pre-conditions have been met. Unless agreed between Defence and the applicant, full permits should be valid for seven years with a perpetual option to renew subject to the permit holder’s compliance with Defence requirements. Defence should also retain a right to vary permit conditions at the seven year renewal to ensure they are sufficient to protect its ability to carry out testing safely and securely.

3.34 The Coordination Office should also keep a record of breaches of access conditions and monitor compliance by non-Defence users more generally. Non-Defence users who have been issued with fines for breaching their access conditions should be able to appeal to the WPA Coordination Office for a review of the infringement.

**Recommendations**

25. The Commonwealth should introduce legislation to enable the introduction of a permit system to control access to the WPA and establish enforcement and cost recovery mechanisms.

26. Introduction of the legislation should be afforded the highest priority and receive Category T status.

27. The enforcement mechanism should enable Defence to: issue fines for breaches of access conditions that are sufficient to act as a deterrent for commercial operations; establish a demerit points system for breaches of access conditions; and revoke access for breaches of access conditions.

28. Defence, in consultation with the Department of Finance and Deregulation, should establish a cost recovery model to recover the expenses it incurs in managing non-Defence access to the WPA.

29. To control access to the WPA, Defence should introduce a system of permits for resources, pastoral, research, tourist and environmental purposes.
30. Permits should be issued by the WPA Coordination Office.

31. Permits should be issued in phases, with non-Defence users first issued a provisional permit with conditions set by the WPA Coordination Office to complete the preparatory work necessary to receive a full permit.

32. Permits should include conditions that preserve Defence’s ability to conduct testing at the WPA, enable the recovery of costs associated with the administration of non-Defence users on the WPA, and provide for the enforcement of access conditions.

33. Conditions that preserve Defence’s ability to operate in the WPA should be limited to: restricting structures, equipment, people and electromagnetic emissions; and the reservation of a Defence right to inspect non-Defence sites and remove people, equipment, and unauthorised structures.

34. Defence should introduce a compensation system to cover any cases where Defence breaches its duty of care and causes loss to the non-Defence user.

35. The compensation system should recognise the elevated hazard to non-Defence users of operating on a range used for testing war materiel and cap Defence’s potential liability.

Establishment of Advisory and Reference Bodies

3.35 The Commonwealth and South Australian Governments should establish a combined WPA Advisory Board to oversee the WPA access system and foster relationships among the senior leaders of WPA stakeholder groups. A Reference Group to provide a source of advice should also be established.

3.36 Membership of the Board should be at the Deputy Secretary/Deputy Chief Executive level from Defence, PIRSA, Defence SA, RET and Finance, with representatives from other organisations to be coopted as necessary. The Chair of the Advisory Board should be independent. The Board should monitor Defence’s control of non-Defence access to the WPA to ensure:

- the principles included in the arrangements between the Commonwealth and South Australian Governments are adhered to in decisions on WPA access;
• that the balance between Australian and South Australian economic interests and national security is being maintained;
• the effectiveness of the access system in safeguarding Defence activities;
• encouraging economic growth; and
• Indigenous and environmental interests are properly accounted for.

3.37 The Advisory Board should receive occasional reports from the WPA Coordination Office on the state of the balance between economic and security interests, and it should report to the Prime Minister, the South Australian Premier and relevant ministers annually. The Advisory Board should also be responsible for publishing an annual public report on the balance of national interests in the WPA and review the use of the area every seven years.

3.38 The Advisory Board should be:

• a forum where WPA stakeholders can express views and propose adjustments to Defence’s and the South Australian Government’s WPA management policies and processes;

• able to commission research from its members on any issue relating to the balance of economic and national security interests; and

• able to request reviews of WPA Coordination Office matters.

3.39 The WPA Coordination Office should provide Secretariat support to the Board. The Defence representative should be capable of making amendments to Defence processes based on the Board’s discussions, or provide reasons why changes cannot be made. The South Australian representatives should have similar authority within the State bureaucracy, and provide reasons if changes cannot be made.

3.40 A Reference Group, to be established by the Coordination Office, would be a source of advice to the Advisory Board and the Coordination Office on the practicalities and appropriateness of coexistence. The Reference Group, to comprise representatives from parties with a recognised interest in the WPA, would meet with the WPA Coordination Committee at least quarterly and report directly to the Advisory Group at least annually.
Monitoring and Review of Access Conditions

3.41 The WPA Advisory Board would provide mechanisms for WPA users and stakeholders to monitor the effectiveness of access control arrangements, as well as providing scope to request that Defence or the South Australian Government amend policies and procedures to streamline administration of access to the WPA. The Advisory Board should be able to request the WPA Coordination Office to review access decisions, and make recommendations on access decisions and permit conditions. Should a non-Defence user feel an application was unfairly rejected, or a permit condition too harsh, they can seek an informal review through the Advisory Board. Should they be dissatisfied with the response afforded by the Advisory Board, it should then be open to the non-Defence user to pursue their claim through the Administrative Appeals Tribunal.

Recommendations

36. The Commonwealth Government should negotiate with the South Australian Government to establish an Advisory Board with the Terms of Reference at Annex G.

37. The WPA Coordination Office should establish a Reference Group as a source of advice on the practicalities and appropriateness of coexistence, which should include representatives from parties with a recognised interest in the WPA.

Improved Range Management

3.42 Defence should advise on the range management systems it requires to better support the administration of the WPA. The WPA Range Managers should be resourced to establish and oversee a compliance system to monitor non-Defence use of the WPA. The system should enable regular inspections of non-Defence sites, accreditation of permit pre-conditions and the tracking of non-Defence movement on the WPA. The compliance system should apply equally to all non-Defence users, meaning the Range Manager will need to be equipped to reach remote parts of the WPA on a regular basis.

Recommendation 38

Defence should establish a compliance team, to operate under the WPA Range Manager, that is capable of reaching remote parts of the WPA and inspecting all non-Defence sites.
Conclusion

3.43 Adopting these recommendations would maximise certainty of access to the WPA for Defence and non-Defence users, protect Defence’s test and evaluation capability, increase economic development within South Australia, and ease restrictions on resources operations in the State. When in place, the coexistence model should serve to mitigate the risk posed by non-Defence users to the safety and security of Defence activity in the WPA. This would be achieved by specifying time periods when non-Defence users must evacuate the WPA, identifying restrictions on structures, people, equipment and electromagnetic activity, and ensuring Defence has robust inspection and compliance mechanisms.

