



Australian Government

WOOMERA PROHIBITED AREA

OVERVIEW

Introduction

This document gives a general overview of some of the key aspects about the Woomera Prohibited Area (WPA) and its regulatory framework, including the associated permit system and exclusion periods.

The importance of the WPA for Defence

The Woomera Prohibited Area (WPA) in South Australia, about 450 kilometres north-north west of Adelaide, provides the Department of Defence with a unique capability for the testing and evaluation of war materiel because of its size, remoteness, low population density and quiet electromagnetic environment. Defence is the primary user of the WPA.

At over 122,000 square kilometres the WPA is about the size of England and is the largest land-based test range in the Western world. It is the only instrumented range capable of testing ‘next-generation’ weapons systems to the full extent within its land borders. These various factors, combined with other operational security measures allow Defence to conduct sensitive weapons and other advanced military technology testing.

The unique capabilities of the WPA are significant to Australia’s national security and Defence future planning. As Defence acquires new weapons systems, the strategic, operational and tactical value of the WPA, provide safe and secure areas for testing and weapons system research.

The importance of the WPA for 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. Geoscience Australia previously estimated that 62 per cent of Australia’s known copper resources, as well as 78 per cent of the country’s known uranium resources are located within the WPA and immediate surrounds.

At the time of the Government’s Hawke Review 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.

The importance of the WPA for other groups

Other groups with significant ongoing interests in the WPA include aboriginal groups with native title and freehold land; pastoralists; the Tarcoola to Darwin rail owner and operators; opal and extractive minerals miners; tourists; environmental groups; and researchers.

Regulatory framework

The Woomera Prohibited Area Rule 2014

Following the Australian Government's agreement to the recommendations of the Hawke Review that sought to improve coexistence within the WPA between Defence and non-Defence users, the *Defence Legislative Amendment (Woomera Prohibited Area) Act 2014* was enacted and gave rise to the introduction of the *Woomera Prohibited Area Rule 2014* (the Rule) on 27 August 2014.

To bring the coexistence framework into being, the Rule sets out the system of permits and associated provisions for 'new' non-Defence users that seek to apply to access the WPA, and for which permits are issued.

Existing non-Defence users with permission to access the WPA under the provisions of Part VII of the *Defence Force Regulations 1952* at the time of the Rule coming in to force in August 2014 remain subject to those provisions, which is provided by section 72TB of the *Defence Act 1903*. These existing users include aboriginal groups with interests in the WPA, pastoralists, the operating mines subject to deeds of access, the owner or operators of the Tarcoola to Darwin railway line, and South Australian Government employees or its agents.

Rule provisions

In general terms, the Rule provides for:

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

Exclusion periods

The WPA is declared as a Prohibited Area under the Rule for the testing of war materiel. So that Defence may conduct tests and uphold safety and security, non-Defence users and permit holders may be excluded from the WPA access zones following the determination of exclusion periods.

The Rule provides that the Minister may, by legislative instrument, determine the following exclusion periods for 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.

A map of the access zones is available on the WPA Coordination Office website¹.

Additionally, 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 Legislation² and publicised on the WPA Coordination Office website³.

Permits

A person may apply for a permit that provides permission for a person or a class of persons to access the WPA for one of the following purposes:

- resource production;
- resource exploration;
- opal mining and precious stone prospecting;
- research;
- tourism;
- environmental; and
- other purposes.

If an application complies with the permit application requirements, notice on the decision must be given to the applicant within the following periods after the application is lodged:

- resource production: 25 business days;
- resource exploration: 25 business days;
- opal mining and precious stone prospecting: 10 business days;
- research: 20 business days;
- tourism: 10 business days;
- environmental: 10 business days;
- other purposes: 10 business days.

¹ Access zones: www.defence.gov.au/woomera/zones.htm

² For legislative instruments, see: <https://www.legislation.gov.au/Browse/Results/ByTitle/LegislativeInstruments/InForce/Wo/0/Woomera/Principal>

³ Exclusion periods: www.defence.gov.au/woomera/exclusionperiods

Permit conditions

The Rule specifies a number of conditions applying to all permits. A permit may also be subject to additional conditions. Standard permit conditions for resource exploration and production are shown in Attachment 1.

Where to find more information

Woomera Prohibited Area

Visit the [WPA Coordination website](#) for information about the WPA, applications for permits, access zones and exclusion periods, and answers to frequently asked questions.

