

THIS MEMORANDUM OF UNDERSTANDING is made the 10 day of October 2019

BETWEEN:

THE COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE DEPARTMENT OF DEFENCE ('Defence');

AND

THE STATE OF SOUTH AUSTRALIA ('The State') REPRESENTED BY:

THE DEPARTMENT FOR ENERGY AND MINING an administrative unit of the Public Service for the purposes of the *Public Sector Act 2009* (SA);

AND

DEFENCE SA an administrative unit of the Public Service for the purposes of the *Public Sector Act 2009* (SA).

REGARDING THE WOOMERA PROHIBITED AREA COEXISTENCE ARRANGEMENTS

RECITALS

- A. The Woomera Prohibited Area (WPA) was proclaimed as a Prohibited Area by declaration published in the Commonwealth of Australia Gazette dated 12 July 1989, and amended by declaration published on 6 November 2014. The WPA is operated pursuant to the *Defence Act 1903*, *Defence Force Regulations 1952* and the *Woomera Prohibited Area Rule 2014*.
- B. The Department of Defence administers access to the WPA through a legislative framework consisting of the *Defence Act 1903*, *Defence Force Regulations 1952* and the *Woomera Prohibited Area Rule 2014*. Access to the WPA is granted under this framework subject to the safety and security aspects of the operation of a military test range.
- C. The Woomera Prohibited Area Coordination Office (WPACO) was established within the Department of Defence to coordinate non-Defence user access to the WPA.

It is agreed:

1. Definitions and Interpretation

1.1 Definitions

In this agreement, except where the context indicates otherwise:

"**Coexistence Model**" means a framework that balances Defence's requirement to test war material in the WPA with the activities of the State and non-Defence user access that includes resource exploration and production, pastoral purposes, Aboriginal groups and tourism.

"Defence Activities" means all activities undertaken in the Woomera Prohibited Area for the purposes of testing War Material.

"Exclusion Period" means the periods of exclusive Defence use of the Woomera Prohibited Area as determined in accordance with section 8 of the *Woomera Prohibited Area Rule 2014*.

"Legislative Framework" means the *Defence Act 1903*, *Defence Force Regulations 1952* and the *Woomera Prohibited Area Rule 2014*.

"Red Zone" means the area described as "Defence continuous use zone" on DMITRE Plan Number 204192-001, dated 1 September 2014.

"Stakeholders" means non-Defence users of the WPA and agencies and administrative units of the South Australian Government including, but not limited to:

- a. the Department of Premier and Cabinet;
- b. the Department of Innovation and Skills;
- c. the South Australian Pastoral Board;
- d. the Department of Primary Industries and Regions, South Australia;
- e. SA Police;
- f. the Department of Planning Transport and Infrastructure;
- g. the Department for Trade, Tourism and Investment; and
- h. the Department for Environment and Water.

"War Material" has the same meaning given in regulation 32 of the *Defence Force Regulations 1952*.

"Woomera Prohibited Area" means certain land occupied and used by the Commonwealth at or about Woomera in the State of South Australia, proclaimed as a Prohibited Area pursuant to the *Defence Act 1903 (Cth)* and Defence Force Regulations by Declaration published in the Commonwealth of Australia Gazette dated 12 July 1989 and which is operated pursuant to the *Defence Force Regulations 1952* and the *Woomera Prohibited Area Rule 2014*.

2. Purpose and Aim

2.1 Purpose

The purpose of this MoU is to set out the arrangements between Defence and the State to support:

- (a) coexistence between Defence and stakeholders in the WPA;
- (b) defence testing of war material;
- (c) economic development activities within the WPA; and
- (d) cooperative working arrangements, including:
 - (i) consultative mechanisms;
 - (ii) management protocols;
 - (iii) complementary administrative and regulatory frameworks; and
 - (iv) initiate and support regular independent reviews of the coexistence framework and the WPA Advisory Board.

3. Responsibilities

3.1 Defence

Defence uses the WPA for the purpose of testing war material and administers access pursuant to the Legislative Framework. In accordance with this framework, Defence undertakes various functions in the WPA associated with the testing of war material, including but not limited to:

- (a) determining exclusion periods;
- (b) issuing permits or permission to access to the WPA;
- (c) determining amounts of compensation payable under regulation 36 of the *Defence Force Regulations 1952*; and
- (d) compliance and enforcement of permit conditions within the WPA.

Defence are responsible for participating in the development, implementation and review of management protocols and complementary administrative and regulatory frameworks, and participating in the Woomera Prohibited Area Advisory Board.

Other Commonwealth agencies, including but not limited to the Department of Industry, Innovation and Science, are responsible for the provision of specialist advice to the parties to this MOU, and participating in the Woomera Prohibited Area Advisory Board.

3.2 Woomera Prohibited Area Coordination Office

The Woomera Prohibited Area Coordination Office (WPACO) was established within Defence to implement and administer a permit system and support coexistence arrangements in the WPA. WPACO's functions include:

- (a) the development of policy to support coexistence in the WPA;
- (b) provision of administrative and secretariat support to the Woomera Prohibited Area Advisory Board;
- (c) provision of specialist advice on the use and access to the WPA by interest-holders; and
- (d) WPA stakeholder liaison.

3.3 The State

The State undertakes various functions associated with access and use of the Woomera Prohibited Area, including but not limited to compliance and the administration of regulatory functions under South Australian legislation.

The State is responsible for participating in the development, implementation and review of management protocols and complementary administrative and regulatory frameworks, and participating in the Woomera Prohibited Area Advisory Board.