3.44 The proposed model obliges Defence to identify the parts of the WPA it will use to conduct its testing and evaluation activity, manage the uncertainties of scheduling in a way that does not unfairly prejudice non-Defence users, and make efficient use of its privilege to control access. All this should be readily achievable with increased resourcing to the WPA range managers and streamlining of internal Defence policy. The effect would be a material improvement in coexistence and a better use of the WPA in Australia’s national interest.
Chapter 4: Transition Arrangements

Overview
Implementing the coexistence model is likely to take some time, as it involves amending legislation and developing new expertise. Many of the recommendations hinge on revising the statutory framework supporting the WPA, as well as updating and better resourcing WPA range management. Recognising that implementing these changes will be a lengthy process, the Review has developed a series of recommendations to serve as transition arrangements. The WPA Coordination Office be established immediately and be dual-hatted as an implementation team to oversee a three-phase process to establish the proposed coexistence model. Representatives from RET and Finance would remain for the duration of the implementation phase and for as long as there is a role for them thereafter. The first phase should be a moratorium on the granting of new non-Defence entrants access to the WPA to allow for the bedding down of key changes; the second, an interim phase where transition arrangements are implemented; and the third, where permanent arrangements are put in place. The transition arrangements represent a balance between the limitations imposed by the existing constraints on effective coexistence that require long-term solutions and the recommended permanent arrangements. In the Review’s judgment, the transition arrangements will address existing challenges to coexistence to the maximum extent possible in the short-to-medium term.

Constraints
4.2 The coexistence model cannot be implemented immediately because of the time required to amend legislation, acquire new resources and develop new expertise. This creates a requirement to develop a transition model to enhance coexistence to the maximum extent possible, while recognising these short-to-medium term constraints. Key limitations impacting upon the coexistence model in the short-to-medium term relate to the introduction of a permit system, cost recovery, enforcement of access conditions and improving the WPA’s range management systems. This is because establishing a permit-based access control mechanism, strengthening Defence’s ability to recover costs and increasing Defence’s response options for breaches of access conditions require new legislation and regulations. Similarly, improvements to the WPA’s range management systems require the development of new expertise and implementation of new capabilities.
Immediate Actions

Establish the WPA Coordination Office

4.3 Agencies should receive additional resources to establish the WPA Coordination Office to implement the Review’s recommendations and support the administration of access to the WPA. The Coordination Office should initially be headed by a Senior Executive Service Band 1 officer and leverage the expertise developed during the conduct of this Review. The Coordination Office should be located in Defence and the Secretary of Defence would settle arrangements, but the Coordination Office should act as an ‘honest broker’ and not be organisationally aligned with the two key Defence stakeholder groups: Air Force and Defence Support Group. It should have strategic oversight of Defence’s management of the WPA and liaise closely with Air Force, Defence Support and other stakeholders as appropriate. Recognising that the WPA represents a unique convergence of national security and economic interests, the Coordination Office should be mindful of Australia’s broader national interest in its decision-making on access policies and procedures. Once the coexistence model is fully implemented, responsibility for the WPA Coordination Office should be shifted to an appropriate line management Division within Defence and its leadership should revert to an Executive Level 2 position.

Recommendations

39. The WPA Coordination Office should: implement the coexistence model and transition arrangements; leverage the expertise developed during the Review Process; and be headed initially by a Senior Executive Service (SES) Band 1 officer.

40. As it is a non-ongoing position at this level, the officer heading the WPA Coordination Office should be provided outside the SES cap.

41. The WPA Coordination Office should act as an ‘honest broker’ and not be organisationally aligned with the two key Defence stakeholder groups: Air Force and Defence Support Group. The Secretary of Defence should settle these arrangements.

42. The WPA Coordination Office should implement the recommendations of this Review and support the administration of non-Defence access to the WPA, taking into account Australia’s broader national interests in the area.
Consideration of Outstanding Access Issues

4.4 The WPA Coordination Office should identify outstanding applications where a non-Defence user is close to settling access arrangements with Defence. Outstanding applications for access to the Amber and Green Zones should be granted by Defence as soon as it can identify the conditions of access necessary to preserve its ability to conduct testing and evaluation. Granting access to those parties with outstanding access issues, as identified by PIRSA, would have the effect of limiting further delays to potential non-Defence users who have already followed a protracted access process or have a longstanding presence in the WPA. Deeds for these matters should include the standard time-share conditions for the Amber and Green Zones, in addition to any special conditions imposing limitations on structures, electro-magnetic emissions and equipment. Deeds of Access offered to these non-Defence users should be transferrable to the standard Deeds of Access subsequently developed by Defence and, ultimately, the permits when they are introduced.

Recommendations

43. Non-Defence parties with outstanding access matters, as identified by PIRSA, should receive access immediately following conclusion of Defence’s risk assessment of the proposed activity and agreement on conditions of access.

44. The Deeds of Access for outstanding applicants should immediately convert to the standardised Deeds of Access to be developed by Defence.

Establishment of Advisory Board and Reference Group

4.5 The Advisory Board should be established immediately to invite comment and provide informal oversight of the implementation of the Review’s recommendations. An independent Chairperson should be appointed to run the Board to enhance its operation as a neutral body to discuss coexistence issues. The Board should facilitate the development of relationships between stakeholders, and provide an opportunity for them to share expertise as the coexistence model is rolled out.

4.6 The Reference Group should also be established immediately so that technical advice can be provided to the Advisory Board and the WPA Coordination Office as soon as practical.
**Recommendations**

45. The Commonwealth and South Australian Governments should immediately establish the WPA Advisory Board.

46. The Advisory Board should be headed by an independent Chair agreed by the Ministers of the following: Defence; Resources, Energy and Tourism; Finance and Deregulation; and the Premier of South Australia.

47. The Commonwealth and South Australian Governments, through the WPA Coordination Office, should establish immediately the Reference Group as a source of technical advice.

**Implementation Phases**

4.7 There should be a three-phased approach to implementing the coexistence model proposed by the Review. The first phase should be a moratorium period of approximately six months during which the WPA Coordination Office should develop the necessary protocols, and only applicants, as identified by PIRSA, with outstanding issues should receive access to the WPA.

4.8 The second phase should be a transition period during which new non-Defence users should be granted access to the WPA according to the transition application system and Deeds of Access, with terms set by the Defence enforcement policy and risk assessments.

4.9 The final phase should be the steady state and will occur when legislative and regulatory amendments to implement the coexistence model have passed and the range management system has been upgraded. Deeds of Access issued in the transition phase should automatically be transferred to permits, and non-Defence exclusion identified and times publicly notified.

**Recommendation 48**

Defence should adopt a three-phased approach to implementing the Review’s recommendations that incorporates a moratorium period, a transition phase and a final steady state.
Phase 1 - Moratorium

4.10 The moratorium period should last for approximately six months. In this period, the Coordination Office should be established and only outstanding applications, as identified by PIRSA, should be given access to the WPA. The remainder should be deferred for consideration during the transition period. The WPA Coordination Office should use the moratorium period to coordinate the development of: access conditions for non-Defence users; standardised Deeds of Access to impose conditions on non-Defence users before the permit system is introduced; an enforcement policy; and an application process for non-Defence access. Defence should also use the moratorium period to identify the improvements required for the WPA range management system and establish a compliance capability.

Recommendation 49

Subject to Recommendation 43, non-Defence parties with outstanding access matters, as identified by PIRSA, should receive access to the WPA during the six month moratorium period.

