



# **Australian Government**

Department of Defence  
Department of Industry, Innovation and Science

## **Post Implementation Review**

### **Government Response to the Review of the Woomera Prohibited Area**

Implementing a new regulatory framework for managing Department  
of Defence and non-Defence use of the Woomera Prohibited Area

December 2016

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## **Legislative note**

### **Repeal of the *Defence Force Regulations 1952***

The *Defence Regulation 2016* came into effect on 1 October 2016 and repealed the *Defence Force Regulations 1952*.

### **References to the *Defence Force Regulations 1952* in this report**

References to the *Defence Force Regulations 1952* and regulations 34 and 35 throughout this Post Implementation Review report reflect the saving provisions provided by *Defence Regulation 2016*. These saving provisions are detailed below.

## **Saving provisions in the *Defence Regulation 2016***

### **Part 11—Defence areas**

#### **Division 1—Application of Part**

##### **57 Application**

(1) This Part does not apply to a person if, immediately before the repeal of the *Defence Force Regulations 1952*, Part VII of those regulations applied to the person.

Note: For the application of Part VII of the *Defence Force Regulations 1952*, see subsection 72TB(1) of the Act.

(2) Despite the repeal of the *Defence Force Regulations 1952*, Part VII of those regulations continue to apply in accordance with subsection 72TB(1) of the [Defence] Act [1903].

### **Part 17—Transitional provisions**

#### **87 Defence areas**

(1) An authorisation under regulation 34 of the *Defence Force Regulations 1952* continues in effect despite the repeal of those regulations, and may be revoked as if those regulations had not been repealed.

(2) Part VII of the *Defence Force Regulations 1952* continues to apply in relation to a prohibited area that was, immediately before the repeal of those regulations, declared under subregulation 35(1) of those regulations.

...

(4) A claim for compensation relating to an authorisation mentioned in subsection (1), or relating to an area mentioned in subsection (2) or (3), may be dealt with under the *Defence Force Regulations 1952* as if those regulations had not been repealed, even if the authorisation or the declaration of the area has been revoked before the claim arises.

## Post Implementation Review

This Post Implementation Review (PIR) addresses the Government's response to the *Review of the Woomera Prohibited Area*, known as the Hawke Review, which was released publicly in May 2011<sup>1</sup>.

The review sought to make recommendations about the best use of the WPA in the national interest and was established:

- in recognition of the potential value to South Australia of the highly prospective minerals that are borne within the Gawler Craton that partly lies within the WPA;
- in response to the increasing demand to access the WPA by the resources sector in times of rising commodity prices; and
- in recognition of the challenge that managing increased non-Defence user access posed to Defence given its primary use of the WPA for the testing of war materiel.

The review's overarching finding was that the Department of Defence should remain the primary user of the Woomera Prohibited Area (WPA) but that the area be opened for resources exploration to the maximum extent possible. The review also sought to create a co-existence framework for the WPA that was transparent and would provide greater certainty about access for non-Defence users, which would also provide the resources sector with confidence to enable informed business decisions.

The Australian Government agreed this would be implemented through a legislated permit scheme for non-Defence users to access the WPA. This legislated permit scheme represents the fundamental basis for the establishment of the new co-existence framework.

Two Bills were introduced to Parliament to give effect to the review recommendations. The first Bill, the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013*, was introduced in the 43<sup>rd</sup> Parliament but lapsed when that Parliament was prorogued. At the time of the first Bill, the Prime Minister had granted an exemption for a Regulation Impact Statement.

To support the introduction of the second Bill, a Single-stage Regulation Impact Statement was prepared in January 2014 and assessed by the Office of Best Practice Regulation (OBPR) as containing an adequate level of analysis and having met the Government's best practice regulations<sup>2</sup>. OBPR separately noted that the proposal had been assessed as likely to primarily impact a single sector, the resources sector, and be of relatively minor significance in the broader economy.

The *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* was introduced to the 44<sup>th</sup> Parliament on 27 March 2014. The Bill received assent on 8 August 2014 and came into effect on 9 August 2014.

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<sup>1</sup> [Review of the Woomera Prohibited Area Final Report](#), 4 February 2011

<sup>2</sup> <http://ris.dpmc.gov.au/2014/05/09/management-arrangements-for-the-woomera-prohibited-area-single-stage-regulation-impact-statement-department-of-defence/>

The *Defence Legislation Amendment (Woomera Prohibited Area) Act 2014* gave effect to the recommendations made in the Hawke Review. In particular, the Act authorised the Minister for Defence to make, by legislative instrument and with the agreement of the Industry Minister<sup>3</sup>, the Woomera Prohibited Area Rule.

The *Woomera Prohibited Area Rule 2014* was placed on the Federal Register of Legislative Instruments on 26 August 2014 and came into effect on 27 August 2014. It sets the regulatory framework for new non-Defence users to access the Woomera Prohibited Area (WPA) under the co-existence scheme envisaged by the Hawke Review.

Together, the *Defence Legislation Amendment (Woomera Prohibited Area) Act 2014* and the *Woomera Prohibited Area Rule 2014* (the Rule) represent the Government's response to the Hawke Review. Other review recommendations were of a procedural, administrative or policy nature mainly for the Department of Defence's administration of the WPA and are not addressed in detail in this PIR.

## **Background**

### **Overview – the Woomera Prohibited Area**

The Woomera Prohibited Area (WPA) in South Australia is located around 450 kilometres north-north-west of Adelaide with a land mass of about 122,000 square kilometres. The WPA makes up 12 per cent of the state of South Australia.

The WPA is mainly South Australian Crown land that includes pastoral leases, mining leases and resource exploration tenements and opal fields. Two Aboriginal groups hold freehold title and other Aboriginal groups have native title interests over parts of the WPA, which contains sites and places of cultural heritage significance to Aboriginal people. Tourists and research and environmental groups also have an interest in accessing the WPA, including the Tallaringa Conservation Park. Key transport infrastructure that passes through the WPA includes the Stuart Highway and the Central Australian (Tarcoola to Darwin) railway line. This creates a complex stakeholder management environment.

The Department of Defence is the primary user of the WPA and non-Defence users may be given permission to enter and remain within the WPA under Defence's legislative framework. They may also be excluded from the WPA for safety or security. The WPA Coordination Office administers all non-Defence access to the WPA under the legislative framework.

The WPA is declared as a 'Prohibited Area' under regulation 35 of Part VII of the *Defence Force Regulations 1952*. Regulation 35 allows the Minister for Defence to declare a place to be a prohibited area which is a place necessary, expedient or in the interest of safety or defence of Australia: to carry out operations for the testing of war materiel; and that special precautions be taken to prevent the entry of unauthorised persons into that place.

In addition, the Minister has also authorised entry onto, and use of the WPA as an area to conduct operations for the testing of war materiel pursuant to regulation 34. Section 72TA of the *Defence Act 1903* provides this authorisation for the application of the Rule.

