



Australian Government

**Department of Industry, Science,
Energy and Resources**

Community Sentiment

National Radioactive Waste Management Facility

March 2020



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About

This report was prepared by the Department of Industry, Science, Energy and Resources (the department, formerly the Department of Industry, Innovation and Science) to provide detail of factors considered by the former Minister for Resources and Northern Australia, Senator the Hon Matthew Canavan (the former Minister), when identifying Napandee in Kimba, South Australia, as the site for the National Radioactive Waste Management Facility (the facility). Successive ministers have made a commitment that the facility will be established in a community where there is broad community support. This report is supplementary to the Site Assessment report (SAR) that was provided to the former Minister to assist him to identify a site.

While the identification of the site was undertaken in-line with the *National Radioactive Waste Management Act 2012* (Cth) (the NRWM Act), the Australian Government has subsequently introduced legislative amendments to specify the Napandee site. Specification of the site in legislation provides clarity to the local community, broader Australian public, and nuclear industry on the Government's commitment to appropriately manage Australia's radioactive waste; and gives Parliament a say in the decision to site this important national infrastructure.

The SAR assessed each of the three shortlisted sites under consideration for the facility against three site suitability criteria, designed by the department to assist the consideration of the various aspects of site suitability, and identify key risks. This report sets out information relevant to site suitability criterion 4: *the extent to which there is broad community support for the facility to be hosted at the site*. To ensure all views available to the department were considered, a range of government-led and privately conducted community sentiment indicators were presented. These included council-run community ballots, private ballots, public submissions, parliamentary submissions, neighbour surveys, business survey, petitions and ministerial correspondence.

This report contains information about the communities relating to the three sites as measured through these indicators. For Lyndhurst and Napandee, this includes the community centred on the District Council of Kimba, and for Wallerberdina, the Flinders Ranges Council and the area within a 50 kilometre radius of the site, as agreed with the community consultative committees. The sites are referenced in alphabetical order throughout this report.

The department has taken an evidenced-based approach to gathering and analysing the available information about community sentiment. The report is structured to enable the reader to work logically and methodically through the different measures of community sentiment. The assessment methodology is explained at the beginning of each community indicator assessment and the results are presented in a standardised format.

A snapshot of key events and activities

Refer to the Site Assessment report and the Review of Community Engagement (attachment A) for key events and activities undertaken for the facility prior to October 2019.

2019

October

The community ballots run by the local government authorities and the Australian Electoral Commission (AEC) commenced following a year-long delay due to legal proceedings. The District Council of Kimba community ballot opened on 3 October 2019.

The SAR, concerning regulatory requirements, costs and other matters relevant to the suitability of the site for the establishment and operation of the facility, was provided to the former Minister on 18 October 2019.

Guidelines for the business and neighbour surveys were developed with advice from Geoscience Australia, independent market research company ORIMA Research and input from the Kimba Consultative Committee and Barndioota Consultative Committee. These were published on the department's website.

November

Nominations for the business survey for Lyndhurst and Napandee (in the District Council of Kimba), and Wallerberdina (in the Flinders Ranges Council and Outback Communities Authority area) could be made 4-15 November 2019.

Nominations for neighbour surveys for Lyndhurst and Napandee (in the District Council of Kimba), and Wallerberdina (in the Flinders Ranges Council and Outback Communities Authority area) could be made 4 November to 12 December 2019.

The District Council of Kimba community ballot closed on 7 November 2019.

The Flinders Ranges Council community ballot opened on 11 November 2019.

The business survey began 27 November.

The neighbour surveys guidelines were updated to clearly reflect the intention that the surveys included any person that resides within the five km radius set for the neighbour surveys (including short term residents), and any person that is a Crown lessee or is the proprietor of a freehold estate.

December

Public submissions and consideration of Ministerial correspondence closed
12 December 2019.

The Flinders Ranges Council community ballot closed on 12 December 2019. Following the result of the ballot, the former Minister for Resources and Northern Australia, Senator the Hon Matt Canavan, announced that the ballot did not demonstrate a sufficient level of support for broad community support to be achieved and that he would no longer consider the Wallerberdina land as a possible site for the facility. The business and neighbour surveys relating to the Wallerberdina site were discontinued.

The neighbour surveys began on 13 December 2019.

The Kimba business survey noted above was completed on 19 December 2019.

The Lyndhurst and Napandee neighbours surveys noted above were completed on 19 December 2019.

About the communities

Lyndhurst and Napandee

The Lyndhurst and Napandee sites are near Kimba, west of Whyalla in the northern Eyre Peninsula. The township of Kimba is the single major population centre for the District Council of Kimba Local Government Area (LGA). Lyndhurst is approximately 16 km north-east of Kimba and Napandee is approximately 25 km west of Kimba (figure 1).

At the 2016 census the population of Kimba was 629, and the Kimba District Council LGA was 1061. The local economy relies heavily on agriculture; the other main industries providing employment are construction, retail trade, education and training, and health and social services.

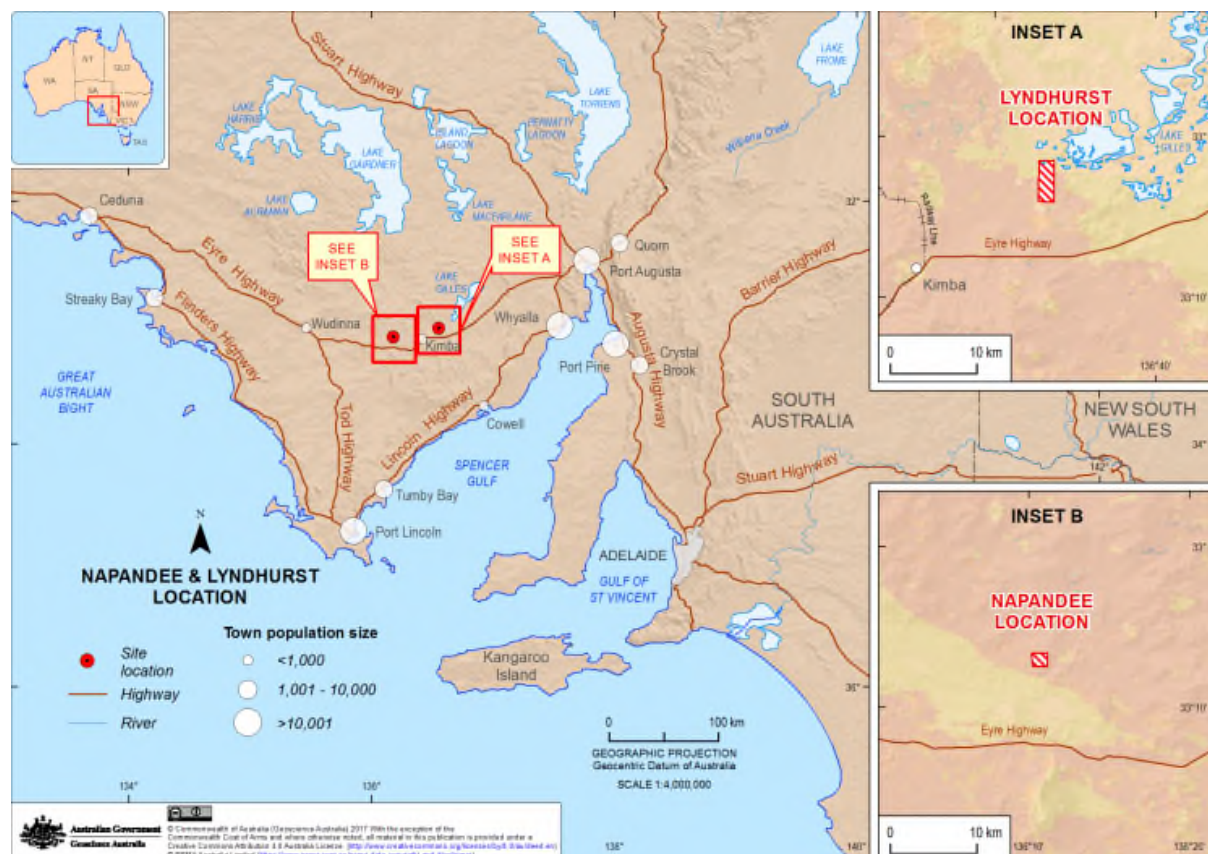


Figure 1: Map of the approved sites at Napandee and Lyndhurst in relation to Kimba and the broader region

Wallerberdina

The Wallerberdina site is approximately 30 km north-west of Hawker, which is located in the Flinders Ranges Council LGA. There are two major population centres in the LGA, with Hawker in the north and Quorn located in the southern part of the LGA (90 km south of the site) (figure 2).

At the 2016 census the population of Hawker was 341, Quorn's population was 1230, and the Flinders Ranges Council LGA was 1643. The main industries providing employment in Hawker are agriculture, followed by accommodation and food services, construction, and education and training. The main industries providing employment in Quorn are healthcare and social assistance, education and training, public administration and retail, which each account for 10 per cent or more of local workers, and agriculture accounting for 9 per cent.

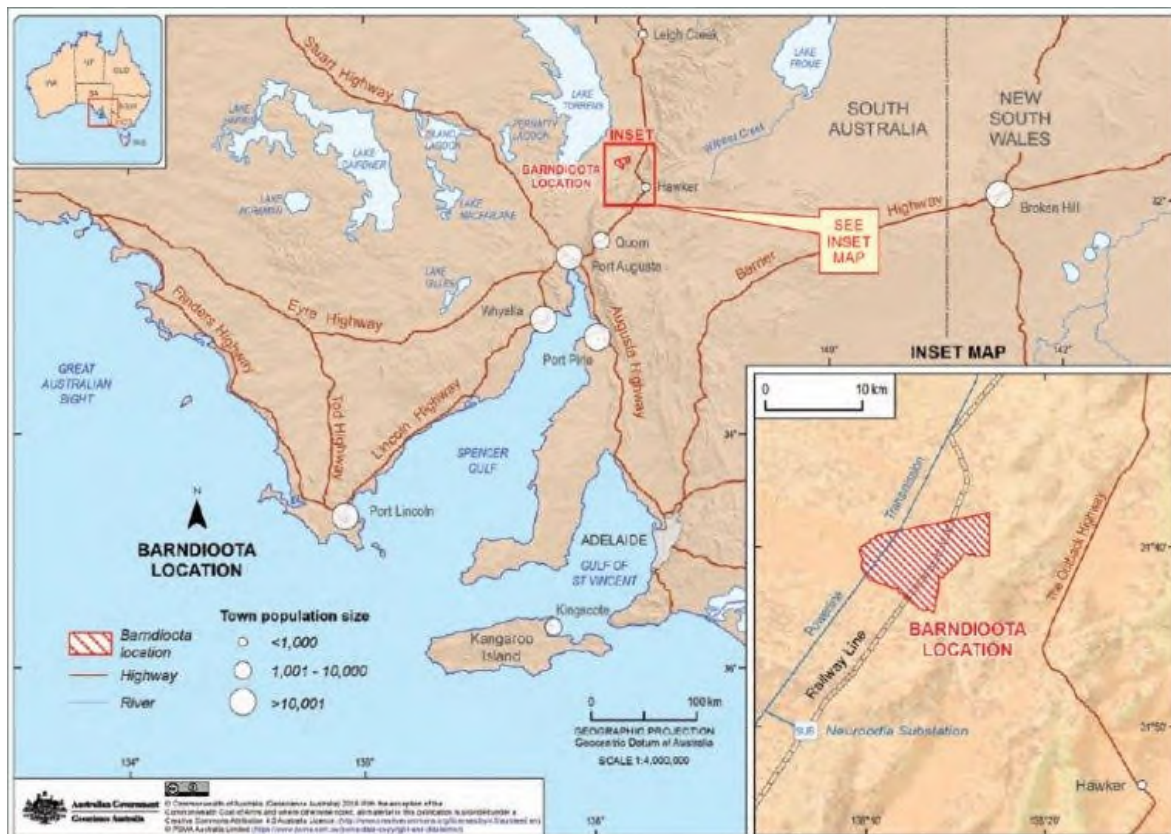


Figure 2: Map of the approved site at Wallerberdina in relation to Hawker and the broader region

Community engagement activities

To inform communities of the implications of hosting a facility and provide a platform for the community to interact with departmental staff and subject matter specialists, the department and former Minister undertook a significant program of engagement work.

Printed and digital information was communicated via fact sheets, newsletters, a dedicated website and Facebook. Community information sessions, webinars with specialists and town hall meetings were supplemented with tailored heritage, agricultural and economic/business development events. Consultative committees and economic working groups were established in each local government area and physical offices were maintained, staffed with local Community Liaison Officers and visiting departmental staff. There were opportunities for the community to hear from a broad spectrum of specialists, including those with divergent views about the facility. In addition, the department enabled over 230 community members to visit the Australian Nuclear Science and Technology Organisation (ANSTO) to gain a firsthand insight into radioactive waste management, as well as into the work ANSTO does to support nuclear medicine and research.

This broad program of consultation activities coordinated by the department in relation to site selection is described in detail in the Review of Community Engagement at attachment A. These activities underpinned work to gauge the level of community sentiment for the facility.

Selecting a site

The Australian Government is committed to delivering the facility on a site volunteered by the owner alongside a community that broadly supports hosting it. The sites considered in this report were nominated under the NRW Act. Full details of this process are in the SAR.

Site suitability criteria were developed to enable a suitability assessment to support a decision about site selection. Site suitability criteria 1, 2 and 3 are addressed in the SAR. The additional criterion 4, is addressed in this this report.

Site suitability criterion 4

The extent to which there is broad community support for the facility to be hosted at the site.

