

Australian Government Response to the Independent Review of the Woomera Prohibited Area Coexistence Framework

Introduction

The Woomera Prohibited Area (WPA) is a key national asset, critical to the development, test and evaluation of advanced defence capabilities. It is a place of national significance for First Nations people, home to pastoral and mining operations, and host to scientific and environmental research, prospecting and tourism. The WPA coexistence framework seeks to balance the interests of all users in the WPA. Its success over the past decade has been grounded in the close working relationships between Defence and non-Defence users, in particular, the South Australian (SA) Government and the WPA Advisory Board.

Since the coexistence framework and the *Woomera Prohibited Area Rule 2014* (the WPA Rule) were established in 2014, we have seen dramatic shifts in the strategic environment, and our economy and national interest have continued to evolve. In light of this, the Deputy Prime Minister commissioned an Independent Review of the Woomera Prohibited Area Coexistence Framework (the Review) to ensure it remains fit for purpose to meet the needs of the Australian Defence Force (ADF) into the future, and serve the requirements of all stakeholders. The Independent Reviewer, Ms Rebecca Skinner PSM, submitted her report to the Deputy Prime Minister on 28 March 2025.

The Australian Government welcomes the report, and thanks Ms Skinner for her detailed analysis and considered recommendations. The Government has considered the report and responds by agreeing ‘in full’ to 17 recommendations, and agreeing ‘in-principle’ to the remaining two, which require additional steps for implementation. The responses below outline where implementation will be achieved through remaking the WPA Rule.

The Government welcomes the report’s efforts to balance Defence and other interests. It acknowledges that increased Defence access and flexibility in the WPA to meet operational capability requirements must be accompanied by efforts to minimise the impact on non-Defence users. This includes reforms to reduce regulatory burden, enable forward planning for economic and cultural interests and to provide more clarity and opportunity for all users of the WPA, as set out in the responses below.

Recommendation 1: As the primary user, Defence should be afforded more flexible access so it can meet its increasing test and evaluation requirements.

The Australian Government agrees with this recommendation.

Australia faces its most complex and challenging environment since the Second World War. In response to these circumstances, the 2024 National Defence Strategy has directed Defence to accelerate acquisition of new and advanced capabilities under the Integrated Investment Program, generating a significant increase in Defence demand, and flexibility, for accessing the WPA for testing and evaluation purposes.

Recommendation 2: In return for increased flexibility, Defence should be required to impact non-Defence users as few times as necessary, for minimal duration, with minimum disruption, including by:

- implementing processes, structures and incentives to drive better internal planning, prioritisation and flexibility; and
- notifying 'non-Defence use' windows to stakeholders to enable forward planning and provide confidence for economic and cultural activities.

The Australian Government agrees with this recommendation.

The Government acknowledges that non-Defence users rely on certainty, strong coordination, and clear communication to maintain operations and maximise benefits from their use of the WPA. The Government is committed to implementing stronger processes and structures to minimise the impacts of increased Defence use of the WPA on non-Defence users.

Noting the projected increase in demand for testing and evaluation activities, Defence, in consultation with relevant Government agencies, including Department of Industry, Science and Resources (DISR), and the SA Government, will codify the 'best practice' approach to minimising impact on non-Defence users. This will include agreeing suitable notification of non-Defence use windows, to create confidence for economic and cultural activities in the WPA. The Government defines 'non-Defence use windows' as periods of time where Defence is certain it will not be using a section of the WPA.

Recommendation 3: Increase the prescribed total number of days for Defence green zone use from 56 to 70, with provision for the Minister for Defence to approve additional Defence use – to a maximum of 100 days per annum – 'in the national interest'. Ministerial authority should be employed in consultation with the South Australian Government and via a disallowable legislative instrument.

The Australian Government agrees with this recommendation.

The Government recognises greater access and flexibility in the green zone would better enable Defence to meet forecast demand for testing and evaluation over the next decade. In the event a surge beyond 70 days in the green zone is considered necessary, consultation with the SA Government, and implementation via a disallowable legislative instrument to ensure parliamentary scrutiny, is appropriate. Defence will work with the SA Government to codify a process for consultation when seeking additional days, to support the Government's commitment to minimise impacts on non-Defence users.

This recommendation will be implemented via the Government's remaking of the WPA Rule.

Recommendation 4: Modernise zoning arrangements by:

- amending the term ‘Exclusion periods’ (for the purposes of section 72TA of the *Defence Act 1903*) to ‘Defence use periods’ in the Rule to better reflect how Defence manages safety and security requirements to minimise the impact on other users;
- allowing Defence to close any part of the green zone for the prescribed number of days;
- removing the requirement to conduct Defence activities in blocks of up to 7 days and reducing mandated breaks between activities to 6 weeks; and
- abolishing amber zone 2 and absorbing it into the green zone.

The Australian Government agrees with this recommendation.

The Government will modernise the WPA’s zoning arrangements as recommended. In remaking the WPA Rule, the Government will continue working with the SA Government to transition away from full closure of the green zone to a more flexible system that would enable partial closures via a gridded green zone system. This will minimise impacts on non-Defence users, while still ensuring safety and security during Defence testing activities.

