

Questions and Answers - Senate Inquiry into the Site Selection Process for a National Radioactive Waste Management Facility

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Community Consultation

What has the department done to consult with the communities of potential host sites?

The community consultation process has included establishing community consultative committees, economic working groups and a heritage working group, supplemented by publication of monthly newsletters specific to each community to the NRWMF website and Facebook page, information sessions, and the establishment of local shop fronts in the communities, manned by staff from my department to field specific questions from the community.

How much of the information provided to the community has been positive compared to negative? Has equal weight been given to the costs and the benefits?

Information provided during the consultation process is factual, to assist the community in understanding the operations and implications of a potential Facility. The department does not make an assessment as to whether the information could be considered positive or negative - this is a subjective judgement best determined by the community members.

Has the department provided balanced information and given adequate airtime to alternative views?

The department has at all times facilitated the presentation of facts from leading independent experts in various fields. These experts have included a number of radioactive waste experts from ANSTO, geoscience experts from Geoscience Australia, experts from the regulator ARPANSA, an academic specialising in nuclear medicine from Charles Sturt University, a radiation safety expert from RioTinto and an academic specialising in social sciences from the University of Queensland.

The department has facilitated presentations from individuals known to oppose the Facility, for example:

- s47F [REDACTED], Australian Conservation Foundation
- s47F [REDACTED], Australian Conservation Foundation
- s47F [REDACTED], President of the Medical Association for Prevention of War

Why has the department not held open community meetings or “town hall” style meetings?

The department has held a **number** of open community meetings in each community to provide information on the project and answer questions.

Community Ballot

Did the Minister secure council support or formally consult with local government agencies before announcing the ballot?

There has been extensive consultation with the Kimba Council and Flinders Ranges Council about the testing of community support and the possibility of a ballot in the second half of 2018. Both councils and the Outback Communities Authority subsequently agreed to hold the community ballots beginning on August 20.

How were the communities surrounding the two sites chosen?

The 'community' boundaries are defined as the Kimba District Council for the Lyndhurst and Napandee sites, and the Flinders Ranges Council plus the area within a 50 km radius of the site for Wallerberdina Station. To ensure that all those directly affected by the proposal, including those in nearby townships such as Quorn, have an opportunity to have their say. These boundaries were set by the local Councils' and informed by the local consultative committees.

What steps has the Department taken to identify the level of project detail required for the community to make an informed decision?

The Department is undertaking an extensive program of work to provide the communities with the information it has asked for prior to the community ballot. Feedback has come through direct engagement with the community, correspondence and Facebook. As well as more formal mechanisms, the consultative committees and economic working groups for each site as well as the Kimba Council, Flinders Ranges Council, and the Outback Communities Authority.

The department has provided each community with a proposed schedule of materials that was released ahead of the vote. This includes information on site characterisation, safety, design and other aspects of facility operation.

Do you think that the process has caused division within the communities?

There are passionate views held by community members.

Our experience is that generally, each community is having robust but respectful discussions on this important issue.

If pressed: As with many regional towns, community members are actively engaged in a whole range of local issues. We have observed people with strong differences of view on this issues, working together the next day on other issues where they have more aligned views. So, no, I wouldn't characterise it as 'division', but discussions are certainly passionate and robust.

Site selection

How will the minister make his selection on a site?

A range of factors may be taken into account when making a final decision on the preferred location for the Facility, be it at the three locations currently being considered, or some other location. These include whether the local community is broadly supportive along with relevant site-specific technical considerations.

Community support will be assessed drawing on the results of the public ballot, public and submissions and other feedback from stakeholders including neighbours, council, and local groups. The views of the Traditional Owners of land around the sites are also being directly sought.

What is the specific threshold for community support?

A single number arbitrarily chosen does not provide this degree of comfort that all voices in the community who wish to be heard, are properly taken into account, and there are several compelling reasons why a threshold level 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.

Nominations

Did the department approach the nominators for Napandee and Lyndhurst locations to encourage a nomination?

No. The Working for Kimba's Future group approached government with three potential new sites for nominations:

- Lyndhurst
- Napandee; and
- Tola Park

Consistent with the nomination guidelines, updated in November 2016, the department after the approach, worked with potential nominators to gauge the initial technical suitability of the sites and to better understand the community's views prior to making a formal nomination.

The Department was invited by the Working for Kimba's Future group to speak to the Kimba community about levels of community support for a new nomination of land for a facility.

The Department visited Kimba twice, in November and December 2016, and spoke with over 300 members of the community including the majority of neighbouring landowners in a 5km radius around each site, Kimba District Council, businesses and members of key community groups.

On 2 February 2017 Minister Canavan advised that two new voluntary nominations were received for the Napandee and Lyndhurst locations.

How were the Napandee and Lyndhurst nominations assessed?

An initial desktop analysis was undertaken on the sites using the same desktop tool used to assess sites in the previous 2015 process. The tool scores sites against a range of criteria to provide an overall score. Detailed information on hydrology and seismicity was also sought from Geoscience Australia. All three sites had a technical assessment score within the range of the six sites previously nominated and considered in 2015.

To undertake the assessment of neighbour views, the department spoke to all neighbours in a 5km radius around each site. A summary is provided on the views of direct neighbours only, and views of all neighbours within a 5km radius.

Compared to the previous nominations in Kimba, one site has good support from direct neighbours (Napandee) and another site has good support from neighbours within a 5km radius (Lyndhurst). Neighbours' views around the Tola Park site are mixed.

Has the department progressed nominations too quickly?

No. the act requires a 60 day notification period before nomination can be accepted. In the case of the Wallerberdina site this period was 120 days. For the Kimba Sites the period was 90 days.

Are there undeclared site nominations?

A nomination supported by the Shire of Leonora in Western Australia was received in August 2017. The department sought clarification on aspects of the proposal including the level of community support. The Minister advised the Shire of Leonora on 4 June 2018 that the application would not be considered at this time.

Some interest has also been expressed by Brewarrina Shire Council in New South Wales. The Council has not progressed their proposal further since initial contact in October 2017.

An assessment by Azark was conducted and found Leonora was an ideal site, why can't Leonora enter the pre-existing process?

The community around Leonora has not yet had the benefit of in-depth consultation, or time to consider the detail of the proposed facility. This is supported by the Minister's discussions with the Leonora Shire Council on 14 June 2018.

The Minister has also extended an offer to the nomination's proponents to provide details of a business case that they have developed to support claims that a waste management facility at the Leonora site could be built with little or no cost to the tax payer

Consultative Committees and Economic Working Groups

How did the department choose committee members?

A public call was made for nominations. The Minister determined the membership of consultative committees in line with selection criteria for representatives. The department determined the membership of economic working groups in line with the selection criteria for working group Members.

Are there any criteria used to determine suitability of committee members?

The selection criteria for consultative committees are set in the committee guidelines. Selection criteria for economic working groups are set out in the Terms of Reference.

Extract from the Barndioota Consultative Committee Guidelines

Selection criteria for community representatives

Community representatives will be selected from the local community and other stakeholder groups. Candidates will be selected to ensure that the Committee will comprise of a broad membership to represent the interests of the community. To be eligible to be selected, community representatives must:

- *be a current resident of the area, able to represent the local community in a constructive manner, with an interest in the project;*
- *have demonstrated involvement in local community groups and/or activities;*
- *be willing to attend meetings and disseminate relevant material and information to the community;*
- *be willing to remain a participating member of the Committee until further notice (except in exceptional circumstances);*
- *have good communication and interpersonal skills; and*
- *be willing to adhere to the Committee's Code of Conduct.*

Extract from the Wallerberdina Station Economic Working Group (EWG) Terms of Reference

Selection criteria for EWG Members

Candidates will be selected to ensure that the Working Group will comprise of a broad membership to represent the varying issues to be discussed. It would be preferable if members had an understanding of local businesses, work contracts and/or a financial background.

- *EWG Members will be selected according to the following criteri*
- *be able to detail in their nomination, why they are an ideal candidate for the position*
- *be willing to attend meetings and disseminate relevant material and information to the EWG*
- *be willing to remain a participating member of the EWG until further notice (except in exceptional circumstances)*
- *have good communication and interpersonal skills; and*
- *be willing to adhere to the EWG code of conduct and to sign a Code of Conduct Agreement.*

Is representation on the committees evenly split for and against the facility.

The department did not canvass nominees' views about the facility. Where views were public information the department used this information to assist it to recommend

members that would provide a range of views. Membership is not dependant on holding a particular position about the facility and these views may change during consultation.

Did the department make commitments to ensure representation on the committee was evenly split (for and against)?

No the department did not make this commitment. The department Where nominees' views were public information the department used this information to assist it to recommend members that would provide a range of views.

What is the department's role on the working groups / consultative committees?

The department is not a member of the consultative committees or economic working groups. The department's role is primarily to support the operations of the committees and working groups and is set out in their terms of reference and guidelines. The documents are available on the department's website - www.radioactivewaste.gov.au

For consultative committees and working groups. The Department:

- develops Committee and working group terms of reference and guidelines
- supports the Independent Convener/Chair in their role, including developing the agenda for meetings
- organises meeting facilities for each meeting
- provides Secretariat support at each meeting and draft the minutes
- consider suggestions made by members on the processes and operation of the committee or working group
- provides details on upcoming project events and milestones, outlining how that will affect the local community
- responds to questions about the facility
- provide information to the Committee regarding shortlisted applicants for the Community Benefit Program for the advice and views of the Committee, and
- promotes the Committee and working groups within the community.

Consultative committees only

- seeks the views of the Committee on a range of issues regarding the community consultation and technical work, and
- provide information to the Committee regarding shortlisted applicants for the Community Benefit Program for the advice and views of the Committee.

Working groups only

- seeks the views of the working group on a range of issues economic development in the communities around the proposed site.

Why is the department funding a business benefits (construction workshop) forum before the site is determined - wouldn't it be more appropriate to undertake these activities after the vote?

It was an initiative of the economic working groups rather than the department; the economic working groups thought it was important for businesses to understand what would be involved in realising opportunities as well as the potential impacts on both business and ancillary services.

ANSTO Visits

How many people you have been funded to visit ANSTO from each community, when have the visits occurred, what is their purpose and cost?

118 Kimba residents and 107 Hawker residents have visited ANSTO.

The visits occurred between June 2016 and June 2018.

The visits provide an in person educational experience to see ANSTO's Lucas Heights Facility and allow residents the opportunity to speak to experts, ask questions and be provided with factual information.

The visits cost approximately \$1,500 per person (approximately \$337,500 in total).

Do you think that the department has engaged in bribery through providing ANSTO trips?

Travelling to ANSTO and seeing the Facility there is a crucial part of the decision making process. We accept that the nuclear industry is quite niche in Australia, and frankly, not many people understand what's involved in running a reactor. Taking the residents from the communities involved is the only way to show them how radioactive waste is stored, which is quite important with what we are asking them to vote on.

Other options to store or dispose of radioactive waste

Why not store the waste at ANSTO or Woomera?

Neither ANSTO nor the CSIRO managed store at Woomera were built for the purpose of becoming the permanent storage or disposal location for Australia's radioactive waste.

The Woomera site is a Defence Establishment located near operational zones. The waste at Woomera must be relocated out of the controlled defence area.

Other sites, including Woomera have previously been considered for waste facility, and ruled out.

ANSTO's Lucas Heights campus is not large enough to store all of Australia's radioactive waste. The Facility requires 100 hectares and the Lucas Heights campus is only 70 hectares in size, with already more than 80 buildings on it.

The remaining free space on the site will be needed to accommodate the expansion of the campus's future science infrastructure and research activities, as a dynamic hub for collaborative research, innovation and industry engagement.

The Lucas Heights campus is only licensed by the independent nuclear regulator ARPANSA, to store waste on a temporary basis, and on the condition that a plan is developed by the end of the decade for a final disposal pathway for its waste.

Community Benefits Programme (CBP)

What is the purpose of the Community Benefits Programme?

The Community Benefit Programme is designed to minimise any potential disruption or uncertainty that may occur during the consultation period with the community. It assists in mitigating any potential impacts associated with the ongoing consultation period, and support the local community during the site selection activities.

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.

How does the department ensure that the Programme is not used to sway community sentiment?

AusIndustry is responsible for the delivery of this programme. This includes assessing the applications and determining eligibility, in line with the programme's guidelines; establishing the contractual arrangements with the successful applicant and ongoing oversight of the successful projects. The National Radioactive Waste Management Taskforce does not decide who receives funding.

As part of the assessment process AusIndustry seeks the views from the Barndioota Consultative Committee and the Kimba Consultative Committees on whether or not the projects will benefit the community. These committees are only provided summary information on the proposed projects to protect privacy and confidentiality of applicants.

Community Development Package (CDP)

What assistance has the government committed to provide the host community

On 23 July 2018, the Minister for Resources and Northern Australia, Senator the Hon Matt Canavan, announced the Community Development Package (CDP) for the potential host community of the National Radioactive Waste Management Facility (NRWMF).

This package consists of:

- \$8 million in grants to be delivered through the **Community Skills and Development Program** to maximise opportunities from the construction and operation of the Facility. The Program will operate during the four year licensing and construction phase of the Facility.
- A \$20 million **NRWMF Community Fund** to deliver benefits for the community and support long-term infrastructure and development priorities
- \$3 million to support the development of an Aboriginal Economic and Heritage Participation Plan to promote economic opportunities for the local Aboriginal community.

Is this an attempt to influence the community ballot

The potential host communities through their local councils requested confirmation of the assistance that would be provided to the host community. Community feedback indicated that the current \$10 million commitment (National Repository Capital Contribution Fund in the *National Radioactive Waste Management Act 2012*) for when the facility is licensed (expected in 2023-24), is not sufficiently large nor suitably structured to meet community needs.

