



## Resolution of comments from stakeholder submissions on Document Title: Public health considerations for siting, construction and operation of a radioactive waste disposal facility

**Consultation period: 15 November 2021 – 15 December 2021**

This advisory note provides an explanation of health and well-being as referred to in RPS C-3: Code for Disposal Facilities for Solid Radioactive Waste (ARPANSA 2018). It is intended to provide guidance on ARPANSA’s expectations for consideration of community well-being throughout the siting, construction and operation of a radioactive waste disposal facility, with a focus on consultation and engagement.

Once finalised, this advisory note will be published on ARPANSA’s website as supporting guidance to RPS C-3.

When responding to comments on the draft Advisory Note, the following terms have been used:

<b>Accepted</b>	The proposed change has been made to the text.
<b>Accepted with modifications</b>	<p>Either:</p> <ul style="list-style-type: none"> <li>• the proposed change has been made, however the suggested text was modified OR</li> <li>• the proposed change is accepted but the text has been modified in a different clause/section OR</li> <li>• part of the proposed change was accepted and/or accepted with modifications and part was not accepted.</li> </ul>
<b>Not accepted</b>	No changes were made to the text based on this comment.
<b>Noted</b>	<p>Either:</p> <ul style="list-style-type: none"> <li>• no proposed change to the text was required to address the comment OR</li> <li>• the comment was outside the scope of the document.</li> </ul> <p>Noting a comment does not imply that ARPANSA endorses the comment.</p>

Many comments received through this process provide comment and feedback on the current process led by the Australian Radioactive Waste Agency (ARWA) to site a National Radioactive Waste Management Facility. These comments are not considered to be within the scope of this advisory note and have not been reproduced in full in the resolution table that follows. However, all comments were read in full, have been shared with ARPANSA staff responsible for consultation and engagement on the NRWMF, and links to the full comments are provided in the resolution table.

ARPANSA does not take on an advocacy role in relation to any specific plan or concept, including the proposed NRWMF. If ARPANSA receives a licence application to site the proposed facility, ARPANSA will conduct a formal consultation process to ensure that the views of interested parties are heard and their knowledge considered in a manner that is transparent and reflected in the Statement of Reasons for the licensing decision.

#	Submitter	Line no.	Proposed text	General comment / Reason for proposed text	Response	Reason for modification/not accepted
1	Barnarla Aboriginal Determination Corporation (BDAC) RNTBC ICN 8603	General comment		<a href="#">Link to full General Comment</a>	Noted	International Best Practice is defined on ARPANSA's website: <a href="https://www.arpansa.gov.au/regulation-and-licensing/regulation/international-best-practice">https://www.arpansa.gov.au/regulation-and-licensing/regulation/international-best-practice</a>
		After 41	The Preamble to the WHO Constitution identifies health as the enjoyment of the highest attainable standard of every human being without distinction of race, religion, political belief, economic or social condition. Therefore, health must be seen from a holistic perspective through considering the diversity in our community.	Line 42-44 fails to accurately reflect the breadth of WHO's holistic approach to understanding health. This broad definition is evident in the Preamble of the WHO Constitution, which states that 'health is one of the fundamental rights of every human being without distinction or race.' The specific mention of race is crucial in demonstrating that health cannot only be considered from a western perspective and must include cultural and spiritual health. This should be included in the advisory note.	Accepted with modification	Revised text (added to advisory note) is directly taken from WHO <a href="https://www.who.int/about/governance/constitution">https://www.who.int/about/governance/constitution</a> 2nd dot point
		53	...including harm to mental, social, cultural and spiritual well-being caused by a planned facility, need to be identified...	Line 53 lacks mention of cultural and spiritual well-being. Further, the explanation of mental health is seemingly limited to a perceived anxiety, rather than the actual impact of a nuclear waste dump being built on culturally and spiritually significant lands and our traditional lands.	Accepted with modification	Cultural wellbeing added to text

				The failure of the Commonwealth to properly involve the Barngarla in the site selection process, means that any licencing of the site will cause deep damage to the mental, social and spiritual health of our people.		
		72	...not have any scientific, technical or respective merit should be avoided...	The inclusion of 'respective merit' would ensure that potential damage to Aboriginal artefacts and land are a genuine factor to consider in the optimisation principle.	Not accepted	Heritage (natural, Indigenous and historic heritage place) is considered under the EPBC Act rather than the ARPANS Act.
		92	...about the planned activity, present the relevant organisations to communities affected by the proposed facility, and be a forum...	Line 92 should specifically define communities as any group whose rights and interests are affected by the nuclear waste dump.	Accepted with modification	The definition of 'community' from <i>RPS C-3 (Disposal Facilities Code)</i> has been added to the advisory for clarity.
		After 95	In the event the proposed activity is taking place on the lands of Indigenous people, the proponent must seek their free, prior and informed consent.	This addition should be included to reflect our general comments above, whereby international best practise requires acknowledging and listening to Aboriginal groups regarding nuclear safety.	Not accepted	The purpose of this guidance is to provide additional advice to support <i>RPS C-3 (Disposal Facilities Code)</i> , not to introduce new requirements.  However, it is agreed that traditional owners should be included in consultation. A definition of the term 'community' has been added to the advisory to clarify this point.

