



Australian Government
**Department of Industry,
Innovation and Science**

Submission to the Senate Inquiry into the Site Selection Process for a National Radioactive Waste Management Facility

Radioactive Waste Management Taskforce

April 2018

<http://www.radioactivewaste.gov.au/>

| | |
|--|-----------|
| Executive Summary | 3 |
| Background..... | 7 |
| Response to the Terms of Reference | 9 |
| <i>a) The financial compensation offered to applicants for the acquisition of land under the Nominations of Land Guidelines</i> | <i>9</i> |
| <i>b) How the need for ‘broad community support’ has played and will continue to play a part in the process, including:.....</i> | <i>10</i> |
| <i>i) The definition of ‘broad community support’, and</i> | <i>10</i> |
| <i>ii) How ‘broad community support’ has been or will be determined for each process advancement stage.....</i> | <i>10</i> |
| <i>c) How any need for Indigenous support has played and will continue to play a part in the process, including how indigenous support has been or will be determined for each process advancement stage</i> | <i>11</i> |
| <i>d) Whether and/or how the Government’s ‘community benefit program’ payments affect broad community and Indigenous community sentiment.....</i> | <i>12</i> |
| <i>e) Whether wider (Eyre Peninsular or state-wide) community views should be taken into consideration and, if so, how this is occurring or should be occurring</i> | <i>15</i> |
| <i>f) Any other related matters.....</i> | <i>16</i> |
| Annexure 1 – Site Selection Process | 17 |
| Annexure 2 - Additional publicly available documents | 21 |
| Annexure 3 - Summary of community consultation | 25 |
| Annexure 4 – Summary of consultation with Indigenous members of the community..... | 28 |
| Annexure 5 – Examples of technical considerations | 30 |
| Annexure 6 - Chronology of site selection process..... | 31 |

Executive Summary

The Department of Industry, Innovation and Science ('the department') is pleased to make the following submission to the Senate Economics References Committee Inquiry into:

The appropriateness and thoroughness of the site selection process for a national radioactive waste management facility at Kimba and Hawker in South Australia, noting the Government has stated that it will not impose such a facility on an unwilling community.

Australia, through its people, communities and businesses, has benefited enormously from nuclear research activities and the production of nuclear medicine over the past 70 years. With these benefits comes a responsibility to safely and securely manage the associated radioactive waste products.

Internationally, the approach to managing radioactive waste has evolved from one focused on short-to-medium term storage to one based on a full life cycle approach ensuring that waste is minimised and then stored and disposed of safely and securely. Currently radioactive waste is held in over 100 sites across Australia, with over 80 sites identified in South Australia alone. Many of these sites have not been constructed for long term waste management.

The Australian Government ('the Government') is modernising its approach to radioactive waste management, and a major part of this process is to establish a central National Radioactive Waste Management Facility ('the Facility') to permanently dispose of the Government's legacy and future streams of low level radioactive waste along with waste holdings of other entities where these meet the Facility's acceptance criteria. The Facility will also store, on an interim basis, our relatively modest holdings of intermediate level waste. Australia does not produce or store any high level radioactive waste, and any such waste would not be accepted at the Facility.

The process of finding a suitable site for the Facility, which began in the 1970's, is complex with a suite of technical, economic, environmental, social, indigenous culture and heritage activities taking place over an extended period of time. While the department would be pleased to discuss any aspect of the process with the Committee, the focus of this submission is on the points explicitly referenced in the inquiry's terms of reference.

The authority and broad process for finding land to establish the Facility is defined under the *National Radioactive Waste Management Act (2012)* ('the Act'). The Act prescribes the minimum set of steps that must be followed by the responsible Minister ('Minister') in selecting a preferred site. To be selected, a site must be voluntarily nominated by freehold landowners, Crown leaseholders, or body corporates that hold native title.

The Minister may then consider accepting a nomination and instruct the department to undertake relevant technical assessments before selecting a single preferred site. At each stage the Minister is only required to consult with, and take into account, comments from the nominator and persons with a right or interest in the nominated land.

The Act itself does not prescribe a requirement for general community engagement or support in selecting the site. However, the Government has consistently said that the location of the Facility should have broad support in the hosting community.

For this reason the Government has moved well beyond its statutory requirements to design and implement a site selection process that explicitly and comprehensively provides for community and broader public engagement at each significant decision point (see *Annexure 1*).

This is split into separate phases: phase one includes site nomination, first-pass desktop technical assessment and testing of community support to proceed further; phase two includes broad community consultation, and further technical economic, environmental, indigenous heritage and social assessment and facility design, concluding with the testing of community support for hosting of the Facility. At this point the Minister may decide whether to select a nomination as the preferred site. Later phases include further design and *Environmental Protection and Biodiversity Conversation Act 1999* (Cth) ('EPBC') and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) regulatory approvals, followed by construction and commissioning of the Facility.

Throughout the process the department employs a policy of continuous engagement supported by open and transparent provision of information in communities with active nominations.

After a nomination is received or an expression of interest in nominating is received, the department visits the local community to ascertain whether there appears to be sufficient community interest in the project. This information is complemented by a desk top assessment of the technical geophysical attributes of the site.

If the Minister decides to consider the nomination a public consultation process of no less than 60 days is opened during which the department provides information and technical detail on the project, including possible community benefits and addressing community concerns or aspects of interest. This included community 'town hall' meetings, one-on-one and smaller stakeholder group meetings, community mail-outs, regular newsletters and appearing in local and regional media. Annexure 1 sets out the large number of documents about the site selection process for the Facility which are publicly available online.

At the end of this period community sentiment was measured either through a combination of independent surveying and submissions (Hawker) or an independently run community vote along with public submissions and interviews (Kimba). The shift to undertaking a community vote was made following community feedback.

Where a community has supported proceeding to the second phase, as have Hawker and Kimba, the engagement process deepens with the department also maintaining a permanent community presence through the establishment of local offices staffed by local and Canberra based team members.

Additional information is also provided through visiting experts from the *Australian Nuclear Science and Technology Organisation* (ANSTO), and Geoscience Australia; as well as ARPANSA). In December 2017, the department supported a panel of independent experts (including a prominent anti-nuclear campaigner) to participate in open community meetings in Kimba and Hawker and engage in debate and caller feedback on South Australian regional radio. In addition, the department has arranged for interested community members to visit ANSTO to familiarise themselves with radioactive waste and how it is managed.