The government recognises the need to build economic capacity, skills and resilience within the NRWMF host community to help them to realise the significant economic benefits of hosting the Facility.

What are package elements seeking to achieve and how will government ensure they achieve their objectives

Community and Skills Development Package (CSDP)

The \$8 million in grants to be delivered through the CSDP will prepare the host community to access the benefits and opportunities from the construction and operation of the NRWMF. This will include:

- job training
- funding programs that upskill local people and businesses and attract labour supply and other commercial operations to the region
- the protection and promotion of local indigenous cultural, heritage and business development

NRWMF Community Fund

The \$20 million NRWMF Community Fund will focus on the long-term social and economic sustainability of the host community, necessary to support the Facility.

Once a site has been selected, the Department of Industry, Innovation and Science will work with the host community to develop the guidelines and governance arrangements.

The mechanics of how the fund will be delivered to the community is still to be confirmed, but will involve consultation with the Regional Consultative Committee.

to 2023/24, including amending the existing National Repository Capital Contribution Fund in the National Radioactive Waste Management Act 2012.

The NRWMF Community Fund will contribute to:

- sustainable health services
- agriculture research and development
- enhancements to local critical infrastructure, including telecommunications
- further develop the indigenous economy
- economic diversification
- skills and training opportunities.

Aboriginal Economic and Heritage Participation Plan

The \$3 million to support the implementation of an Aboriginal Economic and Heritage Participation Plan is part of the Government's Indigenous Advancement Strategy. It will promote economic opportunities for the local Aboriginal community and manage cultural heritage values at and around the site. The plan would be informed by a detailed technical cultural heritage investigation, as well as consultation with the community.

A key aspect of this plan will be to identify opportunities for Aboriginal business development and to set a minimum number of Aboriginal jobs at the Facility, appropriate to local circumstances.

It will also identify the skills and training needed for Aboriginal workers, including traineeships and cadetships and support them through grants to individuals. The plan will be developed between government and the Aboriginal Economic and Heritage Committee.

If the Aboriginal Economic and Heritage Participation Plan is part Indigenous Advancement Strategy how will the department ensure that the benefits are realised by the local Aboriginal community

The Aboriginal Economic and Heritage Participation Plan is consistent with the objectives of the Indigenous Advancement Strategy.

The department will work with the local Aboriginal community and the Department of Prime Minister and Cabinet (PM&C) who are responsible for delivery of the Indigenous Advancement Strategy to develop the plan. In addition the parties will assist with implementation of the plan, including investigation and management of heritage issues and identification of skills and training needs. This process is also likely to include consultation and a role for the Regional Consultative Committee.

The \$3 million commitment will be quarantined within the broader Indigenous Advancement Strategy for implementation of the Aboriginal Economic and Heritage Participation Plan.

Compensation

What is the purpose of the Community Benefits Programme?

The Community Benefit Programme is designed to minimise any potential disruption or uncertainty that may occur during the consultation period with the community. It assists in mitigating any potential impacts associated with the ongoing consultation period, and support the local community during the site selection activities.

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.

Transporting waste

Is it safe to transport radioactive waste?

Radioactive material has been safely transported for about the past 60 years and there has never been an accident resulting in a significant impact on the health and safety of people or the environment. The in-built safety features of the packages, regulatory controls, and emergency response procedures have always worked to ensure safety.

Australia complies with the [Code of Practice for the Safe Transport of Radioactive Material](#) as set out by ARPANSA. The code of practice adopts the [International Atomic Energy Agency's Regulations of the Safe Transport of Radioactive Material, 2005 edition](#).

The department has published a factsheet on transportation of radioactive waste.

Why has the department not disclosed the transport routes for getting the waste to the facility?

The specific transport routes and methods from the many existing radioactive waste storage locations around Australia will be determined as part of detailed planning, following selection of a preferred site.

The safety of all radioactive waste transport will be subject to independent regulatory approval and oversight by ARPANSA and potentially other regulatory bodies depending on the specific mode of transport.

Agriculture and Tourism

Will the National Radioactive Waste Management Facility damage agricultural exports or harm tourism?

Radioactive waste facilities and farms have succeeded side-by-side for decades, both in Australia and around the world, without any reputational or market impact on surrounding agriculture, tourism or other community activities.

The common experience of such facilities located in the farming regions of France, Belgium, the UK, Spain, the United States and Germany, is that this industry plays an important role in the life of local communities by providing jobs and investment, and strengthening local economic and social development.

Minister Canavan hosted an agricultural round table on 12 June. This was attended by representatives of major South Australian agricultural associations, and representatives from the Department of Agriculture and Water resources to discuss the potential establishment of a National Radioactive Waste Management Facility.

The department released a factsheet about agricultural and the National Radioactive Waste Management Facility in June 2018.

Economic impact

Will the facility guarantee the ongoing stability of the community?

The Radioactive Waste Management Facility will have an operational life of 100 years. After that it will be decommissioned and monitored for a further 200-300 years subject to regulatory approval, until residual low level waste materials are fully safe and needing no further controls.

The department has indicated that the location of the facility in a community will provide that community with an enduring economic and social through jobs, investment and the associated community support package. The department has made no claim that the Facility will guarantee the sustainability of the Kimba community (or any other community) for 300 years.

Post construction, what economic value will the facility add to the community?

Cadence Economics has estimated that:

- When fully operational, the Facility will generate an additional \$8.3-\$8.4 million in annual benefits to the local economy
- \$2.5 million worth of construction per annum would be undertaken by local firms.
- In the cases where workers come from outside the region to work during the construction phase, each would be expected to spend an average of \$100 a day locally.
- From the full operational phase beginning in 2025, 45 full-time equivalent workers will be employed at the Facility, of which 75 per cent will come from the local region. The Facility employees are expected to earn, in total, a combined \$4.7 million in salary.

Why did the job figure for the Facility jump from 15 to 45?

The estimate of a minimum of 15 jobs was a conservative assessment of the waste management jobs associated with a low level disposal facility alone

It did not include supporting jobs in areas such as environment monitoring, security, community liaison, tourism, and health and safety roles

Now that the Government has confirmed the full scope of the facility to include intermediate waste storage, ANSTO was able to map out the full range of jobs – this now includes at least 12 positions for security, nine waste technicians and two for administration.

Site characterisation - floods, water tables, seismic & heat

Has the department consider the risk of floods and seismic activity at the nominated sites.

AECOM has assessed the technical suitability of the sites being considered for the National Radioactive Waste Management Facility. The assessment reports are available on the department's website. The reports confirm that there are no significant environmental hazards or enabling infrastructure constraints to exclude a Facility being located at any of the sites.

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.

How did we come up with 100 hectares – will it be sufficient?

Heritage management - General

What has the department done to engage with the Indigenous Community?

Engagement with local Indigenous groups includes:

- identifying and engaging with relevant Indigenous stakeholders, including preliminary meetings to explain the process
- formation of working groups which can be consulted with on issues of aboriginal heritage
- undertaking an independent Aboriginal Cultural and Heritage Assessments
- attending cultural awareness training for departmental representatives facilitated by Traditional Owners, and
- arranging educational activities with organisations involved with the project such as Geoscience Australia and ANSTO.

How is the wider Aboriginal community perspective to be reflected in the ballot process?

Members of each Aboriginal community may participate in a community ballot if they are on the relevant electoral role. The Minister will also consult specific stakeholder groups in each community, including the Aboriginal community, and take this into account when making a decisions relating to community support. The department has also maintained a continuous process of engagement with members of the Aboriginal communities where they have requested such engagement.

Heritage management - Wallerberdina Station site

What is the engagement with the Indigenous community at the Wallerberdina Station site?

To assist with managing heritage issues at the Wallerberdina Station site the department has formed an Aboriginal Cultural Heritage Working Group (ACHWG) with representatives of the Adnyamathanha Traditional Lands Association (ATLA) and the Viliwarinha Yura Aboriginal Corporation (VYAC) and is undertaking an Aboriginal Cultural Heritage Assessment (ACHA).

The department undertook a competitive tender process and commissioned RPS Australia to undertake the Aboriginal Cultural Heritage Assessment at Wallerberdina Station.

The final report is available on the department's website and will inform the assessment of the nominated land for the facility and the assessment and approvals process under the EPBC Act.

This work has improved the department's understanding of the cultural and heritage values on the site and will result in a management plan for the community.

The Aboriginal Cultural Heritage Working Group meets regularly to progress cultural heritage work.

The department is working with the local Aboriginal community on all aspects of the project, including cultural heritage.

Why is the department not negotiating with ATLA on all stages of the project?

The department has included ATLA throughout its engagement process. ATLA were given equal representation with VYAC on the Heritage Working Group, and given the opportunity to participate in the ACHA which was declined. The Minister and department has met a number of times with ATLA and other Adnyamathanha representatives and has a sound understanding of their views.

Are there any identified heritage areas at Wallerberdina Station site?

Three key areas of Aboriginal heritage value were identified within the Wallerberdina Station site:

- locations in the Eastern portion of Wallerberdina Station that are highly significant culturally and archaeologically
- a songline that intersects with the southern edge of Wallerberdina Station, and
- Hookina Creek, which is associated with a registered songline and is of ongoing cultural significance.

The 100 hectares of interest on Wallerberdina Station was chosen to as not to impact any sites of known heritage, such as those previously mentioned.

Is the Indigenous community supportive of the Wallerberdina Station site?

There is mixed support in the Adnyamathanha community. There is a small group with a strong public presence who oppose the project.

The ATLA CEO has:

- Publicly criticised the proposal to consider siting a facility at Wallerberdina Station, due to the potential impact on cultural heritage

- Has criticised RPS regarding the placement of the LiDAR markers on Wallerberdina Station
- Has informed the department that they acknowledge a need for a radioactive waste management facility, and
- Has asked the department to consider other land known by ATLA to site the facility. No formal nomination has been made.

The VYAC held a vote in mid-2017, which found 85 per cent of members supported the project.

Heritage management – Kimba

What is the Native Title status on the sites in Kimba?

Both Napandee and Lyndhurst are within the area of the Barngarla Native Title Determination. However, on 6 April 2018 the Federal Court confirmed that native title had been extinguished over both sites. We had operated until this point on the advice from our lawyers that native title would be extinguished on these sites, and this ruling confirms that.

What is the engagement with the Indigenous community at the Kimba sites?

The Barngarla People hold native title in an area near the Kimba sites. A public statement was made to the Senate Inquiry hearing held in Kimba on 5 July 2018 that the Barngarla Determination Aboriginal Corporation (BDAC) oppose the facility being located at either of the Kimba sites. However in recent correspondence between the department and the BDAC's legal representative a process to formalise a BDAC position on the Facility has been discussed. The department has offered financial support to enable a meeting of BDAC members to hear about and provide their views about the Facility.

In early 2017 the department conducted searches of all public and Commonwealth records, and no record of heritage on the Kimba sites was identified. This does preclude the possibility of there beginning unidentified heritage or culturally sensitive areas and the department is seeking engagement with the Barngarla people to determine this.

The department has been seeking formal engagement with the Barngarla Determination Aboriginal Corporation (BDAC) since early 2017 with a view to establish an Aboriginal Cultural Heritage Working Group and have BDAC involvement in an Aboriginal Cultural Heritage Assessment for both sites.

Earlier engagements with the Barngarla suggested they had little interest in the project. After more recent contact the department facilitated a visit by Barngarla members to the nominated sites in Kimba.

The department is continuing its engagement BDAC to establish a working group and involve them in a heritage assessment.

Do you believe that the department's engagement with the Barngarla has been pro forma, or to satisfy minimum requirements?

The department has actively sought, through its correspondence with s47F from Norman Waterhouse Lawyers, to engage with the BDAC. The department's approach is carefully considered and it has not used proforma letters.

The department has sought face to face engagement with the BDAC and its representatives. Norman Waterhouse Lawyers. The department is likely to be invited to a meeting of the BDAC Board in mid-August, however the details of the meeting including the timing have not yet been confirmed.

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 Wallerberdina Station 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.
Jan - Feb 2016	Community meetings held in the nearby towns of Hawker, Quorn and Kimba.
Feb- Mar 2016	Community sentiment survey undertaken by ORIMA Research
29 Apr 2016	Former Minister for Resources, the Hon Josh Frydenberg MP, announced that the Wallerberdina Station 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.
21 November 2016	Minister Canavan announced the formation of the Barndioota Consultative Committee made up of 17 members, 1 Independent Convener and 1 Deputy Convener.
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.

Date	Event
25 Jan 2017	Minister Canavan announces 11 successful grant recipients in the Hawker region for the Community Benefit Programme (CBP).
2 Feb 2017	Minister Canavan advised that two new voluntary nominations were received for the Napandee and Lyndhurst locations.
Mar 2017	<p>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:</p> <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 21 Jun 2017	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 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
August 2017	The department announced the Wallerberdina Station Economic Working group formation made up of 6 members and 1 chair.
December 2017	Minister Canavan announced the formation of the Kimba Consultative Committee made up of 14 members, 1 Independent Convener and 1 Deputy Convener.
11 April 2018	Minister Canavan announced a total of 45 projects awarded funding in the Kimba and Wallerberdina Station communities through the Community Benefit Programme totalling \$4million.
12 April 2018	The department announced the Kimba Economic Working group formation made up of 7 members and 1 Chair.
13 April 2018	Minister Canavan announced a community ballot in both the Wallerberdina Station and Kimba communities commencing August 20 2018. The vote will be conducted by the Australian Electoral Commission.