Successive ministers have made a commitment that the facility will be established in a community where there is broad community support. Key indicators of community sentiment are presented in this report that assisted the former Minister's consideration of this criterion.

About community sentiment

There are many different ways to define a ‘community’. Individuals who are part of a community may be directly or indirectly impacted by the establishment and operation of the facility. They may live and work in the area surrounding a site and be directly affected by the facility on a social and economic basis. Individuals may also have a particular interest in the facility, such as cultural or business links with a site or the area surrounding a site, or be interested in nuclear medicine or radioactive waste management.

One way of describing ‘community’ – for the purposes of considering ‘broad community support for hosting the facility’ – is to consider the community that might experience the socio-economic impacts of the facility, or that might have a socio-economic interest in the facility. LGA boundaries usually provide an appropriate proxy for determining the scope of that community because the LGAs are generally constructed around key population centres and often map the social and economic connections that define those communities as being separate to neighbouring communities. On this basis, the ballots run by the AEC (one of the indicators used to assess community sentiment) were held based on the LGA boundaries. At the same time, noting that the Wallerberdina site is located adjacent to the border of the Flinders Ranges Council LGA, the Wallerberdina local community ballot boundary was extended to include the Outback Community Authority (OCA) land within a 50 km radius of the nominated site.¹ This ensures an appropriate economic centre is captured, while including the large neighbouring properties located near the nominated site but outside the Flinders Ranges Council boundaries. The boundaries for both ballots were supported by the respective community consultative committees.

Taking into account the above, in setting out the results of indicators including the AEC-run ballots, this report distinguishes between ‘local’ and ‘non-local’ responses, where ‘local’ refers to respondents who gave an address within the relevant LGA (plus the OCA land within a 50 km radius of Wallerberdina). In particular, these community boundaries were referenced when considering neighbour and business surveys. As well, in the analysis of public submissions, petitions and correspondence, the correspondent was classified as ‘local’ based on these local geographic boundaries.

This description of community is not intended to indicate that the relevant ‘community’ cannot be defined in a different way based on different considerations. In recognition of the variety of stakeholders with an interest in the facility, this report presents views collected via a range of government-led and privately conducted community sentiment indicators. These include council-run community ballots, private ballots, public submissions, parliamentary submissions, neighbour surveys, business survey, petitions and ministerial correspondence.

¹ The Lyndhurst and Napandee sites are wholly within the District Council of Kimba LGA.

While it has been important to draw on a variety of mechanisms to assess community sentiment to ensure all voices are heard, the department notes that there is a large variation in the quality of the data produced by the different methods and the types of inferences that can be drawn. Some indicators lend themselves to a rigorous quantitative analysis based on verifiable results: for example, the AEC-run ballots. Other indicators are based on unknown or unverifiable sampling parameters, such as petitions or public submissions.

All mechanisms provide important qualitative information about sentiment, and results should be interpreted in the context of the approaches that produced them.

Information about each of the indicators is presented in a standardised way (setting out their context, approach and findings based on a template) to ensure, as far as possible, the results can be easily interpreted and compared in coming to an overall conclusion about community sentiment.

There may also be overlap between respondents in different indicator groups. For example, a person may have responded in the ballot and in a petition, or a resident may have cultural ties to the land in addition to owning a business in the local area. This is reflective of the many different ways individuals may identify as a part of their community.

About community sentiment indicators

Below is a brief description of the community sentiment indicators presented in this report.

Community sentiment indicator	Indicator characteristics
Community ballots <ul style="list-style-type: none"> – District Council of Kimba – Flinders Ranges Council and Outback Community Authority 	<p>This targeted sentiment indicator was gathered by an independent organisation. The local government authorities arranged for the Australian Electoral Commission (AEC) to conduct ballots to establish the level of support for the facility among their constituents, in order for this information to be provided to the former Minister.</p>
Neighbour surveys	<p>This targeted sentiment indicator was gathered by an independent organisation (ORIMA Research) to determine sentiment of Lyndhurst and Napandee's direct and near neighbours about the facility.</p>
Business survey	<p>This targeted sentiment indicator was gathered by an independent organisation (ORIMA Research) to determine sentiment toward the facility held by businesses in the same local government area as Lyndhurst and Napandee.</p>
Public submissions	<p>This sentiment indicator was gathered via the Public Submission process, which commenced on 1 August 2018 and closed on 12 December 2019. This formal process was undertaken by the department and open to all Australians to gather sentiment towards the proposal to establish a National Radioactive Waste Management Facility at the nominated sites of Lyndhurst, Napandee and Wallerberdina Station, and the reasons given for that sentiment. The analysis of public submissions was undertaken by an independent organisation (ORIMA Research).</p>
Ministerial correspondence	<p>This sentiment indicator was gathered via existing channels. Ministerial correspondence is correspondence about the proposal to establish a National Radioactive Waste Management Facility at the nominated sites of Lyndhurst, Napandee and Wallerberdina Station, sent directly to the relevant Minister via electronic and physical channels outside of the public submission process (June 2017 to 12 December 2019). Ministerial correspondence was analysed by an independent organisation (ORIMA Research).</p>
AGM motion— Adnyamathanha Traditional Lands Association (ATLA)	<p>This targeted sentiment indicator was gathered via a community-led process: a motion passed at the ATLA Annual General Meeting (March 2018) opposing the facility at Wallerberdina.</p>

Ballot— Barngarla Determination Aboriginal Corporation (BDAC)	This targeted sentiment indicator was gathered by an independent organisation. BDAC arranged for the Australian Election Company (a private polling company) to conduct a ballot to establish the level of support for the facility among its members, in order for this information to be provided to the former Minister.
Ballot—Viliwarinha Yura Aboriginal Corporation (VYAC)	This targeted sentiment indicator was gathered via a community-led process: a ballot undertaken by VYAC amongst members of VYAC in order to convey to the department their sentiment towards the facility.
Community-led business survey	This targeted sentiment indicator was gathered via a community-led process: a survey of business owners in Hawker to establish sentiment towards the facility.
Correspondence-- Gawler Ranges Aboriginal Corporation (GRAC)	This targeted sentiment indicator was gathered via existing channels: a letter from GRAC to the department conveying its position on GRAC's involvement in future consultations regarding the facility.
Petitions	These sentiment indicators were gathered via existing channels: petitions are documents signed by a number of people demanding or asking for some action from the government or Parliament with respect to the proposal to establish the facility, and were received through a variety of channels including the public submission process and Ministerial correspondence.
Senate inquiry submissions (ATLA and BDAC)	<p>These sentiment indicators were gathered via existing channels: submissions made to the 2018 Senate Economic References Committee Inquiry into the selection process for a National Radioactive Waste Management Facility in South Australia.</p> <p>While all submissions to the Inquiry were available to the former Minister, the department drew attention to these two submissions because they clearly set out the position of organisations currently engaged in legal action relating to the proposal for the facility.</p>

Executive summary

The following pages present an overview of community sentiment for Lyndhurst, Napandee and Wallerberdina.

The tables summarise sentiment results by indicator, and show where further information can be found in the report and associated attachment.

Lyndhurst community sentiment

Community ballot – District of Kimba Council (p. 24 and attachment B)

	Yes	No	Other	Participation rate
Local	452	282	11*	90.41%**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

* Rejected at preliminary scrutiny or informal vote (the ballot paper has not been completed properly and it is set aside and not counted towards any candidate). **90.41 per cent of 824 eligible voters.

Neighbour surveys (p. 28 and attachment D)

	Potential^	Eligible*	Actual~	Yes	No	Mixed#	Other	Participation rate
Parcels	35	24	24	58.3%	20.8%	20.8%	0.0%	100%
Participants	n/a	23	19	68.4%	31.6%	0.0%	0.0%	82.6%
Responses	n/a	49	41	65.9%	34.1%	0.0%	0.0%	83.7%

^ Potential = the total number of parcels * Eligible = the total number of eligible parcels or participants

~ Actual = the total number of participants or parcels where a response is recorded

Mixed means different individuals expressed different sentiment.

By Participant: Direct neighbours, that share a boundary with the nominated site at Lyndhurst, are divided in their views towards the facility. Of all direct and indirect neighbours, those that share a boundary and that fall within the neighbour radius of 5 kilometres, 68.4 per cent were supportive and 31.6 per cent opposed.

Business survey (p. 33 and attachment E)

	Yes	No	Other	Participation rate
Overall	59.3%	40.7%	0.0%	n = 135

Public submissions (p. 35 and attachment F)

		Yes	No	Other^	Participation Rate
All	Local submissions	59.8%	39.8%	0.4%	n=254
	Non-local submissions	2.8%	94.5%	2.6%	n=2,879
Bespoke	Local submissions	63.0%	36.6%	0.4%	n=238
	Non-local submissions	24.7%	71.1%	4.2%	n=287
	All submissions	42.1%	55.4%	2.5%	n=525
Proforma*	Local submissions	12.5%	87.5%	0.0%	n=16
	Non-local submissions	0.4%	97.1%	2.5%	n=2,592
	All submissions	0.5%	97.1%	2.5%	n=2,608

* Proforma include proforma and proforma+ submissions. ^ Other in submissions means neutral, unspecified or undecided.

Ministerial correspondence (p. 37 and attachment G)

		Yes	No	Other	Participation Rate
Bespoke	Local correspondence	19.2%	71.2%	9.6%	n=73
	Non-local correspondence	3.3%	80.0%	16.7%	n=60
	All correspondence	12.0%	75.2%	12.8%	n=133
Proforma		All proforma and group correspondence was opposed. This included: a letter signed by 11 families; a proforma sent by 7 families; an email proforma sent by 266 individuals (referencing both SA sites); a petition signed by 26 individuals; and a petition signed by 932 individuals**.			

^ Other in correspondence means neutral, unspecified or undecided.

**Correspondence that comprised petitions is reported on separately in the Petitioner Group reports.

Ballot – Barngarla Determination Aboriginal Corporation (BDAC) (p. 42 and attachment I)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	0	83	4*	39.71%**

*Four ballot papers recorded as 'rejected at preliminary scrutiny'.

**39.71 per cent of 209 eligible voters (total of BDAC membership).

Correspondence – Gawler Ranges Aboriginal Corporation (GRAC) (p. 47 and attachment L)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	✓*	N/A

*The correspondence is from GRAC, which is not based in the relevant LGA and lists its address as C/-Norman Waterhouse Lawyers, Adelaide. However as details of who participated in the preparation of the correspondence are unknown to the department the location of the correspondence is recorded as 'unknown'.

Petitioner Group 1 – Local resident petitioners (p. 49 and attachment M)

	Yes	No	Other	Participation rate
Local	N/A	26	N/A	*
Non-local	N/A	0	N/A	N/A
Unknown	N/A	0	N/A	N/A

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.24 per cent of all petitioners.*

Petitioner Group 2 – Eyre Peninsula petitioners (p. 50 and attachment N)

	Yes	No	Other	Participation rate
Local	N/A	0	N/A	N/A
Non-local	N/A	20	N/A	*
Unknown	N/A	4	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.15 per cent of all the signatures received by the department in petitions.*

Petitioner Group 3 – House of Representatives petitioners (p. 51 and attachment O)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 44.44 per cent of all the signatures received by the department in petitions.*

Petitioner Group 4 – Senate petitioners (p. 53 and attachment P)

	Yes	No	Other	Participation rate
Local	N/A	107	N/A	**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932*	N/A	**

**The bulk of these petitioners give an address which indicates they are likely to be considered non-local for the purposes of this report. However, the department cannot confirm that they are all non-local.*

***It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 49.55 per cent of all the signatures received by the department in petitions.*

Petitioner Group 5 – Campaign postcard petition (p. 54 and attachment Q)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	76	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 3.62 per cent of all the signatures received by the department in petitions.*

Senate inquiry submission – Barngarla Determination Aboriginal Corporation (p. 57 and attachment S)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	✓*	N/A	N/A

**The submission is from BDAC, which is not based in the relevant LGA and lists its address as C/-Norman Waterhouse Lawyers, Adelaide. However as details of who participated in the preparation of the submission are unknown to the department the location of the submission is recorded as 'unknown'.*

Napandee community sentiment

Community ballot – District of Kimba Council (p. 24 and attachment B)

	Yes	No	Other	Participation rate
Local	452	282	11*	90.41%**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

* Rejected at preliminary scrutiny or informal vote (the ballot paper has not been completed properly and it is set aside and not counted towards any candidate). **90.41 per cent of 824 eligible voters

Neighbour surveys (p. 28 and attachment D)

	Potential^	Eligible*	Actual~	Yes	No	Mixed#	Other	Participation rate
Parcels	25	24	22	75.0%	16.7%	0.0%	8.3%	91.6%
Participants	n/a	28	25	60.0%	40.0%	0.0%	0.0%	89.3%
Responses	n/a	53	44	72.7%	27.3%	0.0%	0.0%	83.0%

^ Potential = the total number of parcels * Eligible = the total number of eligible parcels or participants

~ Actual = the total number of participants or parcels where a response is recorded

Mixed means different individuals expressed different sentiment.

By Participant: All direct neighbours, that share a boundary with the nominated site at Napandee, are in favour of the facility. Of all direct and indirect neighbours, those that share a boundary and that fall within the neighbour radius of 5 kilometres, 60 per cent were supportive and 40 per cent opposed.

