



KIMBA CONSULTATIVE COMMITTEE KIMBA ECONOMIC WORKING GROUP MINUTES

Agenda

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Thursday 14 September 2023, 8.30am for 9am start
Kimba Gateway Hotel, 40 High St Kimba

MEETING AGENDA

Item	Lead	Key points
1. Welcome and apologies	Allan Suter	<ul style="list-style-type: none"> Housekeeping
2. ARWA update	Sam Usher	<ul style="list-style-type: none"> Acknowledgement of Country Safety thought ARWA update
3. Q&A	Sam Usher, Amanda Fortanier, Jodie Lindsay, Rachael Rea	<ul style="list-style-type: none"> 18 July Court judgement 10 August Ministerial statement
4. Kimba perspective	Christine Lehmann	<ul style="list-style-type: none"> Opportunities lost and way forward
5. Site update	Amanda Fortanier, Katerina Korbelova	<ul style="list-style-type: none"> Ongoing site maintenance Remediation plan
6. Update from District Council of Kimba	Dean Johnson, Debra Larwood	<ul style="list-style-type: none"> Economic impacts Council's plans
7. Discussion on KCC & KEWG	Convenor / All	<ul style="list-style-type: none"> Future KCC & KEWG planning
8. Other business	Convenor	
Lunch & meeting close		

KIMBA CONSULTATIVE COMMITTEE

KIMBA ECONOMIC WORKING GROUP

This meeting record is intended to capture key discussion points and all actions and outcomes agreed by the Committee.

Attendance list

Kimba Consultative Committee Members:

- Allan Suter – Convenor
- Dean Johnson – Deputy Convenor
- Jeff Baldock
- Pat Beinke
- Randall Cliff
- Kellie Hunt
- Debra Larwood
- Jeff Koch
- Meagan Lienert
- Heather Baldock
- Kerri Rayson
- Toni Scott
- Peter Woolford
- Laura Fitzgerald
- Christine Lehmann
- Charlie Milton

Australian Radioactive Waste Agency

- Sam Usher – Chief Executive Officer
- Jodie Lindsay – Chief Operating Officer
- Amanda Fortanier – A/g General Manager, Technical and Safety
- Jane Uptlen – Manager, Communications and Engagement
- Megan Rusk – Assistant Manager, Communications and Engagement

- Catherine Partoon – Assistant Manager, Communications and Engagement
- Deborah Francis – Community Liaison Officer
- Rachael Rea – Principal Legal Counsel
- Helen Alexander – Parliamentary and Secretariat Officer
- Karen Hollamby – Economic Development Officer
- Katerina Korbelova – Environmental and Regulatory Officer
- Susie Pedersen – Assistant Manager, Parliamentary, Coordination and Secretariat (attended via Microsoft Teams)

Apologies:

- Symon Allen – Kimba Consultative Committee
- Amy Wright – Kimba Consultative Committee
- Sally Inglis – Kimba Consultative Committee

Item summary

1 – Welcome and apologies

The Convenor opened the meeting at 9.01am.

The Convenor communicated apologies from three members, welcomed those joining the meeting online and outlined housekeeping matters. Committee members agreed to photographs being taken.

It was agreed there would be a change in the order of business with items 4 and item 6 being swapped on the agenda.

2 – ARWA update

The Australian Radioactive Waste Agency's (ARWA) Chief Executive Officer (CEO) gave an Acknowledgement of Country and a safety thought focusing on RUOK day, Kimba Our Town, and the importance of supporting each other.

ARWA's CEO commented that circumstances had changed significantly since the last Kimba Consultative Committee (KCC) meeting, and thanked members for their work with ARWA over many years. He provided an outline of Minister King's statement in the Commonwealth Parliament on 10 August 2023, confirming there would be no appeal of the judgment handed down by Justice Charlesworth on 18 July 2023 and that the Government would not pursue siting the Facility at the previously declared site in Kimba or the other two shortlisted sites. He acknowledged that there were a range of emotions that the community would be feeling. He also recognised the time and commitment that the Kimba community had dedicated to the National Radioactive Waste Management Facility and siting process.

ARWA's CEO acknowledged in due course ARWA's presence in the community would be scaled back and there were a number of decision points to work through. He advised Members that the Community Benefit Program Round 3 Grants would be delivered per the existing agreement, and that the Government remained the landowner and custodian of the formerly proposed Facility site and would continue to manage it appropriately.

The national importance of the Facility siting process and future value of the work undertaken to date were highlighted. ARWA's CEO reflected on and echoed the Minister's apology to the Kimba community for the uncertainty the process had caused.

3 – Q & A

Members expressed a range of views about the outcome of the court case and the Government's decision.

A member asked for the Minister's reasons for her decision not to appeal the Federal Court judgment. ARWA's CEO responded that the reasons were as laid out in the statement to Parliament.

One member expressed their view that the Federal Court judge had provided a number of options to not appealing for Government to consider and asked if these had been considered. ARWA's Legal Counsel proposed to members that she could provide a legal explanation of the judgement and members agreed this would be helpful.

ARWA had received the court judgement on 18 July 2023 at the same time as the public. The Judge

considered five grounds for the litigation brought against the Minister. The Minister was successful in all of them except the ground of apprehended bias. The term ‘apprehended bias’, and the three actions taken by the former Minister for Resources and Water, which the Judge found evidenced apprehended bias in the case, were explained to members. Members were referred to the judgment document for further detail.