Summary of presentations to consultative committees

<i>Presenter</i>	<i>Date</i>	<i>Topic</i>	<i>Barndioota Consultative Committee (BCC) and Kimba Consultative Committee (KCC)</i>
Andra delegation	9 Feb 17	Delegation from France who have experience working and living around their radioactive waste management agency	BCC
s47F ██████ - Education Officer at ANSTO	9 Feb 17	Explained what radioactive materials and waste are	BCC
s47F ██████ - Waste Projects and Strategic Planning Manager at ANSTO	9 Feb 17	Provided more detail about radioactive waste	BCC
s47F ██████ ██████ - University of Queensland	27 Jun 17	Facilitated a discussion on the BCC's definition and views of 'community' for the purposes of the NRWMF Project	BCC
s47F ██████ - ORIMA Research	27 Jun 17	Overview of various processes for measuring community sentiment	BCC
s47F ██████ ██████ - Telstra	27 Jun 17	Provided an overview of the department's intention to fund some initial telecommunications feasibility works in the region	BCC
s47F ██████ - Geoscience Australia	27 Jun 17	Overview of various survey methods that will be conducted on the Wallerberdina Station site to obtain more information about its characteristics	BCC
s47F ██████ - AusIndustry	22 Aug 17	Update on the processes involved to establish a new round the Community Benefit Programme (CBP).	BCC
s47F ██████ - ARPANSA	22 Aug 17	Licensing and regulation that is relevant to the establishment of a national facility, and the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) role in the Radioactive Waste project	BCC
s47F ██████ - General Manager of ANSTO Health	10 Oct 17	Presentation on the production of nuclear medicine at ANSTO and how it produces radioactive waste	BCC
s47F ██████ - Associate Professor	10 Oct 17	Use of reactor produced nuclear medicine	BCC

in Nuclear Medicine, Charles Sturt University			
s47F [REDACTED] - University of Queensland	10 Oct 17	Discussion to further consider the definition of community for the area	BCC
s47F [REDACTED] - Australian Conservation Foundation	10 Oct 17	Views on the process and project	BCC
s47F [REDACTED] - Chief Adviser Radiation Governance and Product Stewardship, Rio Tinto	10 Oct 17	Radiation safety and the perception of radiation in the general public	BCC
s47F [REDACTED] - South Australian Local Relationship Manager, Telstra	10 Oct 17	Improving 3G and 4G coverage	BCC
s47F [REDACTED] - University of Queensland	12 Dec 17	Discussion to further consider the definition of community for the area	BCC
s47F [REDACTED] - AusIndustry	12 Dec 17	Information sessions held recently concerning the Community Benefit Programme	BCC
s47F [REDACTED] - South Australian Local Relationship Manager, and s47F [REDACTED] Area General Manager for South Australia, from Telstra	12 Dec 17	Update on the possible upgrades to the existing infrastructure to improve handheld and highway coverage between Hawker and Leigh Creek	BCC
s47F [REDACTED] - AECOM	12 Dec 17	Overview of the site characterisation work to be carried out at Wallerberdina Station Outlining jobs that may be available through each stage of the project	BCC
s47F [REDACTED] - AECOM	22 Feb 18	Outlining jobs that may be available through each stage of the project	KCC
s47F [REDACTED] - Department of the Environment and Energy	11 April 12 April	Overview of the Environment Protection and Biodiversity Conversation Act 1999	BCC KCC

Minister Canavan	11 Apr 18	<ul style="list-style-type: none"> • Release of the Radioactive Waste Management Framework. • Announcement of vote date subject to council's approval • The \$10 million benefit fund. • Co-benefits of the proposed facility. • Timing for site preference decision 	BCC
	12 Apr 18		KCC
s47F [REDACTED] – AusIndustry	11 Apr 18	Community Benefit Programme	BCC
	12 Apr 18		
s47F [REDACTED] - General Manager for South Australia, Telstra	12 Apr 18		KCC
s47F [REDACTED] – ANSTO	11 Apr 18	Overview of the facility design work	BCC
	12 Apr 18		KCC
s47F [REDACTED] – Chief Nuclear Officer ANSTO	17 May 18	Waste management principles, NRWMF project development, Waste acceptance process, general conditions of waste acceptance, Types of waste in the inventory, Defence in depth/multi-barrier approach	KCC BCC
AECOM	17 May 18	Local participation	KCC BCC
INSERT Presentations from latest round of meetings			

Community Consultation

Permanent Offices	<p>Hawker Office</p> <p>Addresses Old Hawker Council Building 72 Cradock Rd Hawker SA 5434</p> <p>Opening Hours 9am-5pm Monday to Friday</p> <p>Community Liaison Officer s47F (appointed 5 December 2016)</p> <p>Kimba Office</p> <p>Addresses 49 High St Kimba SA 5641</p> <p>Opening Hours 9am-5pm Monday to Friday</p> <p>Community Liaison Officer s47F (appointed 24 August 2017)</p>
Submissions	<p>“120 consultation period” for the six shortlisted nominations including the Wallerberdina Station Site (13 November 2015 – 11 March 2016)</p> <ul style="list-style-type: none"> • 1,700 individual and group submissions and three petitions <p>Kimba Phase 1 (20 March 2017 to 21 April 2017)</p> <ul style="list-style-type: none"> • 396 letters and emails (submissions) <p>Kimba and Wallerberdina Phase 2 (1 August 2018 – 24 September 2018)</p> <ul style="list-style-type: none"> • In progress
Phone Hotline	<p>Number</p> <ul style="list-style-type: none"> • 132846 <p>Number of calls received</p> <ul style="list-style-type: none"> • [REDACTED]
Email hotline	<p>Address radioactivewaste@industry.gov.au</p> <p>Emails received We are not able to provide the number of enquires received as the email address is used for administrative (ie committee member payments) as well consultation.</p>

Facebook	<p>414 people follow our page.</p> <p>This year the department created 58 posts intended to inform and engage our audience. From this, 45,145 people had our posts appear on their screen.</p> <p>In the past 28 days we have had:</p> <ul style="list-style-type: none"> • over two thousand (2079) people view our page • just under six thousand (5749) people with our posts on their screen • over six thousand engagements with our posts through comments, likes and shares, and • an increase in 31 page followers <p>The releases of our recent publications of factsheets and reports has reached around 11,000 people through our Facebook page alone.</p>
Newsletters (Digital) (Sent to mailboxes)	<p>24 monthly newsletters published since September 2016</p> <p>Digital distribution:</p> <ul style="list-style-type: none"> • 583 subscribers <p>Physical mail distribution:</p> <ul style="list-style-type: none"> • Kimba: 420 • Quorn: 670 • Hawker: 200
Information Sessions (Subject matter experts)	<ul style="list-style-type: none"> • Over 28 Presentations have been made to the consultation committees
ANSTO Tours	<p>The department reported 118 Kimba community members and 107 Hawker community members visited ANSTO between June 2016 to June 2018 in response to a parliamentary question on notice asked by Senator Rex Patrick.</p> <p>Since then 18 more community members have visited ANSTO bringing total visits to 243.</p> <p>Each visit is estimated to cost \$1,550 per person bring the total estimated cost to \$364,500.</p>
Community meetings	<ul style="list-style-type: none"> • 6 May 2016 - Community Meeting Open at Institute Hall • 10 October 2017 - Community Information Session Nuclear Medicine & Radiation Safety - Hawker • 11 October 2017 - Community Information Session Nuclear Medicine & Radiation Safety Kimba
Community sentiment survey	<p>Conducted February to March 2016 by ORIMA Research for the six shortlisted nominations including the Wallerberdina Station Site</p> <p>Cost \$384,490</p>
AEC Vote	<p>Conducted 1 June 2017 to 21 Jun 2017 in Kimba</p> <p>Cost \$25,497</p>

<p>Barndioota Consultative Committee / Kimba Consultative Committee</p>	<p>Barndioota Consultative Committee</p> <ul style="list-style-type: none"> • Established 16 September 2016 • 13 meetings <p>Kimba Consultative Committee</p> <ul style="list-style-type: none"> • Established 11 December 2017 • 8 meetings
<p>Economic Working Group (Wallerberdina Station and Kimba)</p>	<p>Barndioota Economic Working Group</p> <ul style="list-style-type: none"> • Established 5 September 2017 • 9 meetings <p>Kimba Economic Working Group</p> <ul style="list-style-type: none"> • Established 12 April 2018 • 5 meetings
<p>Heritage Working Group</p>	<ul style="list-style-type: none"> • Established xx • 9 meetings

CBP grant Recipients

Barndioota Round 1 (Announced 25 January 2017)

Project title	Organisation	Project summary	Grant request
Refurbishment of the Hawker Institute	The Flinders Ranges Council	Significant refurbishment of the Hawker Institute. Activities include: roof to be replaced or repaired; floor of the hall to be repaired; new floor in the kitchen and bar area; new stage curtains and tracks to be fitted; air conditioning to be installed to the whole of the building complex; and two stoves and two fridges purchased and installed.	\$75,000
Equipment for Hawker District Movie Events	Hawker Community Development Board Inc	Purchase of projection and sound equipment to allow the local community to hold regular movie nights within the town of Hawker.	\$6,000
Building of new disabled ablution block at Hawker racetrack	Hawker Racing Club Inc	Build and install new separate male and female toilets with showers and disabled access at the Hawker racetrack.	\$76,844
Camel Treks Australia Pty Ltd Tourism Expansion Project	Camel Treks Australia Pty Ltd	Development of a unique visitor attraction involving a boutique camel dairy and afghan themed café with a gallery. Activities include: erecting the infrastructure and equipment for the dairy and café; setting up the gallery; and constructing a car park.	\$315,000
Colebrook Aquaponics Expansion	Yartawarli Aboriginal Corporation Resource Agency	Provision of a dedicated undercover fish growing facility, expanded outside plant growing area and undercover processing facility. Activities involve: site preparation; laying the slab; shed construction; installing fish infrastructure and constructing the plant growing area.	\$149,600
SMART board for Hawker Childhood Services Centre	Hawker Community Development Board Inc	Purchase and installation of a SMART IFP 4065 Interactive Flat Panel at the Hawker Childhood Services Centre.	\$11,468
Hawker Pool	The Flinders Ranges Council	Purchase and installation of transportable buildings to create male and female changing rooms at the existing Hawker Pool.	\$40,000
All weather access to Heysen & Mawson Trails near Mayo Hut	Friends of the Heysen Trail & Other Walking Trails Inc	Upgrade a portion of the current tracks that form the Heysen Trail. This will involve the trail via Wonoka Station. This trail leads to Mayo Hut and Mawson Trail.	\$5,800

Project title	Organisation	Project summary	Grant request
Hawker General Store Renovation and Development	Journeystone Pty Ltd	Renovation and redevelopment of both the interior and exterior of the Hawker General Store including: upgrade to garden dining area; upgrade to toilets; sandblasting of period building stonework and re-pointing; and kitchen upgrade including new hot water system, new flooring, enclosure of cold room, plumbing and electrics.	\$296,357
Independent living accommodation in Hawker	Wirreanda Cottages Inc	Purchase, delivery and installation of two purpose-built aged care independent living units adjacent to the existing four cottages at the Wirreanda Cottages site, together with the establishment of the site.	\$515,950
Viliwarinha Yura Housing Upgrade	Viliwarinha Yura Aboriginal Corporation	Upgrade existing housing on Yappala Station including: utilities and structural safety repair; improvements to kitchen; air conditioning installation; improvements to security and privacy; installation of renewable energy system; and external improvements.	\$502,797

Kimba Round 1 (Announced 11 April 2018 in conjunction with Barndioota Round 2)

Project Title	Organisation	Project Summary	Funding
New amenities block at the Kimba Recreation Reserve	District Council Of Kimba	Construction of new amenities block for camping site users at the Kimba Recreation Reserve. Works will include: site preparation, construction and fit-out of amenities block, plumbing and electrical work, landscaping and installation of solar lighting.	\$174,739
New and upgraded Historical Society facilities	Kimba & Gawler Ranges Historical Society Inc	Construction of new ablution block (with disabled access) and upgraded power source to workshop facilities, to improve health, safety and amenity for staff, community members and tourists.	\$68,960
Palliative Care Wing at the Kimba Hospital	Kimba District Hospital Ladies Auxiliary	Major upgrade of the Kimba Hospital to add a palliative care wing, offering dedicated private facilities for palliative care patients as well as acute patients where capacity permits. Activities include: renovating two rooms (with private bathrooms) to establish the unit, adding separate kitchenette and family lounge, and landscaping and installation of a veranda to form an outside courtyard.	\$230,000

Project Title	Organisation	Project Summary	Funding
Significant upgrade of the Kimba Soldiers Memorial Institute	District Council Of Kimba	Significant renovation of the Kimba Soldiers Memorial Institute, the central venue for community events. Activities include: installation of acoustic ceiling, air-conditioning and sound system. Windows will also be replaced, retaining wall repaired and the facility repainted (interior and exterior).	\$208,981
New marquee to support Agricultural Horticultural and Floricultural show society and other community events	Kimba Agricultural Horticultural and Floricultural Society Incorporated	Purchase of a large all-season marquee, for use at the annual Kimba agricultural show and other community events.	\$47,303
New all-abilities safety play surfacing at the Kimba Community Kindergarten	Kimba Community Development Group Inc	Upgraded outdoor play environment at the Kimba Community Kindergarten, including replacing lawn with synthetic soft fall surface to improve safety, appeal and play opportunities for children of all abilities.	\$13,800
Air-conditioning of the Kelly Pioneer Memorial Hall	Kelly Pioneer Memorial Hall Inc	Purchase and installation of two split-system air-conditioners at the Kelly Pioneer Memorial Hall, to improve patron comfort and increase usability of the facility.	\$6,425
New competition equipment and storage for the Kimba Pony Club	Kimba Pony Club Incorporated	Purchase of 30 pairs of national competition standard show jump wings, and two custom-built storage trailers, to attract more national standard show jumping events to region.	\$33,741
Renovation of Kimba Uniting Church Op Shop	Kimba Uniting Church	Renovation of the Kimba Uniting Church Op Shop, to improve health, safety and amenity for volunteer staff and customers. Activities include: ceiling and window replacement, installing new lighting, and painting (interior and exterior).	\$38,642
Kimba Silo Art tourism amenities	Kimba Community Development Group Inc	Purchase and installation of outdoor furniture and signage at the Kimba Silo Art, to further improve tourism experience numbers.	\$12,115
Improvements to Kimba Men's Shed	Kimba Men's Shed Inc.	Upgrade of the Kimba Men's Shed to improve health, safety and amenity for members. Activities include: concrete flooring (shed and external apron) and lighting and power installation.	\$12,824