Business survey (p. 33 and attachment E)

	Yes	No	Other	Participation rate
Overall	59.3%	40.7%	0.0%	N = 135

Public submissions (p. 35 and attachment F)

		Yes	No	Other^	Participation Rate
All	Local submissions	59.8%	39.8%	0.4%	n=254
	Non-local submissions	2.8%	94.5%	2.6%	n=2,879
Bespoke	Local submissions	63.0%	36.6%	0.4%	n=238
	Non-local submissions	24.7%	71.1%	4.2%	n=287
	All submissions	42.1%	55.4%	2.5%	n=525
Proforma*	Local submissions	12.5%	87.5%	0.0%	n=16
	Non-local submissions	0.4%	97.1%	2.5%	n=2,592
	All submissions	0.5%	97.1%	2.5%	n=2,608

* Proforma include proforma and proforma+ submissions. ^ Other in submissions means neutral, unspecified or undecided.

Ministerial correspondence (p. 37 and attachment G)

		Yes	No	Other	Participation Rate
Bespoke	Local correspondence	19.2%	71.2%	9.6%	n=73
	Non-local correspondence	3.3%	80.0%	16.7%	n=60
	All correspondence	12.0%	75.2%	12.8%	n=133
Proforma		All proforma and group correspondence was opposed. This included: a letter signed by 11 families; a proforma sent by 7 families; an email proforma sent by 266 individuals (referencing both SA sites); a petition signed by 26 individuals; and a petition signed by 932 individuals**.			

^ Other in correspondence means neutral, unspecified or undecided.

**Correspondence that comprised petitions is reported on separately in the Petitioner Group reports.

Ballot – Barngarla Determination Aboriginal Corporation (p. 42 and attachment I)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	0	83	4*	39.71%**

*Four ballot papers recorded as 'rejected at preliminary scrutiny'.

**39.71 per cent of 209 eligible voters (total of BDAC membership).

Petitioner Group 1 – Local resident petitioners (p. 49 and attachment M)

	Yes	No	Other	Participation rate
Local	N/A	26	N/A	*
Non-local	N/A	0	N/A	N/A
Unknown	N/A	0	N/A	N/A

*It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.24 per cent of all petitioners.

Petitioner Group 2 – Eyre Peninsula petitioners (p. 50 and attachment N)

	Yes	No	Other	Participation rate
Local	N/A	0	N/A	N/A
Non-local	N/A	20	N/A	*
Unknown	N/A	4	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.15 per cent of all the signatures received by the department in petitions.*

Petitioner Group 3 – House of Representatives petitioners (p. 51 and attachment O)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 44.44 per cent of all the signatures received by the department in petitions.*

Petitioner Group 4 – Senate petitioners (p. 53 and attachment P)

	Yes	No	Other	Participation rate
Local	N/A	107	N/A	**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932*	N/A	**

**The bulk of these petitioners give an address which indicates they are likely to be considered non-local for the purposes of this report. However, the department cannot confirm that they are all non-local.*

*** It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 49.55 per cent of all the signatures received by the department in petitions.*

Petitioner Group 5 – Campaign postcard petition (p. 54 and attachment Q)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	76	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 3.62 per cent of all the signatures received by the department in petitions.*

Senate inquiry submission – Barngarla Determination Aboriginal Corporation (p. 57 and attachment S)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	✓*	N/A	N/A

** The submission is from BDAC, which is not based in the relevant LGA and lists its address as C/-Norman Waterhouse Lawyers, Adelaide. However as details of who participated in the preparation of the submission are unknown to the department the location of the submission is recorded as 'unknown'.*

Wallerberdina community sentiment

Community ballot – Flinders Ranges Council (p. 26 and attachment C)

	Yes	No	Other	Participation rate
Local	408	454	18*	71.08%**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

* Rejected at preliminary scrutiny or informal vote (the ballot paper has not been completed properly and it is set aside and not counted towards any candidate).

**71.08 per cent of 1238 eligible voters.

Public submissions (p. 35 and attachment F)

		Yes	No	Other^	Participation Rate
All	Local submissions	12.5%	86.6%	0.9%	n=112
	Non-local submissions	1.1%	96.3%	2.6%	n=2,746
Bespoke	Local submissions	45.2%	51.6%	3.2%	n=31
	Non-local submissions	10.9%	85.3%	3.8%	n=184
	All submissions	15.8%	80.5%	3.7%	n=215
Proforma*	Local submissions	0.0%	100.0%	0.0%	n=81
	Non-local submissions	0.4%	97.1%	2.5%	n=2,562
	All submissions	0.4%	97.2%	2.4%	n=2,643

* Proforma include proforma and proforma+ submissions.

^ Other in submissions means neutral, unspecified or undecided.

Ministerial correspondence (p. 37 and attachment G)

		Yes	No	Other^	Participation Rate
Bespoke	Local correspondence	16.7%	66.7%	16.7%	n=24
	Non-local correspondence	2.3%	77.3%	20.5%	n=44
	All correspondence	7.4%	73.5%	19.1%	n=68
Proforma	All proforma and group correspondence was opposed. This included: a petition signed by 17 people; and an email proforma sent by 266 individuals (referencing both SA sites).**				

^ Other in correspondence means neutral, unspecified or undecided.

**Correspondence that comprised petitions is reported on separately in the Petitioner Group reports.

AGM motion – Adnyamathanha Traditional Lands Association (ATLA) (p. 39 and attachment H)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	0	61	0	100%*

*100 per cent of the 61 members present at the ATLA AGM (this represents 8.6 per cent of ATLA’s total 707 members).

Ballot— Viliwarinha Yura Aboriginal Corporation (VYAC) (p. 45 and attachment J)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	45	34	1*	72.73%**

*Recorded as a ‘blank vote’.

**72.73 per cent of the total of 110 VYAC members.

Community-led business survey (p. 46 and attachment K)

	Yes	No	Other	Participation rate
Local	2	10	5*	**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

*Classified in the survey as ‘Neutral or prefer not to say’. **Not provided

Petitioner Group 2 – Eyre Peninsula petitioners (p. 50 and attachment N)

	Yes	No	Other	Participation rate
Local	N/A	0	N/A	N/A
Non-local	N/A	20	N/A	*
Unknown	N/A	4	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.15 per cent of all the signatures received by the department in petitions.*

Petitioner Group 3 – House of Representatives petitioners (p. 51 and attachment O)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 44.44 per cent of all the signatures received by the department in petitions.*

Petitioner Group 4 – Senate petitioners (p. 53 and attachment P)

	Yes	No	Other	Participation rate
Local	N/A	107	N/A	**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932*	N/A	**

**The bulk of these petitioners give an address which indicates they are likely to be considered non-local for the purposes of this report. However, the department cannot confirm that they are all non-local.*

*** It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 49.55 per cent of all the signatures received by the department in petitions.*

Petitioner Group 5 – Campaign postcard petition (p. 54 and attachment Q)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	76	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 3.62 per cent of all the signatures received by the department in petitions.*

Senate inquiry submission – Adnyamathanha Traditional Lands Association (p. 55 and attachment R)

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	✓*	N/A	N/A

** The submission is from ATLA, which is based in Port Augusta. However as details of who participated in the preparation of the submission are unknown to the department the location of the submission is recorded as 'unknown'.*

Indicators of community sentiment

The range of indicators used to measure community sentiment ensure a wide variety of stakeholders with an interest in the facility have had an opportunity to have their views heard. The results and assessment methods for each indicator are summarised below. Detailed information about each indicator is attached (see list of attachments at p. 68).

Community ballot—District of Kimba Council

(Lyndhurst and Napandee)

To provide the former Minister with a measure of local community sentiment, the District Council of Kimba agreed to conduct a postal ballot in relation to support for locating the facility at either of the two nominated sites within its local government area (Lyndhurst and Napandee). As noted on page 12 of this report, the department considers that LGA boundaries are an appropriate proxy for identifying the persons who are likely to experience the socio-economic impacts of a facility, as LGAs are generally constructed around key population centres and typically map the social and economic connections that define those communities as being separate from neighbouring communities.

To have been eligible to vote, a person must have been on the SA House of Assembly roll for the LGA (used for federal and state elections) or be on or able to enrol on the CEO's roll. For a person to be eligible for the CEO's roll they must own or occupy (for at least one month) a property within the Council boundary (either as an individual, a group or body corporate). The eligibility criteria used to assess applications to the CEO's roll are those identified in section 14 of the *Local Government (Elections) Act 1999* (SA).

The roll for the ballot was open on 23 August 2019 and closed 13 September 2019. The AEC sent ballot papers to voters' postal address from 3 October 2019 and the ballot closed on 7 November 2019. The results were released by the AEC on 7 November 2019. The question on the ballot paper was:

'Do you support the proposed National Radioactive Waste Management Facility being located at one of the nominated sites in the community of Kimba?'

Results—Lyndhurst and Napandee

	Yes	No	Other	Participation rate
Local	452	282	11*	90.41%**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

* Rejected at preliminary scrutiny or informal vote (the ballot paper has not been completed properly and it is set aside and not counted towards any candidate).

**90.41 per cent of 824 eligible voters.

There were 824 eligible voters for the District Council of Kimba ballot. In total, 745 ballot papers were returned for scrutiny, which represents a participation rate of 90.41 per cent. Nine ballot papers were rejected at preliminary scrutiny and two were found to be informal, meaning 734 returned ballot papers were recognised as formal votes (marked according to the rules for the ballot and can be counted towards the results).

Of these:

- 452 (61.58 per cent) voted Yes.
- 282 (38.4 per cent) voted No.

Further details of this assessment are at attachment B.

Community ballot—Flinders Ranges Council

(Wallerberdina)

To provide the former Minister with a measure of local community sentiment, the local government authorities agreed to facilitate a postal ballot in relation to hosting the facility at the approved nominated site of Wallerberdina. The nominated site at Wallerberdina Station straddles the Flinders Ranges Council LGA and the Outback Community Authority boundary.

The primary social and economic centres closest to the site that might be impacted are Hawker and Quorn in the Flinders Ranges Council LGA. As noted on page 12 of this report, the department considers that LGA boundaries are an appropriate proxy for identifying the persons who are likely to experience the socio-economic impacts of a facility, as LGAs are generally constructed around key population centres and typically map the social and economic connections that define those communities as being separate from neighbouring communities.

At the same time, noting that the proposed land acquisition parcel is located adjacent to the border of the Flinders Ranges Council LGA, the Wallerberdina local community ballot boundary was extended to include OCA land within a 50 km radius of the nominated site. This ensures an appropriate economic centre is captured, while including the large neighbouring properties located near the nominated site but outside the Flinders Ranges Council boundaries. The boundary for the ballot was supported by the community consultative committee.

The ballot was undertaken by the AEC on behalf of the Flinders Ranges Council and Outback Communities Authority and funded by the department. The AEC conducted, scrutinised and counted the ballot.

For those within the Flinders Ranges Council LGA to have been eligible to vote a person must have been on the SA House of Assembly roll for the LGA plus the 50 km radius (the one used for federal and state elections) or be on or able to enrol on the Council's Supplementary Roll. For a person to be eligible for the Supplementary Roll they must own or occupy (for at least one month) a property within the Council boundary (either as an individual, a group or body corporate). The eligibility criteria used to assess applications to the Supplementary Roll are those identified in section 14 of the *Local Government (Elections) Act 1999* (SA). For those outside the Flinders Ranges Council LGA and within the 50 km radius, information (including forms) on how they could register to be included on the ballot roll was sent via post.

The roll for the ballot was opened September 2019 and closed 18 October 2019. The AEC sent ballot papers to voters' postal address from 11 November 2019 and the ballot closed on 12 December 2019. The votes were scrutinised and counted by the AEC and the results were released on 12 December 2019.

The question on the ballot paper was:

‘Do you support the proposed National Radioactive Waste Management Facility in your community?’

Results—Wallerberdina

	Yes	No	Other	Participation rate
Local	408	454	18*	71.08%**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

** Rejected at preliminary scrutiny or informal vote (the ballot paper has not been completed properly and it is set aside and not counted towards any candidate).*

***71.08 per cent of 1238 eligible voters.*

There were a total of 1238 eligible voters for the Flinders Ranges Council ballot. In total, 880 ballot papers were returned for scrutiny, which represents a participation rate of 71.08 per cent. Of these, 12 were rejected at preliminary scrutiny and six were found to be informal, meaning 862 were recognised as formal votes (marked according to the rules for the ballot and can be counted towards the results). Of these:

- 408 (47.33 per cent) voted Yes.
- 454 (52.67 per cent) voted No.

Further details of this assessment are at attachment C.

Neighbour surveys

(Lyndhurst and Napandee)

The surveys were conducted by ORIMA Research on behalf of the department. ORIMA Research is an ISO20252² accredited company and a member of the Association of Market and Social Research Organisations. ORIMA's fieldwork partner is Action Market Research, an Adelaide-based research company, which is also ISO20252 accredited. Following the outcome of the Flinders Ranges Council community ballot on 12 December 2019, the neighbour survey for Wallerberdina was discontinued.

For the purposes of the surveys, a *neighbour* is:

- A person that is the proprietor of a freehold estate registered in the Register Book or a Crown lessee as registered in the Register of Crown leases under the *Real Property Act 1886 (SA)*.
- A person in a partnership who is the proprietor of a freehold estate registered in the Register Book or a Crown lessee as registered in the Register of Crown leases under the *Real Property Act 1886 (SA)*
- A person who is a trustee of a trust that is the proprietor of a freehold estate registered in the Register Book or a Crown lessee as registered in the Register of Crown leases under the *Real Property Act 1886 (SA)*
- A representative of a company or organisation that is a proprietor of a freehold estate registered in the Register Book or a Crown lessee as registered in the Register of Crown leases under the *Real Property Act 1886 (SA)*
- A representative of a company or organisation that is in a partnership that is a proprietor of a freehold estate registered in the Register Book or a Crown lessee as registered in the Register of Crown leases under the *Real Property Act 1886 (SA)*
- A representative of a company or organisation that is a trustee of a trust that is a proprietor of a freehold estate registered in the Register Book or a Crown lessee as registered in the Register of Crown leases under the *Real Property Act 1886 (SA)*
- A person who, as at the survey start date, had resided within the neighbour radius for at least 30 consecutive days immediately prior to that date (a person resides at a place if they temporarily or permanently live at that place)

² ISO20252 is the international standard for Market and Social Research. Companies are accredited via an external certification body.