The department has also established *Local Consultative Committees* in both communities. An *Economic Working Group* and an *Aboriginal Cultural Heritage Working Group* is operating in Hawker, and a further *Economic Working Group* and an *Aboriginal Cultural Heritage Working Group* is being established in Kimba. These forums are an avenue for the community to receive information about the process and to provide community feedback to the department.

The department continues to work closely with the local traditional owners on the project and the Government has committed that it will preserve, protect and minimise the impact on indigenous heritage and cultural aspects on the land. The department is working closely with the local Traditional owners of the land at Wallerberdina Station (Hawker) through the *Aboriginal Cultural Heritage Working Group* and has undertaken a cultural heritage assessment at that site. The department has also sought to consult with representatives of the Barngarla People, who hold native title in an area near the Kimba sites, and looks forward to working with their representatives through a Kimba *Aboriginal Cultural Heritage Working Group*.

To ensure that all voices in the community have the opportunity to be heard and considered as part of the Minister's assessment, community sentiment or support will be based on consideration of a range of stakeholder views including the general community, traditional owners, businesses and adjacent neighbours. These views are expressed in a variety of ways including through direct communication with the department, submissions, and an anticipated community sentiment assessment in the second half of 2018.

The Act does not require, define or specify a minimum level of 'broad community support'. Rather, it provides the Minister with absolute discretion to make decisions in relation to nominations and site selection, taking into account comments received from the nominator and those with a right or interest in the land. The Minister may also consider a broad range of other factors, including community support.

In the department's view there are several compelling reasons why a threshold level or definition of "broad community support" is not appropriate for decisions under the Act:

- There is no precedent, nationally or internationally, that could authoritatively be used to set such a threshold in these or similar circumstances. Any threshold, by definition, would be arbitrary in nature.
- It is consistent with the Minister's absolute discretion under the Act that he or she be at liberty to make a decision based on his or her judgment as to what is broad community

support in the circumstances relevant to each nomination. The Minister is ideally placed to make that assessment.

- Furthermore, what constitutes broad support in each community will necessarily vary depending on the different interest groups involved in a particular site. Setting a mandated threshold may (depending on where it is set) disenfranchise minority elements of the community or result in a minority group having an automatic veto or dictating power over the majority.

The department necessarily concentrates its consultation effort on the local communities around the nominated sites, as they clearly have the largest and most direct interest in the siting of the Facility. However, the department has consulted members of the public more broadly than this and the department's consultation process is open to receive submissions from any interested parties including from members of the public who reside outside the nominating communities. All submissions, no matter where they originate from in Australia, are taken into account.

The department established a \$2 million *Community Benefit Programme* (CBP) for the Kimba and Hawker communities while they remain under consideration for the preferred site. The fund, which is similar to payments made in comparable countries, was put in place following community feedback and in recognition of their contribution and any short-term disruptions associated with participation in the process. The CBP provides grants for projects that will have a social and economic benefit to the local community and operates under established guidelines. The CBP is run by AusIndustry - a dedicated program delivery arm of the department - and is administered at arms-length from the team managing the radioactive waste project.

Feedback provided to the department during community consultations suggests that people consistently take a long term perspective in assessing the merits of the Facility for their community and that while the fund is seen as an important measure of recognition and goodwill by the government, it is generally not seen as a material consideration influencing overall community views.

The department believes that Australia's approach to site selection matches international best practice and is aligned with those used in comparable countries such as France, the United Kingdom, Spain and Canada. The department is open and transparent about the process, communities are engaged, decisions are documented, and the reasons behind these decisions are made public. There is extensive information on the department's process available on the dedicated website <http://www.radioactivewaste.gov.au>.

The department would welcome the opportunity to meet with the Economics References Committee to discuss the process and points raised in its Terms of Reference further.

Background

Australia has a widely dispersed inventory of low and intermediate-level radioactive waste resulting from more than 70 years of research and health, environmental and industrial applications. The majority of Australia's current and future low level and intermediate level radioactive waste arises from the production of nuclear medicine that is used to diagnose and treat serious illnesses as well as from a range of nuclear based scientific and industrial purposes.

It is incumbent on Government and the producers of waste to ensure that it is managed safely, securely and responsibly, from its generation, through interim storage solutions and ultimately through to permanent disposal. Most of the current storage sites, while safe, have not been built for long term management of radioactive waste.

Successive Australian Governments have recognised the efficiency, safety and security benefits that are derived from the centralised management of our radioactive waste holdings in a state-of-the-art special purpose facility.

The department, under the direction of the Minister, is currently working with other government agencies to establish a site for the National Radioactive Waste Management Facility ('the Facility') for the centralised disposal of low-level, and temporary storage of intermediate-level radioactive waste. The process is being undertaken consistent with the *National Radioactive Waste Management Act 2012*¹ and the advice given to communities through the *Radioactive Waste Management Nomination of land: Guidelines* 'Nomination Guidelines'². In addition, the department provides policy and guidance material for communities, in response to community feedback and as information is received about the nominated land.

It is intended that the Facility will manage the radioactive waste holdings of Commonwealth entities as well as accepting radioactive waste from other Australian sources where these meet the Facility's stringent waste acceptance criteria. No foreign waste will be accepted at the facility.

This is a long-term project involving a range of aspects, including: site characterisation assessments; designing and costing the facility; construction and build of a facility; and long-term training and employment at the Facility.

A major part of this process is finding a site, and a willing community to host the Facility. The department has undertaken a voluntary site nomination process with three sites currently under active assessment and consideration. One site is at "Wallerberdina station", located near Hawker, in the Flinders Area, South Australia. There are a further two sites "Napandee" and "Lyndhurst" in Kimba, South Australia.

¹ *National Radioactive Waste Management Act (2012)*, <https://www.legislation.gov.au/Details/C2012A00029>

² *National Radioactive Waste Management: Nomination of Land Guidelines* (Nov 2016) <http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Final%20New%20Nomination%20Guidelines.pdf>

These nominations have been shortlisted for technical on-site assessments and more intensive community consultation. An Aboriginal Cultural Heritage Assessment has been conducted with the traditional owners at the Wallerberdina Station site and work is underway for similar assessments for the two sites in Kimba.

The department has also commenced assessment of the technical suitability of the sites to host the Facility. This includes assessment of geotechnical criteria, the environment, and transport and infrastructure requirements for each nominated parcel of land. A list of examples of technical considerations is set out in Annexure 4 to this submission.

The department anticipates an assessment of community sentiment will occur in the second half of 2018. The department expects that the Minister will have sufficient information on site suitability (environment, heritage, infrastructure, and community sentiment) to inform his decision to select a preferred site by the end of 2018.