Establishing Access Conditions

4.11 Defence should identify the safety and security risks associated with its planned testing activity and develop mitigation measures. Defence should then turn these mitigation measures into conditions to include in Deeds of Access and develop different Deeds for different parts of the WPA according to the projected Defence use. The WPA Coordination Office should make public a list of the standard restrictions that non-Defence users should expect to abide by, with location-specific restrictions made known to non-Defence users when they apply for access.

Standard Deeds of Access

4.12 Defence should use the moratorium period to develop standard Deeds of Access to serve as the access control mechanism during the transition phase. This would reduce the resource burden of handling new applications for access to the WPA. The Deeds should be convertible to permits when the permit system is implemented in the steady state and include arrangements to protect Defence activity. Five different types of Deed should be established to match the five permits that would be issued when the final system is implemented – resources, pastoral, research, tourist and environmental.
Deed conditions should enable all activity related to that specific field, but could include restrictions on geographical footprint, the people able to access the WPA, infrastructure, equipment and radio emissions. The restrictions should match the checklists developed during the moratorium phase. Other conditions should enable Defence inspections of non-Defence sites and agree to interim enforcement and cost recovery provisions. The enforcement and cost recovery provisions should be developed in conjunction with the Commonwealth Department of Finance and Deregulation and should vary with the type of Deed. Variations in cost recovery provisions should recognise that unauthorised mining operations are likely to have a different impact on Defence’s testing program and compliance system than unauthorised pastoral activity.

4.13 The Deeds of Access should establish a compensation system for loss caused by Defence activity if Defence breaches its duty of care. The system should recognise the inherent risk of operating on a Defence testing and evaluation range, but also provide for accessing compensation for damage. The system should be extended to existing non-Defence users, especially pastoralists whose leases lie within the Red Zone.

**Enforcement Provisions**

4.14 Defence should develop an interim policy to enforce penalty conditions in future Deeds of Access. The interim policy should set specific penalties for specific breaches of access and require that they be included in the standard Deeds of Access.

4.15 The WPA Coordination Office should develop administrative arrangements that link compliance with WPA Deeds of Access to compliance with specific conditions of tenements issued under the *Mining Act (SA) 1971* (as amended). This should have the effect of making a demonstrable breach of specified conditions within a Deed of Access a breach of mining tenement conditions under South Australian legislation, allowing the application of a suite of compliance and enforcement tools including penalties to be applied if necessary.

4.16 The policy should authorise Defence and South Australian Government staff as enforcement agents. The policy should mandate that the WPA Range Managers oversee the compliance system and specify that they are obliged to close access to non-Defence sites if the non-Defence user breaches access conditions. It should also specify that staff must close access by exercising Defence’s power to remove the
non-Defence user from the WPA under the Defence Force Regulations through the appropriate civil authority.

Application Process for non-Defence Access

4.17 Defence should develop an interim application process for non-Defence access to the WPA. The interim application system should be managed by the WPA Coordination Office with input from all Defence stakeholders. The application system should articulate internal Defence processes, including timing for inputs from the capability and estate managers, and the criteria against which applications will be judged. It should also specify decision-making benchmarks, timeframes and information requirements, which the information team should make public to offer greater clarity on access processes to non-Defence users.

WPA Range Management Upgrades and Enforcement Capability

4.18 Defence should use the moratorium period to identify improvements to the range management system that are necessary to handle greater complexity on the WPA. Defence should also use the moratorium period to develop an inspection and compliance capability, noting that its capacity to recover its costs from non-Defence users is likely to be limited under current legislative arrangements. Defence should receive additional resources from Government to upgrade the WPA’s range management tools and establish the compliance team. This is because Defence will incur these expenses to facilitate non-Defence access to the WPA, which is outside Defence core business. The Defence investment will occur for the sole purpose of generating national wealth. Both the improved range management tools and the compliance team are critical enablers to support increased economic activity in the WPA, which in the medium term is likely to support increased State mining royalties, infrastructure development, employment, and taxation revenue.
Recommendations

50. The WPA Coordination Office should use the moratorium to develop: risk assessments for Defence testing and evaluation activity; standardised Deeds of Access; an enforcement policy; and an application process for non-Defence access.

51. The WPA Coordination Office should use the moratorium to identify upgrades to the WPA range management system and establish an enforcement capability controlled by the WPA Range Manager.

52. Defence should receive additional funding to upgrade the WPA range management tools and establish the compliance team.

Phase 2 - Transition

4.19 Following the moratorium period, the transition phase would commence. In the transition phase, new non-Defence users should be granted access to the WPA on a case-by-case basis according to Defence’s ability and requirement to monitor compliance with access conditions. Defence should liaise with PIRSA through the WPA Coordination Office during the transition period to ensure that PIRSA issues exploration licenses according to Defence’s capacity to manage the increasing presence of non-Defence users on the WPA. This should be achieved by PIRSA and Defence jointly assessing mineral exploration license applications in an agreed, priority order. A joint, staged assessment process in manageable ‘batches’ would ensure Defence access conditions are integrated into the conditions of the licence. This is required because Defence is unlikely to acquire rapidly the resources and expertise necessary to manage a significant increase in the non-Defence presence on the WPA, and therefore the number of new users able to access the area in the short term will need to be strictly limited. For similar reasons, no new mines should be approved in the south-east corner of the WPA during the transition period. This restriction is necessary to provide Defence the opportunity to identify the limitations it must place on large scale operations and buildings to preserve the safety and security of its activity. The WPA Coordination Office should also identify types of exploration activities that it considers will be incompatible with Defence uses in the south-east Amber Zone; however, the Chair of the Advisory Board should have the ability to
seek a review by Defence of proposed access conditions that non-Defence users or PIRSA consider unreasonable.

4.20 The joint application assessment process should be made publicly available during the transition phase, with the WPA Coordination Office identified as the point of contact for potential non-Defence applicants. Also critical during the transition period will be the advice offered to the Coordination Office by the Advisory Board through comment on the effectiveness of Defence’s access control policy and procedures.

**Recommendations**

53. The WPA Coordination Office should implement the transition model at the conclusion of the six month moratorium phase.

54. The WPA Coordination Office should publicise access information to the maximum extent possible while preserving Defence security.

55. Only exploration activity should be permitted in the south-eastern Amber Zone during the transition phase and until the permit system and cost recovery models are in place.

56. Defence should be able to place conditions on WPA access during the transition phase to preserve the safety and security of its testing and evaluation activity.

57. The Chair of the Advisory Board should have the power to refer Defence access conditions to the Secretaries of Defence and Resources Energy and Tourism to seek their review by Defence where necessary.

58. During the transition phase, PIRSA should work closely with Defence on the assessment and granting of exploration licences to accommodate Defence’s capacity to manage increasing non-Defence activity in that specific area.

59. PIRSA should grant exploration licenses during the transition phase by a joint, staged assessment process that incorporates Defence access conditions into the conditions of licence.
Phase 3 – The Steady State

4.21 The coexistence model outlined in Chapter 3 should be implemented in Phase 3. Deeds of Access issued during the implementation phase should be transferred to the permit system. Responsibility for issuing fines for breaches of access conditions should revert from South Australia to the Commonwealth, with the proceeds from fines becoming part of the Commonwealth’s consolidated revenue.