For the purposes of the neighbour surveys the *neighbour radius* is the 5 km radius drawn from all points along the boundary of the nominated sites of Lyndhurst and Napandee, as determined by Geoscience Australia.

The eligibility guidelines were developed with input from the Kimba Consultative Committee and Kimba Economic Working Group, and operationalised with advice from Geoscience Australia and ORIMA Research (detailed guidelines were published on the department's website and incorporated in the ORIMA report). Neighbours were eligible to participate if they are 18+ and are owners or reside on an eligible property. Further details concerning eligibility for the neighbour surveys are in attachment D.

The department wrote to eligible neighbours asking them to nominate and to provide contact details for relevant owners and residents. Data was collected via a telephone survey, during which respondents were asked to confirm their identity. The survey data was validated, checked and analysed using statistical software in accordance with ISO20252 data handling and quality checking processes. While every effort was made to identify all eligible neighbours within the geographic boundaries, it is possible that some may not have been identified via the available mechanisms.

Results—Lyndhurst

	Potential [^]	Eligible [*]	Actual [~]	Yes	No	Mixed [#]	Other	Participation rate
Parcels	35	24	24	58.3%	20.8%	20.8%	0.0%	100%
Participants	n/a	23	19	68.4%	31.6%	0.0%	0.0%	82.6%
Responses	n/a	49	41	65.9%	34.1%	0.0%	0.0%	83.7%

[^] Potential = the total number of parcels

^{*} Eligible = the total number of eligible parcels or participants

[~] Actual = the total number of participants or parcels where a response is recorded

[#] Mixed means different individuals expressed different sentiment.

By Participant: Direct neighbours, that share a boundary with the nominated site at Lyndhurst, are divided in their views towards the facility. Of all direct and indirect neighbours, those that share a boundary and that fall within the neighbour radius of 5 kilometres, 68.4 per cent were supportive and 31.6 per cent opposed.

Results—Napandee

	Potential [^]	Eligible [*]	Actual [~]	Yes	No	Mixed [#]	Other	Participation rate
Parcels	25	24	22	75.0%	16.7%	0.0%	8.3%	91.6%
Participants	n/a	28	25	60.0%	40.0%	0.0%	0.0%	89.3%
Responses	n/a	53	44	72.7%	27.3%	0.0%	0.0%	83.0%

[^] Potential = the total number of parcels

^{*} Eligible = the total number of eligible parcels or participants

[~] Actual = the total number of participants or parcels where a response is recorded

[#] Mixed means different individuals expressed different sentiment.

By Participant: All direct neighbours, that share a boundary with the nominated site at Napandee, are in favour of the facility. Of all direct and indirect neighbours, those that share a boundary and that fall within the neighbour radius of 5 kilometres, 60 per cent were supportive and 40 per cent opposed.

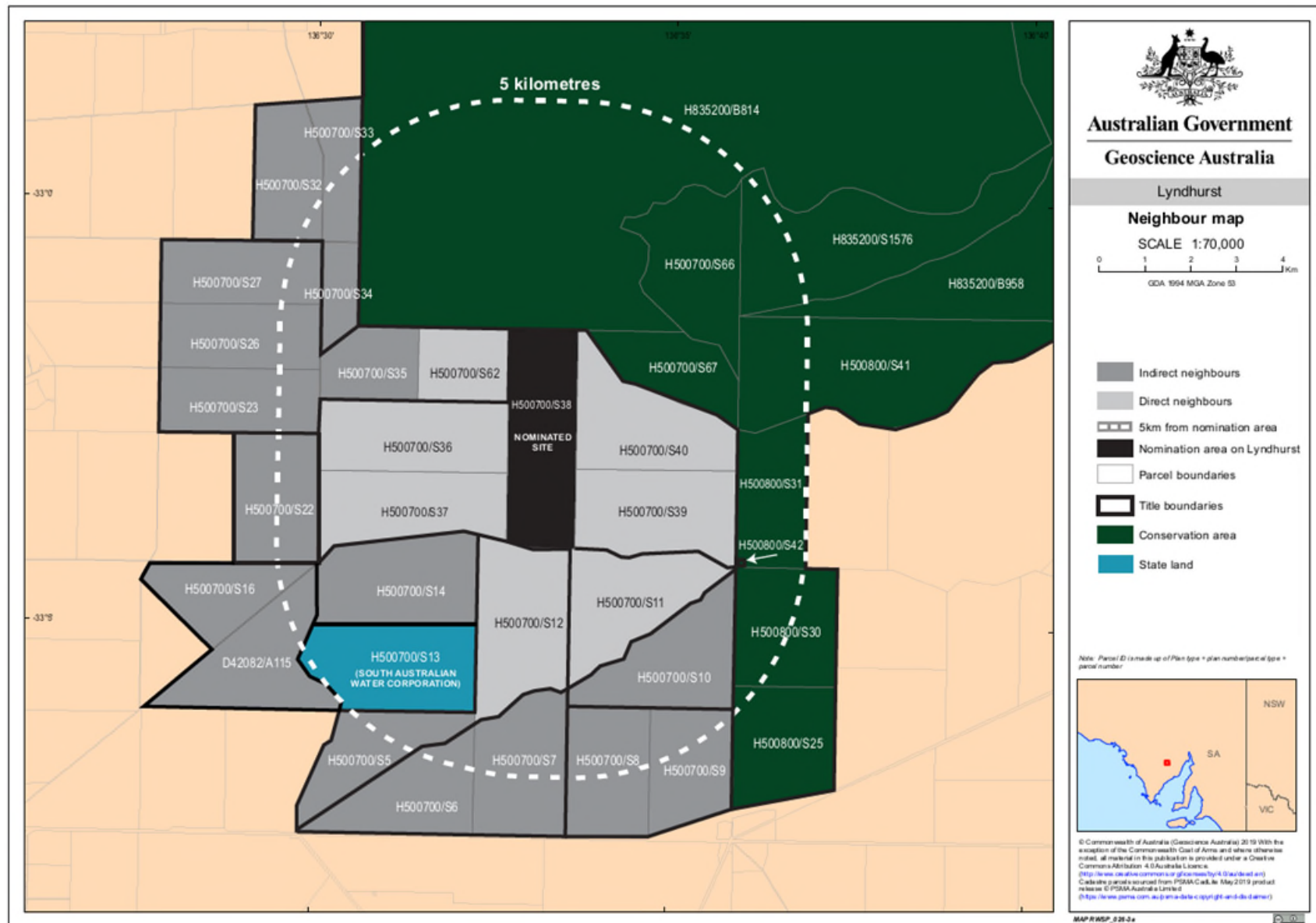
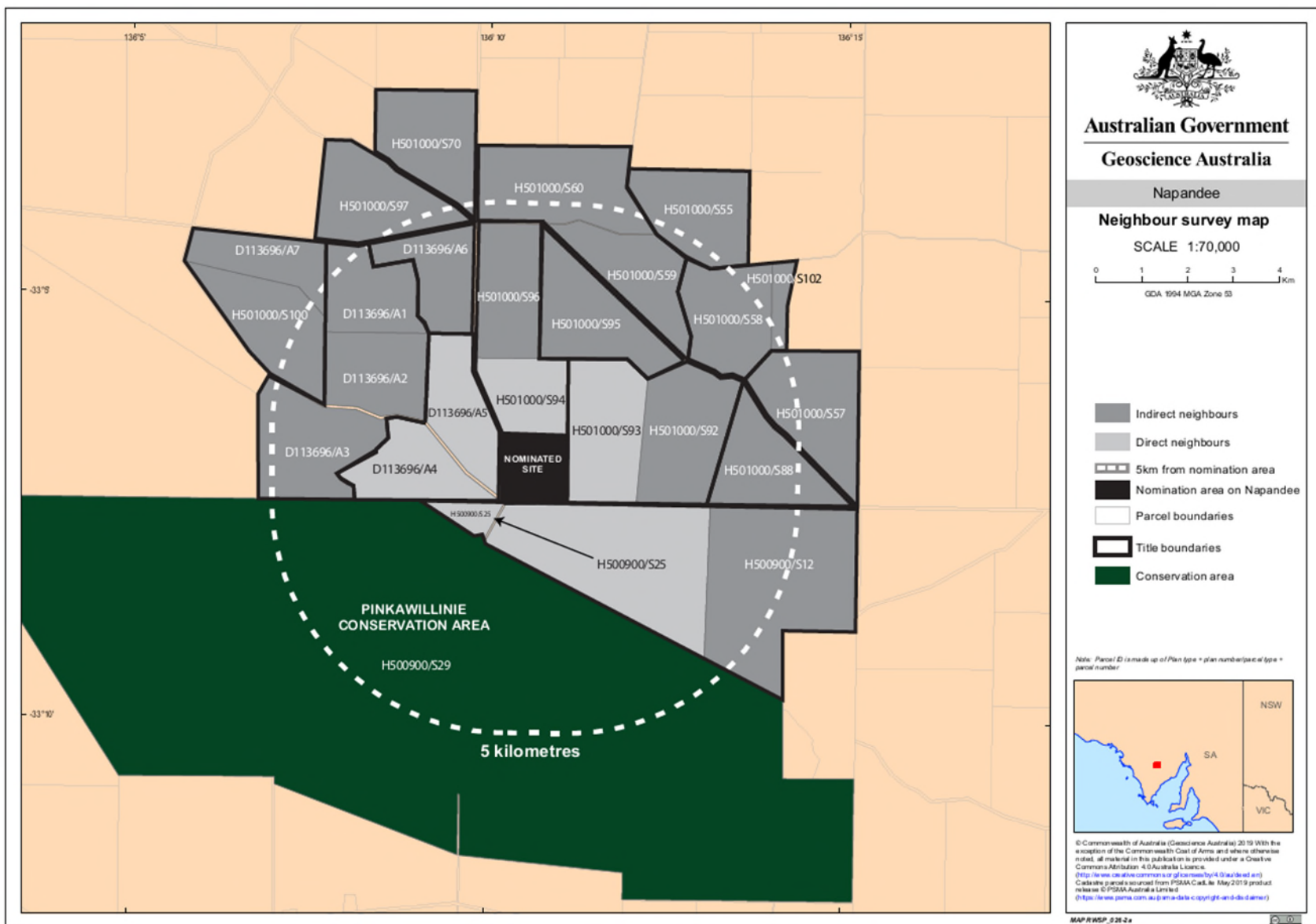


Figure 3: Lyndhurst neighbour survey



Business survey

(Lyndhurst and Napandee)

A survey of businesses within the relevant geographic boundaries (attachment E), was conducted by ORIMA Research and its fieldwork partner Action Market Research, on behalf of the department. Both are ISO20252³ accredited companies and ORIMA is a member of the Association of Market and Social Research Organisations. The survey commenced 27 November and completed close of business on 19 December 2019. Following the outcome of the Flinders Ranges Council community ballot on 12 December 2019, the business survey for Wallerberdina was discontinued.

For the purposes of the survey, the *geographic boundaries* were the Kimba District Council LGA. A *business* is any entity that undertakes a commercial activity on a for profit basis, that is registered on the Australian Business Register (ABR) with an active Australian Business Number (ABN) on 1 October 2019.

The eligibility guidelines were developed with input from the Kimba Consultative Committee and Kimba Economic Working Groups and Barndioota Consultative Committee and Wallerberdina Economic Working Group,⁴ and operationalised with advice from Geoscience Australia and ORIMA Research (detailed guidelines were published on the department's website, also see attachment E). As the characteristics of businesses vary widely, determining the eligibility of businesses for the survey was challenging. The intention of the survey was to capture the views of those whose businesses operated on a commercial basis. Therefore, a threshold consideration for a business to be included in the survey was that it had to be for-profit. Other factors taken into account included location, registration, business structure and the types of activities businesses are engaged in. To be eligible to participate, businesses must have been active in the geographic regions within the last 12 months,⁵ and required to submit tax returns for the last two financial years. Each eligible business was able to provide one response to the business survey.

A detailed discussion of the challenges of identifying eligible businesses is in the ORIMA Research report at attachment E.

Data was collected via a telephone survey. During the survey, respondents were asked to confirm the business's eligibility, and that they were authorised to speak on behalf of the business. Where they were not authorised to speak, they were asked to provide additional contact details of someone who could. The survey data was validated, checked and

³ ISO20252 is the international standard for Market and Social Research. Companies are accredited via an external certification body.

⁴ Both community consultative committees were consulted in developing the guidelines, although Wallerberdina was subsequently excluded from the business survey during the data collection phase following the former Minister's media release on 13 December 2019 that the Wallerberdina community ballot result demonstrated that there is not enough broad community support for the proposal.

⁵ This was determined by asking in the survey questionnaire whether this was the case and in addition, businesses being able to demonstrate they had filed the requisite tax returns and had an active ABN

analysed using statistical software in accordance with ISO20252 data handling and quality checking processes. While every effort was made to identify all eligible businesses within the geographic boundaries, it is possible that some businesses may not have been identified via the available mechanisms.