Response to the Terms of Reference

The department makes the following more specific statements in response to the inquiry terms of reference into the:

The appropriateness and thoroughness of the site selection process for a national radioactive waste management facility at Kimba and Hawker in South Australia, noting the Government has stated that it will not impose such a facility on an unwilling community, with particular reference to following aspects:

a) The financial compensation offered to applicants for the acquisition of land under the Nominations of Land Guidelines

If the Minister declares land nominated under the Act as the site selected for the Facility, the Commonwealth may acquire the land or extinguish or affect existing rights and interests. As a result the Commonwealth is required to pay a reasonable amount of compensation.

The department has set out the process, including the financial compensation to landholders (sections 5.3(c) and 5.4) and others whose rights and interests are acquired, extinguished or otherwise affected (section 5.3(d)) in the Nomination Guidelines³.

The Nomination Guidelines propose offering compensation to landholders determined by reference to the process for establishing “land value” in the *Lands Acquisition Act 1989 (Cth)*; plus a premium of three times that value to a landholder. This approach only applies to those holding freehold, a Crown lease or native title in the site selected for the Facility. If others’ rights or interests are acquired, extinguished or otherwise affected under s19 of the Act, the Government will pay a reasonable amount of compensation.

One of the purposes of the offer of compensation to landholders described in the Nomination Guidelines is to generate a range of nominations from landholders. It also provides a landholder who is considering nomination with a clear upfront understanding of the amount of compensation they will be offered if their land is selected.

As the Government is required to take into account a wide range of factors when determining a “reasonable amount of compensation”, the approach taken in the Nomination Guidelines of offering to landholders a premium over and above land value is reasonable and appropriate because it recognises that land value by itself is unlikely to satisfy the requirement to offer “a reasonable amount of compensation” as required under the Act, and accordingly seeks to wrap up other relevant compensation factors into a single figure.

³ National Radioactive Waste Management: *Nomination of Land Guidelines* (Nov 2016)
<http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Final%20New%20Nomination%20Guidelines.pdf>

To date, no negotiations have commenced with nominating landholders on compensation for acquisition and no compensation has been paid.

The only payment that is currently being paid to landholders is an ex gratia payment of around \$2,500 as compensation for disruption at the site throughout the site selection process, resulting from activities such as: entering land - driving on, and flying aircraft over the site; constructing and rehabilitating bores; operating drills and collecting samples.

b) How the need for 'broad community support' has played and will continue to play a part in the process, including:

i) The definition of 'broad community support', and

ii) How 'broad community support' has been or will be determined for each process advancement stage

The Act does not require, define or specify a minimum level of "broad community support". Rather, it provides the Minister with broad discretion to make decisions in relation to nominations and site selection, taking into account comments received from the nominator and those with a right or interest in the land. The Minister may also consider a broad range of other factors, including community support.

The Minister has committed that the Facility will not be placed in an unwilling host community or, in other words, a community in which it does not enjoy broad support (noting that no individual or group has a right of veto). Community support is an important but by no means the only factor that the Minister will consider in taking forward a nomination and selecting a site.

In terms of assessing the degree of community support, the Minister has expressly indicated that it is important that all voices in the community are heard and taken into account in decision-making. This means that an assessment of the overall level of support for the nomination or siting of the Facility is garnered (through survey or vote) and considered along with the views of a range of stakeholders including traditional owners, businesses and adjacent neighbours. These views are expressed in a variety of ways including through direct communications with the department, submissions, and an expected community-led sentiment assessment in the second half of 2018.

The department released community sentiment reports following the earlier community votes, including the Community Sentiment Survey, and Summary of Engagement reports (Annexure 1 refers). The department expects to release further community sentiment reports following the community-led assessments later this year.

The department is aware of calls by some groups for a quantified minimum level of community support or threshold to be set below which a nomination or site selection cannot be approved or a site selected. In the department's view, there are several compelling reasons why setting a mandated definition or threshold is not appropriate or workable:

- The Act provides the Minister with absolute discretion over site nomination and selection decisions. Defining a minimum required threshold could undermine and interfere with the Minister exercising his future discretion in selecting a site.
- It is consistent with the Minister's absolute discretion under the Act that he or she be at liberty to make a decision based on his or her judgment as to what constitutes broad community support in the circumstances. The Minister is ideally placed to make that assessment.
- Defining a minimum threshold could also be inconsistent with approval processes that allow input from the community (such as EPBC and ARPANSA processes) and could interfere with the relevant decision makers' discretion under those processes.
- There is no precedent, nationally or internationally, that could authoritatively be used to set such a threshold in these or similar circumstances. Any threshold, by definition, would be arbitrary in nature.
- Furthermore, what constitutes 'broad community support' will necessarily vary depending on the different interest groups involved in a particular site. Setting a mandated threshold would (depending on where it is set) potentially disenfranchise minority elements of the community or result in a minority group having an automatic veto or dictating power over the majority.

Annexure 2 contains a summary of community consultation undertaken by the department.

c) How any need for Indigenous support has played and will continue to play a part in the process, including how indigenous support has been or will be determined for each process advancement stage

The department is committed to providing every member of the community, including Indigenous members, with the opportunity to speak with the department and to be consulted about the site selection process. The same information and opportunities for consultation have been provided to all members of the relevant communities, whether the community is Indigenous or not. To facilitate this, as part of the comprehensive site selection process the department has provided a variety of forums for individuals and interest groups, including Indigenous groups, to learn about the Facility and to ensure their views are heard. Details of the specific engagement the department has had with the Indigenous members of the community as part of the site selection process, are detailed at Annexure 3 of this submission.

The department is working closely with the local Traditional owners in relation to the Wallerberdina Station site, near Hawker. A Heritage Working Group (HWG) has been established which includes representatives of the Adnyamathanha Traditional Lands Association ('ATLA') and the Viliwarinha Yura Aboriginal Corporation ('VYAC'). The department is engaging with representatives from both corporations as both have members who can speak to the cultural heritage value of the land and the potential impact of the Facility on cultural, environmental and social values. Traditional owners, who have been authorised by the boards of ATLA and VYAC, are working with the department to conduct an Aboriginal Cultural Heritage Assessment of the Wallerberdina Station.

The department appreciates the input and engagement of the local Aboriginal people on the project and looks forward to continued engagement throughout the process. The heritage assessment is independent of the process of assessing community support.

In addition to this the Minister has selected a number of Aboriginal people to participate in the Barndioota Consultative Committee and the Economic Working Group, in particular to assist in identifying opportunities for indigenous business and employment.

