

Terms of Reference: Woomera Prohibited Area Coexistence Framework Review

Context

1. The Woomera Prohibited Area (WPA) is a key national asset, critical to the development, test and evaluation of advanced defence capabilities. Its overarching legislative and governing framework includes:
 - a. *Defence Act 1903*: authorises use of the WPA for testing of war materiel;
 - b. *WPA Rule 2014*: regulates most third-party access to the WPA;
 - c. *Defence Force Regulations 1952*: sets out historical access arrangements for traditional owners and native title holders, pastoral lease holders, railway authorities, and a limited number of mining operators; and
 - d. WPA coexistence governance arrangements (Memorandum of Understanding between the Commonwealth of Australia and South Australian Government and the WPA Advisory Board).
2. The WPA Rule and WPA governance arrangements together form the 'coexistence framework'. This recognises that while Defence requirements for the testing and evaluation of military systems are given precedence within the WPA, the area is also important for pastoral activity, resource exploration and production, Aboriginal native title and cultural heritage, and other activities such as tourism and scientific research.

Scope

3. The review will assess the current WPA coexistence framework to determine whether it remains fit for purpose in the current strategic environment. It will consider national security, economic and cultural perspectives, and make recommendations to balance competing views in the national interest, including to:
 - a. inform remaking of the WPA Rule before it sunsets on 1 October 2026; and
 - b. update coexistence governance arrangements.
4. In making these recommendations, the review should acknowledge the precedence of Defence's use to advance strategic priorities and capability development to protect our national security, and opportunities to minimise regulatory burden and costs for third-party users.

Key tasks

5. The review should make qualitative and quantitative assessments of the balance of national interests over the short and medium (10-year) term, including but not limited to:
 - a. 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 allies, particularly in light of new and emerging technologies, and the subsequent value of the WPA to the US Alliance and other key international relationships;
 - b. anticipated future Defence needs in the WPA, in particular any potential changes in frequency and scope of activity;
 - c. current and future potential economic value of mineral deposits and other economic activities in the WPA, including potential impacts on employment and government revenues, and use of emerging technologies;

- d. the extent to which mining and economic activity is compatible with Defence use of the WPA, and any inherent limits to future coexistence, including issues posed by foreign ownership or control; and
 - e. appropriate coexistence governance arrangements, including the ongoing role of the WPA Advisory Board, and the Memorandum of Understanding between the Commonwealth of Australia and South Australian Government.
6. The review should consider lessons learnt from the 2010-11 and 2018 WPA reviews, including implementation of their recommendations.

Timeframe

7. The review should be finalised by the end of Q1 2025, with a final date to be negotiated with the review lead. Interim findings related to re-making the Rule should be provided by December 2024.