**Synopsis**

**What is the issue?** – In order to reconcile the potentially competing interests of Defence use and increasing resource industry activity within the Woomera Prohibited Area (WPA), the Commonwealth and South Australian Governments had to consider the development of a new coexistence framework.

**What was the conflict?** – Increasing Defence activity within the WPA and associated safety and national security concerns at a time of increasing mining and prospecting activity in the late 2000s led to some access restrictions and uncertainty around future access to existing and potential mineral deposits within the WPA. Other non-defence users and traditional owners also required continued access to the WPA (e.g. pastoralists, tourists, rail operators and government regulators). Ongoing uncertainty around future access arrangements was also considered to be affecting investor confidence for new resource projects within the WPA.

**What was the resolution?** – A new management system was needed to allow exclusive access for Defence purposes when required while ensuring the various other land users could also have certainty around their access and access rights to the WPA. A revised range management framework, supported by new legislation, was developed in consultation with relevant stakeholders to support co-existence between the Department of Defence (as the primary user), South Australian Government (key stakeholder) and other non-Defence users in the WPA. This innovative solution included different time-share arrangements for different parts of the WPA and has resulted in more certainty and a better balance between national security and economic interests in the area.

**Multiple uses**

The Woomera Prohibited Area (WPA) is a 122,188 square kilometre weapons testing range 450 kilometres north north-west of Adelaide. The WPA covers 12 per cent of the state and is the largest land-based testing range in the world. It comprises extensive lands north of the Indian Pacific railway, from Maralinga in the south-west up to its north-west corner in the Great Victoria Desert, across to Coober Pedy, and west of Roxby Downs down to Woomera in the south-east.

The WPA is also the traditional country of a number of Aboriginal groups and includes Aboriginal freehold land (Anangu Pitjantjatjara Yankunytjatjara and Maralinga Tjarutja lands), recognised Native Title owners (Antakirinja Matu-Yankunytjatjara, Kokatha People (Part A), Arabana and Gawler Ranges People) and claimants and significant Aboriginal heritage sites.
The WPA is a Prohibited Area regulated by the *Defence Act 1903*, Defence Force Regulations 1952 and the WPA Rule 2014 and is used for the testing of war materiel under the control of the Royal Australian Air Force. The WPA is an important Defence capability and testing and evaluation asset that plays a significant role in Australia's national security.

Activities and interests over the land include the township of Woomera, defence, mineral and petroleum exploration and mining, opal mining, transport, research, conservation, tourism, pastoral activities and Aboriginal cultural activities and places. The majority of the WPA is Crown land covered by 26 pastoral leases, including Anna Creek Station, the world’s largest cattle station. These pastoral leases produce high quality beef sought after around the world.

In 2010 the Australian Government undertook a formal review of access to the WPA to better balance national security and economic interests in the area. The resulting 2011 ‘Hawke Review’[^1] recommended legislating a co-existence model to give non-Defence users more certainty of access to allow for better forward and investment planning, while maintaining the WPA for primary use as a national security and Defence asset.


Key features of the new legislation are:

- Division of the WPA into discrete access management zones (red zone, two amber zones and a green zone), each with pre-defined maximum exclusion periods
- A permit system specifying access conditions for every non-Defence user.
- Fines and demerit points for failing to comply with the permit conditions.
- Compensation for loss or damage caused by negligent Defence actions.
- A process for review of decisions.

The WPA is now divided into zones according to the frequency of Defence use in different areas. A time share model is now in place, allowing non-Defence users conditional access during certain periods of the year. This model was suggested on the basis that in other parts of the world, mining is done in a campaign basis because of factors such as weather. Access permits are issued for between a day (e.g. tourists) and up to 10 years (e.g. active mines). Permit holders may be required to evacuate their properties for between 56 and 140 days a year depending on the zone (www.defence.gov.au/woomera/exclusionperiods.htm). Defence must provide extended notice of all potential exclusions. These exclusion periods do not apply to defined ‘Existing Users’ which include pastoralists, the rail operator, previously established mines, traditional owners and the South Australian Government employees. Separate to the Green, Amber and Red access zones, the Minister has granted a standing permission for people to access the:

- Tarcoola—Darwin railway
- Stuart Highway
- Lake Cadibarrawirracanna Road (Public Access Route)
- Olympic Dam Highway (B97)
- William Creek Road
- Woomera Village.

This access may be suspended by Defence when required. A permit is not required when accessing these areas.

During WPA Rule consultations, the Maralinga Tjarutja reiterated their long standing objection to the site of British nuclear testing (Section 400) being included in the WPA. Defence and other stakeholders worked with the Maralinga Tjarutja People, listened to their concerns and as a result of positive engagement and the willingness to co-exist and compromise, the parties made relevant concessions where Defence testing requirements were not affected. As a result, Defence agreed to excise Section 400 from the WPA and the land was handed back to the Maralinga Tjarutja by the Federal Minister for Defence at a ceremony at Maralinga on 5 November 2014. The decision represented a good outcome for the Maralinga Tjarutja people, who have since developed a successful tourism enterprise conducting guided tours of the atomic test sites and Maralinga Village (http://www.maralingatours.com.au/).