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<sup>3</sup> Defined in Part 72T of the *Defence Act 1903*: Industry Minister means the Minister administering the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

There are two legislative regimes under which a person may be granted permission to access the WPA and the specific regime that applies will depend upon when the permission was issued:

- the *Defence Force Regulations 1952*<sup>4</sup>, which are limited to those non-Defence users who had authority to be in the WPA before the commencement of the Rule; and
- the Rule, which came into effect on 27 August 2014 and provides a system of permits for non-Defence users, which is the subject of this Post Implementation Review.

Further guidance regarding which access framework applies is provided in section 72TB of the *Defence Act 1903* and is further outlined in this report.

## **The WPA and Defence as primary user**

As the primary user, the WPA provides Defence with a unique capability for the testing and evaluation of new and emerging war materiel technology because of its size, remoteness, low population density and quiet electromagnetic environment. It is a significant national security asset.

At over 122,000 square kilometres the WPA is the largest land-based test range in the Western world. It is the only land mass available with an instrumented range capable of safely developing and testing 'next generation' weapons systems to the full extent within its land borders. These may include manned and unmanned aircraft and associated systems; electronic warfare and counter-measure systems; hypersonic engines; missiles; munitions and explosive ordnance; and ground-based weapons systems.

The strategic, operational and tactical value of the WPA's unique capabilities to Australia's future long-range weapons testing programs is significant in national security and Defence planning. This is particularly so as the Australian Defence Force (ADF) acquires new weapons systems that require large, safe and secure areas for testing and weapons systems research that includes development, simulation and evaluation over long periods of time.

The WPA is also critical to testing and evaluating the technologies and weapons systems already in ADF service and for providing direct support to current military and combat operations, including force preparation and training for ADF personnel about to be deployed overseas.

Defence is also upgrading much of its test range systems, infrastructure and equipment. These current and future projects reflect the priority that Defence is placing on the weapons testing capabilities and facilities provided by the Woomera Test Range within the WPA to support current and future military systems and technologies.

The WPA range is now, in parts, in near constant use and testing is expected to increase in coming years as new military capabilities and weapons systems are introduced into service across a range of air, space and land technologies outlined in the 2016 Defence White Paper.

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<sup>4</sup> See the **Legislative note** (page 3) regarding the repeal of the *Defence Force Regulations 1952* and the saving provisions provided by the *Defence Regulation 2016*.

The overall capability afforded by the WPA in conjunction with its legislative framework allows Defence to conduct sensitive weapons and other advanced military technology testing – including with Australia’s allies and partners – safely and in a secure physical and electronic environment, with reduced prospects of security risk or compromise.

## **The WPA and the resources sector**

The WPA overlaps a major part of South Australia’s significant minerals and energy resources potential, covering over 30 per cent of the Gawler Craton, one of the world’s major mineral domains, and the Arckaringa, Officer and Eromanga Basins that contain conventional and unconventional hydrocarbons and coal. Exploration and mining within the WPA remains a critical part of South Australia’s economic priority to unlock the State’s resources and energy wealth.

Geoscience Australia<sup>5</sup> previously estimated that 62 per cent of Australia’s known copper resources, as well as 76 per cent of the country’s known uranium resources, are located within the WPA and its immediate surrounds. In addition, the Coober Pedy Proclaimed Precious Stones field covers about 5,000 square kilometres, 48 per cent of which falls within the WPA.

In 2010-11, the South Australian Government and Geoscience Australia had assessed that over the next decade about \$35 billion, including iron ore, gold, copper and uranium prospects, were potentially exploitable from within the WPA. In 2013, the South Australian Government funded a gravity survey in the WPA through its Plan for Accelerating Exploration (PACE 2020) Initiative to further assess the economic and resource potential. The new data collected from the gravity survey enabled the detection of large-scale iron oxide copper gold mineral systems hidden under the covering sediments of the Gawler Craton. The WPA gravity survey data together with reprocessed magnetic data were released to the resources industry with the intent of bolstering exploration investment in the region.

Minerals and energy resources exploration and mining continue to be the highest economic value among non-Defence user activities in the WPA despite declining commodity prices in recent years within the minerals sector. At 30 June 2016, 149 mineral exploration licences issued by the South Australian Government were current for exploration in the WPA, held by 49 companies for commodities including copper, gold, iron ore, uranium, silver and heavy mineral sands.

When the new regulatory framework was introduced in August 2014, there were four mines operating within the WPA under extant individually-negotiated deeds of access executed between the resource companies and the Commonwealth represented by the Department of Defence. In general terms, these deeds detail company obligations in accessing the WPA, including evacuation when required for safety or security during weapons testing.

The Prominent Hill mine (copper, gold) has continued to operate in the intervening period, while operations were suspended at Peculiar Knob (iron ore), Cairn Hill (iron ore, copper and gold) and Challenger (gold) due to the decline in commodity prices and company administration arrangements. Since those suspensions, the Cairn Hill and Challenger mines recommenced operations in mid-2016 following acquisition by new owners. The Cairn Hill operations fall under the new regulatory regime.

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<sup>5</sup> *Mineral Resource Potential Assessment of the Woomera Prohibited Area, South Australia* (2010), available at: <https://data.gov.au/dataset/mineral-resource-potential-assessment-of-the-woomera-prohibited-area-south-australia>

## **The WPA and other non-Defence users**

Existing non-Defence users with authority to access the WPA under the provisions of Regulation 35 of the *Defence Force Regulations 1952* at the time of the Rule coming in to force remain subject to those provisions - and not those of the Rule - unless they were subject to transitional provisions or seek a permit under the Rule.

Pursuant to section 72TB of the *Defence Act 1903* these existing users include Aboriginal people with interests in the WPA; pastoralists; mines that are subject to deeds of access; the owner or operators of the Tarcoola to Darwin railway line; and South Australian Government employees or its agents.

While remaining subject to the provisions of the *Defence Force Regulations 1952*, existing users may have their access suspended under the Regulations and be excluded from the WPA for safety or security coincident with those exclusion periods that are determined under the Rule.

The Rule under section 13 also allows for permits to be issued for purposes such as research, environmental or other miscellaneous purposes.

## **Transport infrastructure and access in the WPA**

Major public transport routes such as the Stuart Highway, the Olympic Dam Highway, the William Creek Road, the Lake Cadibarrawirracanna Road and the Tarcoola to Darwin railway line are all subject to a 'standing permission' that allows travel or access in the WPA without a permit under section 11 of the Rule. Those travelling or accessing the WPA under this provision must not deviate from the prescribed route. A standing permission is also in place for the Woomera Village.

This standing permission may be suspended by legislative instrument under section 11(3) of the Rule for the security of defence activities or for the safety of persons in the WPA. Since the Rule was introduced in August 2014, standing permission for a defined section of the Stuart Highway was suspended intermittently for short durations over the period 17 to 30 November 2014 for the testing of war materiel and to uphold the security and safety of the test.