Project Title	Organisation	Project Summary	Funding
Upgrade of Lions/Apex Playground	District Council Of Kimba	Major upgrade of the Lions/Apex Central Park playground, to improve safety, appeal and play opportunities for children and families. Activities include: building a retaining wall, and installation of shade sail, safety fencing, solar lighting, park furniture, paving and artificial turf.	\$114,355
Relocation and upgrade of cricket training facilities	K And K Cricket Clubs	Relocation (to more central location) and upgrade of training facilities at K and K Cricket Clubs, including new cricket nets, equipment storage shed and rainwater tank.	\$88,548
New community bus	Kimba Racing Club Inc.	Purchase of a new 14-seat community bus, to provide safe transportation of residents to and from community activities, events and functions.	\$68,721
Moisture Probe & Weather Station Network	The Agricultural Bureau of South Australia Incorporated	Establishing a moisture probe and weather station network across the region, to improve data availability and quality, and agronomic decision-making and grain yield. Activities include: site selection and installation of probe network (10 probes in representative soil types), data collection/internet upload, and running education workshops on data interpretation and better agronomic decisions.	\$19,721
Community and Economic Development Strategy for Kimba	District Council Of Kimba	Development of a <i>Community and Economic Development Strategy</i> for Kimba, with prioritised initiatives to stimulate economic activity in the region.	\$55,080
Kimba's Healthy Mind Healthy Community Project	Kimba Mental Health and Wellbeing Group Inc.	Planning and staging of <i>Healthy Mind Healthy Community</i> workshops in Kimba, to improve participant resilience, mental health and wellbeing. The project will also support the Kimba Health and Wellness Weekend.	\$30,773
Shining a New Light on Amateur Photography	Kimba Photographic Society Inc.	Purchase and installation of a wall mounted television and photographic equipment in the Kimba Soldiers Memorial Institute, for member and community use.	\$5,783
Joint Equipment Storage Shed	Kimba Pony Club Incorporated	Purchase and installation of multi-purpose secure storage shed for shared use by the Kimba pony and racing clubs, as well as other community clubs.	\$62,327

Project Title	Organisation	Project Summary	Funding
Export hay variety trial and rotation evaluation	The Agricultural Bureau Of South Australia Incorporated	Minnipa Research Centre to undertake export hay trials in the Kimba district, on oaten hay in relation to yield and feed test standards to allow producers to make better informed decisions when planting and managing hay crops. Activities include: planting, managing and harvesting trial plots, undertaking an oat rotation study, and compilation and reporting of trial and study data.	\$17,500
Buckleboo Tennis Club improvements	Buckleboo Tennis Club	Resurfacing of the Buckleboo Tennis Club courts (three) and replacement of perimeter fencing.	\$80,200
Public Wi-Fi in the town centre and at tourism hot spots	District Council of Kimba	Provision of public Wi-Fi in the Kimba town centre and at tourism hot spots, to provide improved internet access for residents and visitors. Activities include: sourcing engineering plans, constructing poles to carry the Wi-Fi hardware, and erecting the poles, Wi-Fi and solar hardware at designated spots.	\$34,600
Kimba Health & Fitness Centre facility upgrade	Kimba Health and Fitness Centre	Upgrading facilities at the Kimba Health & Fitness Centre, to improve safety, health and amenity for patrons. Activities include: recladding interior walls, installation of new gym-grade rubber matter, and repair or replacement of equipment and fans.	\$26,673
Kimba Golf Club facility upgrade	Kimba Golf Club Incorporated	Purchase and installation of new equipment storage shed and rainwater tanks for irrigation supply.	\$65,097
Buckleboo Club upgrade	Buckleboo Club Incorporated	Purchase and installation of new carpet at the Buckleboo Club, to improve safety and amenity for patrons.	\$13,996
Secret Rocks: Kimba's Premier Ecotourism Destination	Ecological Horizons Pty Ltd	Development of a new ecotourism attraction at Secret Rocks, with self-guided interpretative walk and reintroduction of native animals such as mallee fowl, and potential reintroduction of locally-extinct bandicoots. Activities include: predator proofing the mallee refuge enclosure, installation of picnic facilities within the enclosure, car park upgrade, production of interpretative signs and weed control along walkways, and erecting feeders and installation of cameras to enhance the ecotourism experience.	\$80,062

Project Title	Organisation	Project Summary	Funding
Waddikee Community Sports Club facility upgrade	Waddikee Community Sports Club Incorporated	Upgraded facilities at the Waddikee Community Sports Club, to improve safety, appeal and play opportunities for children and families. Activities include: installing new playground and perimeter fencing, installing security cameras, replacing exterior doors (including BBQ shed) and locks, repairing hall wall and re-concreting fretted foundations on BBQ building.	\$82,000
Kimba Senior Citizens Club facility upgrade	Kimba District Senior Citizens Club Inc	Upgraded facilities at the Kimba Senior Citizens Club, to improve safety, health and amenity for members and visitors. Activities include: rebuilding concrete veranda and access ramp, and installation of a new air-conditioner.	\$15,083
Kimba Bowling Club floodlight upgrade	Kimba Bowling Club Inc	Replacement of floodlights at the Kimba Bowling Club with LED lighting to improve lighting quality and energy efficiency.	\$45,862
Multi-user Grain Accumulation Centre	The Agricultural Bureau of South Australia Incorporated	Undertaking a feasibility study to explore the technical and financial feasibility of establishing a facility for aggregating and adding value to locally produced grain.	\$69,300
Development planning for Kimba Skate Park	District Council Of Kimba	Production of detailed design, budget and construction plans, as the first stage of establishing a skate park as a long-term valuable recreation asset for residents and visitors to the region. Stages include: concept development, community feedback, final concept, detailed design development, and construction documentation and technical specification production.	\$22,475
Feasibility planning for new game meat industry	Chestwood Meats Pty Ltd	Feasibility study to determine the viability of constructing and operating a game meat processing works in the region.	\$52,200
Retractable shade system for Kimba Bowling Club	Kimba Bowling Club Inc	Purchase and installation of fully-motorised retractable shade system at the Kimba Bowling Club, to improve player comfort and playing conditions.	

Barndioota Round 2 (Announced 11 April 2018 in conjunction with Kimba Round 1)

Project Title	Organisation	Project Summary	Funding
Hawker Community Sports Centre facility upgrade	Hawker Community Sports Centre Inc	Building of an extension to the current kitchen, installing new equipment for catering and food preparation and creating an indoor BBQ area. Activities include: site preparation and building the extension, plumbing and electrical work, purchasing and fitting appliances, installing new air conditioning, tiling, painting and new flooring.	\$190,000
Community Mobile Kitchen	Hawker Community Development Board Incorporated	Purchase of a mobile kitchen and ancillary equipment to support its operation. The mobile kitchen will be made available for hire at local events throughout the community. Activities will include: the construction of a new mobile kitchen by a professional trailer manufacturer, purchasing a generator(s) to power the kitchen and other items to support the kitchen's operation, such as power leads.	\$76,625
Workshop and Facilities Upgrade	Quorn Men's Shed	Improvements to the Quorn Men's Shed facility in two phases. The installation of two large rainwater tanks, as well as a pump to plumb the rainwater to the kitchen and hot water service in phase one. The purchase of dust extractors and tools for the workshop in phase two. Activities will include: preparing of tank site, installation of rainwater tanks and electric pump, purchasing and installing two dust extractors, and purchasing workshop tools and equipment.	\$12,500
Telstra mobile phone coverage upgrade - Wonoka Hill - Stage 1	Hawker Community Development Board Incorporated	Two-stage project to upgrade existing mobile phone transmission systems between Hawker and Leigh Creek, with the installation of new high capacity 5 hop radio system. It would also see the construction of 4 new mobile base stations to expand mobile coverage and capacity (3G + 4GX) along the vast majority of The Outback Highway between Hawker and Leigh Creek. Stage one is the installation of mobile and transmission infrastructure on Wonoka Hill, which is the first hop of the two stage solution. Grant amount funds half of project costs, with balance contributed by Telstra.	\$500,000
Upgrade to Community Room and Nurses	Hawker Hospital Auxiliary	Major renovation of the Hawker Memorial Hospital nurses' quarters and community room, to improve safety, health and amenity for nursing	\$180,474

Project Title	Organisation	Project Summary	Funding
Quarters at Hawker Memorial Hospital		staff, and hospital and community users. Activities include: interior building work including tiling, ceiling, cladding, and fitting doors and painting, upgrading the bathroom and laundry, plumbing and electrical work, and installation of fixtures, fittings and furniture, including safety railing and aged care seating.	
Cradock Hotel Community Playground, Family Dining Area and Toilets	DCHA Holdings Pty Ltd	New facilities at the Cradock Hotel, to improve safety, health and amenity for community and visitor users. Activities include: site preparation, construction of an all-weather meeting and family dining area extension to existing building, construction of a community adventure playground and toilet block, and paving and landscaping.	\$252,031
Cradock Heritage Project	The Flinders Ranges Council	Working with the Cradock Heritage Group to engage a local historian to assist in creation and design of various history related materials and infrastructure. In addition there will be construction of a stone wall at the Cradock War Memorial site to include the list of war veterans and a shelter at the Cradock cemetery. Activities include: creating and designing fact sheets, brochures and booklets, constructing signs and shelter at Cradock cemetery, creating a historic walking trail, and constructing a stone wall at the Cradock War Memorial site to include names of war veterans.	\$28,986
Installation and Purchase of Portable and Fixed Cool Rooms	Quorn Community Sporting Association Inc	The purchase and installation of one fixed and one portable cool room. The fixed cool room will be situated at the Quorn Community Hall for use by all members of the community when hiring the oval precinct. The portable cool room will be available to community groups throughout the region for use at events.	\$28,500
Combined Churches of Hawker Renovation Project	Hawker Uniting Church	Significant renovation of both the Uniting Church and Catholic Church, to improve safety, health and amenity for worshippers and visitors, including for community events. Activities at the Uniting Church include: replacing the roof, construction of a new kitchen and supper room, construction of a portico veranda, and interior renovation. Activities at the Catholic Church include: replacing the roof, repairing the interior	\$329,277

Project Title	Organisation	Project Summary	Funding
		(including flooring and painting) and installation of air-conditioning and a new public address system.	
Flinders Ranges Regional Skate Park	The Flinders Ranges Council	Construction of regional skate park facility for multi-sport use (skateboards, rollerblades, scooters and bicycles), to increase youth participation in action sports and encourage physical education. Activities include: site preparation, earthworks and draining installation, skate park construction, and furnishing and landscaping.	\$175,000
Stage 1 - Hawker Gymnasium and Pool Administration Centre	The Flinders Ranges Council	Construction of a new building adjacent the Hawker Gymnasium and Pool, to provide improved sport, fitness and recreation facilities for the community and visitors. Facilities include: gymnasium, aerobics room, administration centre and toilets.	\$227,272
Hawker Aerodrome Refuelling Facility	The Flinders Ranges Council	Purchase and upgrade of the Hawker Aerodrome Refuelling Facility, including installation of credit card payment facilities, to provide 24-hour user access and expanded tourism charter activity.	\$99,335

Key Activities, Expenditure and Major Contracts by Year

2018-19 Financial Year

Departmental Budget: \$2,945,000

Administered Budget: \$13,843,000

Major activities

- Site selection
- Detailed business case to government
- Determination of waste management function
- Beginning environmental approvals

Major contracts

ANSTO (insert value)

AECOM (insert value)

2017-18 Financial Year

Departmental Expenditure

Administered Expenditure \$16,598,000 (less \$2.5 underspend)

Major activities

- Community consultation with Wallerberdina Station and Kimba sites
- Site characterisation Wallerberdina Station and Kimba sites
- Development of the Radioactive Waste Management Framework
- Detailed business case development
- Round 2 (Wallerberdina Station Site) and Round 1 (Kimba sites) Community Benefit Programme

Major contracts

ANSTO (insert value)

AECOM (insert value)

RPS (insert value)

2016-17 Financial Year

Departmental Expenditure: \$1,997,000

Administered Expenditure \$8,694,000

Major activities

- Development of initial draft business case
- Community consultation with Wallerberdina Station Site community
- Round 1 Community Benefit Programme (Wallerberdina Station Site)
- Initial technical and social assessments on the suitability of three sites proposed by the Working for Kimba's Future group

- Community consultation period to assess the level of community support for two Kimba Sites
- Australian Electoral Commission conducted ballot - Kimba

Major contracts

KPMG (insert value)

AEC (insert value)

2015-16 Financial Year

Departmental Expenditure \$3,541,000

Administered Expenditure

Major activities

- Shortlisting 28 Applications received from public call for nominations
- Assessing community sentiment a six shortlisted sites
- Selection of Wallerberdina Station Site for further consultation