The department has also sought to consult with representatives of the Barngarla People, who hold native title in an area near the Kimba sites. These discussions are ongoing but will provide for the views of the Barngarla to be made into the process as well as identifying, protecting and minimising impact on any significant culture and heritage at the nominated sites. The department is looking to create a 'Barngarla Heritage Consultative Committee' with a role similar to that of the Heritage Working Group at Wallerberdina Station.

d) Whether and/or how the Government's 'community benefit program' payments affect broad community and Indigenous community sentiment

The Community Benefits Package ('CBP') was established in response to community feedback that indicated the site selection process causes short-term disruption, due to a variety of views being expressed in the community.

The CBP was established for the second phase of the project after communities have indicated they wish to proceed in the site selection process, the Minister has accepted the nomination, and where technical assessments and community engagement activities are being conducted. The CBP provides grants to potential host communities which have progressed to being shortlisted as part of the site selection process. The projects funded under the CBP must demonstrate that they will have a social and economic benefit to the local communities with any programme evaluation that is undertaken to be assessed in accordance with established guidelines on this basis. The assessment process includes input from the local consultative committees.

There has never been any intention to measure whether or not the CBP affects community sentiment. Feedback provided to the department during community consultations suggests that people consistently take a long term perspective in assessing the merits of the Facility for their community and that, while the CBP is seen as an important measure of good faith by Government, people do not see the fund as a material consideration influencing overall community support for the Facility.

When developing the CBP, the department had regard to the international experience of establishing comparable radioactive waste facilities which recognised the importance of supporting regional needs in a way that is seen at a local level to be fair and reasonable. The community investment associated with a radioactive waste facility varies from country to country in their approach, scope, amount, and timing of funding (i.e. before or after site selection). A recent paper released by the UK Nuclear Decommissioning Authority in November 2017 provides a useful 'Overview of international siting processes' which includes various examples of how community

funds were provided⁴.

The CBP is being delivered by the department's programme delivery agency AusIndustry. AusIndustry has over 30 years of programme delivery experience in delivering a range of Commonwealth programmes on behalf of policy areas in the department and for many other agencies. This ensures professional programme delivery at arms-length from the project team and avoids any perception of conflict of interest in administering grant payments. It also avoids any perception that the project team is using the CBP to influence community relationships.

AusIndustry anticipated that the CBP may be the first time that many interested applicants would be applying for a Commonwealth grant. To this end, AusIndustry provided a dedicated officer on the ground from its South Australian office for both rounds, to assist any interested community member with queries in navigating the grant application process. The below table highlights the number of engagements they had on the application process in 2016 (June to August) for the first round in the Hawker/Quorn region:

| Drop-in discussions | Phone | Email | Meetings |
|---------------------|-------|-------|----------|
| 98 | 71 | 48 | 67 |

The same data for the subsequent rounds (July 2017 to February 2018) in the Hawker/Quorn and Kimba regions is presented in the second table below.

| Drop-in discussions | Phone | Email | Meetings |
|---------------------|-------|-------|----------|
| 128 | 78 | 91 | 133 |

Projects funded under the CBP must be completed within two years and cannot extend past 30 June 2020. Under the programme, packages totalling \$2 million are available to each community in each round. The grant amount will be up to 100 per cent of eligible project costs. The minimum grant per applicant is \$5,000 and the maximum grant is \$1 million.

To date, two rounds of grant funding have been provided:

⁴ <https://rwm.nda.gov.uk>

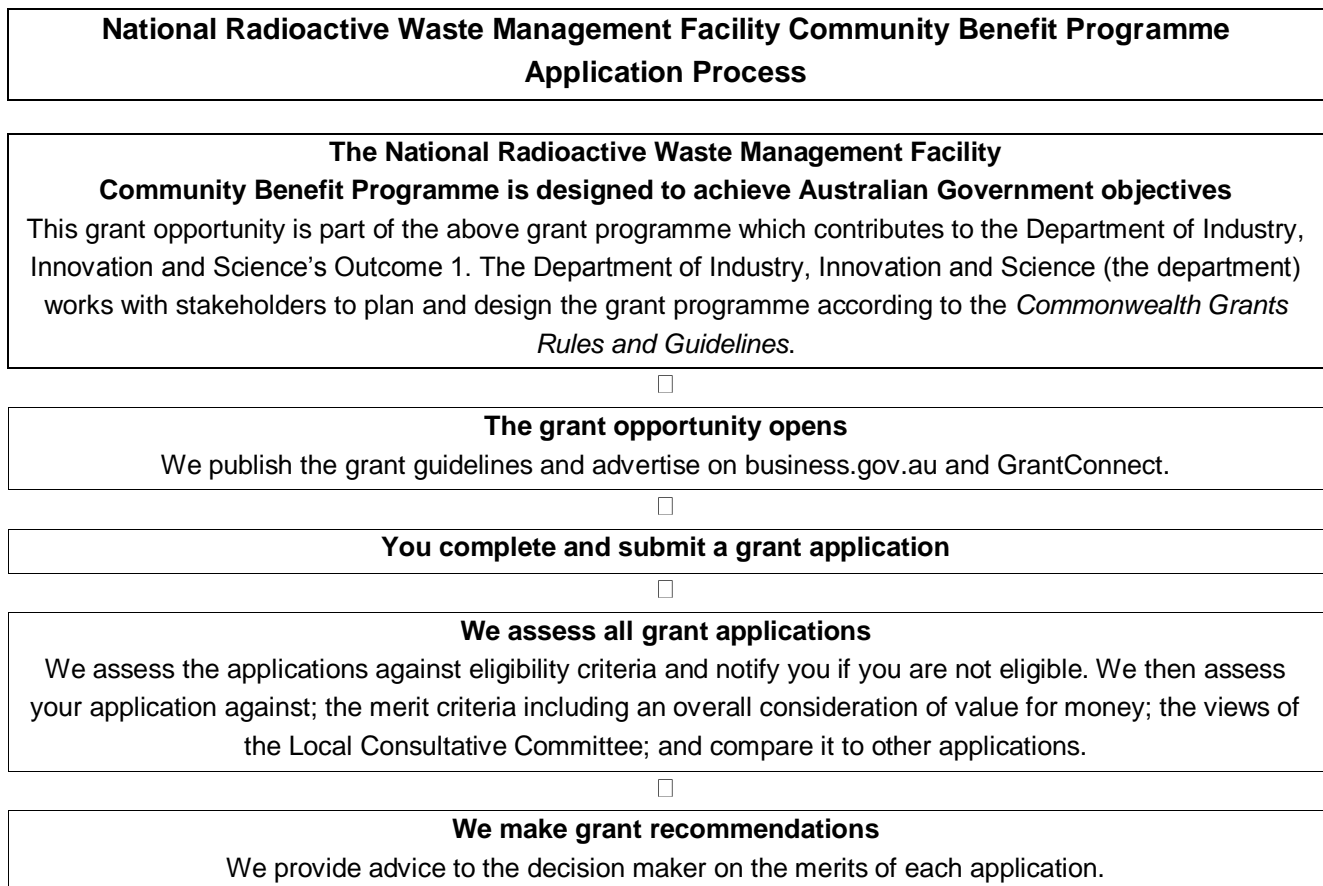
- 2016-17 – a total of \$2 million provided to various projects providing a social or economic benefit to the community for the Hawker land (a summary of projects is available www.business.gov.au website⁵).
- 2017-18 - \$2 million to the community for the Hawker land for projects providing a social or economic benefit to the relevant community; and
- 2017-18 - \$2 million to the community for the Kimba land for projects providing a social or economic benefit to the relevant community.