Access to other public roads within the WPA requires a permit under section 13 of the Rule. The requirement to apply for a tourist permit for these roads assists Defence in notifying applicants of forthcoming exclusion periods and managing the access and safety of persons during the testing of war materiel. These other roads, such as the Anne Beadell Highway that traverses the Green and Amber 2 zones and is used by 4-wheel drive enthusiasts, are mainly in isolated areas of the WPA where communication is otherwise difficult. Other permits may also be required under State legislation and from the Traditional Owners.

## **The problem**

The Hawke Review into the security and economic interests in the WPA that was commissioned by the Australian Government in May 2010 sought to make recommendations about the best use of the WPA in the national interest.



The review recommended that Defence remain the primary user of the area, but acknowledged that exploitation of the WPA's considerable minerals resources would bring significant economic benefit to South Australia in particular and Australia in general. As a result, the review proposed that the WPA be opened for resources exploration to the maximum extent possible.

The problem being addressed by the new regulatory framework concerned the resources sector not having enough certainty to access the WPA under Defence's administrative arrangements established by Part VII of the *Defence Force Regulations 1952*.

Given the scale of economic commitment and the prospective duration of mine operations, the resources sector sought longer-term certainty regarding access to the WPA - and greater certainty about the conditions attaching to that access - to justify the high level of investment required to conduct exploration or resource production activities.

This concern was brought about as the former ad hoc negotiation process for deeds of access with Defence was perceived to be a possible deterrent to pursuing opportunities in the WPA. The deed negotiation process was also perceived to be protracted, costly and uncertain, with companies concerned about the possible inconsistent application of access conditions and deed provisions between individual applicants. A more transparent and standardised process was therefore sought.

## **The solution**

The Hawke review sought to create a new co-existence framework that was transparent and would provide greater certainty about access, which would also provide the resources sector with confidence to enable informed business decisions.

The Australian Government agreed this would be implemented through a legislated permit scheme for non-Defence users to access the WPA that would also set out the conditions that could be enforced through an offence and penalty regime. The framework would also include a merits review provision for decisions made by Defence regarding applications to access the WPA. This legislated permit scheme would represent the fundamental basis for the establishment of the new co-existence framework.

The *Defence Legislative Amendment (Woomera Prohibited Area) Act 2014* came into effect on 9 August 2014 and gave rise to the introduction of the Rule that came into effect on 27 August 2014. To bring the co-existence framework into being, the Rule sets out the system of permits and associated provisions for 'new' non-Defence users that seek to access the WPA, and for which permits are issued.

This framework balances Defence's requirement - as the primary user of the WPA to test war materiel - with non-Defence user access that seeks to exploit the extensive resource potential within the WPA, or to engage in other activities such as tourism. The measures also provide controls on access by non-Defence users to the WPA to protect their safety to the fullest extent possible, and to uphold national security.

## **The policy objective**

The primary policy objective underpinning the regulatory framework was to maintain an effective Defence environment for the testing of war materiel while balancing those economic interests in the WPA that otherwise would compete with Defence's requirements.

This objective would also provide increased certainty and transparency for new non-Defence users regarding their conditions of access to the WPA, particularly to support significant long-term resources investment, while also protecting safety and national security.

The resultant regulatory framework design sought to satisfy co-existence by providing for:

- a system of dividing the WPA into access zones;
- the determination of exclusion periods by legislative instrument to include prescribed notification lead-times;
- standardised permit application forms tailored to meet the common access permit types;
- prescribed permit application processing times;
- standardised access and compliance conditions that may also be tailored to suit applicants' circumstances or types of permit;
- prescribed permit durations (eg. resource production, 10 years; exploration, 7 years);
- defined permit renewal processes with the presumption of renewal subject to compliance; and
- the right to seek a review of decisions made in respect of permits.

## Policy Options Considered

There were two options to overcome the problem presented by the Hawke Review to afford new non-Defence users greater certainty regarding their ability to access and use the WPA, particularly for the resources sector.

- The first option was to retain the extant process for non-Defence user access to the WPA as an administrative arrangement under the authority of Part VII of the *Defence Force Regulations 1952*.
- The second option was to formalise the administrative and co-existence access arrangements for non-Defence users as legislative provisions to the extent possible.

The Australian Government in 2011 gave effect to the second option by agreeing to establish a new regulatory framework in response to the Hawke Review recommendations.

The Government also agreed to preserve the access conditions for those non-Defence users with authority to be in the WPA before the new framework was introduced.

The Single-stage Regulation Impact Statement<sup>6</sup> prepared for the introduction of the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* addressed the options, including the costs and benefits of both.

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<sup>6</sup> <http://ris.dPMC.gov.au/2014/05/09/management-arrangements-for-the-woomera-prohibited-area-single-stage-regulation-impact-statement-department-of-defence/>

## Consultation prior to the introduction of the regulatory framework

Extensive stakeholder consultation was undertaken in three major tranches:

- during the Hawke Review;
- for the development of the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013*; and
- for the development of the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* and the *Woomera Prohibited Rule 2014*.

Overall, the public consultations and submissions, including those from the resources sector, indicated support for the proposed regulatory framework. An outline of the consultations is at attachment A.

## Post-regulatory framework overview

### Access zones

The framework recommended by the Hawke Review included a “time-share model” that would optimise co-existence and provide certainty of access by establishing zones within the WPA determined by the frequency of Defence use; particularly where it was periodic or infrequent. The infrequent use (green) zone would provide a presumption of access subject to the issue of a permit unless the non-Defence users in that zone were excluded for the testing of war materiel.

The Rule at section 6 prescribes the following zones within the WPA:

- the **red zone**, being the area described as “Defence continuous use zone” on DMITRE Plan Number 204192-001<sup>7</sup>, dated 1 September 2014 (the plan);
- amber zone 1**, being the area described as “Defence periodic use zone 1” on the plan;
- amber zone 2**, being the area described as “Defence periodic use zone 2” on the plan;
- the **green zone**, being the area described as “Defence infrequent zone” on the plan.

Under section 7 of the Rule permits are not issued for the red zone.

A map of the WPA access zones is attached at attachment B.

### Exclusion periods

So that Defence may conduct weapons tests as the primary user and uphold safety and security, non-Defence users and permit holders may be excluded from the WPA access zones (detailed previously) following the determination of exclusion periods.

Exclusion may apply to the entire zone or to part of a zone and wherever possible, Defence will exclude part of a zone only. The exclusion area is determined having taken into detailed consideration the nature of the weapons and systems to be tested and the safety parameters of

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<sup>7</sup> <https://sarigbasis.pir.sa.gov.au/WebtopEw/ws/plans/sarig1/image/DDD/204192-001>

the test, which will dictate the extent of the area of exclusion zone. Further assessments are made in relation to the possible risk to persons, pastoral stock, the cultural and heritage and physical environment, and equipment and infrastructure. The possible effect of an exclusion zone on non-Defence user operations such as resource production or seasonal pastoral operations and rail schedules is considered to the extent possible when determining an exclusion period or zone area. At all times, the personal safety of people remains a paramount consideration.