**Recommendation 60**

The WPA Coordination Office should implement the coexistence model outlined in Chapter 3 once Commonwealth legislative amendments have passed.

**Risks**

4.22 Early establishment of the Advisory Board and Reference Group are essential to mitigating the risks associated with the transition arrangements. Facilitating an ongoing dialogue between Defence and non-Defence users will help build confidence among user groups as the transition model is rolled out. This will be important to reduce any concerns caused by mismatches in expectations on access. A mismatch in expectations could potentially be generated by the time it will take for Defence to develop capabilities to support additional non-Defence users.

4.23 Defence must also receive the additional resources necessary to implement the transition measures it introduces to support the presence of additional non-Defence users on the WPA, which it has not been resourced to develop.

**Conclusion**

4.24 Accepting the three phased transition process will enable more timely economic development of the WPA by improving coexistence arrangements to the maximum extent possible in the short term. Work undertaken during the transition phase will support the final coexistence model and increase non-Defence use of the WPA while preserving the safety and security of Defence test and evaluation activity.
Chapter 5: Challenges Ahead

Overview

The Review has identified the key challenges that need to be addressed in order to progress the coexistence model from a concept to policy and procedures in operation. The challenges outlined in this Chapter guided the development of the transition plan outlined in Chapter 4 but are explicitly mentioned here as they are crucial to the success of greater coexistence in the WPA. These include maintaining the active engagement of all stakeholders and the continuing review of the coexistence model to ensure the balance of interests in the WPA is maintained.

Maintaining the Momentum

5.2 Continuing Commonwealth-State collaboration is essential to successful management of the WPA in the national interest. This Review has been the starting point of that enhanced collaboration, but all relevant agencies are responsible for ensuring momentum is maintained to deliver tangible outcomes. Both the South Australian and Commonwealth Governments have much to gain from greater coexistence in the WPA, but each cannot do it on its own. The South Australian Government and the Commonwealth Department of Resources, Energy and Tourism have a responsibility to assist Defence to understand the resources sector better in order to deliver practical arrangements and shared solutions. Defence has a responsibility to develop internal processes that facilitate a consistent and unified approach to non-Defence access that promotes clarity and certainty for non-Defence users.

5.3 It is important that both jurisdictions provide the appropriate resources. To facilitate continuing Commonwealth involvement, the Review recommends the Steering Committee, jointly chaired by the Departments of the Prime Minister and Cabinet and Defence, that oversaw this Review, continue for at least the next 12 months. Given its interest in the process, the South Australian Government should receive a permanent invitation to attend the Steering Committee meetings.
**Recommendations**

61. Drawing on their respective expertise and resources, the Commonwealth and South Australian Governments should continue to work together to implement enhanced coexistence in the WPA.

62. The Steering Committee jointly chaired by the Departments of the Prime Minister and Cabinet and Defence should continue for at least the next 12 months to monitor the WPA Coordination Office’s progress.

63. The South Australian Government should be invited to attend the Steering Committee.

**Resourcing**

5.4 The coexistence model cannot be implemented effectively without sufficient resourcing from all stakeholders. Insufficient resourcing will hinder the comprehensive risk assessment of non-Defence activity on Defence’s ability to protect safety and security. Consequently, permits provisions (if developed) will be inadequate and the processing of permits will be protracted. Delays in development of the legislative framework will also occur and enforcing compliance will be difficult. As a result of all of these consequences, further resources development in the WPA will be diminished and Defence will be in drawn-out negotiations with those who still want to access the WPA. Most importantly, relationships will break down, further compounding the problems of insufficient resourcing.

**Trust and Confidence**

5.5 Past experiences of both Defence and non-Defence users of the WPA has generated a degree of mistrust in the actions of the other party. Greater trust and confidence in each other’s intent and actions is essential to enhanced coexistence in the WPA. The immediate establishment of the Advisory Board is aimed at promoting a constructive dialogue between Defence and non-Defence users to develop a greater understanding of each other’s needs. The legislative framework is designed to give confidence that, as a last resort, conditions of access will be enforced and that parties will be penalised for non-compliance. Overall, however, it is the willingness of all
stakeholders to abide by the Statement of Principles that will generate confidence between all WPA users.

**Future Defence Activity**

5.6 The Review acknowledges there will be continuing difficulties in adequately forecasting future Defence requirements. This is associated, in part, with the challenges of accurately predicting the nature of future capability. Notwithstanding the challenges, Defence needs to capture accurately past activity and plan appropriately for the future in accordance with the coexistence policy framework. This, along with a comprehensive supporting management framework, will assist Defence in exercising its right to control access reasonably and in accordance with its needs. It will also assist in monitoring the national security interests in the WPA.

**Recommendation 64**

Defence should capture accurately its past activity and plan appropriately for the future in accordance with the coexistence policy framework.

**Reviewing the Coexistence Model**

5.7 The coexistence model recommended in this Report is designed to maximise the national value of the WPA. It represents a balanced and integrated package based on the information provided by all interested parties. The assumptions underlying the model were tested as much as was practical. It is not until the coexistence model is implemented fully that unintended weaknesses in the concept can be identified and addressed. Therefore, the Advisory Board’s first seven-year review of the balance of interests in the WPA will be crucial in assessing the effectiveness of the coexistence model.

5.8 In 2018, when undertaking the first seven-year review of the balance of interests in the WPA, the Advisory Board should consider the effectiveness of the:

- time share between Defence and non-Defence users;
- the zoning of the WPA and the amount of Defence and non-Defence activity that occurs in each zone;
- publicly available policies and procedures;
- dispute resolution mechanisms;
• cost recovery procedures;
• range management tools to de-conflict activities; and
• roles and functions of the WPA Coordination Office.

In doing so, the Advisory Board should be in a position to make an informed assessment of the coexistence model and make any necessary recommendations to maximise coexistence in the WPA.

**Recommendation 65**

In 2018, the WPA Advisory Board should review all aspects of the coexistence model to determine its efficacy and make recommendations on amendments to policy and procedures to maximise the national value of the WPA.
Annex A: Defence Minister’s Statement (17 May 2010)
MINING INTERESTS IN THE WOOMERA PROHIBITED AREA

GOVERNMENT STATEMENT

The Woomera Prohibited Area (WPA) is a globally unique testing range and is vital to Australia’s defence capability. The range’s remoteness, 127,000 km² size, and relative lack of human activity allow Defence to test long-range weapons systems and conduct classified test activities, sometimes with our allies, in safety and within prescribed security protocols.

The use of the WPA has increased greatly in recent years and is expected to continue to increase due to emerging defence technologies. The Australian Government, through Defence, ensures the safety and security of its weapons testing activities by controlling access to the WPA.

Mining already occurs in the WPA and there are further mineral deposits of potential economic significance located within the WPA’s current boundaries. The region generally has proved to have high prospectivity for Australia’s resources industry.