To be eligible for a CBP grant, the project must:

- Be within 50km radius of Barndioota (South Australia) plus the remainder of the Local Government Area of the Flinders Rangers Council; or
- Be within the Local Government Area of the District Council of Kimba.

The geographical limits reflect the fact it is those individuals in close vicinity to the proposed site who are most likely to be disrupted by the site selection process in the short term.

Figure 4: AusIndustry process for CBP applications.



⁵ Australian Government, National Radioactive Waste Management Facility Community Benefit Fund supported projects <https://www.business.gov.au/assistance/national-radioactive-waste-management-facility-community-benefit-programme/successful-applications> (accessed 22 March 2018),

□

Grant decisions are made

The decision maker decides which applications are successful.

□

We notify you of the outcome

We advise you of the outcome of your application. We may not notify unsuccessful applicants until grant agreements have been executed with successful applicants.

□

We enter into a grant agreement

We will enter into a grant agreement with successful applicants. The type of grant agreement is based on the nature of the grant and proportional to the risks involved.

□

Delivery of grant

You undertake the grant activity as set out in your grant agreement. We manage the grant by working with you, monitoring your progress and making payments.

□

Evaluation of the National Radioactive Waste Management Facility

Community Benefit Programme

We evaluate the specific grant activity and the National Radioactive Waste Management Facility Community Benefit Programme as a whole. We base this on information you provide to us and that we collect from various sources.

As part of the assessment, applications are referred to the local consultative committee in the region. The local consultative committee is a committee of community representatives with local knowledge and does not contain any departmental representatives. Again, this step in the process ensures that grants under the CBP are awarded to the most meritorious applications rather than in a way designed to influence community sentiment about the Facility. There is no consideration of the applicant's view towards the proposed Facility.

The CBP is designed so that the community as a whole benefits; it does not seek to differentiate between Indigenous communities and other communities. Having the local consultative committee contribute to the selection of projects ensures that the most relevant programs are funded. There is no separate program or allocation of funding to Indigenous groups, this funding is available to everyone within the relevant community.

e) Whether wider (Eyre Peninsular or state-wide) community views should be taken into consideration and, if so, how this is occurring or should be occurring

The department has consulted members of the public beyond the nominating communities. Departmental representatives have presented to audiences outside the nominating communities, including in Port Augusta and the Eyre Peninsula. The department has also engaged through regional and state-based radio and print media communication to promote information and

feedback on the project. There is also a wide range of information available on the dedicated website, and there is opportunity for the broader community to engage with the Facebook page.

In addition, the consultation process is open to all members of the public. The department does not exclude submissions from consideration by the Minister, based on where the person lives. For example, as part of the Kimba consultation process, 396 written submissions were received. Of these, 68 per cent were in the form of a form letter, and 71 per cent were from outside the local community.

f) Any other related matters

In the interest of being transparent in relation to payments made in the community, the department advises that community members participating in community consultation committees are paid under individual contracts for services.

The department pays members in accordance with the relevant Remuneration Tribunal Determination. Committee members are paid for their time spent on committee work and are reimbursed their travel costs. Payments to members vary depending on time spent and travel costs incurred. Typically payments are in the range \$500 - \$1,000 per member for each meeting.

Annexure 1 – Site Selection Process

Governance

The authority and broad process for finding land to establish the Facility is defined under the *National Radioactive Waste Management Act (2012)* ('the Act'). The Act prescribes the minimum set of steps that must be followed by the responsible Minister ('Minister') in selecting a preferred site. The department has augmented the steps prescribed in the Act with an additional structured process (described below) that explicitly provides for community and broader public engagement.

The department is responsible for the national radioactive waste management project and draws on expertise from Commonwealth agencies with skills and experience relevant to the project.

The department established a Steering Committee, comprised of senior executives from the Departments of Finance, Prime Minister and Cabinet, Infrastructure and Health. The Steering Committee meets quarterly and provides advice and support to the project. The Committee ensures the project aligns with Government policy.

An Interdepartmental Committee is the main forum to engage and provide advice between agencies. This Committee includes representatives from ANSTO, ARPANSA, ASNO, Attorney General's Department, CSIRO, Departments of Agriculture and Water Resources, Defence, Environment and Energy, Finance, Foreign Affairs and Trade, Health, Prime Minister and Cabinet and Geoscience Australia.

The department has also established a Technical Advisory Group (TAG) made up of representatives from ANSTO, ASNO, ARPANSA, CSIRO, Defence, Environment, Geoscience Australia and the Victorian Government. The TAG provides technical advice on the project.

In February 2015 to April 2016, the department engaged an Independent Advisory Panel (IAP). The purpose of the IAP was to provide the department with advice on technical and community engagement considerations. The IAP was made up of independent representatives who were selected for their experience and subject matter expertise in areas such as: radiation safety, environmental advocacy, social science, engineering and development, and nuclear medicine. The IAP consisted of 11 members.

The IAP assisted the department with:

- initial assessment of the 28 nominations
- development of a multi-criteria analysis and site selection framework
- assessment of feedback from communities during and after the 120 day consultation period.

