

## DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS23-001217

To: Minister for Resources (For Decision)

**NATIONAL RADIOACTIVE WASTE MANAGEMENT FACILITY (NRWMF) – JUDGEMENT  
APPEAL CONSIDERATIONS**

Timing: By 10 August 2023 s42

<b>Recommendations:</b>			
1. That you decide whether to appeal the Federal Court judgement by 10 August 2023.			
			<b>Appeal / Not appeal</b>
2. s47C			
			<b>Agree / Not agreed</b>
<b>Minister:</b>		Date:	
<b>Comments:</b>			
<b>Clearing Officer:</b>	Anthea Long	Division Head, Mineral & Resources Division	Anthea: s22
	Sam Usher	CEO, ARWA	Sam: s22
<b>Contact Officer:</b>	s22	Manager, Radioactive Waste Policy	s22
<b>For Parliamentary Services' use only.</b>			
Date Submitted to the Minister's office in PDMS:			01/08/2023

**Key Points:**

1. On 18 July 2023, the Federal Court of Australia (Justice Charlesworth) set aside the declaration of the former Minister for Resources, the Hon Keith Pitt MP, to select the site for the NRWMF under s14(2) of the *National Radioactive Waste Management Act 2012* (NRWM Act 2012).
  - a. The Court found in favour of the Applicants (the Barngarla Determination Aboriginal Corporation (BDAC)) on the apprehended bias ground because it was satisfied a fair-minded observer might reasonably apprehend the former Minister for Resources might not have had an open mind at the time that the Decision was made.
  - b. All other grounds (both under constitutional law and by way of judicial review) were rejected.

s42

8. Australia's inventory of radioactive waste has accumulated for over 100 years and will continue to grow. While waste is temporarily stored, this is not sustainable in the longer term. Establishment of permanent disposal pathways, in line with international best practice, will require an ongoing commitment spanning multiple governments.

9. s47C

10

s42

Next Steps

11 s42

12. s47C

a. s42

b.

### Sensitivities and Handling:

13. Media reporting of the court judgement conflates the outcome with native title rights, rather than procedural fairness. Careful communications handling may be needed to avoid inflaming existing opposition to the Facility whilst balancing the views and expectations of stakeholders supportive of the NRWMF.

14. s42

a. s42

15. The Australian Nuclear Science and Technology Organisation (ANSTO) currently safely manages a majority of Australia's radioactive waste at their Lucas Heights campus, while a permanent disposal pathway is developed. Further information concerning ANSTO's storage capacity is provided in Attachment D.

**Data referenced:** Nil

### **Consultation with the Cities and Northern Australia Division, Department of Infrastructure, Transport, Regional Development, Communications and the Arts:**

Nil, this matter concerns a specific judgement and is not relevant to the Northern Australia portfolio

**Other Consultation:** Yes. DISR - ARWA, Science Policy, Legal. External agencies - AGS, ANSTO, Defence.

### **ATTACHMENTS**

A: s47C

B:

C:

D: Existing Radioactive Waste Disposal & Storage Arrangements



## DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS23-001217

To: Minister for Resources (For Decision)

NATIONAL RADIOACTIVE WASTE MANAGEMENT FACILITY (NRWMF) – JUDGEMENT  
APPEAL CONSIDERATIONSTiming: By 10 August 2023<sup>s42</sup>

s42

<b>Recommendations:</b>			
1. That you decide whether to appeal the Federal Court judgement by 10 August 2023.			
			Appeal / <u>Not appeal</u>
2. <sup>s47C</sup>			
			
Minister: <sup>s47C</sup>		Date: 7-8-23	
<b>Comments</b>			
<b>Clearing Officer:</b>	Anthea Long	Division Head, Mineral & Resources Division	Anthea: <sup>s22</sup>
	Sam Usher	CEO, ARWA	Sam: <sup>s22</sup>
<b>Contact Officer:</b>	<sup>s22</sup>	Manager, Radioactive Waste Policy	Ph: <sup>s22</sup> Mob
<b>For Parliamentary Services' use only.</b>			
Date Submitted to the Minister's office in PDMS:			01/08/2023

**Key Points:**

1. On 18 July 2023, the Federal Court of Australia (Justice Charlesworth) set aside the declaration of the former Minister for Resources, the Hon Keith Pitt MP, to select the site for the NRWMF under s14(2) of the *National Radioactive Waste Management Act 2012* (NRWM Act 2012).
  - a. The Court found in favour of the Applicants (the Barngarla Determination Aboriginal Corporation (BDAC)) on the apprehended bias ground because it was satisfied a fair-minded observer might reasonably apprehend the former Minister for Resources might not have had an open mind at the time that the Decision was made.
  - b. All other grounds (both under constitutional law and by way of judicial review) were rejected.

## DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS23-001299

To: Minister for Resources (For Noting)

## COMMUNITY BENEFIT PROGRAM ROUND 3

<b>Recommendations:</b>			
1. That you <b>note</b> the continuing payments under the Community Benefit Program (CBP) Round 3 grants for the Kimba Community; and the Department of Prime Minister and Cabinet's (PM&C) recommendation that an advisor from your office contacts the Prime Minister's office to advise them of these continuing payments.			
			<b>Noted/ Please discuss</b>
<b>Minister:</b>		Date:	
<b>Comments:</b>			
<b>Clearing Officer:</b>	Sam Usher	Chief Executive Officer, ARWA	Ph: s22
Contact Officer:	s22	Communications and Engagement Manager, ARWA	Ph: s22
<b>For Parliamentary Services' use only.</b>			
Date Submitted to the Minister's office in PDMS:			10/08/2023

**Key Points:**

1. This brief is to inform your office about the status of the CBP grants and the advice received to continue scheduled payments.
2. On 28 July 2022, you agreed to the disbursement of the final round of CBP grant funding to 19 recommended projects (**MS22-000938** refers). The department will continue payments to grantees under this existing policy authority.

**History**

3. The CBP grants provide financial support to the communities that were shortlisted in the National Radioactive Waste Management Facility (the Facility) site nomination process.
4. In late 2022, the recipients of Round 3 CBP grants for the Kimba community were announced. Nineteen projects received a total of \$2 million in funding under Round 3, the final round of these grants.

**Current Status**

5. Round 3 is the final round of this grant and there are no more rounds of this grant planned. Eight projects are complete, with 11 projects still underway.
6. To date \$1.084 million of the \$2 million has been paid out, and there is \$915,135 scheduled in to paid out over the next 11 months.

7. The next milestone payment is due Friday 11 August 2023 with another milestone payment for a different project due the week of 18 August 2023.
8. All projects will be fully paid out by 30 June 2024.

**Legal Advice**

s42

s47(E)(d)

**Sensitivities and Handling:**

14. s47C

15. Projects under this grant are already underway and half of the projects have already been fully paid out. Project proponents for remaining projects would be concerned if project funding ceased.

**Data referenced: Nil**

**Consultation with the Cities and Northern Australia Division, Department of Infrastructure, Transport, Regional Development, Communications and the Arts: NIL**

**Consultation: YES**

16. PM&C, DISR Legal, Radioactive Waste Policy.

**ATTACHMENTS**

A: DISR Legal Advice

s22

**From:** s22  
**Sent:** Friday, 28 July 2023 12:54 PM  
**To:** s22  
**Subject:** s47E(d)

**OFFICIAL: Sensitive//Legal-Privilege**

Hi s22

Im aware that s22 has kept you all advised, but here is the formal advise from DISR Legal. s47(E)(d)

Kind regards  
s22

s22 (pronouns: she/her)  
Ag Manager  
Planning and Design | Portfolio Programs Delivery  
Grants Delivery and Business Services  
Kaurna Country, 50 Flinders St, Adelaide  
Department of Industry, Science and Resources  
M s22 E s22 @industry.gov.au



[business.gov.au/AusIndustry](https://business.gov.au/AusIndustry) ABN 74 599 608 295

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**Acknowledgement of Country**

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



**OFFICIAL: Sensitive  
Legal-privilege**

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**From:** s22 @industry.gov.au>  
**Sent:** Friday, 28 July 2023 12:36 PM  
**To:** s22 @industry.gov.au>  
**Cc:** s22 @industry.gov.au>; s22 @industry.gov.au>; s22 ,  
s22 @industry.gov.au>; s22 @industry.gov.au>  
**Subject:** s47E(d)



This advice has been settled in consultation with s22 Seconded Senior Legal Counsel.

Please let us know if you require any further clarification.