The Australian and South Australian Governments are committed to working with all stakeholders to facilitate both industry and defence activities within the WPA to the maximum extent possible. Government practice favours multiple land use, including mining, where this can be accommodated without compromising Defence’s activities. For this reason, the Australian Government intends to undertake a review into the future use of the WPA in the context of both its national security and economic significance. The review will include wide consultation with all stakeholders, and is anticipated to be completed by the end of this year. In the interim, this statement provides guidelines on the granting of access to the WPA.

Defence’s most dangerous and continuous testing activity is carried out in a Core Area of Operation within the WPA. It is unlikely that concerns relating to compatibility with Defence’s activities, national security, and human safety, could be sufficiently mitigated to allow exploration or mining in this area. In the non-core area – which forms the greater part of the WPA – it is more likely that exploration and mining activity could coexist with Defence activities, although such activity would still be subject to restrictions.

The Australian Government considers all exploration and mining applications within the WPA on a case-by-case basis, examining a range of operational compatibility, safety, and national security issues relevant to compatibility (some of which are classified) in determining whether a particular mining activity could co-exist with Defence activities. In making its assessment, the Government consults with the company concerned and the South Australian Government.

Although the Australian Government encourages foreign investment, recognising the role it plays in supporting economic growth and employment, the sensitivity of activities conducted in the WPA means that the prospect of foreign involvement in a resource company would be likely to raise national security issues in relation to proposed activities within the WPA. Accordingly, where companies are foreign
owned, controlled or subject to influence from foreign persons (see guidance notes annexed to this statement) and seek to operate within the WPA, the Government would review all applications to determine whether foreign involvement is appropriate.

Where foreign involvement is a factor, and requires Foreign Investment Review Board (FIRB) approval, resources companies with current or prospective interests in the WPA should first seek assessment from Defence before making any application to the FIRB. Defence would consult with other relevant agencies prior to making its recommendation to the FIRB. In the first instance, companies should contact the Assistant Secretary Property Services - telephone: 02 6266 8650 or email: WOOM.ProhibitedArea@defence.gov.au - to obtain further information. Only when Defence’s assessment has been received would the FIRB commence formal consideration of the application under Australia’s foreign investment policy.

Resource companies are advised to contact the Australian Government or the South Australian State Government to discuss their proposal prior to formal submission, whether this relates to a new interest or an alteration (for example, changes to organisational structure, ownership, etc.) to an existing interest in the WPA. All such inquiries will be referred to Defence in the first instance.

As an annex to this statement, to provide greater certainty for potential investors, the Government has issued guidance notes for obtaining a Deed of Access for exploration and mining purposes within the WPA. The issues outlined in this statement are applicable to all companies seeking access to explore or mine in the WPA.

On receipt of correspondence relating to exploration and mining activity in the WPA, Defence will conduct the appropriate risk assessment (in accordance with the Risk Management Standard AS/NZS 4360) and consultation processes relevant to safety, operations and national security, and advise the companies concerned of the outcome within a maximum of 120 days.

In making its access decisions, the Australian Government will have regard to the issues relevant to compatibility attached to this statement. In some cases it will be possible to resolve any concerns which may be highlighted by the assessment process to the mutual satisfaction of the Australian Government and the companies involved. However, companies should not assume that access to the WPA will be granted.
ANNEX: Guidance for Potential WPA Investors

Although issues are considered on a case-by-case basis, the following map and guidance are intended to assist potential investors considering applying for a deed of access within the WPA.

**WPA Indicative Representation of Areas of National Security and Safety Concern**

**Core Area of Operation**
- It is unlikely that the need for compatibility with Defence’s activities, national security and human safety concerns could be sufficiently mitigated to allow access for exploration or mining in this area.

**Non Core Area of Operation**
- Although safety risks are reduced in the non core area, assessment of safety, compatibility with Defence’s activities and national security concerns will apply. The latter will be especially relevant if the prospective entity has a degree of foreign ownership, and/or is controlled or influenced by foreign entities.
- National security concerns may determine the nature of acceptable company ownership, structure or access.
- All applications for access, for both the core and non core areas, will be assessed on a case by case basis.

**Issues relevant to Defence compatibility assessment**
For reasons of national security it may not always be possible to disclose the full detail of a decision relating to access to the WPA. Each proposal will be considered against issues such as (but not limited to):

- safety of all personnel (Defence and non-Defence) during defence operations, including an assessment of the risk posed by contamination;
- safety of personal and commercial property;
- compatibility of the proposed commercial activity with Defence’s current activities;
- ability for Defence to accommodate disruptions to its activities;
- ability for the commercial entity to accommodate disruptions, including for extended periods, to its activities;
- potential opportunities to obtain protected information;
- measures necessary to limit access to and knowledge of sensitive information of a national security nature;
- ability to implement adequate physical access control measures when required;
- compatibility with long-term Defence use of the WPA;
- potential impacts on Defence’s logistics and supply systems and overall physical presence; and
- level of indemnity by the proponent.

**Information requirements from potential investors**

The Government is concerned to understand any factors that indicate a capacity on the part of foreign persons or foreign corporations to influence the operations or management of activity in the WPA. Information of use in conducting a risk assessment of foreign involvement in activities in the WPA may include:

- an outline of proposed permanent and non-permanent infrastructure, including but not limited to housing, roads, rail, communications, utilities and supply chain activities;
- the area and scale of the proposed commercial activity;
- proposed project time-line with resource and activity intensity, including logistical and physical impact of proposed activity;
- major shareholders and business associates;
- whether the company is a foreign person under the *Foreign Acquisitions and Takeovers Act 1975* or the subject of a foreign investment proposal under the Act or Australia’s Foreign Investment Policy;
- mechanisms to uphold terms and conditions of a potential deed of access;
- measures to segregate running core-activities from communication and influence with non-approved persons or organisations (physical control and access arrangements);
- measures to demonstrate the ability to withdraw human presence safely on short notice or for extended periods;
- measures to demonstrate that only approved persons may have access to, and communicate from, the proposed physical site;
- number and nationality of personnel involved in the proposed commercial activity;
- requirements of additional infrastructure (permanent and non-permanent, size and location);
- ownership by a single foreign person or foreign corporation (either alone or together with Associates) of 15 per cent or more holding in a corporation, business or trust;
ownership by two or more foreign persons or foreign corporations (and any Associates) with a total holding of 40 per cent or more in a corporation, business or trust;

foreign person(s) serving as members of the organisation's board of directors (or similar governing body), officers, executive personnel, general partners, trustees or senior management officials;

foreign person(s) or foreign corporation having the power, direct or indirect, to control the election, appointment, or tenure of members of the organisation's board of directors (or similar governing body) or other management positions of the organisation, or have the power to control or cause the direction of other decisions or activities of the organisation;

any contracts, agreements, understandings, or arrangements with a foreign person(s) or foreign corporation;

any indebtedness, liabilities, or obligations to a foreign person(s) or foreign corporation by the organisation, whether as a borrower, surety, guarantor or otherwise;

any derivation of its total revenues or net income from any single foreign person(s) or foreign corporation or in aggregate, 40 per cent or more of its revenues or net income from foreign persons or foreign corporation;

any shares held through a nominee or subsidiary including what percentage the nominee or subsidiary owns in any foreign person(s) or foreign corporation; and

any members of the organisation's board of directors (or similar governing body), officers, executive personnel, general partners, trustees, or senior management officials holding any positions with, or serve as consultants for, any foreign person(s) or foreign corporation.