Major contracts

- ORIMA Research (insert value)
- GHD (insert value)

Summary of Indigenous engagement – Wallerberdina Station

Ad hoc meetings

Date	Attendees	Notes
20 November 2015	DIIS, ATLA CEO and Chair	Consultation
December 2015	DIIS, ATLA	Consultation
February 2016	DIIS, ATLA	Consultation
March 2016	DIIS, ATLA	Consultation
28 April 2016	DIIS, ATLA CEO	Consultation
17 May 2016	DIIS, ATLA Board	Presentation to ATLA board, commitment to independent heritage survey
17 June 2016	DIIS, ATLA, VYAC	Project update, consultation with VYAC and ATLA
25 August 2016	DIIS, s47F [REDACTED] s47F [REDACTED]	Cultural heritage assessment and training opportunities
29 September 2016	DIIS, Minister Canavan, s47F [REDACTED] (designated cultural heritage person, Director VYAC), s47F [REDACTED] (Chairman, VYAC), s47F [REDACTED] (CEO, ATLA), s47F [REDACTED] (Chairman, ATLA), s47F [REDACTED], unknown about any formal roles)	Conference call, cultural heritage discussion
3 November 2016	DIIS, Minister Canavan, s47F [REDACTED] (ATLA), s47F [REDACTED] (VYAC), s47F [REDACTED] (VYAC), s47F [REDACTED] (ACF), s47F [REDACTED] (University of Sydney)	Meeting with minister to discuss project and cultural heritage
14 December 2016	DIIS, VYAC	Cultural heritage meeting
9 February 2017	DIIS, Geoscience Australia, ANDRA, VYAC, ATLA	Presentation on ANDRA facilities and dinner
8 February 2018	DIIS, ATLA, and RPS	Meeting to discuss the cultural heritage study and the use of LiDAR markers

Heritage Working Group (HWG)

Date	Attendees	Notes
3 June 2017	DIIS, s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	First HWG meeting
22 August 2017		Presentations by select tenderers for the cultural heritage assessments
9 October 2017	DIIS, s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	HWG meeting with department, informing HWG that RPS has been selected to complete cultural heritage assessment.
14 December 2017	s47F [REDACTED] [REDACTED] [REDACTED]	HWG meeting with RPS
25 January 2018	s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	HWG meeting with RPS. Summary of Desktop report, and discussion of LiDAR survey.
12-16 February 2018	s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Culture and Heritage Field Assessments
22-23 May 2018	s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED] DIIS	Individual meetings to go through specifics as related to men's and women's business in report
24 May 2018	s47F [REDACTED] [REDACTED] [REDACTED], DIIS	Meeting to confirm findings and recommendations of Cultural Heritage Assessment Report
23 July 2018	s47F [REDACTED] [REDACTED] [REDACTED], DIIS	Meeting to discuss release of report, follow up on any other matters

ADMINISTERED Staff Numbers at 26 July 2018

Staffing Levels	Total Team Structure	Policy	Technical Team	Project Management Team	Site Selection Team	Project Services Team
EL2	7		Equivalents; s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Equivalents; s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]		
EL1	3		Equivalents; s47F [REDACTED]		Equivalents; s47F [REDACTED] [REDACTED]	
APS6	5			Equivalents; s47F [REDACTED] [REDACTED] [REDACTED]	Equivalents; s47F [REDACTED] [REDACTED] (Kimba CLO), s47F [REDACTED] [REDACTED] (Hawker CLO), s47F [REDACTED]	
APS5	3				Equivalents; s47F [REDACTED] [REDACTED] [REDACTED]	Equivalents; s47F [REDACTED]
Total	20		5	5	7	1

DEPARTMENTAL Substantive APS Staff Numbers at 26 July 2018

Staffing Levels	Total Team Structure	Executive Management Team	Policy	Technical Team	Site Selection Team	Project Services Team
SES 1	1	Sam Chard				
Principal Advisor	1	s47F				
EL2	5		s47F	s47F	s47F	s47F
EL1	5		s47F	s47F	s47F	
APS6	2		s47F		s47F	
APS5	2		s47F		s47F	
APS4	1	s47F				
APS3	1				s47F	
Total staff	18	3	5	2	7	1

TOTAL STAFF IN TASKFORCE contractors and APS staff at 26 July 2018

Staffing Levels	Executive Management Team	Technical Team	Policy	PMO Team	Site Selection Team	Project Services Team	TOTAL
SES1	Sam Chard						1
Principal Advisor	s47F						1
EL2		s47F	s47F		s47F	s47F	5
EL1		s47F	s47F		s47F		5
APS6			s47F		s47F		2
APS5			s47F		s47F		2
APS4	s47F						1
APS3					s47F		1
Contractors		s47F		s47F	s47F	s47F	18
Total Staff	3	8	4	5	14	2	36

PAYMENTS TO NRWTF COMMUNITY MEMBERS AND LANDHOLDERS

ISSUE

Payments to community members and Landholders

KEY POINTS

Payments to committee members

- Committee members are paid under individual contracts for service.
- There is no prescribed remuneration for such services, however the Department has elected to pay members in accordance with guidance from the Remuneration Tribunal.
- Committee members are paid for their time spent on committee work and are reimbursed for travel costs. Typically payments are in the range of \$650 - \$1,000 per member for each meeting.
- The total approximately paid to date for Committee member services;

Groups	Sitting Fees	Meeting costs (inc venue hire and hospitality)	Travel and accommodation	Total
Barndioota Consultative Committee Wallerberdina Station Economic Working Group	\$169,167.50	\$7,300.10	\$11,259.90	\$187,727.50
Kimba Consultative Committee Kimba Economic Working Group	\$35,204	\$4,230.90	\$13,455.40	\$52,890.30
Total:	\$204,371.50	\$11,531.00	\$24,715.30	\$240,617.80

Contact Officer:	\$47F	Created: 23/07/18
Contact Officer number:	\$47F	Updated:
Clearance Officer:	\$47F	Cleared:

What payments have been made to landholders?

- Ex-gratia payments of \$2,500 each were made to the nominators of the Wallerberdina and Napandee sites on 5 April 2018 totalling \$5,000.
- The department is currently waiting on further information before an ex-gratia payment of \$2,500 is made to the nominator of the Lyndhurst site.
- The payments are in relation to recognising that there will be disruptions at the sites 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
 - Collecting samples

Contact Officer:	S47F	Created: 23/07/18
Contact Officer number:		Updated:
Clearance Officer:		Cleared:

Consultative Committee Meetings

BCC Meeting Dates	Hawker EWG Meeting Dates	KCC Meeting Dates	Kimba EWG Meeting Dates
24 July 2018	24 July 2017	26 July 2018	25 July 2018
26 June 2018	25 June 2018	28 June 2018	27 June 2018
15 May 2018	14 May 2018	17 May 2018	6 June 2018
11 April 2018	10 April 2018	3 May 2018	16 May 2018
14 March 2018	19 February 2018	12 April 2018	3 May 2018
12 December 2017	11 December 2017	16 March 2018	
10 October 2017	12 December 2017	15 March 2018	
22 August 2017	27 November 2017	18 January 2018	
27 June 2017	19 September 2017		
2 May 2017			
28 March 2017			
9 February 2017			
13 December 2016			
Total: 13	Total: 9	Total: 8	Total: 5

Indigenous Engagement – Wallerberdina Station

Ad hoc meetings

Date	Attendees	Notes
20 November 2015	DIIS, ATLA CEO and Chair	Consultation
December 2015	DIIS, ATLA	Consultation
February 2016	DIIS, ATLA	Consultation
March 2016	DIIS, ATLA	Consultation
28 April 2016	DIIS, ATLA CEO	Consultation
17 May 2016	DIIS, ATLA Board	Presentation to ATLA board, commitment to independent heritage survey
17 June 2016	DIIS, ATLA, VYAC	Project update, consultation with VYAC and ATLA
25 August 2016	DIIS, s47F [REDACTED] [REDACTED]	Cultural heritage assessment and training opportunities
29 September 2016	DIIS, Minister Canavan, s47F [REDACTED] (designated cultural heritage person, Director VYAC), s47F [REDACTED] (Chairman, VYAC), s47F [REDACTED] (CEO, ATLA), s47F [REDACTED] (Chairman, ATLA), s47F [REDACTED], unknown about any formal roles)	Conference call, cultural heritage discussion
3 November 2016	DIIS, Minister Canavan, s47F [REDACTED] (ATLA), s47F [REDACTED] (VYAC), s47F [REDACTED] (VYAC), s47F [REDACTED] (ACF), s47F [REDACTED] (University of Sydney)	Meeting with minister to discuss project and cultural heritage
14 December 2016	DIIS, VYAC	Cultural heritage meeting
9 February 2017	DIIS, Geoscience Australia, ANDRA, VYAC, ATLA	Presentation on ANDRA facilities and dinner
8 February 2018	DIIS, ATLA, and RPS	Meeting to discuss the cultural heritage study and the use of LiDAR markers
13 Meetings	[REDACTED]	

Heritage Working Group (HWG)

Date	Attendees	Notes
3 June 2017	DIIS, s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	First HWG meeting
22 August 2017		Presentations by select tenderers for the cultural heritage assessments
9 October 2017	DIIS, s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	HWG meeting with department, informing HWG that RPS has been selected to complete cultural heritage assessment.
14 December 2017	s47F [REDACTED] [REDACTED] [REDACTED]	HWG meeting with RPS
25 January 2018	s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	HWG meeting with RPS. Summary of Desktop report, and discussion of LiDAR survey.
12-16 February 2018	s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Culture and Heritage Field Assessments
22-23 May 2018	s47F [REDACTED] [REDACTED] [REDACTED] [REDACTED] DIIS	Individual meetings to go through specifics as related to men's and women's business in report
24 May 2018	s47F [REDACTED] [REDACTED] [REDACTED], DIIS	Meeting to confirm findings and recommendations of Cultural Heritage Assessment Report
23 July 2018	s47F [REDACTED] [REDACTED] [REDACTED], DIIS	Meeting to discuss release of report, follow up on any other matters
9 Meetings		

National Radioactive Waste Management Facility Travel Costs

KEY POINTS

July 1 2017 – June 30 2018

- The NRWMF Site Selection Team travel on a weekly basis to Hawker and Kimba communities for community consultations with local residents which includes committee meetings and community presentations. This ensures communities have direct communication and access to the department.
- The team travel also supports the CLO's, s47F (Kimba) and s47F (Hawker).
- The project funds travel by community members to ANSTO to gain a better understanding of the facility. (See ANSTO trips).

Total Travel Expense (July 1 2017 –June 30 2018) \$ *(To be updated)*

Departmental Travel: \$230,966

Includes:

- Travel to South Australia for community consultation; meetings and events
- Travel to ANSTO project management
- Travel to ANSTO to facilitate tours and meetings
- Other travel

Administered Travel \$199,042 *(To be updated to 30 June 2018)*

Includes:

- Contractor travel to South Australia for community consultation; meetings and events
- Contractor travel to ANSTO project management
- Independent expert travel to present at community meetings and events
- ANSTO employee travel
- Community travel to ANSTO for educational purposes
- Consultative committee travel costs (see BPB Community and Landholder Payments)
- Other contractor travel



National Radioactive Waste Management Act 2012

No. 29, 2012

**An Act to make provision in relation to the
selection of a site for, and the establishment and
operation of, a radioactive waste management
facility, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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National Radioactive Waste Management Act 2012

No. 29, 2012

**An Act to make provision in relation to the
selection of a site for, and the establishment and
operation of, a radioactive waste management
facility, and for related purposes**

[Assented to 4 April 2012]

The Parliament of Australia enacts:

National Radioactive Waste Management Act 2012 No. 29, 2012 1

Part 1 Preliminary

Section 1

Part 1—Preliminary

1 Short title

This Act may be cited as the *National Radioactive Waste Management Act 2012*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Object of Act

The object of this Act is to provide for:

- (a) the selection of a site for a radioactive waste management facility on voluntarily nominated land in Australia; and
- (b) the establishment and operation of such a facility on the selected site;

to ensure that radioactive waste generated, possessed or controlled by the Commonwealth or a Commonwealth entity is safely and securely managed.

4 Definitions

In this Act:

Aboriginal land means Aboriginal land within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Commonwealth contractor means:

- (a) a person who is a party to a contract with the Commonwealth or a Commonwealth entity; or
- (b) a person who is a subcontractor for a contract with the Commonwealth or a Commonwealth entity.

Commonwealth entity means:

- (a) a body corporate established for a public purpose by or under an Act; or

- (b) a company in which a controlling interest is held by any one of the following persons, or any 2 or more of the following persons together:
- (i) the Commonwealth;
 - (ii) a body covered by paragraph (a).

controlled material means controlled material within the meaning of the *Australian Radiation Protection and Nuclear Safety Act 1998* that is of domestic origin, but does not include high level radioactive material or spent nuclear fuel. For this purpose, controlled material is **of domestic origin** if it has been used in Australia, generated by activities in Australia, or sent to Australia under contractual arrangements relating to the conditioning or reprocessing of ANSTO spent nuclear fuel (within the meaning of the *Australian Nuclear Science and Technology Organisation Act 1987*).

facility means a facility for the management of controlled material generated, possessed or controlled by the Commonwealth or a Commonwealth entity.

general nomination start time means the time at which a declaration under section 6 takes effect.

high level radioactive material means material which has a thermal energy output of at least 2 kilowatts per cubic metre.