A member commented they understood ARWA needed to produce 15,000 documents for the court case. ARWA advised it was required to search through and provide a large number of documents. ARWA’s Legal Counsel responded to questions about native title, and confirmed to a member that anyone with an interest in the outcome of the siting of the Facility near Kimba could have made similar applications to the court to the ones that were made.

ARWA’s Legal Counsel further explained that the supplementary hearing after the judgement settled two outstanding matters: the awarding of costs and the date when the former Minister for Resources and Water’s site declaration should be set aside. Costs were agreed between the parties and the Judge determined the former Minister’s declaration should be set aside on the day of the judgement, 18 July 2023. ARWA confirmed this outcome meant that the declaration of Napandee as the site for the NRWMF was legally valid until 18 July 2023.

A member raised their understanding that government usually tested litigation appropriately in the highest court. They had written to the Minister about this.

Members asked that two questions be communicated to the Minister:

Why has the Minister refused to communicate with the community of Kimba before and after her decision about siting the Facility at Kimba, and why have answers not been provided to questions that have been sent to her?

Can the Minister please indicate the information source used to inform her comment about Barngarla people being driven off Kimba land in her statement to Parliament on 10 August 2023.

Members expressed disappointment that the press had been made aware of the Minister’s statement to Parliament beforehand, but they were not.

A member asked about the amount of money paid to the landowner for the formerly proposed Facility site at Napandee, and was advised the compensation amount paid was subject to a confidentiality agreement. They asked if the acquired land could now be passed to the community for its use. ARWA’s CEO noted government policy regarding the disposal of Commonwealth land would need to be worked through. They asked what the Tola Ag project was and whether the contract was put out to tender. ARWA responded that Tola Ag contract to maintain the site pre-dated the Commonwealth acquiring the site. *

***ARWA clarification – land maintenance contract with Tola Ag**

Tola Ag had an existing licence to farm the land as at the date of declaration as the site for the Facility. Upon declaration, the Commonwealth obtained certain rights to the site, but ownership remained with the Nominator until certain conditions were met. From the period between the site declaration (November 2021), and those conditions being met in June 2021, Tola Ag continued farming activities and maintaining the land for the purposes of the future Facility, in accordance with the Site Declaration and Compensation agreements.

Prior to change of ownership, the Commonwealth entered into a formal agreement with Tola Ag to continue land maintenance services.

6 – Update from the District Council of Kimba (DCK)

The Economic Development Manager, DCK, joined the meeting on Teams and together with the DCK Mayor and CEO, provided a presentation to attendees titled Redirecting Kimba's Future.

Members supported the DCK presenting the proposal to the Government through a motion. The Convenor confirmed that all members would receive a copy of the proposal document to consider for endorsement.

The meeting paused for 15 minutes until 10.52 am.

The Convenor noted that the motion passed by the KCC was subject to the Council's formal endorsement of the proposal document. They supported the DCK engaging the Government on Kimba's economic and social transition.

4 – Kimba perspective

A KCC member spoke on behalf of the community and stated that although they accepted the Facility was no longer going to be constructed in Kimba, they had some questions. The member recognised, however, that some of their questions had already been addressed.

The member highlighted their view that compensation was due to Kimba in lieu of the anticipated Facility and that the economic and social value of what Kimba had lost should be acknowledged. They congratulated the DCK on the proposal document prepared to assist the town with sustainably moving forward.

The member also spoke about the Barngarla Determination Aboriginal Corporation's (BDAC) stake in the Kimba Facility project and highlighted the importance of Government working differently with communities and other stakeholders on future projects to avoid the adverse consequences experienced by Kimba and First Nations people. In particular, they felt that engaging early and meaningfully with Indigenous peoples was crucial. Members also discussed the judicial review process and the difficulties for Barngarla people in country following the court decision and Minister King's statement.

5 – Site Update

Members received an update from ARWA's Safety and Technical team who stated that all site characterisation activities had ceased. This included surveys of all types, including solar farm preparation work and underground mapping. ARWA was now only working on a remediation plan with the key consideration being cultural heritage management. ARWA engagement with community, including BDAC, the KCC, the Wudinna and Kimba councils and private landowners, continued.

Significant data has been collected and ARWA was looking at how it could make data and reports of interest to the community accessible. ARWA had also taken on board the KCC's feedback concerning the weather station.

7 – Discussion on KCC and KEWG

The Convenor reminded members that the next meeting was scheduled to take place on 12 December 2023. Attendees discussed the value of meetings going forward recognising that

remediation work would continue. ARWA noted that KCC member contracts were in place until 30 June 2024.

The Convenor noted the possibility of the next meeting being online, and that ARWA would come back to Members to confirm.

8 – Other business

A member sought a commitment that ARWA would look after its local Kimba office staff because they were part of the Kimba community. Members discussed community health and wellbeing being considered in transition plans for Kimba and continued funding of services.

The Convenor made a closing statement expressing respect for community members, those for and against the Facility being sited near Kimba. The Convenor commented that Kimba was a strong community with the potential to have a better future than many country towns. The Convenor thanked members for their work.

Meeting closed 11.15am.