Results—Lyndhurst and Napandee

Business survey results

	Yes	No	Other	Participation rate
Overall	59.3%	40.7%	0.0%	N = 135

64.0 per cent of businesses with turnovers under \$500,000 supported the facility. 37.5 per cent of those with a turnover between \$500,000 and \$1 million did so. 69.7 per cent support for the facility was recorded from businesses with a turnover of \$1 million or more.

Most industry types supported the facility, with a notable exception being *agriculture, forestry and fishing* (47.7 per cent). Within *agriculture, forestry and fishing*, 54.5 per cent of *other grain growing* supported the facility, but 56.8 per cent of *grain-sheep or grain-beef cattle farming* opposed it.

Public submissions

(Lyndhurst, Napandee and Wallerberdina)

The department invited public submissions on the proposal to establish and operate a facility from 1 August 2018 and the process remained open until 12 December 2019. The call for submissions was advertised on the NRWMF website, through the community consultative committees, and through Facebook and traditional media. Submissions were received via electronic and physical mailboxes. Submissions were logged by the department and provided to ORIMA Research for analysis and reporting. The full report is at attachment F. Hard copies of all public submissions were provided to the former Minister.

A total of 3,692 public submissions that related to the facility and the sites under consideration were logged by the department and provided for analysis. Where multiple submissions were received from the same submitter (individual or other entity), these were merged into a single combined record for the purpose of analysis and reporting, with the most recent expression of overall sentiment taking precedence. If multiple submissions included any combination of *bespoke* and *proforma/proforma+* content, then the entire merged submission is classified as *proforma+*.⁶

In total, public submissions from 3,212 different *submitters* (individuals and other entities) were used for the analysis. Results are reported for each community separately, split by *local*⁷ and *non-local/unknown* sources; bespoke public submissions are reported both with and without proforma submissions included. Proforma public submissions were much more common in the non-local/unknown category (e.g. 27 per cent of local and 90 per cent of non-local public submissions were proformas). In total 11 per cent of the public submissions related to Kimba only, 2 per cent to Wallerberdina only, 71 per cent to both sites and 15 per cent did not specify which site they related to (most proformas either explicitly related to both sites or were unspecified).

⁶ Submissions that were individually written were classed as 'bespoke'. Submissions where five or more individuals used the same template (e.g. through an organised campaign) were classed as 'proforma'. In some cases, submissions with mainly proforma content also had some individual content or variation from the original proforma. These were classified as *proforma+* in ORIMA's full analysis, but for the purposes of presenting the summary results here, proforma and proforma+ have been grouped together.

⁷ Submissions are classified as local or non-local based on the geographic boundaries of the Kimba District Council local government area; and the Flinders Ranges Council local government area plus a 50km radius drawn from the boundary of Wallerberdina Station. If the location of the submission cannot be determined it is classified as unknown and aggregated with the non-local submissions.

Results—Lyndhurst and Napandee

		Yes	No	Other^	Participation Rate
All	Local submissions	59.8%	39.8%	0.4%	n=254
	Non-local submissions	2.8%	94.5%	2.6%	n=2,879
Bespoke	Local submissions	63.0%	36.6%	0.4%	n=238
	Non-local submissions	24.7%	71.1%	4.2%	n=287
	All submissions	42.1%	55.4%	2.5%	n=525
Proforma*	Local submissions	12.5%	87.5%	0.0%	n=16
	Non-local submissions	0.4%	97.1%	2.5%	n=2,592
	All submissions	0.5%	97.1%	2.5%	n=2,608

* Proforma include proforma and proforma+ submissions. ^ Other in submissions means neutral, unspecified or undecided.

Results—Wallerberdina

		Yes	No	Other^	Participation Rate
All	Local submissions	12.5%	86.6%	0.9%	n=112
	Non-local submissions	1.1%	96.3%	2.6%	n=2,746
Bespoke	Local submissions	45.2%	51.6%	3.2%	n=31
	Non-local submissions	10.9%	85.3%	3.8%	n=184
	All submissions	15.8%	80.5%	3.7%	n=215
Proforma*	Local submissions	0.0%	100.0%	0.0%	n=81
	Non-local submissions	0.4%	97.1%	2.5%	n=2,562
	All submissions	0.4%	97.2%	2.4%	n=2,643

* Proforma include proforma and proforma+ submissions.

^ Other in submissions means neutral, unspecified or undecided.

Ministerial correspondence

(Lyndhurst, Napandee and Wallerberdina)

Ministerial correspondence was received via electronic and physical channels outside of the public submission process. Correspondence was logged by the department and provided to ORIMA Research for analysis and reporting. As with the public submissions, ORIMA Research undertook an independent analysis of Ministerial correspondence received expressing views about the facility (report at attachment G). Hard copies of all Ministerial correspondence were provided to the former Minister.

A total of 275 items of Ministerial correspondence that related to the facility and the sites under consideration were received and logged from between June 2017 and 12 December 2019.⁸ Where multiple items of correspondence were received from the same submitter (individual or other entity), these were merged into a single combined record for the purpose of analysis and reporting, with the most recent expression of overall sentiment taking precedence. Correspondence that did not refer to one of the proposed sites in SA was classified as out-of-scope and excluded from the analysis.

In total, in-scope Ministerial correspondence from 155 *correspondents* was used for the analysis. Results are reported for each community separately, split by *local* and *non-local/unknown* sources; and bespoke correspondence is reported separately to proforma and group correspondence, with the proforma correspondence summarised separately. In total, 56 per cent of the Ministerial correspondence related to Kimba, 14 per cent to Wallerberdina, 23 per cent to both and 7 per cent did not specify which specific site it referred to.

The sentiment expressed in the Ministerial correspondence is summarised below.

Results—Lyndhurst and Napandee

		Yes	No	Other	Participation Rate
Bespoke	Local correspondence	19.2%	71.2%	9.6%	n=73
	Non-local correspondence	3.3%	80.0%	16.7%	n=60
	All correspondence	12.0%	75.2%	12.8%	n=133
Proforma		All proforma and group correspondence was opposed. This included: a letter signed by 11 families; a proforma sent by 7 families; an email proforma sent by 266 individuals (referencing both SA sites); a petition signed by 26 individuals; and a petition signed by 932 individuals**.			

[^] Other in correspondence means neutral, unspecified or undecided.

^{**}Correspondence that comprised petitions is reported on separately in the Petitioner Group reports.

⁸ The start date of June 2017 reflects when all three sites had moved into the assessment phase.

Results—Wallerberdina

		Yes	No	Other^	Participation Rate
Bespoke	Local correspondence	16.7%	66.7%	16.7%	n=24
	Non-local correspondence	2.3%	77.3%	20.5%	n=44
	All correspondence	7.4%	73.5%	19.1%	n=68
Proforma		<i>All proforma and group correspondence was opposed. This included: a petition signed by 17 people; and an email proforma sent by 266 individuals (referencing both SA sites). **</i>			

^ Other in correspondence means neutral, unspecified or undecided.

** Correspondence that comprised petitions is reported on separately in the Petitioner Group reports.

AGM motion—Adnyamathanha Traditional Lands Association

(Wallerberdina)

ATLA is the Registered Native Title Body Corporate (RNTBC) (also known as prescribed body corporate) that represent Adnyamathanha People that hold Native Title as determined by the Federal Court.

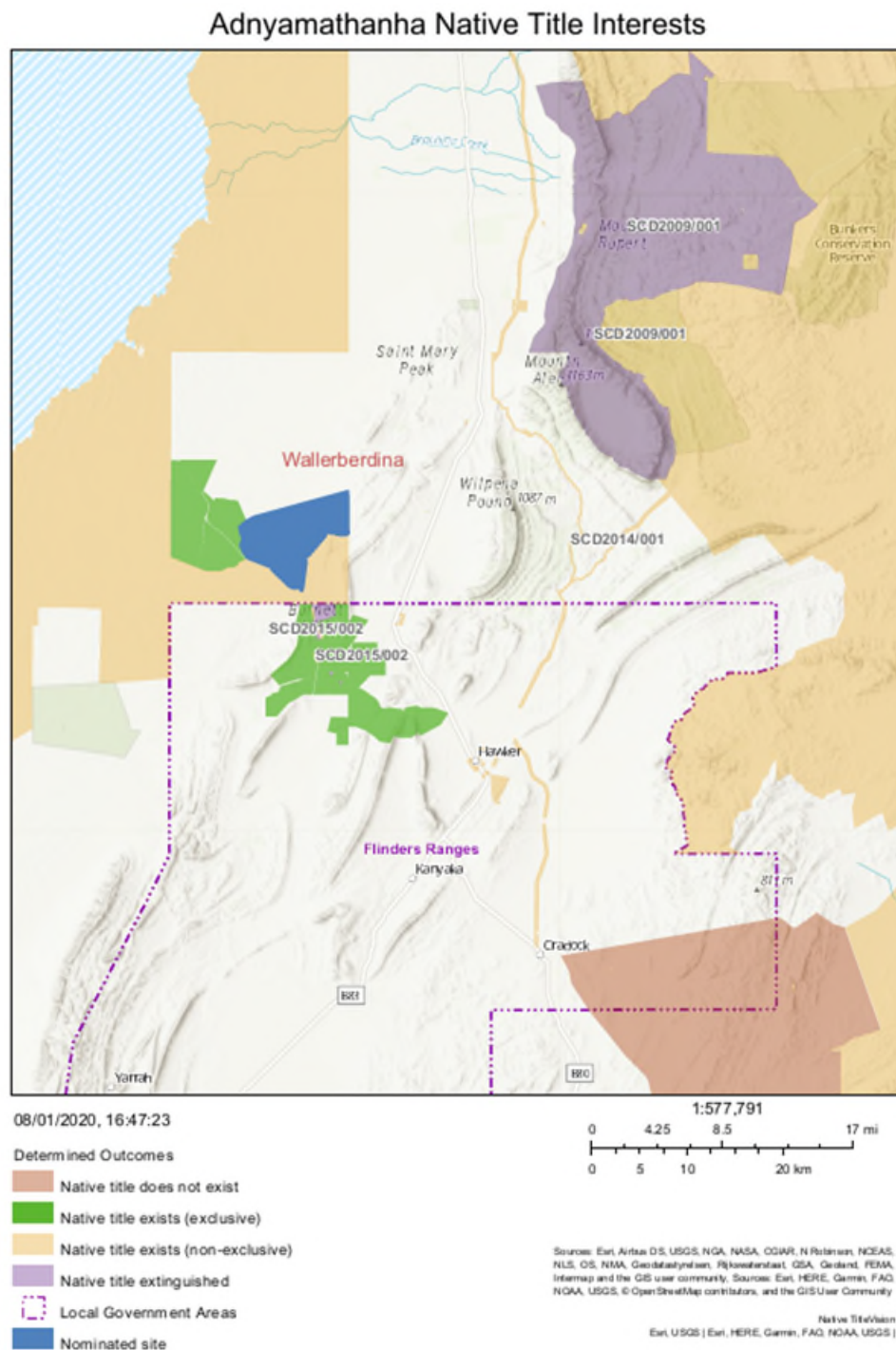


Figure 5: Map of Adnyamathanha Native Title interests

Although Native Title has been extinguished on the approved nominated site, the Adnyamathanha People hold Native Title in parts of the region surrounding the site (refer to figure 5). They also have an ongoing cultural heritage connection with the land more generally (refer to the SAR for a discussion of the management of Aboriginal cultural heritage values in relation to the approved nominated site). ATLA is also the peak body for the Adnyamathanha People for matters relating to land, culture, heritage, language and Native Title.

The ATLA Member List published on the Office of the Registrar of Indigenous Corporations website on 19 September 2019 lists 707 members. The membership list included with ATLA's General Report 2018 (Published) for the financial year ending 30 June 2018 also listed 707 members.

Since 2018 the department has offered financial support for ATLA to undertake its own ballot of its members. This offer was reiterated on a number of occasions, most recently through correspondence by the former Minister in October 2019, although not taken up. Separately, ATLA made submissions to the 2018 Senate Economic Reference Committee Inquiry, which outlines its reasons for opposing the facility (attachment R refers).

ATLA provided a redacted copy of a 24 March 2018 Annual General Meeting record of a motion referring to the facility under a covering letter from Maurice Blackburn Lawyers, dated 30 May 2019. At a meeting with the former Minister on 21 August 2019, ATLA representatives indicated that the motion still represented the position of ATLA.

Results—Wallerberdina

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	0	61	0	100%*

*100 per cent of the 61 members present at the ATLA AGM (this represents 8.6 per cent of ATLA's total 707 members).

A redacted version of ATLA's 2018 AGM motion was provided to the department. It conveys that with all of the 61 members present voting, the following motion was carried unanimously:

That ATLA remains totally opposed to the Nuclear Waste Dump at Wallerberdina. This is our land and our culture and we must have veto over this toxic waste being dumped in our country. Udneyus come and go but we will be here forever. We say NO to the waste dump for our Grandchildren and their Grandchildren and many generations to come.

Details of this indicator are at attachment H.

ATLA has made a complaint to the Australian Human Rights Commission (a complaint form was filed with the AHRC on 18 December 2018) that refers to two aspects: the proposed 2018 ballot on the facility by the Flinders Ranges Council and the Aboriginal cultural heritage assessment for Wallerberdina. The AHRC is currently reviewing the complaint to determine next steps and the department will engage with the AHRC's complaint/conciliatory processes as required.

Ballot—Barngarla Determination Aboriginal Corporation

(Lyndhurst and Napandee)

BDAC is the Registered Native Title Body Corporate (also known as prescribed body corporate) for the Barngarla Native Title holders as defined in the Barngarla Determination of Native Title made by the Federal Court.