Kind regards,

s22

**Legal Counsel**

Legal Branch | Chief Operating Officer Division

P s22 | Es22 [industry.gov.au](http://industry.gov.au)

**Department of Industry, Science and Resources**

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~~OFFICIAL: Sensitive~~  
~~Legal privilege~~

**Archived:** Friday, 22 September 2023 3:43:06 PM

**From:** [DLO King](#)

**Mail received time:** Fri, 4 Aug 2023 08:29:53

**Sent:** Thu, 3 Aug 2023 22:29:49

**To:** s22

**Cc:** [DLO King](#) [ARWACoord](#) s22

[Parl Briefs](#)

**Subject:** RE: UPDATE - Request for Minister decision within ten business days for PDMS item MS23-001299 - Community Benefit Program Round 3 [SEC=OFFICIAL]

**Importance:** Normal

**Sensitivity:** None

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Thanks s22

We have received the brief and will progress through the MO by 10 August.

Thanks,

s22

s22

**Department Liaison Officer**

**The Hon Madeleine King MP**

**Minister for Resources**

**Minister for Northern Australia**

M s22 | E s22 [@industry.gov.au](mailto:s22@industry.gov.au)

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OFFICIAL

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**From:** s22

**Sent:** Thursday, 3 August 2023 5:44 PM

**To:** DLO King

**Cc:** ARWACoord ; s22 ; Parl Briefs

**Subject:** RE: UPDATE - Request for Minister decision within ten business days for PDMS item MS23-001299 - Community Benefit Program Round 3 [SEC=OFFICIAL]

Hi s22

Letting you know the brief has been assigned to Parliamentary Services for urgent progression to the Minister's office on PDMS.

The brief is for noting only but it still needs to be noted by the Minister by 10 August 2023 because grant payments will be paid commencing from 11 August 2023.

Many thanks for your assistance with this item.

Kind regards

s22

s22

**Assistant Manager**

Parliamentary, Coordination and Secretariat

Strategic Governance and International Relations

Australian Radioactive Waste Agency

P s22

ES [@industry.gov.au](mailto:@industry.gov.au)

2

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**OFFICIAL**

**From:** DLO King <[DLOKing@industry.gov.au](mailto:DLOKing@industry.gov.au)>

**Sent:** Thursday, 3 August 2023 2:20 PM

**To:** s22 [@industry.gov.au](mailto:@industry.gov.au)

**Cc:** ARWACoord <[ARWACoord@industry.gov.au](mailto:ARWACoord@industry.gov.au)>; s22 [@industry.gov.au](mailto:@industry.gov.au); s22

s22 [@industry.gov.au](mailto:@industry.gov.au); DLO King <[DLOKing@industry.gov.au](mailto:DLOKing@industry.gov.au)>

**Subject:** RE: Request for Minister decision within ten business days for PDMS item MS23-001299 - Community Benefit Program Round 3 [SEC=OFFICIAL]

Hi s22

The MO have approved this short turnaround if we can get it up today.

Thanks,

s22

**Department Liaison Officer****The Hon Madeleine King MP****Minister for Resources****Minister for Northern Australia**M <sup>s22</sup> | E <sup>s22</sup> [@industry.gov.au](mailto:@industry.gov.au)**industry.gov.au** ABN 74 599 608 295

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**OFFICIAL**

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**From:** <sup>s22</sup> [@industry.gov.au](mailto:@industry.gov.au)  
**Sent:** Thursday, 3 August 2023 12:54 PM  
**To:** DLO King <[DLOKing@industry.gov.au](mailto:DLOKing@industry.gov.au)>  
**Cc:** ARWACoord <[ARWACoord@industry.gov.au](mailto:ARWACoord@industry.gov.au)>; <sup>s22</sup> [@industry.gov.au](mailto:@industry.gov.au); <sup>s22</sup> [@industry.gov.au](mailto:@industry.gov.au)  
**Subject:** Request for Minister decision within ten business days for PDMS item MS23-001299 - Community Benefit Program Round 3 [SEC=OFFICIAL]

**OFFICIAL**Hello <sup>s22</sup>

As mentioned on Teams I am writing to request a Minister decision for this urgent item within ten business days.

Firstly, apologies for the requested short turnaround. This is a decision brief for Minister King to decide whether she would like to send a letter to the Prime Minister informing him about the upcoming payment of Kimba Community Benefits grants.

The critical date requested is 10 August as the grants are being paid from the 11 August.