In keeping with the Hawke Review, the Rule at section 8(1) provides that the Minister may, by legislative instrument, determine the following exclusion periods within a financial year:

- (a) for amber zone 1 – up to 20 periods of up to 7 days each;
- (b) for amber zone 2 – up to 10 periods of up to 7 days each; or
- (c) for the green zone – up to 8 periods of 7 days each.

An exclusion period for a zone may commence immediately after the end of a previous period. If not, there must be a break of at least: for amber zone 1 or amber zone 2, six weeks between the periods; and for the green zone, three months between the periods.

Section 9 of the Rule provides that written notice must be given to a permit holder of an exclusion period for a zone covered by their permit. If the permit covers:

- (a) amber zone 1 or amber zone 2: notice must be given at least three months before the beginning of the financial year in which the exclusion period begins;
- (b) the green zone, and is for resource production purposes: notice must be given at least six months before the exclusion period begins; or
- (c) the green zone, and is not for resource production purposes: notice must be given at least 21 days before the exclusion period begins.

If the permit is issued at any time after the commencement of the notification period, notice must be given when the permit is issued.

Apart from giving written notice of exclusion periods to permit holders and other stakeholders, the exclusion periods determined by legislative instrument are registered on the Federal Register of Legislation<sup>8</sup> and published on the WPA Coordination Office website<sup>9</sup>.

Wherever possible, Defence will maintain exclusion periods in the WPA amber and green zones only for as long as is required to conduct the weapons test and ensure safety and security. This means that exclusion periods may be revoked where tests do not proceed as originally planned, or that the exclusion period durations may be reduced once the test is completed. Additionally, much of Defence's testing activity is currently undertaken in the red (Defence continuous use) zone with limited effect on non-Defence users.

Defence's administrative and procedural actions in this regard are taken to reduce the effect of its weapons testing programs on non-Defence users in the WPA to the extent possible, thereby supporting the co-existence framework. Non-Defence users are advised at the earliest

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<sup>8</sup> For legislative instruments, see:

<https://www.legislation.gov.au/Browse/Results/ByTitle/LegislativeInstruments/InForce/Wo/0/Woomera/Principal>

<sup>9</sup> See [defence.gov.au/woomera/exclusionperiods.htm](https://defence.gov.au/woomera/exclusionperiods.htm)

opportunity should an exclusion period be revoked or varied, noting however that weapons tests are subject to many complex planning, operational, technical, weather and environmental factors that could result in short-notice cancellation before or during a test.

In practical terms for the resources sector, exclusion periods that may require evacuation from leases or tenements are limited to activities such as mining, production, transportation or 'on ground' exploration. Depending on the nature of the Defence testing, airborne activities in support of exploration or surveys may continue except when there are airspace restrictions in place.

## **Permits**

### **Transitional arrangements**

When the regulatory framework came into effect on 27 August 2014, several resources sector users within the WPA had been granted deeds of access under transitional arrangements recommended by the Hawke Review. This arrangement was to provide access to the WPA pending the introduction of the new legislative regime.

These transitional deeds included a provision that they would expire six months following the introduction of the new legislated system of permits. This arrangement therefore required the deed holders to seek a permit should they so choose by 9 February 2015, being six months after the Rule came into effect. Former deed holders reported that transitioning to a resource permit was seamless and did not create an additional administrative burden.

### **Permits under the Rule**

To support the co-existence framework principle of upholding security and the safety of persons, the Rule at Part 4 provides for a system of permits to access the WPA. This includes permits for: resource production; resource exploration; opal mining and precious stone prospecting; research purposes; tourism; environmental purposes; and, other purposes. The issue of a permit is not automatic and is subject to Defence's governing risk assessment requirement to uphold the safety of users within the WPA and the security of defence operations.

Resource production and resource exploration permit holders must also ensure that each person who enters the WPA under their permit is an Approved Person or an Escorted Person and that those persons comply with the conditions of the primary permit. The purpose of this provision is to uphold safety and security by ensuring that those persons present have permission to be in the WPA. Those seeking Approved or Escorted person status must complete a form to provide personal details. This Rule provision and its supporting administrative process is a simplified version of a similar requirement attaching to the former deeds of access.

### **Renewal of permits**

The Rule at section 22 provides that a permit holder may apply to the Minister for renewal of the permit. For a compliant application, section 26 of the Rule provides that the Minister must renew the permit unless the Minister is satisfied that doing so would prejudice the security of defence activities; or that the applicant is unlikely to comply with the conditions of the permit.

Subject to section 26, the Rule provisions afford a presumption of permit renewal.

## **Compliance**

Section 72TG of the *Defence Act 1903* creates a strict liability offence for failing to comply with prescribed permit conditions provided by the Rule. Part 6 of the Rule allows an authorised officer to give a person an infringement notice for an alleged contravention of section 72TG of the Act in place of prosecution. Demerit points may also be incurred under section 7 of the Rule if the permit holder is given an infringement notice or is convicted of an offence.

The Air Force's Woomera Test Range Compliance Monitoring Team maintains a continuous program of non-Defence user engagement that also includes site visits for resources and exploration permit holders. This type of engagement includes briefings for new users to support permit holders in understanding the regulatory framework including compliance with permit conditions; Defence's war materiel testing program and how exclusions are determined; and any requirement to evacuate the WPA zones for safety and security.

Importantly in an enforcement context, this program of working-level engagement assists permit holders in correcting any deficiencies in permit administration and supports permit holders in voluntarily complying with the provisions of the WPA regulatory framework.

### **Prescribed fees**

The Hawke Review recommended that Defence should establish a cost-recovery model to recover the expenses it incurs in managing non-Defence access to the WPA.

Section 72TP (2)(a) of the *Defence Act 1903* provides that the Rule may prescribe fees for doing any act or providing any service.

The Rule as introduced does not provide for prescribing fees. Defence currently manages the processing of permit applications and activities associated with non-Defence user access to the WPA within its operating budget.

## **Impact Analysis**

### **Permits**

#### **Permits issued under transitional arrangements**

The following table shows the number of permits subsequently issued under the Rule to replace the deeds under this transitional arrangement. Deeds not replaced by a permit lapsed.

**Table 1:** Number of Deeds of Access issued during the transitional arrangements, together with the number of permits subsequently sought and issued.

Type of deed	Number Issued <sup>(1)</sup>	Permits Issued to replace deeds <sup>(2) (3)</sup>
Deed of Access (Mineral lease)	1	0
Deed of Access (Exploration)	37	24
Deed of Access (Petroleum Exploration)	1	1
Deed of Access (Extractive Mineral)	4	0
<b>Notes:</b> (1) Under former deed/transitional deed arrangements. (2) Number of deed holders that transitioned to a permit under the Rule as at 9 February 2015. (3) The number of permits issued is also included in the Resource Exploration Permit total shown at Table 2.		