Process for obtaining a Deed of Access for exploration and mining activity in the WPA

The Australian and South Australian Governments have put in place a coordination mechanism to facilitate access by resource companies to the WPA where this is compatible with Defence activities. Companies wishing to conduct mining related activities within the WPA must recognise and make appropriate provision for the commercial risks inherent in conducting their business on a weapons testing range. For comprehensive advice on applying for access to explore or mine in the WPA, companies should contact the Assistant Secretary Property Services - telephone: 02 6266 8650 or email: WCOM.ProhibitedArea@defence.gov.au

The following is a general outline of the access process:

- A resource company requires an exploration or mining licence from the South Australian Government (Primary Industries and Resources – South Australia) prior to seeking access to tenements in the WPA.

- The company lodges an application for a Deed of Access with Defence consistent with the issues relevant to compatibility specified herein.

- Defence conducts a risk assessment, which may include consultation with relevant Commonwealth and State government agencies.

- The authority to grant access to the WPA for exploration or mining resides with the Minister for Defence, who makes access decisions based on advice from the Department of Defence which is developed in consultation with other agencies. The Minister may authorise less-sensitive access decisions to the Secretary of
Defence. The Defence Minister will normally make a decision on access within 90 days of receipt of the application. In exceptional circumstances, an additional 30 days may be required (i.e. a total of 120 days). Where this is the case, the resources company would be notified.

- The company is notified of the Minister’s access decision. If the decision is favourable, Defence will enter into negotiations with the company to finalise the Deed of Access.
- Where foreign investment triggers consideration by the Foreign Investment Review Board (FIRB), the company should apply to the FIRB after the Defence assessment is complete. (Companies are not precluded from applying directly to the FIRB where a tenement within the WPA is being purchased, but access to the WPA is not being sought, as the tenement will not be exploited. However, the FIRB will consult with Defence in relation to any application relating to an interest in the WPA whether or not access is required).
Annex B: Terms of Reference
Review into Security and Economic Interests in the Woomera Prohibited Area

Terms of Reference

Objectives

- Undertake research and analysis into the short and long term (20-30 years) national security and economic interests in the Woomera Prohibited Area (WPA) 'the review'.
- Based on the findings of the research and analysis, make recommendations to the Government on approaches to managing the WPA to optimise Australia's national interests as they pertain to the WPA.

Key Tasks

- Undertake research and analysis in order to make qualitative and quantitative assessments of:
  - the balance of national interests, including the magnitude of costs and benefits of economic and national security interests in the WPA, over the short and long-term (20-30 years), including but not limited to:
    - a review of the status of the WPA, potentially including a legal assessment of the powers of the Commonwealth Government over the WPA;
    - a review of the current use of the WPA, including the functions and importance of the different zones therein;
    - an analysis of the WPA's contribution to current and future Defence capability, including the financial and other benefits deriving from Australia's ability to share knowledge and technology with its allies, particularly in light of new and emerging technologies, and the subsequent value of the WPA to alliance and broader international relationships;
    - anticipated future Defence need of the WPA, in particular any potential changes in frequency and scope of activities;
    - an analysis of the value and location of mineral deposits in the WPA, based on present government and industry information, and indicative timeframes and costs to assess further the known potential mineral wealth in the WPA;
    - an assessment of the current and future potential economic value of mineral deposits in the WPA, including potential impacts on employment and government revenues;
    - an analysis of the future potential exploitation of minerals in the WPA, noting emerging technologies and techniques in the mining sector;
    - an analysis of the extent to which mining and economic activity is compatible with Defence use of the WPA and any inherent limits to co-existence, including the issues posed by foreign ownership or control of mining entities; and
    - an analysis of property interests, including but not limited to: native title and indigenous land rights, pastoral leaseholders and the Commonwealth and South Australia.
• Provide recommendations on the current and future best use of the WPA taking into account the competing Defence and mining interests, with proposed mechanisms for achieving an optimal outcome in the broad national interest, including but not limited to:
  o practical measures for maximising co-existence, in the light of the Government’s public statement on Woomera of May 2010;
  o the viability of extinguishing existing tenements in current or prospective areas of core Defence activities and potential implications for resources revenue and trade relations;
  o the practicalities of, and the short and long-term implications of, a state government moratorium on granting new tenement licences in areas of core Defence activities, including any financial implications for any current explorers and miners that are affected by the moratorium;
  o the feasibility of shifting or realigning Defence activities within or outside the WPA, including associated costs and timeframes to maximise the potential exploitation of mineral deposits; and
  o a process for on-going monitoring of the balance of the national security and economic interests in the WPA to facilitate the long-term best use of the WPA in the broader national interest.

Project Planning and Administration

The review will be led by Dr Allan Hawke and he will be supported by a small inter-departmental secretariat from relevant agencies on terms to be decided. The review secretariat will be based at Defence. The review secretariat will develop a project plan, for approval by the Steering Group.

The Steering Group will meet regularly to review the progress of, and provide guidance to the review secretariat.

The cost of the review will be met by Defence.

Signed by the co-chairs of the steering committee:

Dr Gordon de Brouwer
Deputy Secretary
Economic
Department of the Prime Minister and Cabinet

Mr Stephen Merchant
Deputy Secretary
Intelligence and Security
Department of Defence

6 May 2010 6 May 2010
Annex C: List of Public Submitters to the Review
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Public Submissions to the Review

Ahava Energy Pty Ltd
Association of Mining and Exploration Companies
Antakarinja Matu-Yankunytjatjara Aboriginal Corporation
Australian Rail Track Corporation
AustralAsia Railway
Billa Kalina Pastoral Company
Bruce Menzel B.Sc
Bush Heritage Australia
Flinders Exploration Ltd
FreightLink
IMX Resources Ltd
Kokatha Uwankara Native Title Claim Group
Opal Alliance of South Australia
Parakylia Station
South Australian Chamber of Mines & Energy
South Australian Coal Ltd
Straits Resources Ltd
Tasman Resources Ltd
Teck Australia Pty Ltd
The Woomera Board
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Annex D: List of Public Commentators on the Interim Report
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List of Public Commentators on the Interim Report

Ahava Energy Pty Ltd

Association of Mining and Exploration Companies

ERO Mining
Intentionally blank
Annex E: Proposed Terms of Reference - WPA Coordination Office
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Proposed Terms of Reference
WPA Coordination Office

Objectives

1. Administer all aspects of non-Defence access to the WPA.
2. Develop, in coordination with the WPA Range Managers, the comprehensive range management framework.
3. Ensure a consistent and coordinated approach to approving non-Defence access permits to the WPA, cognisant of the national interest.