Through a coordinating body, the State is responsible for:

- (a) development of State policy to support coexistence in the WPA;
- (b) provision of alternate secretariat support to the Woomera Prohibited Area Advisory Board;
- (c) performance against a strategic forward work program for the Woomera Prohibited Area Advisory Board;
- (d) provision of specialist advice to the parties to this MOU on the use and access to the WPA by interest-holders; and
- (e) supporting Defence to undertake the following:
 - (i) issuing authorities to access the WPA in accordance with the Legislative Framework;
 - (ii) implementation of recommendations of the *2018 Review of the WPA Coexistence Framework*;
 - (iii) declaring exclusion periods or closing an access route for the purpose of testing war material;
 - (iv) compliance and enforcement in the WPA;
 - (v) determining amounts of compensation payable under regulation 36 of the *Defence Force Regulations 1952*;
 - (vi) liaison with interest holders in the WPA; and
 - (vii) mapping relevant features in the South Australian Resource

Information Geoserver (SARIG), including the area(s) to which an exclusion period will apply,

4. Arrangements between Defence and the State for the administration of non-defence access to the Woomera Prohibited Area

- 4.1 To meet the aims and objectives of the Coexistence Model, the parties agree that:
- (a) Defence will consult in a timely manner with the State on material, new development and future activities planned that relate to:
 - (i) the operations of an administrative unit of the State; or
 - (ii) economic activity within the State.
 - (b) The State will, at the earliest opportunity, advise Defence of any material, new development or future activity planned within or adjacent the WPA.
 - (c) A Woomera Prohibited Area Advisory Board will be convened and supported by both parties to deliver against an agreed Terms of Reference.
 - (d) Both parties will collaborate in:
 - (i) developing policies and procedures to support each other undertaking the functions and activities specified in clause 3; and
 - (ii) the conduct, implementation and evaluation of reviews of the WPA coexistence arrangements.

5. Consultation and working level meetings on coexistence arrangements

- 5.1 In order to support the intent of this MoU, the parties agree to convene a working group on a quarterly basis (or more frequent as required) to discuss ongoing technical and administrative matters arising from coexistence arrangements in the WPA, and to agree the approach to, and resourcing of, matters to be brought before the WPA Advisory Board.
- 5.2 For the purposes of this MOU:
- (a) a working group meeting can be convened in person, by teleconference or email;
 - (b) a working group quorum will be taken to be a meeting including a representative of the State, of Defence, and of WPACO; and
 - (e) where a working group meeting is not required, the parties may agree not to convene a meeting.

6 Notices

6.1 For the purposes of this MoU and working level meeting in clause 5, the parties nominated representatives are:

(a) **Defence:**

Assistant Secretary, Strategic Critical Infrastructure and Foreign
Investment Branch
wpaco@defence.gov.au
1300 727 420

(b) **The State**

Director, Mining Projects Department for Energy and Mining
Email: dem.minerals@sa.gov.au
Phone: +61 (8) 8463 3000

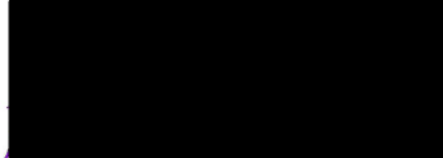
EXECUTED as a Memorandum of Understanding

Signed for and on behalf of the
Commonwealth in the presence of:



AS SCIFI.

Dept. for Energy & Mining
Deputy Executive Director Mineral
Resources
Appointment/ Position.

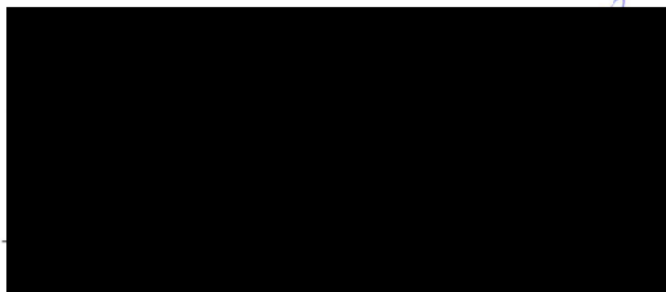


Witness

10th October 2019

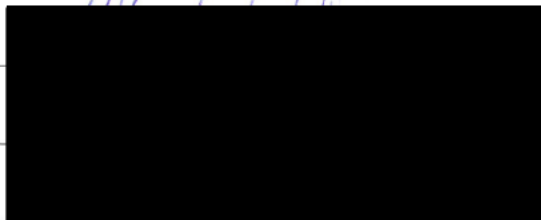
Date

Signed for and on behalf of the State of
South Australia (DLM) by:



DIRECTOR MINING PROJECTS
DEPARTMENT FOR ENERGY
& MINING

Signed for and on behalf of the State of
South Australia (Defence SA) by:

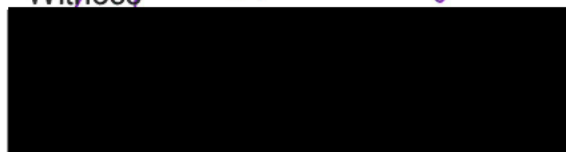


DIRECTOR AEROSPACE
DEFENCE SA.

Appointment/ Position.

Deputy Executive Director Mineral Resources
Dept. for Energy & Mining

Witness



Name of Witness in full

Deputy Executive Director Mineral Resources
Dept. for Energy & Mining

Appointment/ Position.



Witness

Name of Witness in full