The Woomera Prohibited Area Rule 2014

The Rule is published on the Federal Register of Legislation.

<https://www.legislation.gov.au/Details/F2014C01246>

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Example of conditions applying to exploration and resource production permits

CONDITIONS OF PERMIT

1. The holder of the permit must:
 - (a) unless the Secretary is satisfied that exceptional circumstances exist—give the Secretary at least 10 business days' notice in the approved form before a person enters the Woomera Prohibited Area under the permit; and
 - (b) ensure that persons in the Woomera Prohibited Area under the permit are aware of the conditions to which the permit is subject; and
 - (c) take all reasonable steps to ensure:
 - (i) that persons in the Woomera Prohibited Area under the permit comply with the conditions of the permit; and
 - (ii) that persons who are subject to the holder's control are not at places in the Woomera Prohibited Area without permission to be at those places.
 - (d) notify the Department of Defence of:
 - (i) any death of any person; or
 - (ii) any serious injury or illness of a person; or
 - (iii) any dangerous incident.arising from a persons access to the Woomera Prohibited Area.
 - (e) effect and maintain for the term of the permit:
 - (i) a public liability policy for an amount in respect of any one occurrence of not less than the amount of A\$20/50 million;
 - (ii) compulsory third party insurance in respect of all motor vehicles used by the Permit holder in the activities approved under the permit;
 - (iii) workers' compensation insurance which complies with the requirements of the applicable workers' compensation legislation; and
 - (iv) any other policy of insurance the permit holder is required by law to effect and maintain
2. A person in the Woomera Prohibited Area under the permit must not:
 - (a) be at a place that is not covered by the permit; or
 - (b) be in a zone during an exclusion period for the zone; or
 - (c) carry out activities other than those for which the permit was issued; or
 - (d) intentionally remove, touch, interfere or tamper with, any Commonwealth equipment, material or installation; or
 - (e) enter any area:
 - (i) enclosed by the Commonwealth with wire or other material; or
 - (ii) protected by a member of the Defence Force or a contracted defence security guard;or
 - (f) without the written approval of the Minister or in contravention of any conditions in the approval—have in his or her possession, or operate, an unmanned aerial vehicle; or
 - (g) erect a building or any other structure that is more than 7.5 metres high without the written approval of the Minister; or
 - (h) without the written approval of the Minister—have in his or her possession a firearm or explosives.
3. A person in the Woomera Prohibited Area under the permit must:

- (a) have ready access to communications equipment in good working order in accordance with the permit; and
 - (b) if the person erects a building or any other structure approved by the Minister—notify the Minister as soon as practicable after the building or structure has been erected; and
 - (c) comply with all reasonable directions in relation to the Woomera Prohibited Area given to the person by:
 - (i) a member of the Defence Force; or
 - (ii) an APS employee in the Department; and
 - (d) inform the Secretary as soon as practicable if the person finds any war materiel; and
 - (e) comply with all applicable laws of the Commonwealth and South Australia; and
 - (f) have in his or her possession written proof of the person’s identity that includes a photograph of the person.
4. The holder of the permit must take all reasonable steps to ensure:
- (a) that each person who enters the Woomera Prohibited Area under the permit:
 - (i) is approved by the Secretary under section 32 as an approved person; or
 - (ii) is an escorted person; and
 - (b) that at all times during which the person is in the Woomera
 - (i) complies with any applicable conditions specified in the approval or the permit; and
 - (ii) has in his or her possession written proof of the person’s identity that includes a photograph of the person; and
 - (iii) if the person is an escorted person—is accompanied by an approved person.
5. The body corporate must notify the Minister in writing within 15 business days if a person (either alone or together with one or more other persons) acquires a controlling interest in the body corporate.

A person acquires a controlling interest in the body corporate if the person (either alone or together with one or more other persons):

- (a) is in a position to cast, or control the casting of, 15% or more of the maximum number of votes that might be cast at a general meeting of the body corporate; or*
- (b) has the power to appoint or remove all, or a majority, of the directors of the body corporate; or*
- (c) has the authority to introduce and implement the financial and operating policies of the body corporate; or*
- (d) holds 15% or more of the issued share capital of the body corporate; or*
- (e) is in a position to cast, or control the casting of, a majority of the number of votes that might be cast at a meeting of the board of directors of the body corporate.*

The body corporate must notify the Minister in writing within 15 business days if a new director is appointed to the board of directors of the body corporate.