Land Council means a Land Council within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Land Trust means a Land Trust within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

nominator of land means the following:

- (a) a Land Council that nominated the land as a potential site under subsection 5(1);
- (b) a person who nominated the land as a potential site under subsection 7(2) or (3).

selected site means the site, or the specified part of a site, in relation to which a declaration by the Minister under subsection 14(2) is in effect.

Part 1 PreliminarySection 4

site means a site approved by the Minister under section 9.

spent nuclear fuel means material that:

- (a) is or was capable of producing energy by a self-sustaining chain process of nuclear fission; and
- (b) has been irradiated in, and permanently removed from, a nuclear reactor (which is a structure containing material to which paragraph (a) applies in such an arrangement that a self-sustaining chain process of nuclear fission can occur in the structure without an additional source of neutrons).

statutory authority, in relation to the Crown in right of the Commonwealth, a State or a Territory, means any authority or body (including a corporation sole) established by a law of the Commonwealth, the State or Territory other than a general law allowing incorporation as a company or body corporate.

subcontractor, for a contract, means a person who is a party to:

- (a) a contract with a Commonwealth contractor (within the meaning of paragraph (a) of the definition of **Commonwealth contractor**); or
- (b) a contract with another subcontractor (under a previous application of this definition).

traditional Aboriginal owners means traditional Aboriginal owners within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Part 2—Nomination of sites

Division 1—Nomination by a Land Council

5 Nomination by a Land Council

- (1) A Land Council may, before the general nomination start time, nominate Aboriginal land in the area of the Land Council as a potential site.

Note: After the general nomination start time, certain persons may nominate land in a State or Territory as a potential site—see Division 2 of this Part.

- (2) A nomination must:
- (a) be in writing; and
 - (b) be made to the Minister; and
 - (c) specify the land nominated by reference to portion number (if any), survey points (if available) and geographical coordinates; and
 - (d) contain evidence of all interests in the land; and
 - (e) if there is a sacred site within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976* on or near the land—contain evidence that the persons for whom the site is sacred or is otherwise of significance are satisfied that there is no substantial risk of damage to or interference with the sacred site as a result of the nomination or subsequent action under this Act; and
 - (f) contain evidence that:
 - (i) the Land Council has consulted with the traditional Aboriginal owners of the land; and
 - (ii) the traditional Aboriginal owners understand the nature and effect of the proposed nomination and the things that might be done on or in relation to the land under this Act if the Minister approves the nomination; and
 - (iii) the traditional Aboriginal owners as a group have consented to the proposed nomination being made (that

Part 2 Nomination of sites**Division 1** Nomination by a Land Council**Section 5**

consent as a group being determined in accordance with section 77A of the *Aboriginal Land Rights (Northern Territory) Act 1976*; and

- (iv) any Aboriginal community or group that may be affected by the proposed nomination has been consulted and has had adequate opportunity to express its view to the Land Council.
- (3) The Minister may request further information from the Land Council.
- (4) Failure to comply with subsection (2) does not invalidate a nomination.
- (5) A nomination is not a legislative instrument.

Division 2—General nominations

6 Minister may declare that nominations can be made under section 7

- (1) The Minister may make a declaration in writing that nominations of potential sites may be made under section 7.

Note: After a declaration is made:

- (a) a nomination cannot be made under section 5 (see subsection 5(1)); and
 - (b) the Minister must not approve land nominated under section 5, or declare land so nominated to be the selected site for a facility (see subsections 9(2) and 14(3)).
- (2) In deciding whether to make a declaration, the Minister must have regard to whether it is unlikely that a facility will be able to be constructed and operated on Aboriginal land that has been nominated as a potential site under section 5 (whether or not that land has been approved as a site under section 9).
- (3) A declaration takes effect at the time specified in the declaration, which must not be earlier than the time the declaration is made.
- (4) A copy of a declaration must be published in the *Gazette* within 7 days of the declaration being made.
- (5) Failure to comply with subsection (4) does not invalidate a declaration.
- (6) A declaration is not a legislative instrument.

7 Nominations of potential sites

Nominations may be made

- (1) If a declaration under section 6 is in effect, a person or persons may, in accordance with this section, nominate land in a State, the Australian Capital Territory or the Northern Territory as a potential site.

Part 2 Nomination of sites
Division 2 General nominations

Section 7

Nominations by holders of certain interests in land

- (2) A person may nominate land under this subsection as a potential site if:
- (a) the person holds an interest in the land; and
 - (b) the interest is:
 - (i) an estate in fee simple; or
 - (ii) a lease of land granted by or on behalf of the Crown, a Minister of the Crown, a statutory authority or any other prescribed person, under a law of the Commonwealth, a State or a Territory; and
 - (c) the person does not hold the interest as a joint tenant or a tenant in common.
- (3) The persons who, as joint tenants or tenants in common, hold one of the following interests in land may jointly nominate the land under this subsection as a potential site:
- (a) an estate in fee simple;
 - (b) a lease of the land granted by or on behalf of the Crown, a Minister of the Crown, a statutory authority or any other prescribed person, under a law of the Commonwealth, a State or a Territory.

Nominations where native title exists

- (4) A person may nominate land under this subsection as a potential site if:
- (a) an approved determination of native title covers an area containing the land; and
 - (b) the approved determination of native title determines that:
 - (i) native title exists in relation to the land; and
 - (ii) the native title rights and interests confer possession, occupation, use and enjoyment of the land on the native title holders to the exclusion of all others; and
 - (c) one of the following applies:
 - (i) in the case of an approved determination of native title by the Federal Court—the person is a prescribed body corporate that holds the native title rights and interests concerned on trust, or is an agent prescribed body

corporate in relation to the native title rights and interests concerned;

- (ii) in the case of an approved determination of native title by a recognised State/Territory body—the person is a body corporate that holds the native title rights and interests concerned on trust, or that is determined in relation to the native title under a provision of a law of the State or Territory concerned that corresponds to section 57 of the *Native Title Act 1993*.

- (5) In this section:

agent prescribed body corporate has the same meaning as in the *Native Title Act 1993*.

approved determination of native title has the same meaning as in the *Native Title Act 1993*.

prescribed body corporate has the same meaning as in the *Native Title Act 1993*.

recognised State/Territory body has the same meaning as in the *Native Title Act 1993*.

8 Rules about nominations

- (1) A nomination made under section 7 must:
- (a) be in writing; and
 - (b) be made to the Minister; and
 - (c) specify the land nominated in accordance with subsection (2); and
 - (d) in the case of a nomination under subsection 7(2) or (3)—contain evidence that the interest in the land held by the nominator or nominators of the land is an interest referred to in subparagraph 7(2)(b)(i) or (ii) or subsection 7(3); and
 - (e) in the case of a nomination under subsection 7(4)—contain evidence of the matters specified in that subsection; and
 - (f) contain such other evidence (if any) as is prescribed by the regulations, including, but not limited to, the following:

Part 2 Nomination of sites**Division 2** General nominations**Section 8**

- (i) evidence that one or more specified groups of persons have been consulted in relation to the nomination;
 - (ii) evidence that one or more specified groups of persons are satisfied of specified matters in relation to the nomination;
 - (iii) evidence that one or more specified groups of persons have consented to the making of the nomination.
- (2) For the purposes of paragraph (1)(c), land must be specified by reference to:
- (a) survey points (if available); and
 - (b) geographical coordinates; and
 - (c) whichever of the following is appropriate:
 - (i) portion number;
 - (ii) district, division, section and block;
 - (iii) certificate of title;
 - (iv) plan and lot number;
 - (v) volume and folio number;
 - (vi) lot on plan;
 - (vii) title identifier;
 - (viii) parcel identifier;
 - (ix) deposited plan;
 - (x) title diagram;
 - (xi) registered plan;
 - (xii) a descriptor of a kind similar to a descriptor referred to in this paragraph.
- (3) The Minister may request further information from a nominator of the land.
- (4) Failure to comply with subsection (1) does not invalidate a nomination made under section 7.
- (5) A nomination made under section 7 is not a legislative instrument.

Division 3—Approval of nominated land**9 Approval of nominated land**

- (1) Subject to subsection 10(6), the Minister may, in his or her absolute discretion, approve in writing land, or a specified part of land, nominated as a site under section 5 or 7.
- (2) Despite subsection (1), the Minister must not, after the general nomination start time, approve land nominated as a site under section 5.
- (3) The Minister does not have a duty to consider a nomination.
- (4) An approval takes effect at the time specified in the approval, which must not be earlier than the time the approval is made.
- (5) A copy of an approval must be published in the *Gazette* within 7 days of the approval being made.
- (6) Failure to comply with subsection (5) of this section, or subsection 5(2), 6(4) or 8(1), does not invalidate an approval.
- (7) An approval is not a legislative instrument.

Part 2 Nomination of sites**Division 4** Procedural fairness in relation to Minister's declarations and approvalsSection 10

Division 4—Procedural fairness in relation to Minister's declarations and approvals**10 Procedural fairness in relation to Minister's declarations and approvals***Declaration under section 6*

- (1) Before the Minister decides to make a declaration under section 6, the Minister must:
 - (a) give a notice in writing to each Land Council; and
 - (b) publish a notice:
 - (i) in the *Gazette*; and
 - (ii) in a daily newspaper that circulates generally in each State, the Australian Capital Territory and the Northern Territory.
- (2) A notice under paragraph (1)(a) or (b) must:
 - (a) state that the Minister proposes to make a declaration under section 6; and
 - (b) invite comments on the proposed declaration; and
 - (c) specify the address to which comments may be sent; and
 - (d) specify the date by which comments must be received, which must be at least 60 days after the notice is given or published.
- (3) In deciding whether to make a declaration under section 6, the Minister must take into account any relevant comments in response to an invitation referred to in paragraph (2)(b).

Approval under section 9

- (4) Before the Minister decides to approve land, or a specified part of land, under section 9, the Minister must:
 - (a) give a notice in writing to each nominator of the land; and
 - (b) publish a notice:
 - (i) in the *Gazette*; and

Nomination of sites **Part 2**
Procedural fairness in relation to Minister's declarations and approvals **Division 4**

Section 10

- (ii) in a daily newspaper that circulates generally in each State, the Australian Capital Territory and the Northern Territory; and
 - (iii) in a local newspaper (if any) circulating in the area in which the land is situated.
- (5) A notice under paragraph (4)(a) or (b) must:
- (a) state that the Minister proposes to approve land, or a specified part of land, under section 9; and
 - (b) if the notice is given under paragraph (4)(a)—invite each nominator of the land to comment on the proposed approval; and
 - (c) if the notice is published under paragraph (4)(b)—invite persons with a right or interest in the land to comment on the proposed approval; and
 - (d) specify the address to which comments may be sent; and
 - (e) specify the date by which comments must be received, which must be at least 60 days after the notice is given or published.
- (6) In deciding whether to approve land, or a specified part of land, under section 9, the Minister must take into account any relevant comments given to the Minister, by a nominator of the land, or a person with a right or interest in the land, in response to an invitation referred to in paragraph (5)(b) or (c).

Exhaustive statement

- (7) This section is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to:
- (a) the Minister's decision whether to make a declaration under section 6; and
 - (b) the Minister's decision whether to approve land, or a specified part of land, under section 9.

Part 3 Selecting the site for a facilitySection 11

Part 3—Selecting the site for a facility**11 Authority to conduct activities**

- (1) This section applies to:
 - (a) the Commonwealth; and
 - (b) a Commonwealth entity; and
 - (c) a Commonwealth contractor; and
 - (d) an employee or agent of a person mentioned in paragraph (a), (b) or (c).
- (2) A person to whom this section applies may, in a State or Territory, do anything necessary for or incidental to the purposes of selecting a site on which to construct and operate a facility.
- (3) Without limiting subsection (2), the person may do any or all of the following under that subsection (whether or not on a site):
 - (a) gain access to and enter land and drive vehicles or fly aircraft to and from it;
 - (b) in order to drive vehicles to and from land—use existing roads or construct roads on, or grade, land;
 - (c) construct or rehabilitate bores;
 - (d) operate drilling equipment;
 - (e) extract water;
 - (f) collect samples of flora and fauna;
 - (g) place monitoring equipment (including meteorological and hydrological measuring equipment);
 - (h) build structures to protect bores, monitoring equipment or other things;
 - (i) move or extract sand, gravel, soil, mineral and rock samples;
 - (j) conduct seismic or geological investigations;
 - (k) conduct archaeological or heritage investigations;
 - (l) clear vegetation.
- (4) A person doing a thing under this Part must:

- (a) take all reasonable steps to ensure that the doing of the thing causes as little detriment and inconvenience, and does as little damage, as is practicable to the land and to anything on, or growing or living on, the land; and
- (b) remain on the land only for such period as is reasonably necessary; and
- (c) leave the land, as nearly as practicable, in the condition in which it was immediately before the thing was done.

12 Application of State and Territory laws

- (1) A law, or a provision of a law, of a State or Territory (whether written or unwritten), so far as it relates to:
 - (a) the use or proposed use of land or premises; or
 - (b) the environmental consequences of the use of land or premises; or
 - (c) the archaeological or heritage values of land, premises or objects (including the significance of land, premises or objects in the traditions of Indigenous people); or
 - (d) controlled material, radioactive material or dangerous goods; or
 - (e) licensing (however described) in relation to:
 - (i) employment; or
 - (ii) carrying on a particular kind of business or undertaking; or
 - (iii) conducting a particular kind of operation or activity;has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11.
- (2) The regulations may prescribe a law, or a provision of a law, of a State or Territory for the purposes of this subsection. The prescribed law or provision has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 11.
- (3) Regulations made for the purposes of subsection (2) may prescribe a law, or a provision of a law, whether or not it is a law or a provision of a kind described in subsection (1).