Many thanks,

s22

s22

**Parliamentary and Secretariat Officer**

Kaurna Country, Adelaide

Department of Industry, Science and Resources

**P** s22

| **E** s22

[@industry.gov.au](mailto:industry.gov.au)



Australian Government  
Department of Industry,  
Science and Resources

Australian  
Radioactive  
Waste Agency

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## DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MS23-001339

To: Minister for Resources (For Information)

## IDENTIFICATION OF POLICY AND LEGAL CONSIDERATIONS REGARDING NRWMF STATEMENT

<b>Recommendation:</b>			
1. That you <b>note</b> potential policy and legal considerations regarding your potential statement on the National Radioactive Waste Management Facility.			
			<b>Noted / Please Discuss</b>
<b>Minister:</b>		Date:	
<b>Comments:</b>			
<b>Clearing Officer:</b>	Jane Urquhart	Deputy Secretary, Resources and Strategy	Mob: s22
Contact Officers:	Jodie Lindsay s22	Chief Operating Officer Australian Radioactive Waste Agency Manager, Radioactive Waste Policy	Mob: s22 Mob: s22
<b>For Parliamentary Services' use only.</b> Date Submitted to the Minister's office in PDMS:			09/08/2023

**Key Points:**

1. Your office has provided the department with a draft statement about radioactive waste and sought high-level advice on potential legal and policy considerations ahead of potentially making such a statement to Parliament.
2. s42
3. We have prepared this advice on the basis that s42  
s42
4. s42

5. The department has reviewed the statement and made relevant comments for your consideration at Attachment A.

*Policy Considerations*

6. The department has reviewed the draft to identify statements that s42

- a. s47(e)(d)

- i. This matter was explored in the Senate Standing Committee on Economics' report on the *National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020*.
- ii. While Senator McAllister's dissenting report notes that that "Some members of the community are concerned about the impact of the Facility on the region's agricultural production" (paragraph 1.5 of report in the NRWM Amendment legislation committee report), this does not reflect that all agricultural land is inappropriate for siting radioactive waste storage and disposal facilities.
- iii. Paragraph 2.77 of the committee's report states that "The advice from the experts in the Australian Department of Agriculture, based on both international and domestic experience, is that there is no reason why there would be any issues for Australia obtaining export licences or accreditation with regard to agricultural produce."
- iv. Paragraph 2.78 of the committee's report states that "The Department noted that radioactive waste facilities in the Champagne region of France have not affected the production or export of wheat, canola, grape or dairy. Strict regulatory and safety measures here in Australia are designed to ensure that radioactive materials do not enter the environment or pose a risk to the community or surrounding agricultural land."

7. s47C s47E(d)

- a. s34

b. s34

c. s47C s47E(d)

*Legal Considerations*

s42

**Data referenced:**

11. Nil



**Consultation with the Cities and Northern Australia Division, Department of Infrastructure, Transport, Regional Development, Communications and the Arts: NIL**

**Other Consultation:** Legal Branch; King & Wood Mallesons, Australian Government Solicitor, Office of Constitutional Law, Office of Legal Services Coordination

**Attachments**

- A:** Draft Ministerial Statement with Departmental Comments
- B:** Advice from King & Wood Mallesons, 9 August 2023

## **BDAC Ministerial Statement**

Thank you, Mr Speaker.

I rise today to make a statement on court proceedings challenging the Commonwealth's proposed National Radioactive Waste Facility.

In 2012, the Gillard government passed the National Radioactive Waste Management Act 2012, which set out a legislative framework for selecting and establishing the Commonwealth's national radioactive waste management facility.

The vast majority of Australia's radioactive waste is from nuclear medicine, which every Australian is likely to benefit from in their lifetime. It is also produced from the development of industrial and agricultural technologies and in undertaking life-saving scientific research.

Anyone in this place who knows someone who has needed cancer treatment can understand why this material exists and the need to store these materials safely.

According to the most recent national inventory conducted in 2021, Australia has 13,287 cubic metres of low-level radioactive waste, which by volume is more than five standard Olympic swimming pools; and 4,377 cubic metres of intermediate-level

radioactive waste, which equates to just under two standard Olympic swimming pools.

Currently, radioactive waste is stored in over 100 locations nationwide, including hospitals, science facilities and at universities.

While safe, these facilities are not purpose-built, and long-term management of Australia's waste at these locations is unsustainable.

And while the Australian Nuclear Science and Technology Organisation's Lucas Heights Campus can safely store waste on site until the mid-2030s, the agency's priority is not waste storage.

The Labor Party, National Party and Liberal Party have recognised through successive terms of government that responsibly managing this waste is imperative for the nation. There has been bipartisan support for the responsible management of this waste.

The current site selection process has been in train for seven years.

In November 2021, the former Minister for Resources, the Member for Hinkler, declared the former farming property known as Napandee, near the town of Kimba, in South Australia, as the proposed site for the facility.