### Permits issued under the Rule

The following tables detail the number of permits issued by main type under the Rule from 27 August 2014, when the regulatory framework was introduced, to 30 June 2016. The number of Approved Person and Escorted Person applications processed in support of Resource Production Permits and Exploration Permits are also shown, together with the number of associated requests to access the WPA and actual permit processing times.

**Table 2:** Summary of applications and access requests for the period 27 August 2014 to 30 June 2016.

Type	Issued	Refused	Average process (business days)	Rule provision (business days)
Resource Production Permit	1 <sup>(1)</sup>	0	-	25
Resource Exploration Permit	37	1 <sup>(2)</sup>	-	25
Approved Persons	1,133	0	-	20
Escorted Persons	145	0	n/a	n/a
Opal Mining & Precious Stone Permit	109	0	4	10
Research Permit	2	0	15	20
Environmental Permit	0	0	n/a	10
Other Purpose Permit	6 <sup>(3)</sup>	0	5	10
Tourist Permit	1,775 <sup>(4)</sup>	0	3	10
Access Requests	1,542 <sup>(4)</sup>	0	n/a	n/a
<b>Notes:</b> (1) The acquisition of the extant Cairn Hill mine by a new company required a resource production permit under the Rule, which was subsequently issued. (2) Permit refused under section 17 of the Rule. (3) Includes four Extractive Mineral lease permits; one Infrastructure permit; and one Access permit. (4) Total number of individuals.				

**Table 3:** Summary of application processing in business days for the period 27 August 2014 to 30 June 2016.

**a. Resource permits**

Type of permit	Rule provision (days)	Actual process (business days)						Total permits issued
		1-5	6-10	11-15	16-20	21-25	26-30	
<b>Production</b>	25	0	0	0	0	1	0	1
<i>Percentage of total</i>		-	-	-	-	100%	-	-
<b>Exploration</b>	25	5	4	4	5	17	2	37
<i>Percentage of total</i>		13.5%	11.0%	11.0%	13.5%	46.0%	5.0%	-

**b. Approved persons**

Rule provision (days)	Actual process (business days)						Total granted
	1-5	6-10	11-15	16-20	21-25	26-30	
20	592	315	141	71	6	8	1,133
<i>Percentage of total</i>	52%	28%	12.5%	6.3%	0.5%	0.7%	-

**Exclusion periods**

Fifteen exclusion periods were determined in Amber zones 1 and 2 over the period 27 August 2014 to 30 June 2016. Of those, five exclusion periods were exercised; one was exercised in limited areas; and nine were revoked with cancellation advice to given to stakeholders. Notice of cancellation varied from one week in one case; to three weeks in two cases; to four weeks in two cases; to eight weeks in one case; and to 12 weeks in three cases.

Four exclusion periods were determined in the Green Zone over the period 27 August 2014 to 30 June 2016. Of those, two exclusion periods were exercised in limited areas and two revoked. Three weeks' notice of cancellation was given in one case; and in the other case, cancellation was determined before formal advice of the exclusion period was given to stakeholders.

**Compliance**

The Rule at Part 6 and Part 7 provides for a system of infringement notices, penalties and demerit points for failing to comply with a prescribed permit condition. No infringement notices, penalties or demerit points have been issued under the Rule since coming into effect on 27 August 2014.

**Assessing the regulatory costs and deregulatory benefits**

The Single-stage Regulation Impact Statement (RIS)<sup>10</sup> prepared in January 2014 for the introduction of the *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* addressed the costs and benefits of implementing the WPA regulatory framework.

<sup>10</sup> <http://ris.dpmc.gov.au/2014/05/09/management-arrangements-for-the-woomera-prohibited-area-single-stage-regulation-impact-statement-department-of-defence/>



The January 2014 RIS costing model assumed that four new mines might begin operation in the WPA over the next 10 years. To undertake transactional comparison estimates, the model assumed that an applicant to access the WPA for a mine operation has the option of seeking a deed of access (pre-regulatory framework), or a resource production permit (post-regulatory framework).

Commodity prices in the resources sector have been in decline for several years and remain at low levels, affecting the rate of exploration and mining within the WPA. No new mines have come into operation within the WPA since the regulatory framework was introduced in August 2014, and based on consultations with some resource sector representatives none are envisaged in the near-term. Notwithstanding, South Australian Government investment in minerals surveys and resources sector strategies indicate the prospect of increased exploration and possibly mining production within the 10-year timeframe originally modelled. As a result, the 2014 costing model remains a valid basis for the purposes of assessing the regulatory costs and benefits of the Rule and is maintained as the comparative basis for this Post Implementation Review.

## **Cost estimates**

For the former mining deed of access, a cost estimate of \$174,000.00 was derived for the lengthy process required to negotiate access conditions, draft and review the individual deed. The deed, when agreed, would be executed between the resource company applicant and the Commonwealth represented by the Department of Defence.

The individual deed negotiation process was estimated to take up to three months before the final deed would be executed, possibly incurring additional delay costs before access to the WPA could be granted. The estimated cost to the applicant was represented by obtaining specialist mining and legal advice, with this basis being verified in consultation with the South Australian Department for Manufacturing, Innovation, Trade, Resources and Energy (now Department of State Development) when preparing the January 2014 RIS.

For a resource production permit, the cost of the staff effort required to complete a proforma application was assessed at \$500.00. The application seeks basic company information that includes a company history extract; tenement details and an outline of the proposed method of mine operation; and, information regarding public liability insurance and workers' compensation arrangements. This information is typically held in corporate records.

The standard conditions applying to a resource production permit are prescribed in the Rule at sections 29 and 31. If the application is complete and no further information is required, the Rule provides that the permit must be issued within 25 business days.

The protracted and costly (in terms of lengthy negotiation, staff and advice costs and delayed access) basis in negotiating the former requirement for a deed of access was also confirmed in consultation with mining companies. The permit system was considered a preferable, simple and transparent process that required limited staff effort or review, and that the information sought was readily available to companies as part of 'business as usual' operations.

The 2014 RIS costing model resulted in the comparative deregulatory benefit for resource production non-Defence users, which is shown in the following table.

**Table 4:** 2014 comparative deregulatory benefit over 10-years, brought back to a yearly estimate.

Framework	Individual cost estimate	10-year cost estimate (4 mines)	Yearly cost
Permit	\$500	\$2,000	\$200
Deed of Access	\$174,000	\$696,000	\$69,600
	<b>Difference</b>	<b>(\$694,000)</b>	<b>(\$69,400)</b>

Overall, the yearly deregulatory benefit across the resources sector seeking to access the WPA was estimated to be \$0.069 million for resource production permit holders under the new regulatory framework, which is illustrated in the following table.