Key activities in the process

- **Pre-nomination information:** Nomination Guidelines were developed and published online to inform nominees of the process⁶
- **Minister calls for nominations:**⁷ potential nominees are encouraged to speak with the department about their nomination
- **Initial site assessment (desktop)**
- **Nomination:** the nominator submits a nomination of land to the Minister
- **60 day comments period:** allows all community members and members of the public opportunity to comment on whether they would like to continue with the site selection process
- **Nomination decision:** Minister decides whether to accept the nomination and uses the Site Selection Framework⁸ to inform this decision under the Act.
- **Continuous public consultation:** about the Facility continues after the nomination has been accepted. The consultation process is designed in partnership with the community, but at a minimum includes numerous information sessions, the establishment of a local consultative committee, information booklets and newsletters⁹, the engagement of a community liaison officer and the establishment of a local office to act as a link between the community and the Government.
- **Detailed onsite technical assessment:** site characterisation assessments are undertaken to further assess the site technical capacity to host the Facility, including geotechnical characteristics, security, safety and radiation characteristics, potential environmental and cultural heritage values of the land that may be affected by the Facility, transport routes and infrastructure availability and constraints. The assessment encompasses the criteria that will be relevant to the regulatory approval processes for the Facility (such as under the EPBC Act, the *Australian Radiation Protection and Nuclear Safety Act 1998 (Cth)* and the *Nuclear Non-Proliferation (Safeguards) Act 1987 (Cth)*).
- **Community sentiment assessment:** community sentiment will be assessed including through submissions made to the Minister and the department and a community-led vote. Submissions are also able to be made from the broader public.

⁶ National Radioactive Waste Management: *Nomination of Land Guidelines* (Nov 2016) <https://prod-radioactivewaste.industry.slicedtech.com.au/sites/prod.radioactivewaste/files/files/Final%20New%20Nomination%20Guidelines.pdf>

⁷ Call for voluntary land nominations (2015) <http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Media%20Release%20-%20Voluntary%20Land%20Nominations%20-%202015%20March%202015.pdf>

⁸ National Radioactive Waste Management Facility *Site Selection Framework* (2015) https://prod-radioactivewaste.industry.slicedtech.com.au/sites/prod.radioactivewaste/files/files/NRWMF%20-%20Site%20Selection%20Framework_1.pdf

⁹ National Radioactive Waste Management Facility *Key documents and facts* <http://www.radioactivewaste.gov.au/site-selection-process/key-documents-and-facts>

- **Site Assessment:** the Minister will make an assessment of the sites taking into consideration various factors including community sentiment, site characterisation, heritage assessment, infrastructure and cost.
- **Site elimination or site declared:** the Minister may eliminate, or select a site using powers under the Act.
- **Detailed Business Case:** submission to the Public Works Committee for approval to construct.
- **Regulatory approvals preparation**
- **Regulatory approvals:** submission and assessment under EPBC and ARPANSA approvals processes, culminating in decisions as to whether to grant permission to begin construction.
- **Construction:** if there are positive decisions under the previous step, site clearance and construction, including associated infrastructure. Further ARPANSA approvals sought to provide an operating license.
- **Operation:** if an operating licence is granted, Facility to commence operation.

Phase two nominations documentation

Documents relevant to the Kimba and Wallerberdina Station nominations are available on the dedicated Radioactive Waste Management website (<http://www.radioactivewaste.gov.au/>) and here for ease of reference:

Wallerberdina Station (Hawker) nomination

- The Hon Josh Frydenberg MP, then Minister for Resources, Energy and Northern Australia announced that the land nomination would be shortlisted for further consideration as a site for the Facility <http://minister.industry.gov.au/ministers/frydenberg/media-releases/site-shortlisted-national-radioactive-waste-management-facility>
- DIIS, *Barndioota 120-day consultation information pack*, February 2016
<http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Barndioota%20Info%20Pack%20Feb%202016.pdf>
- Orima Research *Community Sentiment Survey* April 2016:
<http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/NRWMF%20Community%20Sentiment%20Surveys%20Report.pdf>
- DIIS *Phase 1 Summary Report* April 2016
https://prod-radioactivewaste.industry.slicedtech.com.au/sites/prod.radioactivewaste/files/files/Phase%201%20Summary%20Report%20FINAL_0.pdf

- DIIS *Barndioota information pack*, September 2016
<http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Barndioota%20Info%20Pack%20Feb%202016.pdf>
- Barndioota Consultative Committee Terms of Reference <https://prod-radioactivewaste.industry.slicedtech.com.au/sites/prod.radioactivewaste/files/files/Barndioota%20Consultative%20Committee%20-%20terms%20of%20reference3.pdf>
- Barndioota Economic Working Group Terms of Reference
http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Economic%20Working%20Group%20Terms%20of%20Reference_0.pdf

Kimba nominations

- DIIS *Summary of engagement in Kimba* (2016)
<http://prodradioactivewaste.industry.slicedtech.com.au/sites/prod.radioactivewaste/files/files/Summary%20of%20Engagement%20in%20the%20Kimba%20Community%20Report.docx>
- DIIS information for 90-day public consultation process (2017)
<http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Kimba-RadioactiveWaste-InformationSheet.pdf>
- DIIS *Kimba Phase1 Summary Report* covering the Phase1 Kimba consultation relating to the two volunteered sites at Kimba (2017)
https://prod.radioactivewaste.industry.slicedtech.com.au/sites/prod.radioactivewaste/files/files/Phase%201%20Summary%20Report%20FINAL_0.pdf
- Kimba Consultative Committee Guidelines (2017)
http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/files/Kimba%20Consultative%20Committee%20Guidelines%20September%202017_0.pdf
- Kimba Economic Working Group Terms of Reference
<http://www.radioactivewaste.gov.au/sites/prod.radioactivewaste/files/images/Economic%20Working%20Group%20Terms%20of%20Reference%20-%20Kimba.pdf>

Annexure 2 - Additional publicly available documents

All of these documents are publicly available online at: <http://www.radioactivewaste.gov.au/site-selection-process/key-documents-and-faqs>

| FAQs |
|---|
| Phase 1 - Wallerberdina Station, near Hawker |
| Phase 2 - Wallerberdina Station, near Hawker |
| Documents related to the Hawker Site |
| National Radioactive Waste Management Facility (NRWMF) – Phase 1 Summary Report, April 2016 |
| Community Sentiment Survey |
| Barndioota 120-day consultation information pack, February 2016 |
| Barndioota information pack, September 2016 |
| Barndioota Economic Working Group Terms of Reference |
| Barndioota Consultative Committee guidelines |
| Barndioota Consultative Committee Terms of Reference |
| Barndioota Consultative Committee minutes <ul style="list-style-type: none">13 December 20169 February 2017 plus ANSTO's WAC presentation and ANSTO's consultative committee presentation28 March 2017 March Minutes2 May 2017 May Minutes |