Membership

4. During the moratorium and transition phases, the Head of the WPA Coordination Office (Coordination Office) would be a Senior Executive Service Band 1 officer.
   a. Subordinate staff would be at the Executive Levels and APS/military equivalents as appropriate.
   b. Subordinate staff would be from Defence; Resources, Energy and Tourism; Finance and Deregulation; and PRISA.
5. In the steady state, the Head of the Coordination Office would be an Executive Level 2 officer.

Roles and Functions

7. Assess requests for non-Defence access permits.
8. Monitor the continuing suitability and validity of checklists (based on the risk and mitigation assessment) used to assess the issuing of permits.
10. Undertake an audit and establish a framework for infrastructure coordination to facilitate the most effective use of services.
11. Develop strong and productive relationships with the WPA Range Managers and the Reference Group.
12. Monitor compliance and breaches.
13. Resolve disputes between Defence and non-Defence users, referring those that cannot be resolved to the Advisory Board.
15. Provide advice to the Advisory Board on the implementation, and subsequent operation, of coexistence policy and procedures.
   a. Provide the Advisory Board consolidated information on Defence’s past and anticipated use of the WPA.
b. Provide the Advisory Board consolidated information on the resources potential of the WPA.

16. Provide Secretariat support for the Advisory Board meetings.

17. Implement and maintain a communications strategy.

Operating Procedures

18. The Coordination Office should assess all requests for permits using checklists developed from the coordinated comprehensive Defence risk assessment.
   a. Requests for access that fall under the criteria set out under Defence Instruction General ADMIN 38-1 are to be referred to the appropriate authority as set out in the Instruction.
   b. Through the PIRSA representative, the Coordination Office should confirm the applicant has a valid tenement from PIRSA.
   c. The Coordination Office should advise the applicant within a reasonable timeframe whether or not they were successful and provide justification for unsuccessful applicants, based upon the checklist criteria.

19. The Coordination Office should provide to the Advisory Board consolidated advice on all breaches and permit applications granted, denied and pending in advance of their regular meetings.
   a. This should include the justifications for the permits denied.

20. At the request of the Advisory Board, the Coordination Office should re-examine any decision to deny a permit, subject to the applicant providing additional information.

21. In providing information to the Advisory Board, the Coordination Office should:
   a. seek the views of the Reference Group and WPA Range Managers;
   b. identify any changes in users (Defence and non-Defence) requirements for the WPA;
   c. highlight strengths and weaknesses in coexistence policy and processes; and
   d. suggest courses of action to improve weaknesses in coexistence policy and processes.

22. The Coordination Office should be responsible for ensuring that it has consolidated information on Defence’s past use and anticipated use of the entire WPA.
   a. This information should be provided to the Advisory Board to assist in their annual reporting of the balance of interests in the WPA and seven-yearly reviews.
   b. If this information is not available for certain areas, the Coordination Office should advise the Advisory Board that there is no requirement for specific access conditions on that specific area.

23. The Coordination Office should be responsible for having the most up to date information on the resources potential in the WPA.
24. The Coordination Office should be responsible for maintaining and regularly updating all publicly available information on coexistence policy, procedures and guidelines as well as Defence’s forward use of the WPA.

   a. The Coordination Office should seek advice from the Reference Group as to the effectiveness and appropriateness of the public information and communications methods and make necessary adjustments.
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Annex F: Statement of Principles
Proposed Statement of Principles

1. Defence and the South Australian Government are the primary stakeholders in the WPA, but Defence is the primary user of the WPA.
   a. The needs of others should be accommodated without unduly compromising Defence activities.
   b. Defence must accommodate non-Defence users to the maximum extent possible.
   c. Non-Defence users acknowledge and accept Defence’s rights to control access for the purpose of testing war materiel.
   d. Defence will provide a high degree of clarity and certainty for non-Defence users.

2. Defence and non-Defence users will operate in accordance with coexistence policy and procedures.
   a. Transparency builds trust: Defence will be open about its requirements for the range and the implications for non-Defence users. Non-Defence users will advise Defence about their activities and future intentions.
   b. Consistency between words and actions: Defence and non-Defence users will act in accordance with the arrangements agreed upon.

3. No two situations are identical but guidelines and procedures are to be applied fairly.

4. Communication and consultation:
   a. All stakeholders need to actively and regularly engage with each other, both formally and informally.
   b. All stakeholders should strive to understand each other’s needs and how and when they may change over time.

5. Partnering and practical shared solutions:
   a. Defence and non-Defence users should work constructively together drawing on each other’s experience and expertise;
   b. Defence and non-Defence users should identify common goals and areas of divergence to develop solutions that satisfactorily address the concerns of all parties involved.

6. Defence and non-Defence users should aim to achieve reasonable outcomes in realistic timeframes.
Annex G: Proposed Terms of Reference - Advisory Board
Proposed Terms of Reference
Woomera Advisory Board

Objectives

1. Monitor and report on the balance of national security and economic interests in the WPA.
2. Oversee the implementation of the coexistence policy arrangements.
3. Foster strategic relationships between Defence and non-Defence users of the WPA.

Membership

4. An independent Chair to be agreed by the Ministers for: Defence; Resources and Energy; Finance and Deregulation; and the Premier of South Australia.
5. Members: The Commonwealth (the Department of Defence and the Department of Resources, Energy and Tourism, and the Department of Finance and Deregulation) and the South Australian Government (Primary Industry and Resources SA (PIRSA) and Defence SA).
   a. Members should be senior-level (Deputy Secretary/Deputy Chief Executive) representatives of their respective organisations.

Roles and Functions

6. Monitor and recommend amendments to coexistence policies and procedures.
7. Develop high-level relationships between Defence and the resources sector.
8. Resolve disputes between Defence and non-Defence users.
9. Report annually on the balance of interests in the WPA.
10. Conduct a review every seven years of the balance of interests in the WPA.

Operating Procedures

11. The Chair should guide discussions but is not the arbitrator on decisions.
12. The Chair should only endorse proposed amendments to coexistence policy and processes that have been agreed by both Defence and PIRSA.
   a. Each agency representative would be responsible for achieving the necessary changes in their own organisations to effect coexistence policy outcomes.
13. The Board should meet quarterly at the beginning, moving to half yearly, to discuss issues arising from the implementation and execution of coexistence policies and processes and the balance of national interests in the WPA.
   a. Issues could be discussed and resolved out of session with the agreed action appropriately minuted in the subsequent Board meeting.
   b. The Board should invite external persons as they relate to the issues being considered.
14. Consistent with legal authority, and as the primary user of the WPA, Defence should have the final authority on granting non-Defence access, but the Board would operate in a collegiate manner to resolve all reasonable impediments to Defence authorising a permit.

   a. The Board may request that Defence reconsider its decision to deny access in light of any additional substantial information not previously considered by Defence.