**Table 5:** 2014 regulatory burden and cost offset estimate.

Average annual regulatory costs (from business as usual)				
Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	(\$0.069)	\$0	\$0	(\$0.069)
Cost offset (\$ million)	Business	Community organisations	Individuals	Total, by source
Agency	\$0	\$0	\$0	\$0
Are all new costs offset?				
<input type="checkbox"/> Yes, costs are offset <input type="checkbox"/> No, costs are not offset <input checked="" type="checkbox"/> Deregulatory—no offsets required				
Total (Change in costs – Cost offset) (\$ million) = (\$0.069)				

### Costing for resource exploration

The cost of completion for a resource exploration permit was assessed as cost-neutral. Unlike a deed of access for mining production that required individual negotiations between resource companies and the Commonwealth, deeds of access for exploration were in a standard format. The access conditions, provisions and completion requirements under the former standard-form exploration deed and the present pro-forma resource exploration permit application are similar and no deregulatory benefit or cost accrues in their application.

### Costing for other applications

The costs of completion for other types of application, such as an opal mining or tourist permit, are negligible as they are an abbreviated one-page application form.

# Stakeholder consultation and feedback

## Consultation and engagement since implementation

Since the Rule regulatory framework came into effect in August 2014, non-Defence users and stakeholders have had the opportunity to provide feedback on their experience of the co-existence scheme through various channels.

Defence, along with South Australian Department of State Development representatives, hosted a workshop in Adelaide on 13 October 2014, and another in Coober Pedy on 14 October 2014. The Adelaide workshop sought to brief exploration companies and resources sector representatives on the new regulatory framework and outline the conditions for their access to the WPA, with about 40 representatives attending. The Coober Pedy workshop similarly sought to update opal miners and extractive mineral operators, with about 20 people attending.

The WPA Advisory Board in December 2014 met with representatives from a petroleum exploration company, a tourist operator and opal miners. The Board also invited non-Defence users to provide their views on access to, and operating in the WPA for its 2014-15 report<sup>11</sup>, as it had done in previous years. Three submissions were received, including from an exploration company, a pastoralist and a South Australian Government agency. Commentary related to the stakeholder relationships that had been built and administrative matters, including access arrangements and processing timeframes allowed under the Rule. The Advisory Board's annual reports also include summaries of resource sector and Defence activity in the WPA over the preceding financial year, detailing 'facts and figures' regarding resource and economic potential and transactional information regarding tenements, licences and the issue of permits under the Rule.

As part of its charter the WPA Coordination Office leads Commonwealth and South Australian Government consultations and engagement regarding the operation of the WPA and the legislative framework. Regular meetings and consultations have been undertaken with South Australian Department of State Development and Defence SA counterparts regarding policy and procedural aspects of administering the regulatory framework, as well as routinely providing advice and guidance to current and prospective non-Defence users about the permit application process.

Permit holders and stakeholders may access information about the Rule, permit conditions, access zones and exclusion periods through the WPA Coordination Office website<sup>12</sup> and hotline<sup>13</sup>. They may also provide direct feedback about the operation of the regulatory framework through these services.

The Woomera Test Range also hosts an annual stakeholder day at RAAF Base Woomera that in recent years has included aircraft and weapons displays, briefings and family-oriented activities. This working-level activity hosted by Air Force gives a range of stakeholders with an interest in the WPA across government agencies, existing users and new non-Defence users the opportunity to give informal feedback in a casual setting and share their experiences

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<sup>11</sup> See <http://www.defence.gov.au/woomera/board/papers/Woomera-Advisory-Board-Annual-Report-2015.pdf>

<sup>12</sup> <http://www.defence.gov.au/woomera>

<sup>13</sup> <http://www.defence.gov.au/woomera/contact.htm>

with Defence officials responsible for administering the various aspects of the WPA regulatory framework, policy, procedural, operational and weapons testing environment.

## **Consultation program for the Post Implementation Review**

To fulfil the requirement for stakeholder consultation in preparing this Post Implementation Review, the Departments of Industry, Innovation and Science and Defence conducted a consultation program during August-September 2016 that included:

- a 30-day public call for submissions, publicised through online consultation hubs and departmental websites;
- a direct email notice to all permit holders and existing users within the WPA and other stakeholders registered with the WPA Coordination Office inviting submissions;
- direct consultations (in-person or by telephone) with selected resource companies currently subject to the Rule, prospective permit applicants, and industry associations; and
- direct consultations (in-person or by telephone) with selected resource companies subject to a deed of access.

The consultations were conducted in partnership with the South Australian Department of State Development and Defence SA given the South Australian Government's interests in the WPA. To reduce the possible burden on respondents, the consultation process also addressed two other coincident reviews: the WPA Advisory Board Review and the Interim Rule Review.

## **Feedback overview**

The majority view was that the Rule has met the intent of the Hawke Review to formalise the administrative and co-existence access arrangements for non-Defence users through a legislated permit and access zone system that was transparent and would afford greater certainty of access to the WPA. Significantly, the Rule has not been an impediment to resources exploration or mining or investment in associated projects.

The stakeholder feedback is summarised in the following themes:

- Regulatory framework;
- Resource permits;
- Access zones and exclusion periods;
- Approved persons; and
- Communication.

Where possible, the feedback has been considered in terms of a reflective view of the regulatory framework introduced to meet the intent of the Hawke Review. Other feedback has been considered as a prospective view of the Rule's provisions that may be the subject of further detailed consideration during the review of co-existence that is to be undertaken in 2018.

## **Regulatory framework**

For those resources sector stakeholders familiar with the former deeds of access, the majority view was that the regulatory framework introduced by the Rule was superior to those deed arrangements and that implementation of the new access arrangements and system of permits had progressed well. Stakeholders welcomed the transparency brought about by having standard permit conditions for access under the Rule, and permits of sufficient duration that could also support investment and operations within the WPA. Transitioning from the former deeds to resource exploration permits was considered a straightforward process that did not create an additional burden or costs. The system of permits was also considered to have reduced the administrative burden for companies.

The Defence regulation governing access to the WPA was not seen as an impediment to investment or the possible sale of tenements. Some considered that operating within the WPA regulatory framework was simply another provision for an industry that was familiar with planning for, and dealing with, other complex state regulations for licensing, environmental and cultural and heritage management or in seeking individual access agreements with landholders. In this context, there was a general view that the permit durations, access zones and exclusion periods should be accounted for by companies in the standard business planning process for exploration or mining production.

Some stakeholders remarked that the regulatory framework and procedures associated with working in the WPA are only one of many other constraints affecting the region. It is a remote area and the lack of adequate infrastructure (water, electricity network, roads), along with the need to organise workers' transport and accommodation, are potentially important barriers to investment when moving from exploration to production.