Although Native Title has been extinguished on the approved nominated sites, the Barngarla People hold Native Title in parts of the region surrounding the sites (refer to figure 6 on p. 44). They also have an ongoing cultural heritage connection with the land more generally in the Barngarla Determination area (refer to the SAR for a discussion of management of Aboriginal cultural heritage values in relation to the approved nominated sites). BDAC is also the peak body for the Barngarla People for matters relating to land, culture, heritage, language and Native Title.

The BDAC General Report 2019 (Published) for the financial year ending 30 June 2019 filed with the Office of the Registrar of Indigenous Corporations lists 208 members.

Since 2018 the department offered financial support for BDAC to undertake its own ballot of its members. This offer has been reiterated on a number of occasions, most recently through correspondence by the former Minister in October 2019, although not taken up.

On 20 November 2019, BDAC provided the results of a ballot of its members to the former Minister. The ballot was conducted by the Australian Election Company, a private independent polling company, on behalf of BDAC. The ballot was timed to coincide with the postal ballot conducted by the Australian Electoral Commission on behalf of the District Council of Kimba (which was from 3 October to 7 November 2019). Subsequently, BDAC provided a report to the former Minister on 16 December 2019 prepared by the Australian Election Company, which explained the methodology used for the ballot (details at attachment I).

At the time of the ballot, there were 209 members on the membership list provided by BDAC to the Australian Election Company, which constituted the eligible voters for the ballot. A ballot with a single question was posted to all members on the membership list with a reply paid envelope. Members could also choose to vote in person by attending a culturally appropriate venue in Port Augusta on 23 October, in Whyalla on 24 October, and Port Lincoln on 25 October 2019.

There was a single question on the ballot paper, which was the same as the Kimba Council's ballot question:

'Do you support the proposed National Radioactive Waste Management Facility being located at one of the nominated sites in the community of Kimba?'

The department notes that it appears that, as at 30 June 2018, no BDAC members were

residents within the LGA of the District Council of Kimba.⁹ However, as the department did not validate the addresses of voters in relation to the BDAC ballot, the location of voters in the summary of results below is recorded as 'unknown'.

Results—Lyndhurst and Napandee

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	0	83	4*	39.71%**

*Four ballot papers recorded as 'rejected at preliminary scrutiny'.

**39.71 per cent of 209 eligible voters (total of BDAC membership).

The Australian Election Company's declaration of results submits that a total of 83 ballots were counted (with four votes having been rejected 'at preliminary scrutiny'), from 209 eligible voters, which represents a participation rate of 39.71 per cent.

Of the 83 counted ballot papers:

- 0 voted Yes.
- 83 (100 per cent) voted No.

Notwithstanding that all those who chose to vote were opposed to it, given that around 60 per cent of BDAC members chose not to vote, it remains unclear what the position of a large proportion of the membership is with respect to the facility.

BDAC has challenged the validity of the ballots commissioned by the District Council of Kimba and Flinders Ranges Council to measure community support for the facility on the basis that they contravene the *Racial Discrimination Act 1975* (Cth).¹⁰ While the Federal Court dismissed BDAC's claim, BDAC lodged an appeal, which was heard by the Full Court on 21 February 2020, which dismissed the appeal.

In addition, BDAC made a submission to the 2018 Senate Economic Reference Committee Inquiry, which outlines its reasons for opposing the facility (see separate report summarised at p. 57 and included in full at attachment S).

⁹ See *Barngarla Determination Aboriginal Corporation RNTBC v District Council of Kimba* [2019] FCA 1092 (*BDAC v Kimba Council*).

¹⁰ See *BDAC v Kimba Council* at [10].

Barngarla Native Title Interests

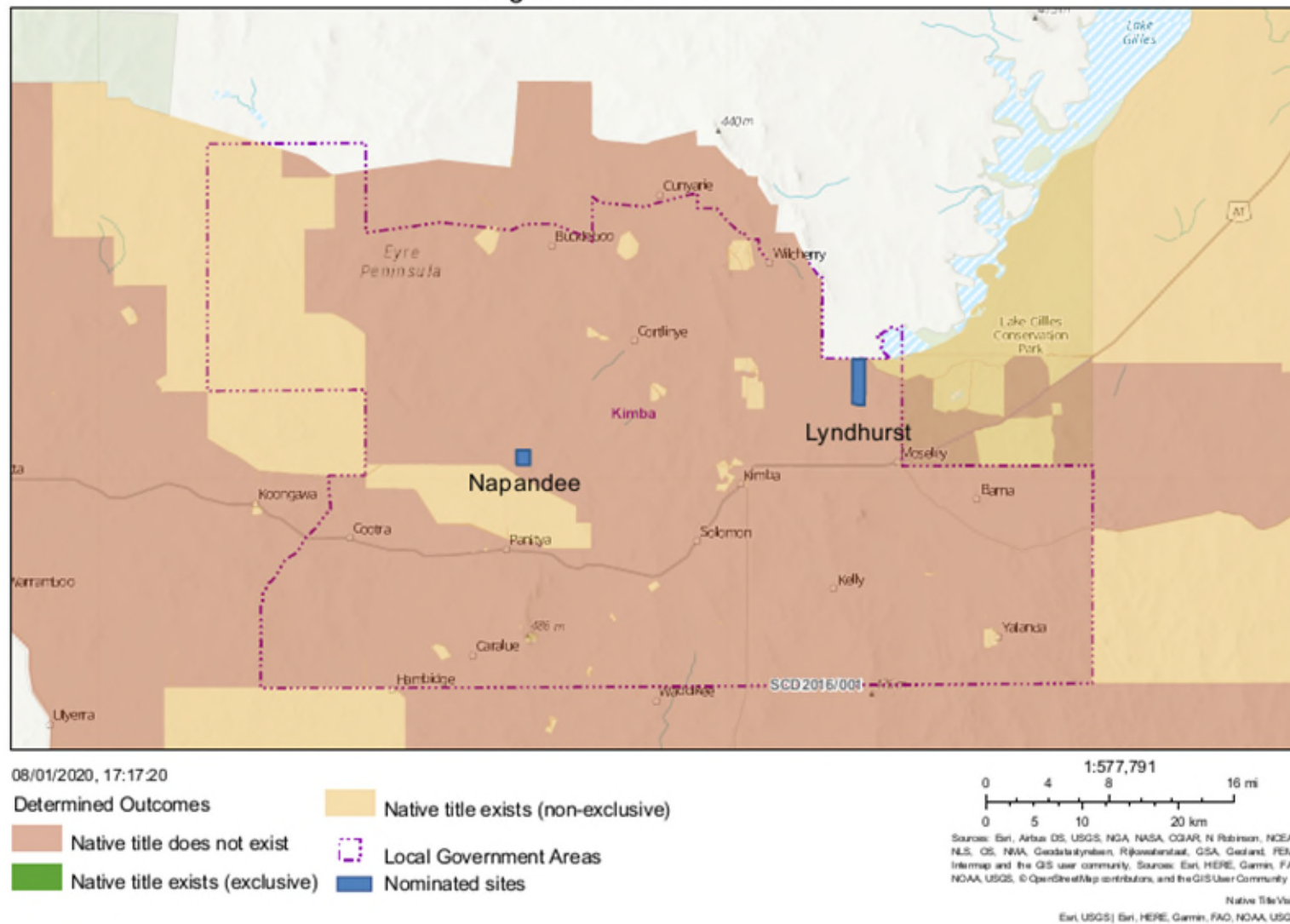


Figure 6: Map of Barngarla Native Title interests

Ballot—Viliwarinha Yura Aboriginal Corporation

(Wallerberdina)

The Viliwarinha Yura Aboriginal Corporation (VYAC) was established by the McKenzie family to address poor outcomes for Aboriginal people and holds perpetual leases in Yappala pastoral station neighbouring the approved site at Wallerberdina. Its members are Adnyamathanha People and its membership overlaps with ATLA¹¹. Yappala Station is also an Indigenous Protected Area managed by VYAC. In its General Report lodged on 3 December 2018 with the Office of the Registrar of Indigenous Corporations, VYAC lists 110 members.

The department wrote to VYAC in August 2018 offering support for VYAC to conduct a vote of its members to show their sentiment towards having the facility at Wallerberdina. VYAC conducted a ballot on 18 August 2018. The department understands that votes could be cast at a venue in Port Augusta or over the phone and that members had several days of advance notice of the ballot (details of this have not been confirmed with VYAC). Correspondence providing the results of the VYAC ballot was sent to the department from the VYAC Chair on 31 August 2018. At a meeting with the former Minister on 21 August 2019, VYAC representatives indicated that the vote of 18 August 2018 still represented the position of VYAC.

Results – Wallerberdina

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	45	34	1*	72.73%**

*Recorded as a 'blank vote'.

**72.73 per cent of the total of 110 VYAC members.

Of the 80 members who cast a vote on 18 August 2018, 45 (56 per cent) voted in favour, and 34 against. The Chair of the VYAC advised that one other respondent 'chose to put in a blank vote'. Given the 110 members recorded in VYAC's 2018 General Report filed with the Office of the Registrar of Indigenous Corporations on 3 December 2018 for the financial year ending 30 June 2018, this represents a participation rate of 73 per cent.

Details of this assessment are at attachment J.

¹¹ VYAC is not a native title representative body. ATLA is the appropriate Registered Native Title Body Corporate (RNTBC) for the area.

Community-led business survey

(Wallerberdina)

On 2 June 2019, a member of the Flinders Local Action Group, who oppose hosting the facility in the region, emailed details of an April 2019 survey of businesses in Hawker to the former Minister (attachment K refers).

The survey was not undertaken by an independent accredited research organisation. To supplement the limited information initially provided, the department sought further details that would help validate the survey methods or results.

The extent to which the survey captures a sample of local businesses remains unclear. Business owners were identified based on the local knowledge of 'several people' and were approached (in person, by email or by phone) by the correspondent and another community member and 'offered an explanatory letter'. Following this approach, identified business owners could choose to provide a signature indicating if they supported the facility, opposed the facility, held a neutral position or preferred not to say. Participants were also given the option to provide a confidential response to a local Justice of the Peace.

Results – Wallerberdina

	Yes	No	Other	Participation rate
Local	2	10	5*	**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	N/A	N/A

**Classified in the survey as 'Neutral or prefer not to say'.*

***Not provided*

Correspondence—Gawler Ranges Aboriginal Corporation (GRAC) letter

(Lyndhurst)

GRAC is the Registered Native Title Body Corporate for the Gawler Ranges People Native Title holders as recognised in the McNamara/Gawler Ranges People Determination of Native Title made by the Federal Court.

The department consulted with the Gawler Ranges People since the beginning of the project on the basis that they hold Native Title in land that borders the northern boundary of the Lyndhurst site and may have an interest in cultural heritage aspects more broadly in the vicinity of the site (refer to figure 7 on the following page). Following an invitation to GRAC to a meeting with the former Minister in August 2019 and an information session in October 2019, GRAC wrote to the department saying that it did not wish to be involved in further consultations.

Results—Lyndhurst

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	N/A	✓*	N/A

**The correspondence is from GRAC, which is not based in the relevant LGA and lists its address as C/-Norman Waterhouse Lawyers, Adelaide. However as details of who participated in the preparation of the correspondence are unknown to the department the location of the correspondence is recorded as 'unknown'.*

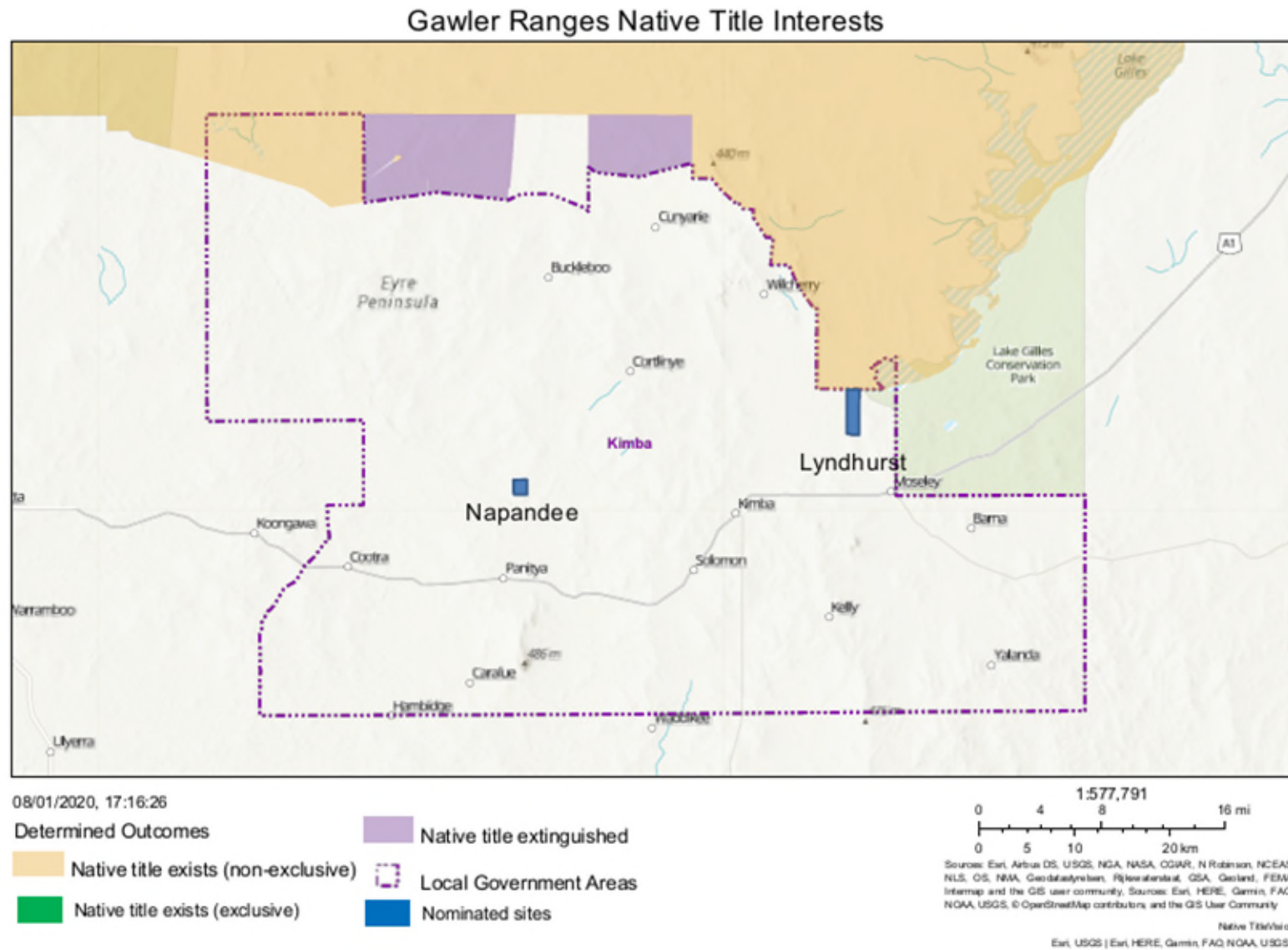


Figure 7: Map of Gawler Ranges Native Title interests

Petitioner group 1—Local resident petitioners

(Lyndhurst and Napandee)