To: s22 DISR - For release under the FOI Act [@industry.gov.au](mailto:industry.gov.au)>

FOI 73551 - 66

Subject: Ministerial statement [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

As discussed

s22

Senior Adviser - Resources

**Office of the Hon. Madeleine King MP**

Minister for Resources

Minister for Northern Australia

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OFFICIAL: Sensitive

## DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

MB23-000617

**To:** Minister for Resources**MEETING WITH ROWAN RAMSEY MP REGARDING ARWA COURT DECISION****Timing:** For meeting on Thursday 3 August 2023 at 11:30am AEST

**Meeting with:** The Hon Madeleine King MP, Minister for Resources  
Rowan Ramsey MP, Federal Member for Grey  
Georgia Tree, Senior Adviser – Resources

**Prior meetings:** On 12 January 2023 Mr Ramsey attended the sundowner event hosted by the Minister in Kimba.

**Proposed note taker:** Matthew Crawshaw, General Manager – Mining Branch, DISR

**What we want:** To hear Mr Ramsey's position, as the Federal Member for Grey, where the National Radioactive Waste Management Facility (Facility) was proposed to be situated.

**What they want:** It is expected that Mr Ramsey will want Minister King to appeal the recent court judgement or re-declare the site near Kimba as the site for the Facility.

**Issues and Sensitivities:**

1. On 18 July 2023, the Federal Court of Australia (Justice Charlesworth) set aside the declaration of the former Minister for Resources, the Hon Keith Pitt MP to select the site for the Facility under s14(2) of the *National Radioactive Waste Management Act 2012* (NRWM Act 2012).
2. As Mr Ramsey is the Federal Member for Grey, which encompasses the Kimba area, it is anticipated that he will communicate his support for the Facility, and reflect views of the Kimba community, many of whom are strongly supportive of the Facility and concerned about negative impact on business and the towns future. Mr Ramsey has publicly communicated his support for the Facility to be situated at the site near Kimba in recent media comments.
3. <sup>s42</sup>

<b>Clearing Officer:</b>	Sam Usher	CEO, ARWA	Ph: s22
Contact Officer:	s22	Communications and Engagement Mgr, ARWA	Ph: s22
Date Submitted to the Minister's office in PDMS:			31/07/2023

4. **Consultation with the Cities and Northern Australia Division, Department of Infrastructure, Transport, Regional Development, Communications and the Arts:**  
NIL – The matter is not relevant to the Northern Australia portfolio.
5. **Other Consultation:** NIL

**Attachments**

- A:** Talking points
- B:** Recent media comments by Rowan Ramsey MP regarding the NRWMF
- C:** Biography of Rowan Ramsey MP

~~OFFICIAL~~

## ATTACHMENT A

## Talking points

- I acknowledge the Court's decision and will now review the findings in detail to consider the best course of action going forward in line with international best practice and the national interest.
- As some legal matters remain before the courts, I will refrain from making any comment on potential next steps until that process has concluded.
- I fully appreciate the importance of the Court's decision to the community of Kimba, and I recognise that Kimba has played a vital role in progressing a Facility over many years. I know there has been a huge amount of work involved and it has at times been challenging for the community.
- When I visited Kimba in January, I was able to hear firsthand the plans and hopes of many community members and local businesses, and I acknowledge there are many people in Kimba who have been affected by the Court's decision.
- I think it's important to state that Australia's obligation to manage the radioactive waste it creates has not changed. This waste already exists in more than 100 locations around the country and continues to build up with the ongoing production of nuclear medicine.
- This Government remains firmly committed to the safe and secure management and disposal of Australia's radioactive waste.

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## ATTACHMENT B

**Recent media comments by Rowan Ramsey MP regarding the NRWMF****Media Statement**

On 18 July Federal Member for Grey Mr Ramsey released the following media statement, which was also published [online](#).

***COURT DECISION TRASHES THE VALUE OF FREEHOLD TITLE***

*Tuesday's decision by the High Court to strike down the Federal Government's decision to build the nation's low-level radioactive waste repository at Kimba is a huge setback for the community according to Federal Member for Grey Rowan Ramsey.*

*"This decision endangers our nuclear medical industry and undermines previous High Court affirmation decisions determining that Freehold Title extinguishes Native Title and should be challenged in the High Court by the Government," he said.*

*"Tuesday's decision by Justice Natalie Charlesworth is by any assessment extremely adventurous, and if nothing else, for the sake of security of land title in Australia, should be challenged immediately by the Federal Government.*

*"The Federal Government was never required to seek permission outside the norm (council, State Government, EPA etc) for this facility, but committed in any case not to place the facility in a community that did not want it.*