The WPA Rule forms part of the co-existence model that maximises the use of the WPA for national security and economic interests. The WPA Rule provides all relevant stakeholders and traditional owners with greater...
certainty of the co-existence arrangements and for resource exploration and production companies, confidence to invest in the WPA with increased awareness of Defence activity in the area.

In its 2013-14 Annual Report (http://www.defence.gov.au/woomera/board/index.htm), the Woomera Prohibited Area Coordination Office estimated the new regulatory scheme will reduce the cost burden to companies in obtaining access permission and will see savings of an estimated $69,000 per year over 10 years compared with the previous mining deed negotiation process. The new regulatory scheme is cost neutral for other users, including opal miners and tourists.

There are now approximately 140 active mineral and petroleum exploration licences in the WPA held by junior explorers and major mining companies and $30 million was spent on mineral exploration over the past two years. There are also three operating mines in the WPA employing over 1,300 people – the OZ Minerals’ Prominent Hill copper-gold mine, WPG Resources’ Challenger gold mine and Cu River Australia’s Cairn Hill iron ore mine. Royalties collected from the operating mines in the WPA have contributed about $100 million to the State since August 2014.

Tourist visits to the area have increased in recent years. Interstate and overseas tourists visit Coober Pedy north of the WPA, dubbed the 'Opal Capital of the World' for its opals, opal mines and local attractions such as the underground homes, museums and outback activities. Tourists also visit Tallaringa Conservation Park (north-western WPA) and the Woomera Village with its ‘Rocket Park’ and museum.
Compliance

If non-Defence users breach conditions of their access permits, infringement notices, fines and demerit points may be issued. Breaches can result in exclusions from the WPA for between 90 days and three years. There are appeal and review mechanisms. Since the implementation of the WPA Rule, there have been no major issues related to its operation nor has it hindered exploration or mining activities or deterred foreign investment.

Consultation

Consultation with all users of the WPA continues at both formal and informal levels. Three targeted reviews of the WPA co-existence framework (a post-implementation review, interim rule review and review of the WPA Advisory Board) were conducted in August and September 2016 (https://consult.industry.gov.au/resources/reviews-of-the-woomera-prohibited-area-rule). A full review of the balance of interests in the WPA is scheduled for 2018.

Further information on the WPA may be found at: www.defence.gov.au/woomera/about.htm
How the *South Australian Multiple Land Use Framework*’s guiding principles apply to this case study

- **Accountability** – Accountability of the WPA is ensured through the establishment of a high-level WPA Advisory Board (http://www.defence.gov.au/woomera/board/), and the operation of the Commonwealth-SA supported WPA Coordination Office (WPACO) (http://www.defence.gov.au/woomera/wpaco.htm) which supports the Board and administers the coexistence framework and non-Defence use of the WPA.

- **Best use of assets** – The Hawke Review concluded that the WPA is an important asset in the national interest, but that its full potential was not being realised. The introduction of a comprehensive range management framework has ensured that the national security and economic interests in the WPA could be used in an efficient and effective manner (a very comprehensive geological potential map was done to help inform the zones).

- **Co-existence** – The co-existence scheme is operating successfully and stakeholders will continue to be engaged through the WPA Advisory Board and ongoing review of the scheme.

- **Efficient processes** – Changes to the Defence Act 1903 has increased the efficiency of permit application processing for non-defence users. State and Commonwealth government agencies have worked, and continue to work, collaboratively to ensure seamless and efficient cross-jurisdictional policies and processes.


- **Equity** – The publication and application of standard permit conditions and early notice of proposed Defence-only exclusion periods provides equity for all non-defence users.

- **Participation of all stakeholders** – Visits to existing mine sites inside the WPA, the annual Woomera Open Day and stakeholder dinner, and regular interaction with Aboriginal groups in the WPA has greatly increased the understanding of the activities and requirements of all WPA stakeholders. In conducting the review and developing the framework, multiple stakeholder workshops and one-on-one discussions with Aboriginal groups allowed all stakeholders the opportunity to have their voices heard.

- **Reporting and transparency** – The new system is more transparent, clear, effective and efficient. Everyone is aware of the restrictions and conditions in place in applying for and keeping an access permit. Published standard and specific permit conditions and regular communication about the exclusion periods help explorers plan and implement exploration work programs around restrictions to their WPA access, providing transparency and certainty. Comprehensive website materials and the WPA Advisory Board Annual Report also provide transparency in reporting on outcomes of the co-existence framework in the WPA.

- **Shared commitment** – South Australia and Defence continue to engage and work collaboratively through WPACO and through their representation on the WPA Advisory Board.
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