		After 99	Failure to effectively ensure all stakeholders have the opportunity to participate in discussion will fall short of sufficient community engagement.	Line 99 lacks emphasis on the consequences and impact of failing to actively engage with the community.	Accepted with modification	Emphases added to clarify that it is an expectation of the regulator that all stakeholders should be given the opportunity to participate in consultation.
		102	...developed. A variety of social, psychological, cultural and spiritual factors will need to be considered, and there may...	The term 'spiritual' should be included in line 102, to reflect a broader range of factors which should be considered for the safety case.	Not accepted	Spiritual considerations are considered a subset of cultural considerations.
2	Sue Tulloch	98-99;  17-22		<p><a href="#">Link to full General Comments</a></p> <p>Recommendation notes 98-99: to welcome public observers at consultation committee meetings using same protocol as councils.</p> <p>(Lines 17-22) All South Australians, indigenous and non indigenous, to be included in long term public participation. Discussions including 'risk analysis' and long term goals such as, co-location of LLW and ILW at the facility, need to be openly discussed.</p>	Not accepted	The advisory note is not intended to provide this level of specific detail. Rather, the intent is to provide overarching guidance.
		130-131		Recommendation notes 130-131: more detail to include enforcing /monitoring an initial survey process, worthy of public scrutiny, to determine progress to Stage 1.	Not accepted	This advisory is not intended to provide this level of specific detail. Rather, the intent is to provide overarching guidance.

		132-135		<p>Recommendations notes 132-135: 'Culturally - appropriate communication' should expand, specifying that it's NOT OK to encourage division amongst indigenous families by unfounded promises of jobs and apprenticeships and controlling indigenous voting rights.</p>	Not accepted	<p>The purpose of the advisory note is to further explain the need for an inclusive approach to engagement and consultation.</p>
		General comment		<p>ARPANSA needs to back up these overall, robust regulatory requirements, to demonstrate real autonomy and authority, so no other communities experience the kind of 'community consultation' that was inflicted upon Hawker, Quorn and Kimba, during the six years of tax payer funded DISER site selection circus.</p> <p>Regulatory requirements that empower ARPANSA to scrutinize accountability of a proponents' application, using non compliance criteria.</p>	Noted	
3	Leon and Dianne Ashton			<p><a href="#">Link to full General Comments</a></p> <p>If these comments could be somehow be directed into the sentence between lines 143 and 145 under the paragraph heading of: What are the responsibilities of the regulator. We do believe that this would go a long way to ensuring that no other community ever again will have to go</p>	Noted	

				through what our communities have gone through over the past six years		
4	Australian Radioactive Waste Agency	General Comment		<a href="#">Link to full General Comment</a>	Noted	
		34	“The storage of radioactive waste is addressed in RPS 16 Safety Guide for the Predisposal Management of Radioactive Waste (2008) and is not within the scope of RPS C3”.	With respect to radioactive waste facilities, individuals may be confused with the purview of RPS C-3 and may extend this advisory note to storage. It may assist the reader to clarify that storage considerations are addressed in RPS 16 and RPC C1; where ARPANSA will require applicants to consider international best practice around radioactive waste storage provisions within the context of public health.	Accepted with modifications	‘Note to readers’ section amended to clarify scope.
		139	“...implementing flexible plans and arrangements to provide appropriate social and psychological support for both affected individuals and the impacted community, as required, based on an evaluation and dissemination of best practices, together with new or changing conditions”.	Noting a proponent requires the health and well-being of an impacted community be considered at all stages of a proposed disposal facility within their safety case, it may be beneficial to include that the plans and arrangements around health and wellbeing will require some level of flexibility to account for any changes, or further support, that may be needed should the general state of that community change.	Accepted with modifications	‘flexible’ added, it is agreed that plans and arrangements should be flexible and modified as needs change
5	Bob Tulloch	General comment		<a href="#">Link to full General Comment</a>	Noted	This is an advisory note, therefore it is not appropriate to add additional requirements here.