*"Consequently it (the former Government) undertook a nationwide nomination process and ran a number of surveys and plebiscites to finally select one site.*

*"Justice Charlesworth has determined the Minister was biased in this process and I am astonished she could make this finding.*

*"In one adventurous ruling, Justice Charlesworth has made a decision which calls into question the integrity of every Freehold Title in the land.*

*"Whether a householder wanting to put up a garage, an aged-care provider building a new nursing home or a council putting in a new football oval, previously if it were on Freehold Title we would have said the owner had the right to do so.*

*"Now, who knows?"*

*Mr Ramsey said the Federal Government is responsible for providing a regulatory framework for our radioactive medical isotope industry to exist in.*

*"To do so, they appoint an independent scientific body, ARPANSA, to regulate the operating body, ANSTO," he said.*

*"ARPANSA has stated the Lucas Heights facility is nearing capacity for low-level waste and will be full by 2028 and it is incumbent on the Government to find and establish a new site before then.*

*"To say time is short is a ridiculous understatement.*



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*“ANSTO cannot continue to operate without a waste management plan and the Government should not even contemplate interfering with or pressuring ARPANSA any way to alter its science-based decision.*

*“Such actions would be very dangerous.*

*“For Kimba, as a small can-do community, facing the inevitable population decline associated with new technologies in agriculture, securing this facility is an attempt to assure its future.*

*“Consequently, this decision is a huge disappointment for the strong majority who have persisted against all the free advice coming from those who do not live in the community including the Barngarla, who somehow believe we are too stupid to make the right decision for our own community.*

*“The next period will involve the Government and Minister Madeleine King making a decision as to whether to challenge the court decision and I can only hope they do so.*

*“If they do not, it will allow a whole new precedent to stand. Pushing this issue to one side to avoid confrontation with any indigenous grouping because they are pre-occupied with selling Australians the Voice would be a serious error with long-term ramifications for the country.”*

**Media commentary**

Mr Ramsey has been quoted nine times in coverage relating to the Federal Court decision on the NRWMF, including:

1. **Channel 10 Adelaide**, 18 July 2023. Rowan Ramsey comments as part of the package.

*“For a town like Kimba if we are to survive, thrive and prosper, we actually need to find other industries - so do other towns.”*

2. **ABC North and West SA**, 18 July 2023. Rowan Ramsey interviewed by Emma Pedler.

Mr Ramsey comments there are three issues with the decision: that this could impact freehold landowners ability to carry out any kind of development; that the former government pursued a volunteer process which it was not required to do, including undertaking surveys; and that this decision will impact upon nuclear medicine production. When asked whether Kimba is completely off the table, Mr Ramsey says there is now complete uncertainty. He comments that the Kimba community has committed seven years to the project, there is a majority who support the project, and the well-informed Kimba community made their own decision. He concludes saying that he hopes the Minister will immediately take this to the High Court.

3. **ABC Radio Adelaide**, 18 July 2023. Rowan Ramsey interviewed by Jules Schiller.

Mr Ramsey comments that the decision overturns earlier decisions and opens a whole can of worms about the viability of freehold land. He questions whether there are implications for traditional owners to make claims over any freehold land. He states that he strongly supports the Government appealing the decision and says it would be a grave error to not appeal. When the presenter proposes that idea that Kimba be the location should be left, Mr Ramsey rejects that. He says there are a number of principles that need to stand, including freehold land, ARPANSA stating that ANSTO can't hold

**OFFICIAL**

waste past 2028 and there is a real risk of impact on nuclear medicine production; and the Kimba community majority supported it. When asked whether the process could have more inclusive, he comments that anyone who lives in Kimba or owns land had the chance to vote. He talks through the process that led to the supportive vote and questions how such a comprehensive process could lead to a decision that reflects bias. He says the Barngarla were not included in the Kimba vote, because as he understands no Barngarla people live within Kimba. He says that in the decision he believes it's outlined that BDAC was contacted over 100 times by the department, so claims that there was no consultation is questionable.

4. [ABC News Online](#), 19 July 2023 'Here's what we know about the Kimba nuclear storage court decision'.

*Local federal member Rowan Ramsey told ABC Radio Adelaide's Jules Schiller that the Australian Radiation Protection and Nuclear Safety Agency said that there would be no more room to store nuclear waste at Sydney's Lucas Heights site "beyond 2028".*

*"Given that now the government has to find a new site and build a new facility in five years, you may as well be whistling into the wind," Mr Ramsey said.*

5. **5AA**, 19 July 2023. Rowan Ramsey interviewed by Graeme Goodings.