15. In preparing the annual reports on the balance of interests in the WPA and in assessing extant coexistence policy and procedures the Board should:

   a. call for submissions from non-Defence users on their experience with obtaining access to and operating in the WPA;

   b. assess Defence use of the WPA for the preceding 12 months and anticipated use for the subsequent 12 months as provided by the Coordination Office; and

   c. assess:

      i. the number of tenements renewed or granted in the past 12 months and the number anticipated in the next 12 months; and

      ii. updates on the resources potential of the WPA as provided by the Coordination Office.

16. The annual reports on the balance of interests in the WPA will be publicly available, with copies provided to the heads of the relevant State and Commonwealth agencies and respective State and Federal ministers.

17. In conducting the seven-yearly review, the Board should consider, but not be limited to, the following:

   a. Defence use of the WPA in the preceding seven years and anticipated use in the following seven years;

   b. the findings from the on-going South Australian Government geological assessment;

   c. the views of non-Defence and Defence users in the WPA; and

   d. the effectiveness of extant time-share arrangements and coexistence policy and procedures.

18. The findings of the seven-yearly review should be provided to the heads of the relevant State and Commonwealth agencies, the Prime Minister, South Australian Premier and respective State and Federal ministers, as well as being made publicly available.

**Administration**

19. Each agency should be responsible for the resourcing of its contribution to the Board.

20. Secretariat support should be provided by the WPA Coordination Office with support from PIRSA.

   a. Quarterly meetings should be held in Adelaide and Canberra alternately.
Annex II: Assessment of the Review Against the Terms of Reference
Assessment of Review’s Activities against Terms of Reference (ToR)

<table>
<thead>
<tr>
<th>ToR Key Tasks</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>Make qualitative and quantitative assessments of the balance of national interests, including the magnitude of costs and benefits of economic and national security interests in the WPA, over the short and long-term (20-30 years).</td>
<td>These are addressed in the subsequent key tasks.</td>
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<tr>
<td>A review of the status of the WPA, potentially including a legal assessment of the powers of the Commonwealth Government over the WPA.</td>
<td>Full implementation of the coexistence model will require legislative amendments.</td>
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<td>A review of the current use of the WPA, including the functions and importance of the different zones therein.</td>
<td>The three-zone coexistence model reflects Defence usage and importance.</td>
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<td>An analysis of the WPA’s contribution to current and future Defence capability, including the financial and other benefits deriving from Australia’s ability to share knowledge and technology with its allies, particularly in light of new and emerging technologies, and the subsequent value of the WPA to alliance and broader international relationships.</td>
<td>The WPA makes an important contribution to current and future Defence capability. The ability to conduct trials in Australia avoids the high cost and delays of alternative options overseas. A very small proportion of the United States of America (US) and the United Kingdom’s (UK) test and evaluation programs are conducted in the WPA. The value for the US and UK in using the WPA lies in the ability to engage with Australia.</td>
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<td>The anticipated future Defence need of the WPA, in particular any potential changes in frequency and scope of activities.</td>
<td>Defence’s future use of the WPA is anticipated to increase but this would not preclude additional non-Defence activity.</td>
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<td>An analysis of the value and location of mineral deposits in the WPA, based on present government and industry information, and indicative timeframes and costs to assess further the known potential mineral wealth in the WPA.</td>
<td>The value of the known deposits is considerable and there is significant potential for discovery of further valuable deposits. Sixty-two per cent of Australia’s copper resources are estimated to reside in the area, as well as 78 per cent of Australia’s uranium resources. The South Australian Government estimates the potential for $35 billion worth of development projects. Although it is not feasible to estimate the...</td>
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<td>timeframes and costs involved in assessing the WPA’s actual resources wealth, greater exploration will enable governments’ knowledge of the WPA’s resources to grow iteratively and provide the opportunity to revisit this question in after several years.</td>
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<td>An assessment of the current and future potential economic value of mineral deposits in the WPA, including potential impacts on employment and government revenues and analysis of the future potential exploitation of minerals in the WPA, noting emerging technologies and techniques in the mining sector.</td>
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<td>The Australian Bureau of Agricultural and Resource Economics undertook an economic assessment of mineral developments in the WPA, the full report can be found at <a href="http://www.abare-brs.gov.au/publications">http://www.abare-brs.gov.au/publications</a></td>
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<td>Of the eight scenarios modelled, an Olympic Dam style development is estimated to have the largest impact, increasing gross state product (GSP) by 2.74 per cent and gross domestic product (GDP) by 0.18 per cent by 2030. The pace of technological development in mineral exploration is rapid - the WPA will attract further interest.</td>
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<td>An analysis of the extent to which mining and economic activity is compatible with Defence use of the WPA and any inherent limits to co-existence, including the issues posed by foreign ownership or control of mining entities.</td>
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<td>There is greater scope for coexistence through a comprehensive range management framework. Security concerns or risks posed by foreign investment in non-Defence activities should be dealt with through the conditions of access to the area.</td>
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<td>An analysis of property interests, including but not limited to: native title and indigenous land rights, pastoral leaseholders and the Commonwealth and South Australia.</td>
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<td>Non-Defence property interests are met to varying degrees under current arrangements. The coexistence model aims to enhance non-Defence property interests without unduly compromising Defence interests.</td>
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<td>Time sharing arrangements between Defence and non-Defence users supported by a comprehensive range management framework will provide practical measures for increased coexistence.</td>
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<td>Provide recommendations on the viability of extinguishing existing tenements in current or prospective areas of core Defence activities and potential implications for resources revenue and trade relations.</td>
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<td>The frequency of Defence activity in the reduced core area is such that it would not be practical to accommodate new non-Defence activity. The South Australian Government will conduct a geological survey across the reduced red zone to improve its understanding of the mineral and energy profile of the WPA. There are a limited number of tenements in the proposed reduced core area of Defence activity. The State has the ability to negotiate with existing tenement holders; however exploration</td>
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<td>Provide recommendations on the practicalities of, and the short and long-term implications of, a state government moratorium on granting new tenement licences in areas of core Defence activities, including any financial implications for any current explorers and miners that are affected by the moratorium rights cannot automatically be revoked.</td>
<td>No new tenements would be permitted in the reduced core area, the resources potential of the reduced core are will be assessed under the South Australian Government geological survey. The coexistence model will facilitate further resources exploration and development elsewhere in the WPA with positive flow-on effects for revenue.</td>
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<td>Provide recommendations on the feasibility of shifting or realigning Defence activities within or outside the WPA, including associated costs and timeframes to maximise the potential exploitation of mineral deposits</td>
<td>As there is scope for greater coexistence within the WPA there is no requirement, at this stage, to move the Defence test and evaluation capability or make small adjustments to the south-eastern boundary.</td>
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<td>Provide recommendations on a process for on-going monitoring of the balance of the national security and economic interests in the WPA to facilitate the long-term best use of the WPA in the broader national interest</td>
<td>The Advisory Board will monitor and annually report on the balance of interests in the WPA. The Advisory Board will also conduct five-yearly reviews.</td>
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