- 27 June 2017 June Minutes
- 22 August 2017 August Minutes plus Waste Acceptance Criteria presentation. ARPANSA role in the NRWMF presentation and response from ANDRA to Greenpeace presentation
- 10 October 2017 October Minutes plus Mark Moore's ANSTO presentation, Dr Geoff Currie's Nuclear Medicine Presentation, David Bruce's ORIMA Report, and Telstra's Indicative Upgrade Proposal

Documents relating to the earlier Kimba nominations and the Kimba Sites

Summary of engagement in Kimba - late 2016

90-day public consultation process after two sites nominated

Kimba Phase 1 Summary Report - covering the Phase1 Kimba consultation relating to the two volunteered sites at Kimba

Kimba Consultative Committee Guidelines

Kimba Economic Working Group Terms of Reference

Site selection process documents

Radioactive Waste Management: Nominations of Land Guidelines, updated as at November 2016. Included a draft access licence

Site Selection Framework, dated 2015.

Initial Business Case

Webinar discussion between technical experts, doctors and scientists about the production of nuclear medicine and its use in Australia. It was an opportunity for open debate around the topic, in the context of the process to find a location for a National Radioactive Waste Management Facility
<http://radioactivewaste.gov.au/news/thanks-viewing-our-webinar>

Monthly Newsletters

Monthly Newsletter Wallerberdina Station Edition - January/February 2018

| |
|---|
| Monthly Newsletter Kimba Edition - January/February 2018 |
| Monthly Newsletter Wallerberdina Station Edition - November/December 2017 |
| Monthly Newsletter Kimba Edition - November/December 2017 |
| Monthly Newsletter Wallerberdina Station Edition - October 2017 |
| Monthly Newsletter Kimba Edition - October 2017 |
| Monthly Newsletter Wallerberdina Station Edition - September 2017 |
| Monthly Newsletter Kimba Edition - September 2017 |
| Monthly Newsletter Wallerberdina Station Edition - June 2017 |
| Monthly Newsletter Kimba Edition - June 2017 |
| Monthly Newsletter - May 2017 |
| Monthly Newsletter - April 2017 |
| Monthly Newsletter - March 2017 |
| Monthly Newsletter - February 2017 |
| Monthly Newsletter - January 2017 |
| Monthly Newsletter - December 2016 |
| Monthly Newsletter - November 2016 |
| Monthly Newsletter - October 2016 |
| Monthly Newsletter - September 2016 |

Community Benefit Programme

Community Benefit Programme Guidelines

Buckleboo Farming Improvement Group - Sydney and Canberra Agricultural Trip Reports

Buckleboo Farming Improvement Group Tour Reports and Department Response

Webinar - Nuclear medicine production and use in Australia

Transcripts

- Introduction
- OPAL costs and production efficiencies
- Alternate production methods of medicine
- The role of nuclear medicine

Video recordings

- Introduction
- OPAL costs and production efficiencies
- Alternate production methods of medicine
- The role of nuclear medicine

Annexure 3 - Summary of community consultation

- The National Radioactive Waste Management Facebook page was established in October 2016 to allow two-way communication between the public and the department as well as timely and effective delivery of project updates and information. At 5 March 2018, the page had 305 likes and on average reaches over 5,000 people each month.
- Publishing public notices in national and regional newspapers and online
- Face to face meetings
- Meetings with other interested groups
- Drop-in information sessions
- Community meetings
- Delivery of information packs
- Responding to hotline calls and considering written submissions
- Establishing the Barndioota Consultative Committee
- Establishing the Kimba Consultative Committee
- Employing a Barndioota community liaison officer
- Employing a Kimba community liaison officer
- Engaging several community consultation and project officers
- Issuing monthly newsletters
- Providing access to relevant subject matter experts
- Providing access to a delegation from France with relevant experiences and expertise
- Providing access to Government ministers
- Arranging tours of ANSTO low and intermediate level waste facilities
- Publicly available resources
- Attending community events (shows)

Community Consultation

| | General Public | Landowners | Community Members | Traditional Owners | Neighbours | Key Stakeholders |
|--|----------------|------------|-------------------|--------------------|------------|------------------|
| Permanent Offices | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Submissions | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Hotline | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| radioactivewaste@industry.gov.au | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Facebook | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Newsletters (Digital) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Newsletters (Sent to mailboxes) | | ✓ | ✓ | ✓ | ✓ | |
| Collateral / Information Packs | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Information Sessions (Subject matter experts) | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Educational activities | | ✓ | ✓ | ✓ | ✓ | ✓ |
| ANSTO Tours | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Community meetings | | ✓ | ✓ | ✓ | ✓ | |
| F2F DIIS representatives | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Community sentiment survey | | ✓ | ✓ | ✓ | ✓ | |
| AEC Vote | | ✓ | ✓ | ✓ | ✓ | |
| Community Liaison Officer | | ✓ | ✓ | ✓ | ✓ | |
| Barndioota Consultative Committee / Kimba Consultative Committee | | ✓ | ✓ | ✓ | ✓ | |
| Economic Working Group (Wallerberdina Station and Kimba) | | ✓ | ✓ | ✓ | ✓ | |
| Heritage Working Group | | • | • | ✓ | • | |

Measurement of community sentiment in relation to the Hawker Site and Kimba Sites to date

| Process | Detail |
|--|---|
| Engaging ORIMA Research to conduct an independent survey | <p>This survey was administered in relation to the Hawker nomination and previous nominations in the Kimba region towards the end of the comments period in phase 1.</p> <p>This involved a broad-based survey of adults in the local community, which was supplemented by targeted surveys of near neighbours to the nominated land, business owners and managers and, in the case of the Hawker nomination, people describing themselves as being of Aboriginal or Torres Strait Islander origin.</p> |
| Informal survey of community sentiment carried out by the department | <p>In the course of the pre-nomination assessment process for three potential new sites in and around Kimba (Lyndhurst, Napandee and Tola Park), the department visited Kimba twice and spoke with over 300 members of the community and recorded their views.</p> <p>The community members interviewed included the majority of neighbouring landholders in a 5km radius around each proposed site, the Kimba District Council, businesses and members of key community groups.</p> |
| Community ballot conducted by the Australian Electoral Commission | <p>At the end of the comments period, the Australian Electoral Commission conducted a community ballot to measure community support for the Kimba nominations progressing to the next phase of the site selection process.</p> |