Mr Ramsey comments that he doesn't understand how it can be considered biased after the extensive consultation process that has been underway since 2015. He says the Government of the day did exactly what it said it would by finding a community supportive of hosting a facility. When asked what it means economically for Kimba, Mr Ramsey states it was an opportunity to diversify for a town which has been in decline. Mr Ramsey says he would expect the government to appeal, because this is a challenge to freehold land rights, and was ruled on the basis that the landowner (being the government) did not give due consideration to a group who have no legal interest in the property.

6. **ABC News**, 19 July 2023. Rowan Ramsey comments as part of the news package

*"I think there are some very big issues here for the Government and they should challenge this immediately, in my opinion."*

7. [Stock Journal](#), 19 July 2023, 'Federal court rules to set aside Kimba nuclear waste site decision'

*Federal Member for Grey Rowan Ramsey echoed Mr Baldock's statement and said Justice Natalie Charlesworth had made a decision which called into question the integrity of every freehold title in the land.*

*"Tuesday's decision...should be challenged immediately by the federal government," he said.*

*The country's current nuclear waste site at Lucas Heights will reach capacity in 2028 according to Mr Ramsey who said it was incumbent on the government to find and establish a new site before then.*

8. **The Transcontinental Port Augusta** (print), 26 July 2023, 'Kimba nuclear waste dump proposal 'nuked''

**~~OFFICIAL~~**

*Federal Grey MP Rowan Ramsey was unhappy with the court's ruling and called it "a huge setback for the community".*

*"This decision endangers our nuclear medical industry and undermines previous High Court affirmation decisions determining that Freehold Title extinguishes Native Title and should be challenged in the High Court by the government," he said.*

*"Tuesday's decision by Justice Charlesworth is by any assessment extremely adventurous, and if nothing else, for the sake of security of land title in Australia, should be challenged immediately by the government.*

*"The government was never required to seek permission outside the norm (council, State Government, EPA etc) for this facility, but committed in any case not to place the facility in a community that did not want it.*

*"Justice Charlesworth has determined the Minister was biased in this process and I am astonished she could make this finding.*

*"In one adventurous ruling, Justice Charlesworth has made a decision which calls into question the integrity of every Freehold Title in the land.*

*"Whether a householder wanting to put up a garage, an aged-care provider building a new nursing home or a council putting in a new football oval, previously if it were on Freehold Title we would have said the owner had the right to do so.*

*"Now, who knows?"*

**9. Eyre Peninsula Advocate** (print), 27 July 2023, 'Nuke dump: "It's far from over"'

*Local federal Liberal MP Rowan Ramsey said last week he would be petitioning Minister King to appeal, saying the decision "endangers our nuclear medicine industry." "It's an enormous loss to a little community," Mr Ramsey said. "But it's a massive thing for Australia".*

**OFFICIAL****ATTACHMENT C****Biography of Mr Rowan Ramsey MP**

Sourced from Parliament of Australia website

**Member for Grey**

Positions	Opposition Whip
Party	Liberal Party of Australia
Chamber	House of Representatives

**Parliamentary service**

- Elected to the House of Representatives for Grey, South Australia, 2007. Re-elected 2010, 2013, 2016, 2019 and 2022.

**Parliamentary positions**

- Member of the Speaker's Panel from 9.3.2010 to 9.5.2016.

**Committee service**

- House of Representatives Select: Regional Development and Decentralisation served from 13.6.2017 to 28.6.2018; Intergenerational Welfare Dependence served from 28.6.2018 to 2.4.2019; Regional Australia served from 11.3.2022 to 31.3.2022
- House of Representatives Standing: Industry, Science and Innovation served from 11.3.2008 to 19.7.2010; Employment and Workplace Relations served from 10.11.2008 to 19.7.2010; Education and Employment served as Deputy Chair from 25.10.2010 to 5.8.2013; Indigenous Affairs served from 4.12.2013 to 9.5.2016; Agriculture and Industry served as Chair from 4.12.2013 to 9.5.2016; Communications and the Arts served from 12.11.2015 to 9.5.2016; Appropriations and Administration served from 14.9.2016 to 11.4.2019; House served from 14.9.2016 to 11.4.2019; Agriculture and Water Resources served from 14.9.2016 to 11.4.2019; Selection served from 4.7.2019 to present; Social Policy and Legal Affairs served from 4.7.2019 to 11.4.2022
- Joint Standing: Migration served from 25.10.2010 to 5.8.2013; Foreign Affairs, Defence and Trade served from 14.9.2016 to 1.7.2019; Parliamentary Library served as Joint Chair from 10.10.2016 to 22.7.2019; Parliamentary Library served from 23.7.2019 to present; Trade and Investment Growth served from 23.7.2019 to 11.4.2022
- Joint Statutory: Broadcasting of Parliamentary Proceedings served from 14.9.2016 to 15.9.2016; Broadcasting of Parliamentary Proceedings served from 1.8.2022 to present

**OFFICIAL****Parliamentary party positions**

- Government Whip in the House of Representatives from 30.8.2016 to 11.4.2022.
- Opposition Whip in the House of Representatives from 26.7.2022.