One contrary view was that the WPA regulation and processes may be perceived to be an additional layer of bureaucracy to be managed that could possibly deter resource exploration and operations within the WPA. Two stakeholders were of the view that complying with the regulation and application process may favour larger-scale resource operators rather than, say, junior explorers that might not have the capacity to plan for administrative requirements and exclusion periods.

Several stakeholders considered that the regulatory framework had not been fully tested to date because of current resources sector investment constraints and modest activity levels in the WPA since the Rule was introduced in August 2014. It was therefore too early to fully assess the possible effect of the regulation.

## **Resource permits**

Completing the resource permit application and the associated approval process was considered straightforward, with negligible staff effort required or costs incurred. The information sought by Defence for the issue of a permit was readily available as part of normal corporate record keeping and planning. The system of permits was considered to have reduced the administrative burden in comparison with the former deed arrangements.

Exploration companies considered that the seven-year period of currency for the resource exploration permit exceeded their general requirements and licence conditions. Some also considered that a period of 10 years for a resource production permit was sufficient as most modelling was based on a 10-year life for mines. Two others considered that the resource production permit should match the duration of the South Australian mine licence of 21 years,

but acknowledged that the current duration of 10 years was adequate given the general presumption of renewal afforded by the Rule.

### **Access zones and exclusion periods**

Resources sector companies were familiar with the system of access zones and associated exclusion periods within the WPA provided by the Rule. The majority considered that formal notification of the Amber Zone 1 and 2 exclusion periods three months in advance of the start of the financial year was timely and met their planning requirements. Some would prefer exclusion notification greater than the 21 days' notice provided for explorers with permits in the Green Zone.

Some stakeholders considered that exclusion periods provided by the Rule were simply another variable to be factored in to business and operational planning when determining the potential viability of a mine or a program of exploration.

While acknowledging and appreciating Defence's administrative efforts to advise the revocation or variation of exclusion periods, some respondents stated that short-notice cancellation may be of little benefit to operations where forward planning had resulted in contractors and equipment having been redeployed out of the affected access zone. A greater period of notification of exclusion period cancellation, say 28 days' notice, would be welcomed wherever possible.

Some considered that the Rule provision for a break between exclusion periods (if not declared in continuous periods) was too short. A break of at least eight weeks between exclusion periods in Amber Zone 1 and Amber Zone 2 would be preferred to the current six weeks provided by the Rule. A longer break, particularly between March and November when weather was considered more favourable for exploration and drilling activities, was preferred.

Most of the representatives of companies engaged in exploration work in the WPA admitted they had not yet fully considered the practicalities of moving to mining production, reflecting the long lead times from early-stage exploration through to production. In order to make the decision to move to production, several participants stated they would need a guarantee of a maximum number of days of exclusion each year for each mine location. This was considered to provide sufficient coverage against exposure to the various stand-down provisions typically defined in mining contracts.

### **Approved persons**

The Rule requirement for resources sector permit holders to take all reasonable steps to ensure that each person who enters the WPA under their permit is approved was the subject of consistent commentary.

Several stakeholders considered that the requirement to apply for approved person status was a matter of forward business and staff planning and that the processing of applications by Defence within the Rule provisions was, in the main, timely. The present Rule process was seen to represent an improvement on the former system that required additional personal information along with identity and police checks that otherwise resulted in lengthy delays.

Some commentary focussed on the possible transferability of approved person status between permit holders and subsidiary companies and their tenements, given the frequent use of

contractors and to reduce the perceived administrative burden for persons seeking multiple approvals.

Those already granted approved person status currently benefit from an abbreviated process that simply seeks a basic statement of the person's identity, and certification by both the approved person and the permit holder. Nevertheless, a few stakeholders viewed the overall application process as inflexible and burdensome with lengthy processing lead-times that reduced the prospect of employing contractors at short notice to exploit operational opportunities.

## **Communication**

Communication with stakeholders, applicants and permit holders was considered open and timely, acknowledging the staff at the WPA Coordination Office, the Woomera Test Range and the SA Department of State Development.

Several company representatives said they had found the annual stakeholder day, hosted by the Woomera Test Range at RAAF Base Woomera, particularly useful in assisting to understand Defence's operations in the WPA and the need for the co-existence framework.

## **Further reviews**

In accepting the Hawke Review recommendations, the Australian Government also agreed that there would be a further review of the co-existence framework in 2018. Stakeholders will have an opportunity to contribute to this forthcoming review. Feedback suggesting prospective changes to the Rule received in consultations for this Post Implementation Review will be considered as part of the 2018 review.

## **Conclusion**

The regulatory framework created by amendments to the *Defence Act 1903* and the introduction of the *Woomera Prohibited Area Rule 2014* implements the Government's response to the Hawke Review. It has met the Review's intent to introduce a co-existence model that is open, transparent and governed by a system of permits that preserves national security while opening-up the WPA to the resources sector to the extent possible.

The Rule's regulatory framework maintains the primacy of Defence use by providing Defence with the authority to manage access to the WPA through a legislated system of permits. Defence's primacy of use is further upheld by the introduction of access zones determined according to the frequency of Defence use, and the provision to exclude non-Defence users from the WPA for security and the safety of persons during the testing of war materiel.

The co-existence model provides non-Defence users, particularly those in the resources sector, with a greater level of certainty over the timing of Defence activities within the WPA through mandatory notification periods. The Rule, in providing standard permit types, conditions and durations, also offers a level of transparency and consistency with defined processing times that was sought by stakeholders.

The predominant view of stakeholders was that the Rule and supporting policies and procedures have met the intent of the Hawke Review to formalise the administrative and co-existence arrangements for non-Defence users to access the WPA. Moreover, the new

framework introduced by the Rule was considered superior to the former individually-negotiated deed of access and administrative arrangements.

However, assessing the overall policy success of reducing uncertainty about accessing the WPA within the original context of increased resources sector and mining activity has been constrained by external factors resulting from the downturn in commodity prices since the introduction of the regulation. Notwithstanding, there have been clear deregulatory benefits arising from implementing the Hawke Review recommendations and introducing the Rule.

The system of permits has simplified administration and reduced the regulatory burden as has been evidenced by feedback received from stakeholders during the consultations that informed this review. Nevertheless, stakeholders have proposed procedural changes, particularly in relation to the approved person permitting system, that may further reduce the administrative burden. These procedural proposals are being considered by Defence, whereas other proposed changes that substantially affect the co-existence model will be considered as part of Defence's forthcoming review process.

Despite the limited resources sector activity, the overall assessment resulting from this review and through stakeholder consultation is that non-Defence user access to the WPA, including the administration of access zones and exclusion periods, is being more effectively managed under the new policy and regulatory framework than would have been the case under the old access framework had it continued.

Overall, the regulatory framework introduced by the Rule, together with the provisions afforded by the *Defence Act 1903* and the *Defence Force Regulations 1952*, enables Defence to uphold the safety of all users in the WPA as a declared prohibited area for the testing of war materiel. It also ensures the appropriate national security protections are available for the testing of defence capability while permitting non-Defence users to access the WPA and exploit its resources to the extent possible.