The petition dated 19 September 2018 was sent to the department through the public submission process by one of the signatories. The decision was made to treat it separately as a petition given its format. The petitioners are identified in the petition as being 'neighbours', defined as persons who farm or reside within 10km of either Lyndhurst or Napandee. The collection method is unknown. A 'proximity to site' distance is provided for each signatory, although the site (Lyndhurst or Napandee) is not specified.

Results

	Yes	No	Other	Participation rate
Local	N/A	26	N/A	*
Non-local	N/A	0	N/A	N/A
Unknown	N/A	0	N/A	N/A

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.24 per cent of all petitioners.*

There were 26 signatories to the petition, which states 'We are neighbours strongly opposed to the siting of a low-intermediate level radioactive waste facility on farming land in the Kimba District'. It also expresses concern at the 'lack of acknowledgement of neighbour opposition'.

Details of the petition are at attachment M.

Petitioner group 2—Eyre Peninsula petitioners

(Lyndhurst, Napandee and Wallerberdina)

The petition was received on 26 September 2018 through the public submission process. The decision was made to treat it separately as a petition given its format. The petitioners are identified in the petition as ‘residents and/or owners of property on eastern Eyre Peninsula’. The collection method is unknown. Most of the signatories’ addresses are in Cowell, a coastal town on the east side of the Eyre Peninsula, approximately 90 km south-east of Kimba and 300 km south-west of Hawker.

Results

	Yes	No	Other	Participation rate
Local	N/A	0	N/A	N/A
Non-local	N/A	20	N/A	*
Unknown	N/A	4	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 1.15 per cent of all the signatures received by the department in petitions.*

The petition has 24 signatories and states that they ‘object to the proposed storage of low to medium nuclear waste in the Kimba area, also the possible selection of Port Lincoln as a port for the transport of nuclear waste to the selected site’.

Details of the petition are at attachment N.

Petitioner group 3—House of Representatives petitioners

(Lyndhurst, Napandee and Wallerberdina)

A petition addressed to the House of Representatives, with 932 signatures, was tabled on 22 October 2018. Under its procedures, the House requires that a principal petitioner, responsible for sponsoring or organising the petition, provides their details to the House, but it does not release details about the petition other than the petition text and number of signatories. However, subsequently a copy of the petition was provided to the department by the *No Radioactive Waste on Agricultural Land in Kimba or SA* group (at the same time they also provided a copy of a similar petition to the Senate). The petitioners are identified by the petition as 'Concerned citizens of Kimba District, Eyre Peninsula, South Australia and Australia'. The covering letter to the copy of the petition provided to the department, says that the petition was collected over the three day Eyre Peninsula Field Days held in Cleve, SA, which is located approximately 70 km south of Kimba and 300 km south-west of Hawker.

There is no locality breakdown of the figures available or any further information to add about the House of Representatives petition. There is some commonality between this petition and the Senate one, which was tabled around the same time. They have an almost identical text, many of the same signatories and comparable number of signatories. The main difference between the petitions is that the Senate petition also had addresses for each of the signatories (see Petitioner group 4 report, which includes a locality breakdown).

The former Minister tabled a letter to the principle petitioner, responding to the issues raised.

Results

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 44.44 per cent of all the signatures received by the department in petitions.*

The petition has 932 signatories and states that they are 'opposed to the siting of the National Radioactive Waste Management Facility on agricultural land in Kimba or South Australia, as is currently proposed'. It also expresses concern 'about the risks this proposal presents to Kimba and Eyre Peninsula's clean and green reputation'.

The petition requests the House to 'Remove both Kimba sites from the shortlist to host (the facility)' and that the Australian Government 'undertake a proper process to find the best possible site for disposal of (Australia's radioactive waste).'

Details of the petition and the Minister's response to it are at attachment O.

Petitioner group 4—Senate petitioners

(Lyndhurst, Napandee and Wallerberdina)

A petition was provided to the Senate on 4 October 2018 and tabled 27 November 2018. A copy was also provided to the former Minister. The principal petitioner, responsible for sponsoring or organising the petition and providing it to the Senate, is a group called *No Radioactive Waste on Agricultural Land in Kimba or SA*. Subsequently a copy of the petition was also provided to the department by the group (at the same time they also provided a copy of a similar petition to the House of Representatives). The petitioners are identified by the petition as 'Concerned citizens of Kimba District, Eyre Peninsula, South Australia and Australia'. The covering letter to the copy of the petition provided to the department says that the petitions were collected over the three day Eyre Peninsula Field Days held in Cleve, SA, which is located approximately 70 km south of Kimba and 300 km south-west of Hawker.

Addresses were provided for each of the signatures to the Senate petition, which enabled the department to analyse the information to give a breakdown of the figures. There is some commonality between this petition and the one tabled in the House, in that they have an almost identical text, many of the same signatories and a comparable number of signatories (see Petitioner group 3 report).

Results

	Yes	No	Other	Participation rate
Local	N/A	107	N/A	**
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	932*	N/A	**

**The bulk of these petitioners give an address which indicates they are likely to be considered non-local for the purposes of this report. However, the department cannot confirm that they are all non-local.*

***It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 49.55 per cent of all the signatures received by the department in petitions.*

The petition has 1039 signatories and states that they are 'opposed to the siting of the National Radioactive Waste Management Facility on agricultural land in Kimba or South Australia, as is currently proposed'. It also expresses concern 'about the risks this proposal presents to Kimba and Eyre Peninsula's clean and green reputation'.

The petition requests the Senate to 'Remove both Kimba sites from the shortlist to host (the facility)' and that the Australian Government 'undertake a proper process to find the best possible site for disposal of (Australia's radioactive waste).'

Details of the petition are at attachment P.

Petitioner group 5—Campaign postcard petition

(Lyndhurst, Napandee and Wallerberdina)

The source of the petition is unknown although it was delivered with a postcard, which was part of a campaign organised by the group *No Radioactive Waste on Agricultural Land in Kimba or SA*. It was received through the public submission process on 9 October 2019. The decision was made to treat it separately as a petition given its format.

Results

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	76	N/A	*

**It is not possible to calculate a participation rate for a petition, given the nature of a petition. Overall the department received petitions covering 2097 signatories. This petition represents 3.62 per cent of all the signatures received by the department in petitions.*

The 76 petitioners 'write in opposition to the Federal Government's nuclear waste plans in South Australia'. The reasons given are that it would risk the region's heritage, and tourism and agriculture industries, that SA laws make it illegal and that the need for it has not been proven.

The petitioners request that the Government halt the current plans and undertake an evidence-based assessment process that considers all options.

Senate inquiry submission—Adnyamathanha Traditional Lands Association

(Wallerberdina)

ATLA represents the Native Title holders covered by the relevant Native Title determinations by the Federal Court. Although Native Title has been extinguished on the approved nominated site, the Adnyamathanha People hold Native Title in parts of the region surrounding the site (refer to figure 5 on p. 39). They also have an ongoing cultural heritage connection with the land more generally (refer to the SAR for a discussion of the management of Aboriginal cultural heritage values in relation to the approved nominated site). ATLA is also the peak body for the Adnyamathanha People for matters relating to land, culture, heritage, language and Native Title.

ATLA made several submissions (undated) to the Senate Economic Reference Committee Inquiry into the selection process for a national radioactive waste management facility in South Australia, which was active between February and August 2018. The department drew the attention of the former Minister to ATLA's Senate submission as it clearly sets out their position on the public record. This was an important means for conveying ATLA's views in light of ATLA's complaint to the Australian Human Rights Commission about the proposed 2018 ballot on the facility by the Flinders Ranges Council and the Aboriginal cultural heritage assessment for Wallerberdina (complaint filed with the AHRC on 18 December 2018). The department notes that it has been challenging engaging with all Native Title holders who may be affected by the facility as they are dispersed over a large geographical area, many outside the local area. In addition, the department has been required to engage with ATLA primarily through its legal representatives.

All submissions to the inquiry, its report and Government response are available on the Committee's website.

Senate inquiry:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Wastemanagementfacility

Results – Wallerberdina

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	✓*	N/A	N/A

* The submission is from ATLA, which is based in Port Augusta. However as details of who participated in the preparation of the submission are unknown to the department the location of the submission is recorded as 'unknown' (noting ATLA's role as peak body for the Adnyamathanha People for matters relating to land, culture, heritage, language and Native Title).

ATLA's submissions have been summarised by the department:

ATLA submission No. 42 high level summary

- The proposed facility at Wallerberdina Station is in Adnyamathanha country, and ATLA opposes the proposal.
- ATLA passed a motion at its AGM on 24 March 2018 opposing the facility and has made their view public.
- ATLA believes that the facility will affect all Adnyamathanha People and is concerned that the sentiment process will not fully take into consideration the views of the Adnyamathanha People.
- ATLA are worried about the affect the facility will have on tourism in the Flinders Ranges.

Supplementary submission 42.1

- ATLA remains opposed to the proposed facility at Wallerberdina Station.
- ATLA believes that all Adnyamathanha people must be included in any vote that happens in relation to the facility at Wallerberdina Station.
- ATLA withdrew from the Aboriginal Cultural Heritage Assessment for Wallerberdina Station and do not accept any of its outcomes.

Supplementary submission 42.2

- ATLA is opposed to the proposed facility at Wallerberdina Station.
- ATLA oppose the findings of the department's Aboriginal Cultural Heritage Assessment, and state that the proposed facility would impact and disrupt the Pungka Pudinah and Seven Sisters songlines.
- ATLA is aggrieved by the actions of the department and contractors RPS and believe that sites significant to Adnyamathanha women were desecrated.
- ATLA believes that adequate consultation has not occurred, and that consultation with the Viliwarinha Yura Aboriginal Corporation does not constitute engagement with the broader Adnyamathanha People.
- ATLA ask that the views of all Adnyamathanha Traditional Owners be taken into account when determining the level of community support.

Supplementary submission 42.3

- ATLA does not believe that the Aboriginal Cultural Heritage Assessment conducted at Wallerberdina Station has been comprehensive enough.

Further details about ATLA's submission are at attachment R, including information about the Senate Economic References Committee report on the inquiry and the Australian Government response to relevant recommendations.

Senate inquiry submission—Barngarla Determination Aboriginal Corporation

(Lyndhurst and Napandee)

BDAC is the Registered Native Title Body Corporate (also known as prescribed body corporate) for the Barngarla Native Title holders as defined in the Barngarla Determination of Native Title made by the Federal Court. Although Native Title has been extinguished on the approved nominated sites, the Barngarla People hold Native Title in parts of the region surrounding the sites (refer to figure 6 on p. 44). They also have an ongoing cultural heritage connection with the land more generally in the Barngarla Determination area (refer to the SAR for a discussion of management of Aboriginal cultural heritage values in relation to the approved nominated sites). The department recognises BDAC as the peak body for the Barngarla People for matters relating to land, culture, heritage, language and Native Title.

On 3 April 2019, BDAC made a submission to the Senate Economic Reference Committee Inquiry into the selection process for a national radioactive waste management facility in South Australia, which was active between February and August 2018.

The department drew the attention of the former Minister to BDAC's Senate submission as it clearly sets out their position on the public record. This was an important means for conveying BDAC's views in light of legal proceedings concerning the conduct of the community ballot. The department notes that it has been challenging engaging with all Native Title holders who may be affected by the facility as they are dispersed over a large geographical area. Most BDAC members reside outside the LGA of the District Council of Kimba.¹² In addition, the department has been required to engage with BDAC primarily through its legal representatives.

All submissions to the inquiry, its report and Government response are available on the Committee's website.

Senate inquiry:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Wastemanagementfacility

¹² As at 30 June 2018, no BDAC members were residents within the LGA of the District Council of Kimba. See *Barngarla Determination Aboriginal Corporation RNTBC v District Council of Kimba* [2019] FCA 1092 (*BDAC v Kimba Council*).