This recommendation will be implemented via the Government’s remaking of the WPA Rule.

Recommendation 5: Amend notification requirements by:

- reducing to a minimum of three months’ notice for resource production permit holders in the amber and green zones;
- reducing to a minimum of three months’ notice for all other permit holders in the amber zones (retaining the current requirement for 21 days’ notice in the green zone);
- exploring options to either remove or minimise promulgation of Defence use periods via the Federal Register of Legislation to mitigate the security risk associated with public notification; and
- allowing standing permissions to be suspended with 14 days’ notice.

The Australian Government agrees with this recommendation.

The Government is committed to amending notification requirements as recommended. The current notification requirements – sometimes requiring up to 15 months’ notice – are impractical given inherent uncertainties in Defence testing activities, and can impact operational security. However, the Government also recognises non-Defence users’ need for adequate notification of Defence use periods.

While promulgation of Defence use periods via the Federal Register of Legislation is necessary for exclusion periods to have legal effect, Defence will explore options to reduce early promulgation, balancing security considerations with the need for sufficient advance notice of tests for non-Defence users.

This recommendation will be implemented via the Government’s remaking of the WPA Rule.

Recommendation 6: Defence should strengthen mechanisms to ensure individuals or entities seeking to own, control or invest in business activity in the WPA are professional, responsible and experienced individuals or commercial entities with sufficient governance and resources to meet security and regulatory obligations.

The Australian Government agrees with this recommendation.

The Government, through Defence, will work with the SA Government to define fit and proper user requirements for entities seeking to own, control, or invest in business activity in the WPA. The Government will provide these requirements to the WPA Advisory Board and make them publicly available.

Recommendation 7: Enhance Defence's oversight of who is in the WPA by:

- implementing a generic notification requirement for entry to the WPA; and
- ensuring there is an appropriate permit category available for new economic activity in the WPA.

The Australian Government agrees with this recommendation.

The Government, through Defence, will explore options for a notification system for permit holders that provides more timely and robust data on entry and exit from the WPA, and is consistent with privacy considerations. Defence will look to incorporate notifications via a digital portal system (outlined in Recommendation 15). Defence will also review WPA permit categories to ensure the regulatory framework is fit for new and emerging forms of economic activity in the WPA.

Recommendation 8: Strengthen Defence's ability to control access by:

- providing the Minister for Defence greater scope to refuse, suspend or cancel a permit on security grounds, placing the onus on permit applicants to prove access will not prejudice security (consistent with approved persons permits), and reducing thresholds for refusing, revoking or cancelling permits.
- allowing Defence to extend processing timeframes for an additional 60 business days for complex permit applications, and the Minister to withhold information used to inform a decision where disclosure is deemed prejudicial to national security.

The Australian Government agrees with this recommendation.

The Government, through Defence, and in consultation with relevant agencies, including DISR, will strengthen permit approval criteria to ensure permits are only approved when the Minister for Defence is satisfied that doing so would not prejudice the security, defence or international relations of Australia, and that the applicant is likely to comply with the conditions of their permit.

Extending decision timeframes by up to an additional 60 days for complex applications is appropriate. In situations where Defence refuses an applicant access, Defence will provide

the reasons for refusal. However, the Rule will be amended to exempt Defence from providing reasons where disclosure would prejudice the security, defence or international relations of Australia.

This recommendation will be implemented via the Government's remaking of the WPA Rule.

Recommendation 9: Defence should demonstrate renewed commitment to compliance and security in the WPA.

The Australian Government agrees with this recommendation.

The Government recognises the WPA's status as a strategic asset, and notes the planned increase in testing of capability. To support this, Defence will dedicate appropriate resourcing to improving the compliance and security framework in the WPA.

Recommendation 10: Provide the Minister for Defence authority to regulate technologies via a legislative instrument.

The Australian Government agrees with this recommendation.

The Government recognises it needs a more nimble regulatory approach to keep pace with technological innovation. Defence will work closely with non-Defence users to ensure that regulation via a legislative instrument satisfies security requirements for Defence activities in the WPA, while also enabling non-Defence users to leverage technologies to support their operations.

This recommendation will be implemented via the Government's remaking of the WPA Rule.

Recommendation 11: Defence should be more proactive in its remediation and compensation for non-Defence users impacted by Defence use by:

- developing remediation plans for all Defence activities prior to execution to assist with timely reparation for damage incurred; and
- developing a proactive 'coexistence payment', calculated by Defence to pre-determine anticipated entitlements.

The Australian Government agrees with this recommendation.

While businesses in the WPA should build coexistence into operating models, the Government acknowledges that the forecast increase in capability testing demands a more proactive and collaborative approach to managing potential impacts with non-Defence users.

The Government, through Defence, will streamline existing processes to ensure remediation plans are well-targeted and facilitate more timely outcomes. More transparency, clarity and streamlined processes, including through use of the term 'coexistence payment' as recommended, will improve non-Defence users' understanding of, and participation in, compensation processes.

Recommendation 12: Defence should enhance economic opportunities for First Nations groups in the WPA, where possible, including by strengthening the Regional Compliance Officer and Indigenous Liaison Officer programs.