The Australian Government agreed that a full review of the co-existence scheme envisaged by the Hawke Review would be undertaken in 2018. This will provide the opportunity to further assess the possible effect of the measures introduced by the Rule, especially given that resources sector activity in the WPA has been constrained in the intervening period.

## **Attachments**

- A. Consultation prior to the introduction of the regulatory framework
- B. WPA access zones



### Consultation prior to the introduction of the regulatory framework

The Hawke Review team consulted extensively with stakeholders to obtain the views of individuals and groups with an interest in the WPA. These included representatives from the Australian Government, the South Australian Government, the resources sector, pastoralists, the Woomera community, and Defence and its international partners.

Twenty-five submissions were received from a range of contributors in addition to input from the South Australian Government and Australian Government stakeholders, with summaries of the consultations in the interim<sup>14</sup> and final<sup>15</sup> review reports. Key themes that emerged from the submission were:

- the importance of the WPA to a variety of users;
- the amount invested by resources industry groups and by Defence;
- the differing approaches to managing non-Defence users' access, and the challenges involved in communicating requirements; and
- expectations between user groups.

Extensive consultation was also undertaken during the two regulatory drafting phases. As part of the public consultation process, an information paper on the proposed legislative framework for the WPA was released and distributed widely to stakeholders and interested parties in April 2013. This was followed by a public consultation workshop that was hosted jointly by the South Australian Government and Defence in May 2013.

The information paper provided a general overview of the policy framework proposed for implementation in the legislative package. Concurrently, the draft bill was developed and referred to Australian Government and South Australian Government stakeholder agencies for review and comment, with proposed amendments being incorporated where appropriate. Public feedback was considered and, where appropriate, the exposure bill was also amended to take feedback into account. This led to amendments that included express and specific recognition of the extant authorities for existing users of the WPA under Part VII of the *Defence Force Regulations 1952*. The designated existing users would not be subject to the new regulatory framework unless they sought a permit under that regime.

Further public consultation workshops took place in July 2013 in Adelaide and Coober Pedy; and in Adelaide with Aboriginal groups. A similar public consultation program was undertaken for the drafting of the Rule. Overall, the public consultations and submissions, including those from the resources sector, indicated support for the regulatory framework.

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<sup>14</sup> Government Review of the Woomera Prohibited Area Interim Report, 5 November 2010. [defence.gov.au/woomera/review/papers/WoomeraInterimReport.pdf](http://defence.gov.au/woomera/review/papers/WoomeraInterimReport.pdf)

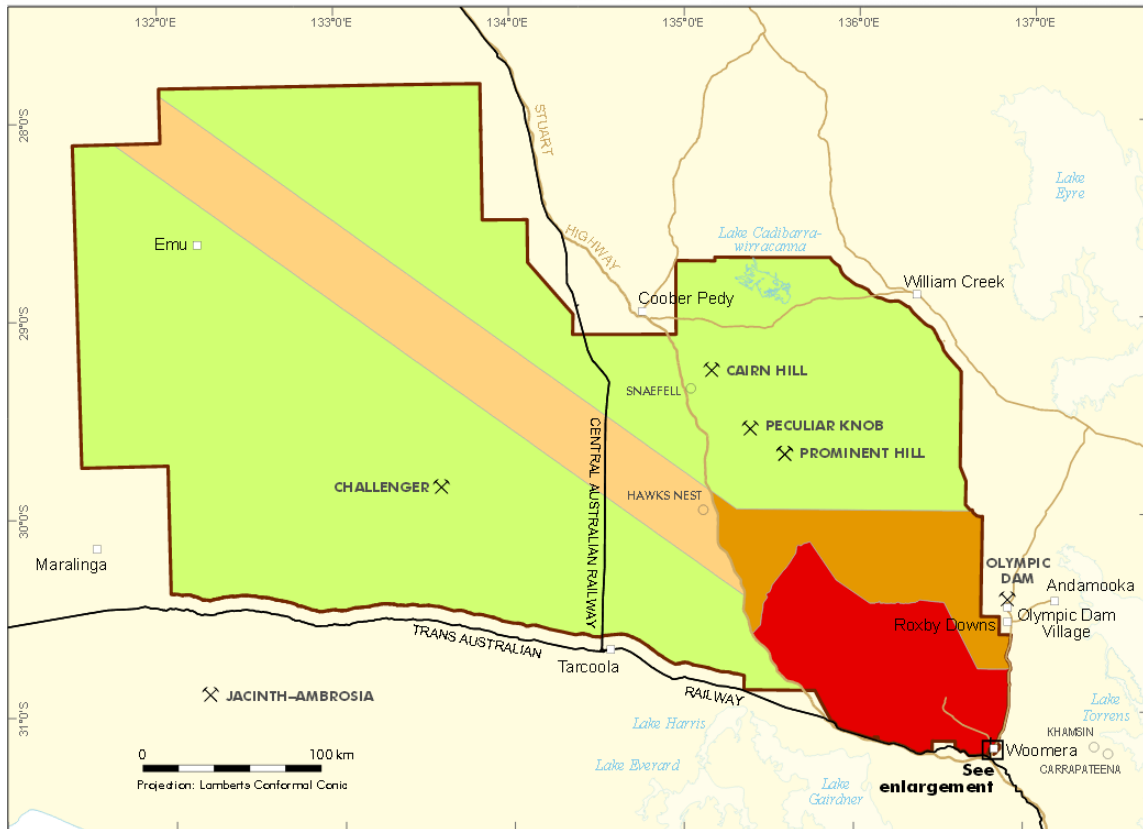
<sup>15</sup> Review of the Woomera Prohibited Area Final Report, 4 February 2011. [defence.gov.au/woomera/review/papers/WoomeraFinalReport.pdf](http://defence.gov.au/woomera/review/papers/WoomeraFinalReport.pdf)

Both Defence bills were subject to Parliamentary scrutiny following their referral to the Senate Standing Committee on Foreign Affairs, Defence and Trade for inquiry<sup>16</sup>. The Committee did not continue with the first inquiry when the 43<sup>rd</sup> Parliament was prorogued.

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<sup>16</sup> The *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013* was referred by the Senate on 18 June 2013. The *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014* was referred on 27 March 2014.

Woomera Prohibited Area Access Zones



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- Woomera Prohibited Area (WPA)
- WPA access zones**
- Defence Continuous Use Zone (Red Zone)  
12 months exclusive Defence access
- Defence Periodic Use Zone 1 (Amber Zone 1)  
140 days exclusive Defence access
- Defence Periodic Use Zone 2 (Amber Zone 2 (corridor))  
70 days exclusive Defence access
- Defence Infrequent Use Zone (Green Zone)  
Up to 56 days exclusive Defence access
- Woomera Village Standing Permission Area

- Major mines and development projects**
- X Operating mine
- Mineral development project
- Locality