**Party positions**

- Delegate to the Liberal Party State Council (SA) from 1998.
- President of the Liberal Party Kimba Branch from 1999 to 2004.
- President of the Liberal Party Grey Federal Electorate Council from 2000 to 2004.
- President of the Liberal Party Giles State Electorate Council from 2005.

**Personal**

- Born: 4.8.1956, Kimba, Australia
- Gender: Male
- Marital Status: Married

**Qualifications and occupation before entering Federal Parliament**

- Farmer.
- Chair of the Eyre Peninsula Agricultural Research Foundation.
- Chair of the Kimba District Hospital (SA) from 1988 to 1995.
- Chair of the Eyre Peninsula Hospitals Association from 1992 to 1995.

**Electorate**

- Name: Grey
- Location: The Division of Grey consists of: Adelaide Plains Council, Anangu Pitjantjatjara Yankunytjatjara, City of Port Lincoln, Clare and Gilbert Valleys Council, Corporation of the City of Whyalla, District Councils of Barunga West, Ceduna, Cleve, Coober Pedy, Elliston, Franklin Harbour, Kimba, Lower Eyre Peninsula, Mount Remarkable, Orroroo Carrieton, Peterborough, Streaky Bay, Copper Coast and Tumby Bay, Flinders Ranges Council, Maralinga Tjarutja, Municipal Council of Roxby Downs, Northern Areas Council, Port Augusta City Council, Port Pirie Regional Council, Regional Council of Goyder, Wakefield Regional Council, Wudinna District Council, Yorke Peninsula Council, part of Light Regional Council, Pastoral Unincorporated Area, and Unincorporated Area Whyalla.
- Area: 908,595 Sq km
- Electors enrolled: 119,949 (at 7.6.2019)
- Industries: Aquaculture, cattle, copper, fishing, gas, gypsum, iron ore, lead smelting, oil, opals, steel industry, salt, slate, tourism, uranium, viticulture, wheat and wool.



**THE HON MADELEINE KING MP**  
**Minister for Resources**

MEETING / EVENT BRIEF REQUEST	
<b>Title:</b>	Meeting with Rowan Ramsay MP regarding ARWA Court Decision
<b>Date:</b>	3 August 2023
<b>Time:</b>	11:30am AEST
<b>Location:</b> <small>If the meeting involves a site visit please provide an 'electorate brief' as an attachment. Contact DLOs for an example if required.</small>	M1-24 APH
<b>Contact:</b> <small>If a contact is listed by the MO please contact them to confirm any necessary details</small>	s22
<b>Attendees:</b> <small>If an adviser is not listed, there is no need to contact the Minister's Office as this is generally resolved closer to the meeting. However, if an adviser is listed here, please ensure they are on the list transcribed to the brief, including any notes about them representing the Minister.</small>	Minister King s22 Rowan Ramsay  + dept note taker, possibly s22

**Required information:**

Bios:	<input checked="" type="checkbox"/>	Departmental Rep:	<input type="checkbox"/>	Speech (full text):	<input type="checkbox"/>
Talking Points:	<input checked="" type="checkbox"/>	Record of Meeting:	<input type="checkbox"/>	Media Release:	<input type="checkbox"/>
Q&A:	<input type="checkbox"/>	Speech Notes:	<input type="checkbox"/>	Shell Release	<input type="checkbox"/>

Background:	to discuss the Federal Court decision laid down by Justice Charlesworth last week pertaining to the Kimba Low Level Nuclear Waste Facility.  <a href="https://www.aph.gov.au/Senators_and_Members/Parliamentarian?MPID=HWS">https://www.aph.gov.au/Senators_and_Members/Parliamentarian?MPID=HWS</a>  <a href="https://www.rowanramsey.com.au/court-decision-trashes-the-value-of-freehold-title/">https://www.rowanramsey.com.au/court-decision-trashes-the-value-of-freehold-title/</a>
MO Comments:	