The Australian Government agrees with this recommendation.

Providing meaningful economic opportunities for First Nations people is crucial to realising the objectives of the National Agreement on Closing the Gap. It also aligns with the Government's First Nations economic empowerment agenda.

The Government, through Defence, will continue to work with First Nations groups, including native title groups, in the WPA to improve engagement with, and outcomes for, the Defence-led Regional Compliance Officer and Indigenous Liaison Officer programs. Defence, in consultation with the National Indigenous Australians Agency, will also explore other potential avenues to support new economic activities in consultation with First Nations Groups, the SA Government and the WPA Advisory Board, in line with the Government's Indigenous Procurement Policy.

Recommendation 13: Defence should conduct regular education and awareness activities with internal and external stakeholders to educate on Defence's needs and drive a shared purpose.

The Australian Government agrees with this recommendation.

The Government, through Defence, will leverage its existing close relationships and engagement with stakeholders, to conduct regular education and awareness activities on the WPA's strategic importance. This will build upon existing mechanisms, including through the Advisory Board annual report, annual town hall and a newsletter. Defence will also ensure its own members and defence industry partners understand the principles of coexistence, and Defence's obligations and commitments within this framework.

Recommendation 14: Strengthen governance arrangements by:

- establishing stakeholder forums with operational and strategic stakeholders to support escalation pathways for issues management;
- increasing the WPA Advisory Board's role in managing coexistence tensions and strategic risks; and
- updating the Memorandum of Understanding between the Commonwealth and the South Australian Government to ensure consistency with the Review's principles and recommendations.

The Australian Government agrees 'in-principle' with this recommendation.

The Government agrees to the first two parts of this recommendation (relating to enhanced stakeholder engagement and the role of the WPA Advisory Board). The Government, through Defence, will strengthen the WPA's governance arrangements as recommended. Defence will establish a new risk register for monitoring strategic risks and emerging coexistence tensions

to support the WPA Advisory Board in fulfilling its mandate to monitor the WPA's coexistence arrangements.

The Government agrees 'in-principle' to update the Memorandum of Understanding between the Commonwealth and the SA Government. Subject to SA Government agreement, the Government will work with the SA Government to update the Memorandum of Understanding in line with the Review's findings and recommendations.

Recommendation 15: Reduce the regulatory burden on all users by:

- streamlining approved person applications by processing within five business days (extended consideration may occur for complex applications); granting permission for up to 5 years; and allowing individuals to be accredited to multiple locations in the WPA;
- applying standing permissions for persons escorted by ADF/APS personnel for Defence purposes to Defence establishments in the WPA; and
- leveraging existing Commonwealth or South Australian Government systems, Defence to implement digital systems to strengthen safety and security, including for:
 - o registering and monitoring WPA access, and
 - o permit applications and management.

The Australian Government agrees with this recommendation.

The Government, through Defence, will ensure that a remade WPA Rule reduces the regulatory burden on all users as recommended by the review. In line with privacy considerations, and in consultation with the SA Government, Defence will implement a digital system to streamline the user experience with permits, as well as strengthening safety and security in the WPA. The Government notes this will also support implementation of Recommendation 7 (a notification requirement for entry into the WPA).

Other than the digital system, this recommendation will be implemented via the Government's remaking of the WPA Rule.

Recommendation 16: To the extent practical, Defence should apply consistent requirements for all permits, permissions and deeds.

The Australian Government agrees with this recommendation.

The Government, through Defence, will work to identify where the Review's principles and relevant recommendations, including conditions applying to permit holders under a remade WPA Rule, could be applied consistently across permissions and deeds to improve certainty or clarity, or reduce complexity and burden for non-Defence users.

Recommendation 17: Review the coexistence framework in 2030 to ensure it remains fit for purpose.

The Australian Government agrees with this recommendation.

A review of the coexistence framework will be undertaken in 2030 to ensure it remains contemporary and appropriately calibrated to Australia's national interest.

Recommendation 18: The Australian Government and South Australian Government should work in partnership to understand the resource and economic potential within the red zone, using non-intrusive methods in the first instance.

The Australian Government agrees with this recommendation.

Further investigation to understand the resource potential within the red zone will facilitate a clearer picture of the economic potential of the WPA. The outcome of this investigation will assist the Government in balancing future defence, economic and cultural interests within the WPA. The Government will work with the SA Government to actively consider any proposals to further research the resource potential within the red zone, initially via non-intrusive methods.

Recommendation 19: When the *Defence Act 1903* is next reviewed, it should be updated to:

- provide Defence with necessary powers to enforce WPA safety and security requirements, including the power to warn, infringe and/or remove any person accessing the WPA without permission; and
- modernise language defining the WPA's purpose from 'testing war materiel' to better reflect modern military capabilities and requirements.

The Australian Government agrees 'in-principle' with this recommendation.

The Government will consider this recommendation as part of the proposed reforms to modernise the *Defence Act 1903* and in the context of the consultation process required. Modernised language in the *Defence Act 1903* will enable Defence to use the WPA more effectively in the national interests of Australia.