Results – Lyndhurst and Napandee

	Yes	No	Other	Participation rate
Local	N/A	N/A	N/A	N/A
Non-local	N/A	N/A	N/A	N/A
Unknown	N/A	✓*	N/A	N/A

* The submission is from BDAC, which is not based in the relevant LGA and lists its address as C/- Norman Waterhouse Lawyers, Adelaide. However as details of who participated in the preparation of the submission are unknown to the department the location of the submission is recorded as 'unknown' (noting BDAC's role as peak body for the Barngarla People for matters relating to land, culture, heritage, language and Native Title).

BDAC's submissions have been summarised by the department:

BDAC submission No. 56 high level summary

- BDAC believe that the level of consultation with the Barngarla People has been inadequate, with particular reference to the lack of effective consultation with regard to Aboriginal cultural heritage issues.
- BDAC does not support the proposed facility in Kimba.
- The submission includes a map showing the Barngarla Determination area and a chain of correspondence, primarily between Norman Waterhouse Lawyers and the department.

Supplementary submission 56.1

- The supplementary submission includes additional correspondence between Norman Waterhouse Lawyers and the department, which focuses on Aboriginal cultural heritage issues and the conduct of the proposed community ballot by the AEC.

Aboriginal cultural heritage values

- BDAC submits that the department's consultation with it was inadequate, and in particular failed to ensure that a suitable assessment was undertaken of Aboriginal cultural heritage values. At the same time, BDAC submit the desktop study undertaken by the department was insufficient (management of Aboriginal cultural heritage values is discussed separately in the SAR).
- BDAC commissioned its own heritage assessment which indicates there are Aboriginal cultural heritage sites in the vicinity of Lyndhurst and Napandee. A redacted version of a report by Dr Dee Goring (dated 4 June 2018), entitled 'Preliminary Report: Kimba Radioactive Waste Management Facility Heritage Assessment', is included in the submission.
- Dr Goring's report submits that there are a number of significant Aboriginal heritage sites, most of which are associated with the 'Seven Sisters Dream story' in the vicinity of the nominated sites.

- The report recommends that: 'should [the department] commence works in either the Lyndhurst or Napandee properties...BDAC should be contacted immediately and engaged to carry out a detailed cultural heritage assessment as soon as practical to ensure the protection of significant Barngarla cultural heritage.'

Further details about BDAC's submission are at attachment S, including information about the Senate Economic References Committee report on the inquiry and the Australian Government response to relevant recommendations.

Additional resources

Glossary

TERM	DESCRIPTION
A	
Approved site (or approved land)	Land which was voluntarily nominated and approved under the processes specified in the NRW Act. There were three approved sites under consideration as the site for the facility, at Lyndhurst, Napandee and Wallerberdina. Following the outcome of the Flinders Ranges Council community ballot, Wallerberdina was removed from the site selection process.
Adnyamathanha Traditional Lands Association	The Adnyamathanha Traditional Lands Association (ATLA) represents the Native Title holders, covered by the relevant Native Title determinations by the Federal Court. ATLA is also the peak body for Adnyamathanha People for matters relating to land, culture, heritage, language and Native Title.
B	
Barndioota Consultative Committee	See Consultative Committee. An advisory forum for the community related to the nominated site of Wallerberdina.
Barngarla Determination Aboriginal Corporation	The Barngarla Determination Aboriginal Corporation (BDAC) is the Registered Native Title Body Corporate for the Barngarla Native Title holders. BDAC is also the peak body for Barngarla People for matters relating to land, culture, heritage, language and Native Title.
Ballot	A system of voting secretly and in writing on a particular issue.
Business survey	A means devised by the Department of Industry, Innovation and Science to determine the level of support for the facility among business owners in the communities related to the nominated sites.
C	
Community Liaison Officer (CLO)	An appointed person who communicates and coordinates activities between an organisation and a community.
Community	There are many different ways to define a 'community'. Individuals who are part of a community may be directly or indirectly impacted by the establishment and operation of the facility. They may live and work in the area surrounding a site and be directly affected by the facility on a

	<p>social and economic basis. Individuals may also have a particular interest in the facility, such as cultural or business links with a site or the area surrounding a site, or be interested in nuclear medicine or radioactive waste management.</p> <p>One way of describing ‘community’ – for the purposes of considering ‘broad community support for hosting the facility’ – is to consider the community that might experience the socio-economic impacts of the facility, or that might have a socio-economic interest in the facility. LGA boundaries usually provide an appropriate proxy for determining the scope of that community because the LGAs are generally constructed around key population centres and often map the social and economic connections that define those communities as being separate to neighbouring communities. For the Lyndhurst and Napandee sites, this is the District Council of Kimba area. However, noting that the Wallerberdina site is located adjacent to the border of the Flinders Ranges Council LGA, the Wallerberdina local community ballot boundary was extended to include the Outback Community Authority (OCA) land within a 50 km radius of the nominated site. This ensures an appropriate economic centre is captured, while including the large neighbouring properties located near the nominated site but outside the Flinders Ranges Council boundaries. The boundaries for both ballots were supported by the respective community consultative committees.</p>
Community engagement	A planned process with the specific purpose of working with identified groups of people whether they are connected by geographic location, special interest or affliction, to address issue affecting their wellbeing.
Community sentiment	The views or opinions that are held or expressed by members of a community.
Consult	To obtain public feedback on analysis alternatives and/or decisions.
Consultative Committee	An advisory forum represented of a community and appointed by the Minister which meets regularly for constructive dialogue and information exchange between Government and the community on all aspects of the project during the site-selection process.
D	
E	
Economic Working Group	A forum whose members are focused on the economic development opportunities and considerations of the facility or site selection process.
Engagement	Engagement is a planned process with the specific purpose of working across organisation, stakeholders and communities to shape the

	decisions or actions of the members of the community, stakeholder or organisation in relations to a problem, opportunity or outcome.
F	
Facility	The facility referred to in the NRWM Act, for the management of controlled material generated, possess or controlled by the Commonwealth or a Commonwealth entity.
H	
I	
Intermediate Level Waste (ILW)	<p>Waste that, because of its content, particularly of long-lived radionuclides, requires a greater degree of containment and isolation than that provided by near surface disposal.</p> <p>However, ILW needs little or no provision for heat dissipation during its storage and disposal. Intermediate level waste may contain long lived radionuclides, in particular alpha emitting radionuclides, which will not decay to an activity concentration acceptable for near surface disposal during the time for which institutional controls can be relied upon. Therefore, waste in this class requires disposal at greater depths, in the order of tens of metres to a few hundred metres.</p>
International best practice	<p>Codes, standards, recommendations and guides that are produced by the international organisations listed below:</p> <ul style="list-style-type: none"> • United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) • International Atomic Energy Agency (IAEA) • World Health Organisation (WHO) • International Commission on Radiological Protection (ICRP) • International Commission on Non-Ionizing Radiation Protection (ICNRP) • Nuclear Energy Agency (NEA) of the Organisation for Economic Co-operation and Development (OECD). <p>NB The Australian Radiation Protection and Nuclear Safety Act 1998 (the ARPANS Act) states that the CEO of ARPANSA must take into account international best practice in relation to radiation protection and nuclear safety when making licensing decisions. Although the ARPANS Act does not define the term 'international best practice', the CEO has taken it into account by, among other things, the codes, standards, recommendations and guides produced by the above organisations.</p>
J	
K	

Kimba Consultative Committee	See Consultative Committee. An advisory forum for the community related to the nominated sites of Lyndhurst and Napandee.
L	
Low Level Waste (LLW)	<p>Waste that is above exemption levels, but with limited amounts of long-lived radionuclides. Such waste requires robust isolation and containment for periods of up to a few hundred years and is suitable for disposal in engineered surface facilities. This class covers a very broad range of waste. Low Level waste may include:</p> <ul style="list-style-type: none"> • short lived radionuclides at higher activity concentration levels, and • long lived radionuclides, but only at relatively low activity concentration.
M	
N	
National Radioactive Waste Management Facility	A purpose-built facility for the permanent disposal of low level radioactive waste and the temporary storage of intermediate level waste.
Neighbour survey	A means devised by the Department of Industry, Innovation and Science to determine the level of support for the NRWMF among neighbours of the nominated sites.
Nominated site	Land which was voluntarily nominated and approved under the processes specified in the NRW Act. There were three approved sites under consideration as the site for the facility, at Lyndhurst, Napandee and Wallerberdina. Following the outcome of the Flinders Ranges Council community ballot, Wallerberdina was removed from the site selection process.
O	
ORIMA Research	An independent research company, providing end-to-end research and data analytics. ORIMA is ISO20252 accredited.
P	
Q	
R	
Radioactive	Exhibiting radioactivity; emitting or relating to the emission of ionising radiation or particles.

Radioactive waste	Waste that contains or is contaminated with radioactive substances and has an activity or activity concentration higher than the level for clearance from regulatory requirements, and for which no further use in Australia is envisaged.
S	
Sentiment	A view or opinion that is held or expressed.
Stakeholders	Any individual, group of individuals, organisation or political entity with an interest or stake in the outcome of a decision.
Sentiment gathering	A process of formally gathering views and opinions.
Site characterisation	Desktop and field-based investigations of aspects of a site which can be used to assess its suitability.
Site suitability criteria	<p>Site suitability criteria were developed to enable a suitability assessment to support a decision about site selection. The legislatively-driven criteria (1, 2 and 3) are centred on the regulatory, cost and other relevant considerations of selecting a site for a radioactive waste management facility and of establishing and operating 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.</p> <p>The additional criterion 4 is driven by a commitment by successive ministers that the facility will be established in a community where there is broad community support.</p>
Submission	A written proposal, application or argument for consideration.
Storage	The emplacement of waste in a facility with the intent and in a manner such that it is being temporarily stored, and later can be retrieved.
Surface disposal	The disposal of radioactive waste in structures located above the natural ground surface and covered by layer(s) of natural and/or manufactured materials.
T	
Traditional Owners	For the purposes of this report, this refers to Native Title holders near the Lyndhurst site (the Barngarla People and the Gawler Ranges People); the Napandee site (the Barngarla People); and the Wallerberdina site (the Adnyamathanha People). The relevant registered Native Title bodies corporate (RNTBC) are the Barngarla Determination Aboriginal Corporation (BDAC), Gawler Ranges Aboriginal Corporation (GRAC) and the Adnyamathanha Traditional

	Lands Association (ATLA). Another relevant Traditional Owner organisation is the Viliwarinha Yura Aboriginal Corporation (VYAC).
U	
V	
Viliwarinha Yura Aboriginal Corporation	The Viliwarinha Yura Aboriginal Corporation (VYAC) was established by the McKenzie family to address poor outcomes for Aboriginal people and holds perpetual leases in Yappala pastoral station neighbouring Wallerberdina.
W	
Waste Acceptance Criteria (WAC)	Quantitative and qualitative criteria specified by the facility operator and approved by the regulator, for radioactive waste to be accepted by the operator of a repository for disposal or storage.

Abbreviations

ABN	Australian Business Number
ABR	Australian Business Register
AEC	Australian Electoral Commission
AHRC	Australia Human Rights Commission
ANSTO	Australian Nuclear Science and Technology Organisation
ATLA	Adnyamathanha Traditional Lands Association
BDAC	Barngarla Determination Aboriginal Corporation
CLO	Community Liaison Officer
GRAC	Gawler Ranges Aboriginal Corporation
IAEA	International Atomic Energy Agency
LGA	Local Government Area
N/A	Not applicable
NRWMF	National Radioactive Waste Management Facility (the facility)
NRWM Act	National Radioactive Waste Management Act 2012 (Cth)
ORIC	Office of the Registrar of Indigenous Corporations
RNTBC	Registered Native Title Bodies Corporate
SA	South Australia
SAR	Site Assessment report
VYAC	Viliwarinha Yura Aboriginal Corporation
WAC	Waste Acceptance Criteria

Attachments

- A. Review of Community Engagement
- B. Community ballot – District of Kimba Council
(Lyndhurst and Napandee)
- C. Community ballot – Flinders Ranges Council
(Wallerberdina)
- D. Neighbour surveys
(Lyndhurst and Napandee)
- E. Business survey
(Lyndhurst and Napandee)
- F. Public submissions
(Lyndhurst, Napandee and Wallerberdina)
- G. Ministerial correspondence
(Lyndhurst, Napandee and Wallerberdina)
- H. AGM motion – Adnyamathanha Traditional Lands Association
(Wallerberdina)
- I. Ballot – Barngarla Determination Aboriginal Corporation
(Lyndhurst and Napandee)
- J. Ballot – Viliwarinha Yura Aboriginal Corporation
(Wallerberdina)
- K. Community-led business survey
(Wallerberdina)
- L. Correspondence – Gawler Ranges Aboriginal Corporation (GRAC) letter
(Lyndhurst)
- M. Petitioner group 1 – Local resident petitioners
(Lyndhurst and Napandee)
- N. Petitioner group 2 – Eyre Peninsula petitioners
(Lyndhurst, Napandee and Wallerberdina)
- O. Petitioner group 3 – House of Representatives petitioners
(Lyndhurst, Napandee and Wallerberdina)
- P. Petitioner group 4 – Senate petitioners
(Lyndhurst, Napandee and Wallerberdina)
- Q. Petitioner group 5 – Campaign postcard petition
(Lyndhurst, Napandee and Wallerberdina)
- R. Senate inquiry submission – Adnyamathanha Traditional Lands Association
(Wallerberdina)
- S. Senate inquiry submission – Barngarla Determination Aboriginal Corporation
(Lyndhurst and Napandee)