Part 3 Selecting the site for a facility**Section 13**

- (4) The regulations may prescribe a law, or a provision of a law, of a State or Territory for the purposes of this subsection. The prescribed law or provision has effect despite anything else in this section.

13 Application of Commonwealth laws

- (1) The following laws have no effect to the extent that they would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11:
- (a) the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*;
 - (b) the *Environment Protection and Biodiversity Conservation Act 1999*.
- (2) The regulations may prescribe another law, or a provision of another law, of the Commonwealth for the purposes of this subsection. The prescribed law or provision has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 11.

Part 4—Acquisition or extinguishment of rights and interests

Division 1—Minister may declare a site as the site for a facility

14 Minister's declaration of land as selected site or required for road access

- (1) This section applies if:
 - (a) land has been nominated as a site under section 5 or 7; and
 - (b) the Minister has approved the nominated land, or a specified part of the nominated land, as a site under section 9.
- (2) Subject to section 18, the Minister may, in his or her absolute discretion, declare in writing that the site approved by the Minister, or a specified part of the site, is selected as the site for a facility. The declaration may specify all or some of the rights or interests in the selected site.
- (3) Despite subsection (2), the Minister must not, after the general nomination start time, make such a declaration in relation to land nominated as a site under section 5.
- (4) Subject to section 18, the Minister may, in his or her absolute discretion, declare in writing that all or specified rights or interests in land in a State or Territory specified in the declaration are required for providing all-weather road access to the selected site.
- (5) To avoid doubt, rights and interests specified in a declaration under subsection (2) or (4) may include the following:
 - (a) rights to minerals (if any);
 - (b) native title rights and interests (if any);
 - (c) an interest in the land, being an interest that did not previously exist;
 - (d) an easement in gross (if any).

Part 4 Acquisition or extinguishment of rights and interests**Division 1** Minister may declare a site as the site for a facility**Section 15**

- (6) To avoid doubt, this section has effect subject to section 9 of the *Racial Discrimination Act 1975*.
- (7) A declaration under subsection (2) or (4) is not a legislative instrument.

15 Formalities relating to Minister's declarations

- (1) A copy of a declaration under subsection 14(2) or (4) must be published in the *Gazette* within 7 days of the declaration being made.
- (2) Failure to comply with subsection (1) of this section, or subsection 5(2), 6(4), 8(1) or 9(5), does not invalidate a declaration.

16 When Minister's declarations take effect etc.

- (1) A declaration under subsection 14(2) or (4) takes effect at the time specified in the declaration, which must not be earlier than the time the declaration is made.
- (2) The Minister may, subject to this section, make more than one declaration under subsection 14(2) or (4), but only one declaration under subsection 14(2) may be in effect at a particular time.
- (3) If:
 - (a) a declaration under subsection 14(2) (the *original declaration*) is in effect at a particular time; and
 - (b) at that time, the Minister makes another such declaration (the *later declaration*);
 the Minister is taken, immediately before the time of effect specified in the later declaration, to have revoked the original declaration under section 17.

17 Revocation of Minister's declaration

- (1) The Minister may, in his or her absolute discretion, revoke in writing a declaration made under subsection 14(2) or (4).
 - (2) A revocation takes effect at the time specified in the revocation, which must not be earlier than the time the revocation is made.
-

Acquisition or extinguishment of rights and interests **Part 4**
Minister may declare a site as the site for a facility **Division 1**

Section 17

- (3) To avoid doubt, if a declaration made under subsection 14(2) or (4) is revoked:
 - (a) the revocation does not affect the operation of section 19 in relation to the land that was the subject of the revoked declaration; and
 - (b) on and from the revocation, Part 5 does not apply to that land.
- (4) Section 18 does not apply to a revocation under this section.
- (5) A copy of a revocation must be published in the *Gazette* within 7 days of the revocation.
- (6) Failure to comply with subsection (5) does not invalidate a revocation.
- (7) Subsection 33(3) of the *Acts Interpretation Act 1901* does not apply to a revocation.

Part 4 Acquisition or extinguishment of rights and interests**Division 2** Procedural fairnessSection 18

Division 2—Procedural fairness**18 Procedural fairness in relation to Minister's declarations**

- (1) Before the Minister decides to make a declaration under section 14 in relation to land, the Minister must:
 - (a) give a notice in writing to each nominator of the land; and
 - (b) publish a notice:
 - (i) in the *Gazette*; and
 - (ii) in a daily newspaper that circulates generally in each State, the Australian Capital Territory and the Northern Territory; and
 - (iii) in a local newspaper (if any) circulating in the area in which the land is situated.
- (2) A notice under paragraph (1)(a) or (b) must:
 - (a) state that the Minister proposes to make a declaration under subsection 14(2) or (4); and
 - (b) set out details of the proposed declaration; and
 - (c) if the notice is given under paragraph (1)(a)—invite each nominator of the land to comment on the proposed declaration; and
 - (d) if the notice is published under paragraph (1)(b)—invite persons with a right or interest in the land to comment on the proposed declaration; and
 - (e) specify the address to which comments may be sent; and
 - (f) specify the date by which comments must be received, which must be at least 60 days after the notice is given or published.
- (3) In deciding whether to make a declaration under section 14, the Minister must take into account any relevant comments given to the Minister, by a nominator of the land, or a person with a right or interest in the land, in response to an invitation referred to in paragraph (2)(c) or (d).
- (4) A reference in this section to each nominator of the land, in relation to a declaration under subsection 14(4) that rights or

Acquisition or extinguishment of rights and interests **Part 4**Procedural fairness **Division 2**

Section 18

interests in land are required for providing all-weather road access to the selected site, is a reference to each person who nominated the selected site under section 5 or 7.

Exhaustive statement

- (5) This section is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the Minister's decision whether to make a declaration under section 14.

Part 4 Acquisition or extinguishment of rights and interests**Division 3** Acquisition or extinguishmentSection 19

Division 3—Acquisition or extinguishment**19 Acquisition or extinguishment**

- (1) At the time a declaration under subsection 14(2) takes effect, any rights or interests in the selected site that are specified in the declaration are, by force of this section:
 - (a) acquired by the Commonwealth or extinguished; and
 - (b) freed and discharged from all other rights and interests and from all trusts, restrictions, dedications, reservations, obligations, mortgages, encumbrances, contracts, licences, charges and rates.
- (2) At the time a declaration under subsection 14(4) takes effect, the rights or interests in the specified land that are specified in the declaration are, by force of this section:
 - (a) acquired by the Commonwealth or extinguished; and
 - (b) freed and discharged from all other rights and interests and from all trusts, restrictions, dedications, reservations, obligations, mortgages, encumbrances, contracts, licences, charges and rates.

20 Application of Commonwealth and State or Territory laws

- (1) Section 19 has effect despite any other law of the Commonwealth, a State or a Territory (whether written or unwritten).
- (2) Without limiting subsection (1), section 19 has effect despite the following laws of the Commonwealth:
 - (a) the *Lands Acquisition Act 1989*;
 - (b) the *Native Title Act 1993*.

21 Notice to Registrar-General or other appropriate officer

- (1) The Secretary of the Department may lodge with the Registrar-General, the Registrar of Titles or other appropriate officer of a State or Territory a copy of a Minister's declaration under section 14, certified by writing signed by the Secretary.
-

Acquisition or extinguishment of rights and interests **Part 4**
Acquisition or extinguishment **Division 3**

Section 21

- (2) The officer with whom the copy is lodged may deal with and give effect to it as if it were a grant, conveyance, memorandum or instrument of transfer of relevant rights and interests done under the laws of the State or Territory.

Part 4 Acquisition or extinguishment of rights and interests**Division 4** Regional consultative committeeSection 22

Division 4—Regional consultative committee**22 Regional consultative committee**

- (1) Immediately after a declaration under subsection 14(2) takes effect, the Minister must, by writing, establish a committee to be known as the regional consultative committee.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (2) The functions of the committee are:
- (a) to facilitate communication between the Commonwealth, the operator of the facility (if any) at the selected site and persons living in or near the region where the selected site is situated; and
 - (b) such other functions as are prescribed under paragraph (4)(a).
- (3) An instrument made under subsection (1) is not a legislative instrument.
- (4) The regulations may prescribe matters relating to the committee, including, but not limited to, the following:
- (a) the functions of the committee;
 - (b) the operation and procedures of the committee;
 - (c) membership of the committee;
 - (d) term of appointment of members;
 - (e) remuneration of members;
 - (f) resignation of members;
 - (g) disclosure of interests by members;
 - (h) termination of appointment of members;
 - (i) leave of absence of members.
- (5) If no regulations are in force under subsection (4), the committee may operate in the way determined in writing by the committee.

Part 5—Conducting activities in relation to selected site

23 Authority to conduct activities

- (1) This section applies to:
 - (a) the Commonwealth; and
 - (b) a Commonwealth entity; and
 - (c) a Commonwealth contractor; and
 - (d) an employee or agent of a person mentioned in paragraph (a), (b) or (c).

- (2) A person to whom this section applies may, in relation to the selected site, do anything necessary for or incidental to any or all of the following:
 - (a) gathering or preparing information for a Commonwealth regulatory scheme that relates to:
 - (i) the construction or operation of a facility; or
 - (ii) anything done in preparation for the construction or operation of a facility;
 - (b) conducting activities that relate to gathering or preparing information for such a regulatory scheme;
 - (c) preparing the selected site for a facility;
 - (d) preparing to construct and operate a facility;
 - (e) constructing a facility;
 - (f) constructing roads on, or grading, land in a State or Territory;
 - (g) erecting fences and other access controls on land specified in the declaration under subsection 14(4);
 - (h) operating a facility;
 - (i) maintaining a facility;
 - (j) keeping a facility safe;
 - (k) decommissioning a facility.

Part 5 Conducting activities in relation to selected site**Section 24**

- (3) Without limiting subsection (2), the person may, under that subsection, do a thing mentioned in subsection 11(3) in relation to the selected site.
- (4) Subsection (2) extends to doing things outside the selected site.
- (5) A person to whom this section applies may, in relation to the selected site:
 - (a) transport (including through a State or Territory) people and materials (including controlled material) to or from a facility; and
 - (b) use transport infrastructure for that transport.

24 Application of State and Territory laws

- (1) A law, or a provision of a law, of a State or Territory (whether written or unwritten), so far as it relates to:
 - (a) the use or proposed use of land or premises; or
 - (b) the environmental consequences of the use of land or premises; or
 - (c) the archaeological or heritage values of land, premises or objects (including the significance of land, premises or objects in the traditions of Indigenous people); or
 - (d) controlled material, radioactive material or dangerous goods; or
 - (e) licensing (however described) in relation to:
 - (i) employment; or
 - (ii) carrying on a particular kind of business or undertaking; or
 - (iii) conducting a particular kind of operation or activity;
 has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23.
- (2) A law, or a provision of a law, of a State or Territory (whether written or unwritten), so far as it relates to the transport of controlled material, radioactive material or dangerous goods, has no effect to the extent that it would, apart from this section, regulate, hinder or prevent transport authorised by section 23.

- (3) The regulations may prescribe a law, or a provision of a law, of a State or Territory for the purposes of this subsection. The prescribed law or provision has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 23.
- (4) Regulations made for the purposes of subsection (3) may prescribe a law, or a provision of a law, whether or not it is a law or a provision of a kind described in subsection (1) or (2).
- (5) The regulations may prescribe a law, or a provision of a law, of a State or Territory for the purposes of this subsection. The prescribed law or provision has effect despite anything else in this section.

25 Application of Commonwealth laws

- (1) The regulations may prescribe a law, or a provision of a law, of the Commonwealth for the purposes of this subsection. The prescribed law or provision has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 23.
- (2) The regulations must not prescribe any of the following laws, or any provision of the following laws:
 - (a) the *Australian Radiation Protection and Nuclear Safety Act 1998*;
 - (b) the *Environment Protection and Biodiversity Conservation Act 1999*;
 - (c) the *Nuclear Non-Proliferation (Safeguards) Act 1987*.

Part 6 Granting of rights and interests in land to original ownersSection 26

Part 6—Granting of rights and interests in land to original owners**26 Application of Part***Declaration under subsection 14(2)*

- (1) This Part applies if:
- (a) immediately before a declaration under subsection 14(2) took effect, land that was the subject of the declaration was Aboriginal land (the **relevant land**); and
 - (b) as a result of the declaration, the Commonwealth acquired, under section 19, an estate in fee simple in the relevant land; and
 - (c) a facility on the relevant land has been abandoned in accordance with the *Australian Radiation Protection and Nuclear Safety Act 1998*; and
 - (d) the Commonwealth holds an estate in fee simple in the relevant land.

Declaration under subsection 14(4)

- (2) This Part also applies if:
- (a) immediately before a declaration under subsection 14(4) took effect, all or part of the land that was the subject of the declaration was Aboriginal land (the whole, or that part, of the land being **relevant land**); and
 - (b) as a result of the declaration, the Commonwealth acquired, under section 19, rights or interests in the relevant land; and
 - (c) the facility mentioned in paragraph (1)(c) has been abandoned in accordance with the *Australian Radiation Protection and Nuclear Safety Act 1998*; and
 - (d) the Commonwealth holds all or some of those rights or interests in the relevant land.

Granting of rights and interests in land to original owners **Part 6**Section 27

Part does not apply to nominations under section 7

- (3) However, this Part does not apply to a declaration referred to in subsection (1) or (2) if the declaration relates to land nominated under section 7.