Annexure 4 – Summary of consultation with Indigenous members of the community

| Engagement | Detail |
|---|---|
| Consultation with various Aboriginal stakeholders | <p>Including:</p> <ul style="list-style-type: none"> the Adnyamathanha Traditional Lands Association (ATLA); the Viliwarinha Yura Aboriginal Corporation (VYAC); the traditional owners, the Adnyamathanha people; the local Aboriginal population; and the Colebrook Community. |
| Formation of the Aboriginal Cultural Heritage Working Group (ACHWG) | <p>The ACHWG comprises members from ATLA, YVAC and the department and has met on:</p> <ul style="list-style-type: none"> 3 June 2017; 24 July 2017; 22 August 2017; and 9 October 2017. |
| Undertaking an Aboriginal Cultural and Heritage Assessment (ACHA) | <p>The department has engaged RPS Australia to undertake an independent ACHA of the land comprising the Hawker nomination, with input from ATLA and VYAC.</p> <p>RPS Australia met with the HWG on:</p> <ul style="list-style-type: none"> 14 December 2017; and 25 January 2018. |
| Attending cultural awareness training | Facilitated by Traditional Owners and attended by department staff. |
| Arranging educational activities | The department has made arrangements for organisations like Geoscience Australia and the ANSTO to visited schools and attend community events. The department also arranged for interested community members to visit ANSTO's Lucas Heights facility. |
| Inviting consultation with the Barngarla People or their representatives. | The department has written to representatives of the Barngarla People to meet with representatives of the Barngarla People to discuss the proposed Facility, including heritage issues. The legal representative of the Barngarla People and Barngarla Determination Aboriginal Corporation (BDAC) has in late February 2018 confirmed that he will be in |

| Engagement | Detail |
|------------|--|
| | contact with the department to arrange a suitable time. The department welcomes and looks forward to this engagement with representatives of the Barngarla People. |

Annexure 5 – Examples of technical considerations

Examples of technical considerations for nominated sites to host the Facility include:

- Vegetation and ecological communities (native and invasive), and fauna and habitat (including habitat corridors);
- Landscapes and landforms;
- Geology, geotechnical and geochemical characteristics;
- Seismic activity;
- Soil and other substrates;
- Water (surface and ground);
- Hydro-geochemistry;
- Conservation and special use areas;
- Capacity to deal with Facility wastes and emissions;
- Risks from the surrounding environment e.g. bushfire;
- Climatic conditions;
- Climate change and long-term environmental scenarios;
- Radiation, background and risks;
- Site characteristics which have the potential to impact on safety of the site;
- Risks from the potential impacts of human activities on site suitability
- Renewable or non-renewable natural resources, and the site potential to use renewable resources;
- Transport considerations (including investigation of potential transport routes to the Facility); and
- Utilities, energy and infrastructure.

Annexure 6 - Chronology of site selection process

| Date | Event |
|------------------------------|--|
| 4 April 2012 | <i>National Radioactive Waste Management Act 2012</i> receives royal assent |
| 9 Sep 2014 | Australian Government releases notice indicating intention to consider opening a nationwide volunteer process of land owners to nominate land for Australia's radioactive waste management facility. Interested parties are asked to comment on this proposal by 10 November 2014. |
| 12 Dec 2014 | Minister announced that the Government would begin a nationwide voluntary site Nomination process and declared that Nominations of potential sites for a Facility may be made under section 7 of the Act. |
| Feb 2015 | Independent Advisory Panel (IAP) is established. First IAP workshop was held 10-11 February 2015. |
| 2 Mar 2015 | Minister makes official and public call for nominations. |
| 5 May 2015 | The formal nationwide call for nominations closed. A total of 28 applications were received, including the Hawker Site and two from township of Kimba (South Australia) – Pinkawillinie and Cortlinye. |
| May 2015 | The <i>National Radioactive Waste Management Facility Site Selection Framework</i> is published. |
| 13 Nov 2015 | Minister Frydenberg announced the six nominated areas that had been assessed as suitable for a further assessment and public consultation to assess the level of community support to continuing in the site selection process |
| 13 Nov 2015 – 11 Mar 2016 | Consultation process of six nominations. |
| Dec 2015 | Drop-in information sessions held in nearby towns of Hawker and Quorn. |

| Date | Event |
|----------------------------|--|
| Feb 2016 | Community meetings held in the nearby towns of Hawker and Quorn. |
| 29 Apr 2016 | Former Minister for Resources, the Hon Josh Frydenberg MP, announced that the Hawker Site was the only site out of the six chosen to progress to the next stage of consideration. |
| Nov 2016 | Minister approved a revision to the <i>Radioactive Waste Management: Nominations of Land Guidelines</i> , setting out a process by which land holders may nominate their land for consideration as potential site for the facility. |
| Late 2016 | Working for Kimba's Future group approached Government with three potential new sites for nominations: <ul style="list-style-type: none"> • Lyndhurst • Napandee; and • Tola Park |
| Nov 2016 – Dec 2016 | Government conducted initial technical and social assessments on the suitability of three sites proposed by the Working for Kimba's Future group. |
| 25 Jan 2017 | Minister Canavan announces 11 successful grant recipients in the Hawker region for the CBP. |
| 2 Feb 2017 | Minister Canavan advised that two new voluntary nominations were received for the Napandee and Lyndhurst locations. |
| Mar 2017 | Minister announces the formal receipt of two new land nominations from landowners near Kimba, both are accepted to proceed to an initial Phase 1 consultation: <ul style="list-style-type: none"> • Napandee • Lyndhurst <p>No formal nomination for the Tola Park location is made.</p> |
| 20 Mar 2017 to 21 Jun 2017 | Community consultation period to assess the level of community support for two Kimba Sites continuing in the site selection process. |
| 1 Jun 2017 to | Australian Electoral Commission conducted ballot at the request of the Kimba District Council. Voting period was open for the last three weeks of the consultation |

| Date | Event |
|-------------|--|
| 21 Jun 2017 | period. |
| 27 Jun 2017 | Minister Canavan accepted the nominations of the Kimba Sites and announced that the sites were to proceed to the next phase of assessment |
| 1 Nov 2017 | Minister Canavan announces \$2 million is allocated in 2017-18 for a Round 1 Kimba Package and Round 2 Barndioota Package (a total of \$4 million across both communities) under the CBP as they remain under consideration as a site for the Facility. National Radioactive Waste Management Facility Community Benefit Program programme guidelines are published. |