27 Declaration of intention to grant rights and interests in land to original owners

- (1) The Minister may, in his or her absolute discretion, declare in writing that the land that was the subject of the declaration under subsection 14(2) is no longer required for the facility mentioned in paragraph 26(1)(c).
- (2) The declaration must:
- (a) specify all the relevant land; and
 - (b) state that the Minister intends to make a declaration under section 28 granting the rights and interests specified in section 29 in specified land to a specified Land Trust.
- (3) Land specified under paragraph (2)(b) may be all or part of the relevant land, but all of the specified land must, in total, be all of the relevant land.
- (4) A Land Trust may be specified under paragraph (2)(b) in relation to specified land only if:
- (a) the Land Trust held title to the specified land immediately before the declaration under subsection 14(2) or (4) (as the case may be) took effect; or
 - (b) the Land Trust has succeeded to the functions of a Land Trust mentioned in paragraph (a) of this subsection.
- (5) Within 7 days of the declaration being made, the Minister must:
- (a) publish a copy of the declaration in the *Gazette*; and
 - (b) notify a specified Land Trust in writing that the Minister intends to make a declaration under section 28.
- (6) A declaration is not valid unless:
- (a) it specifies and states the matters mentioned in subsection (2); and

Part 6 Granting of rights and interests in land to original owners**Section 28**

- (b) the Minister complies with subsection (5).
- (7) A Land Trust specified in a declaration may consent in writing to the granting of the rights and interests specified in section 29 in the specified land.
- (8) A declaration is not a legislative instrument.

28 Declaration granting rights and interests in land to original owners

- (1) The Minister must make a declaration in writing that an estate in fee simple is granted in specified land to a specified Land Trust if:
 - (a) the Commonwealth holds an estate in fee simple in the specified land; and
 - (b) the specified Land Trust has, under subsection 27(7), consented to the granting of an estate in fee simple in the specified land within:
 - (i) 12 months of the day on which the declaration under section 27 was published in the *Gazette*; or
 - (ii) such longer period as is prescribed in the regulations.
- (2) The Minister must make a declaration in writing that the rights and interests specified in subsection 29(3) are granted in specified land to a specified Land Trust if:
 - (a) the Commonwealth holds rights or interests (other than an estate in fee simple) in the specified land; and
 - (b) the specified Land Trust has, under subsection 27(7), consented to the granting of the rights and interests specified in subsection 29(3) in the specified land within:
 - (i) 12 months of the day on which the declaration under section 27 was published in the *Gazette*; or
 - (ii) such longer period as is prescribed in the regulations.
- (3) A declaration takes effect at the time specified in the declaration, which must not be earlier than the time the declaration is made.
- (4) A declaration is not a legislative instrument.

- (5) The Minister may include one or more declarations under subsections (1) and (2) in the same document.

29 Grant of rights and interests in land to original owners

Grant of estate in fee simple

- (1) If the Minister makes a declaration under subsection 28(1), then at the time the declaration takes effect:
- (a) an estate in fee simple is granted, by force of this subsection, in the specified land to the specified Land Trust; and
 - (b) the land is taken, for all purposes, to be Aboriginal land.
- (2) The estate in fee simple is subject to the reservations that:
- (a) the right to any minerals existing in their natural condition, or in a deposit of waste material obtained from any underground or surface working, on or below the surface of the land, being minerals all interests in which are vested in the Commonwealth, remains with the Commonwealth; and
 - (b) rights to explore for minerals, and leases or licences to mine for minerals, on or below the surface of the land may be granted under section 124 of the *Lands Acquisition Act 1989*.

Grant of other rights and interests

- (3) If the Minister makes a declaration under subsection 28(2), then at the time the declaration takes effect, any rights and interests:
- (a) that are held by the Commonwealth in the specified land; and
 - (b) that were acquired by the Commonwealth, under section 19, in the specified land from the specified Land Trust or another Land Trust;
- are granted, by force of this subsection, in the specified land to the specified Land Trust.

Validity of earlier rights, interests and actions

- (4) The granting of rights and interests in land under subsection (1) or (3) does not affect:

Part 6 Granting of rights and interests in land to original owners**Section 30**

- (a) the validity of any rights or interests acquired, created or granted (whether under this Act or otherwise) in relation to the land; or
 - (b) the validity of the construction, operation, maintenance, decommissioning or abandoning of a facility on the land, or the doing of any other thing in relation to the land;
- before the declaration under section 28 takes effect.

30 No earlier rights and interests granted

To avoid doubt, the making of a declaration under section 28 does not create or grant any rights or interests in land before the declaration takes effect.

31 Application of Commonwealth, State and Territory laws

Section 29 has effect despite any other law of the Commonwealth, a State or a Territory (whether written or unwritten).

32 Notice to Registrar-General

- (1) The Secretary of the Department may lodge with the Registrar-General for the Northern Territory (or other appropriate officer) a copy of a Minister's declaration under section 28, certified by writing signed by the Secretary.
- (2) The officer with whom the copy is lodged may deal with and give effect to it as if it were a grant, conveyance, memorandum or instrument of transfer of relevant rights and interests done under the laws of the Northern Territory.

33 Indemnity by Commonwealth

- (1) The Commonwealth must indemnify each Land Trust specified in a declaration under section 28, and keep the Land Trust indemnified, against any action, claim or demand brought or made against the Land Trust in respect of any liability arising from, or damage caused by, ionising radiation from any act done or omitted to be done by or on behalf of the Commonwealth in relation to the transport of controlled material to or from, or the management of

Granting of rights and interests in land to original owners **Part 6**

Section 34

controlled material at, a facility on the land specified in the declaration.

- (2) The amount of the indemnity is reduced to the extent to which any fault on the part of the Land Trust, or its employees, agents or contractors, contributed to the liability or damage.
- (3) Subsection (1) does not apply in relation to an action, claim or demand unless:
 - (a) the Land Trust notifies the Commonwealth, in writing, of the action, claim or demand as soon as practicable; and
 - (b) the Land Trust follows any directions of the Commonwealth in relation to the action, claim or demand.

34 Regulations

The regulations may prescribe any modifications of this Act that are necessary or convenient to deal with transitional matters arising from the making of a declaration under section 27 or 28.

Part 6A National Repository Capital Contribution FundSection 34A

Part 6A—National Repository Capital Contribution Fund**34A Application of Part**

This Part applies if:

- (a) the Minister has made a declaration under subsection 14(2) that a site in a State or Territory (the *relevant State or Territory*) is selected as the site for a facility; and
- (b) a facility has been constructed at the site.

34B National Repository Capital Contribution Fee

- (1) An entity wishing to use the facility, other than the following entities:

- (a) the Commonwealth;
- (b) the relevant State or Territory;
- (c) an authority of the Commonwealth or the relevant State or Territory;

must pay such fee (the *Capital Contribution Fee*) as is prescribed by the regulations as a capital contribution towards the cost of the facility before being eligible **to have radioactive waste accepted by the facility for storage, management or any other purpose.**

- (2) The Capital Contribution Fee is to be determined in the manner prescribed by the regulations.
- (3) In this section:

authority of the Commonwealth means:

- (a) a body corporate established for a purpose of the Commonwealth by or under a law of the Commonwealth or a law of a Territory; or
- (b) an incorporated company in which the Commonwealth, or a body corporate referred to in paragraph (a), has a controlling interest.

National Repository Capital Contribution Fund **Part 6A**

Section 34C

authority of the relevant State or Territory means:

- (a) a body corporate established for a purpose of the relevant State or Territory by or under a law of the relevant State or Territory; or
- (b) an incorporated company in which the relevant State or Territory, or a body corporate referred to in paragraph (a), has a controlling interest.

34C National Repository Capital Contribution Fund

- (1) The National Repository Capital Contribution Fund (the **Fund**) is established by this subsection.
- (2) The Fund is a Special Account for the purposes of the *Financial Management and Accountability Act 1997*.
- (3) The Fund is taken to be established immediately after a facility licence that authorises a person to operate the facility is issued under the *Australian Radiation Protection and Nuclear Safety Act 1998*.

34D Credits of amounts to the Fund

- (1) There must be credited to the Fund:
 - (a) all money appropriated by the Parliament for the purposes of the Fund; and
 - (b) amounts in excess of the first \$10,000,000 received by the Commonwealth as Capital Contribution Fees.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

- (2) Amounts standing to the credit of the Fund may be debited for the purposes of providing enhanced public services and/or infrastructure in the relevant State or Territory.

Note: See section 21 of the *Financial Management and Accountability Act 1997* (debits from Special Accounts).

Part 6A National Repository Capital Contribution FundSection 34E

34E Conditions attaching to the initial use of facility

- (1) A radioactive waste management facility established on a site selected under this Act must not commence accepting any radioactive waste for storage, management or any other purpose, unless:
 - (a) the requirements specified in subsection (2) of this section have been met; and
 - (b) the Minister has given to the person managing the facility a notice certifying that each of those requirements has been met.
- (2) The requirements to be met for the purposes of subsection (1) are:
 - (a) that the Fund stands in credit to the value of at least \$10,000,000; and
 - (b) either:
 - (i) the Commonwealth has entered into an agreement with the relevant State or Territory for the administration of the Fund, which provides that the Fund be administered by the Minister, on the advice of a committee chaired by the Premier or Chief Minister of the relevant State or Territory and comprising 3 other persons resident in that State or Territory with expertise in education, infrastructure and health respectively; or
 - (ii) failing such agreement—the Commonwealth has established a committee comprising 3 persons with expertise in education, infrastructure and health resident in the relevant State or Territory, whose function is to advise the Minister on the administration of the Fund by the Minister.

34F Commonwealth acceptance of waste destined for facility

The Commonwealth must not accept radioactive waste from any entity in a manner that avoids the payment of the Capital Contribution Fee mentioned in section 34B.

Part 7—Miscellaneous

35 Compensation

- (1) If rights or interests are acquired, extinguished or otherwise affected under section 19, the Commonwealth is liable to pay a reasonable amount of compensation to a person whose right or interest has been acquired, extinguished or otherwise affected.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

36 Compensation for acquisition of property

- (1) If the operation of this Act would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

Part 7 MiscellaneousSection 37

37 Indemnity by Commonwealth and management of Northern Territory controlled material for section 5 nominations

- (1) This section applies if the selected site was nominated under section 5.

Indemnity by Commonwealth

- (2) The Commonwealth must indemnify the Northern Territory, and keep the Northern Territory indemnified, against any action, claim or demand brought or made against the Northern Territory in respect of any liability arising from, or damage caused by, ionising radiation from any act done or omitted to be done by or on behalf of the Commonwealth in relation to the transport of controlled material to or from, or the management of controlled material at, a facility on the selected site.
- (3) The amount of the indemnity is reduced to the extent to which any fault on the part of the Northern Territory, or its employees, agents or contractors, contributed to the liability or damage.
- (4) Subsection (2) does not apply in relation to an action, claim or demand unless:
- (a) the Northern Territory notifies the Commonwealth, in writing, of the action, claim or demand as soon as practicable; and
 - (b) the Northern Territory follows any directions of the Commonwealth in relation to the action, claim or demand.

Management of Northern Territory controlled material

- (5) If controlled material that is generated by activities in the Northern Territory is managed at a facility on the selected site, the Commonwealth must not charge the Northern Territory for the management.

38 Severability—additional effect of Act

Without limiting its effect apart from this section, this Act also has the effect it would have if:

Section 39

- (a) each reference to a facility were expressly limited to a facility within a Territory; and
- (b) each reference to the doing of things, or things done, on or in relation to land were expressly limited to a reference to the doing of things, or things done, on or in relation to land within a Territory.

39 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

40 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1 Repeal and consequential amendments

Part 1 Repeal of the Commonwealth Radioactive Waste Management Act 2005

**Schedule 1—Repeal and consequential
amendments**

**Part 1—Repeal of the Commonwealth Radioactive
Waste Management Act 2005**

1 The whole of the Act

Repeal the Act.

Part 2—Consequential amendment

Administrative Decisions (Judicial Review) Act 1977

2 Paragraph (zc) of Schedule 1

Repeal the paragraph.

Schedule 2—Transitional provisions

1 Saving—nominations and approvals

- (1) Despite the repeal of Part 1A of the *Commonwealth Radioactive Waste Management Act 2005* by item 1 of Schedule 1, a nomination under section 3A of the old radioactive waste law continues in force, after the commencement time, as if it had been made under section 5 of the new radioactive waste law.
 - (2) Despite the repeal of Part 1A of the *Commonwealth Radioactive Waste Management Act 2005* by item 1 of Schedule 1, an approval under section 3C of the old radioactive waste law continues in force, after the commencement time, as if it had been made under section 9 of the new radioactive waste law.
 - (3) Section 3D of the old radioactive waste law, and the old ADJR Act, continue to apply, after the commencement time, in relation to a nomination or an approval continued in force by this item.
 - (4) Section 10 of the new radioactive waste law, and the new ADJR Act, do not apply in relation to a nomination or an approval continued in force by this item.
 - (5) To avoid doubt, section 18 of the new radioactive waste law, and the new ADJR Act, apply in relation to a declaration under section 14 of the new radioactive waste law that relates to an approval continued in force by this item.
 - (6) In this item:
 - commencement time** means the time at which item 1 of Schedule 1 commences.
 - new ADJR Act** means the *Administrative Decisions (Judicial Review) Act 1977* as in force immediately after the commencement time.
 - new radioactive waste law** means the *National Radioactive Waste Management Act 2012* as in force immediately after the commencement time.
 - old ADJR Act** means the *Administrative Decisions (Judicial Review) Act 1977* as in force immediately before the commencement time.
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old radioactive waste law means the *Commonwealth Radioactive Waste Management Act 2005* as in force immediately before the commencement time.

*[Minister's second reading speech made in—
House of Representatives on 21 October 2010
Senate on 28 February 2011]*

(252/10)

44 *National Radioactive Waste Management Act 2012* No. 29, 2012