6	Australian Conservation Foundation	General comment		<a href="#">Link to full General Comment</a>		
		11		Health optimisation needs to explicitly address justification and a clear rationale for the project	Noted	Justification is addressed in <i>RPS C-3 (Disposal Facilities Code)</i>
		13		ACF welcomes the broad definition being adopted and the explicit recognition of mental health and social well being	Noted	
		17		The current NRW facility approach has not embodied an ethical and inclusive approach to community engagement	Noted	
		45/51		This section further highlights the importance of a clear project justification	Noted	
		52/53		ACF welcomes this recognition of the wider scope of impacts	Noted	
		77/79		'prudent, informed and carefully considered choices' are welcome – sadly they have not been in evidence to date in the NRW facility project	Noted	
		84/85		Welcome the recognition of inter-generational impacts and the need for prudence to ensure no undue burden, now or in the future	Noted	
		98/99		The concept that all stakeholders participate in decision making concerning situations that affect them is a	Noted	



			foundational one. It has not been realised in the Kimba proposal – especially in relation to First Nation consultation		
		100/107	Given the driving role of the proponent and the significance of the safety case in the framing of the projects consideration the safety case needs independent review	Noted	
		108/109	Welcome the recognition that not only outcomes but the processes by which these have been achieved are important. Again, this has not been reflected in the current NRWM approach	Noted	
		120/121	No clear justification or rationale has been conveyed by the proponent for the proposed action	Noted	
		122/124	No clear or transparent consultation has taken place in regard to the NRWM submission process	Noted	
		132/134	There has been a profound cultural failure in relation to consultation with the Barngarla Traditional Owners re the planned Kimba facility	Noted	
		136	Effective partnerships have been constrained by an increasing stakeholder-proponent trust deficit and a high turnover of NRWM project staff	Noted	

		156		It is critical that the regulator both exhibits and is perceived as a 'trustworthy actor'	Noted	
7	<b>Medical Association for Prevention of War</b>	General Comment		<a href="#">Link to full General Comment</a>	Noted	
		11	Protection of health and avoiding radiation exposures is the key priority, for both current and future communities.	The current wording has far too much "wriggle room" for making exceptions and allowing a poor quality facility to be acceptable.	Not accepted	The optimisation principle offers a means to take a graded approach to management of radiation risks and focuses on achieving an ethically acceptable outcome, within the boundaries of the legal system, based on balancing risks and benefits. For example, the level of isolation and containment of any type of radioactive waste should be commensurate with the risks posed to people and the environment by that waste.
8	<b>Friends of the Earth Australia</b>	General comment (extract)		Recommendation #1: ARPANSA should be undertaking serious consultation including public hearings. ARPANSA should be making serious efforts to include indigenous people in this consultation process.  <a href="#">Link to Full General Comment</a>	Noted	ARPANSA has no formal role until an application is received. Once an application is received ARPANSA will undertake a formal consultation process independent to ARWA, to address the issues related to that application.

						Informal consultation by ARPANSA (i.e. consultation separate to that required by the ARPANS Act and Regulations) has already begun.
	General comment (extracts)		Recommendation #2: ARPANSA's Draft Advisory Note must include specific text relating to First Nations people impacted by nuclear proposals.  <a href="#">Link to Full General Comment</a>	Not accepted		The purpose of the advisory note is to provide additional explanation and guidance to support the requirements in <i>RPS C-3 (Disposal Facilities Code)</i> .  However, it is recognised that First Nations people impacted by proposed nuclear facilities should be provided with opportunities to engage in consultation. The definition of 'community' used in <i>RPS C-3 (Disposal Facilities Code)</i> has been added to this advisory note to reiterate this point.
			Recommendation #3. Fluffy language should be removed and replaced with meaningful language.	Not accepted		The examples provided in this comment reflect international best practice for radiation protection.

			<a href="#">Link to Full General Comment</a>		
			<p>Recommendation #4. Long-lived intermediate-level waste.</p> <p><a href="#">Link to Full General Comment</a></p>	Not accepted	<p>The advisory note provides supporting guidance to the <i>RPS C-3 (Disposal Facilities Code)</i>.</p> <p>The scope of this advice is limited to the facilities subject to the requirements of <i>RPS C-3 (Disposal Facilities Code)</i>.</p> <p>This does not include storage facilities.</p> <p>Additional text has been added to clarify the scope of the advisory note.</p>
			<p>Recommendation #5. ARPANSA needs to engage earlier.</p> <p><a href="#">Link to Full General Comment</a></p>	Noted	<p>ARPANSA commenced informal engagement with local communities in 2017.</p> <p>Engagement included visits to Kimba and Hawker, and meetings with a drop-in centre to provide information and advice.</p>
			<p>Recommendation #6. No nuclear waste dumps on farming land.</p> <p><a href="#">Link to Full General Comment</a></p>	Not accepted	<p>The criteria for siting are published in <i>RPS C-3 (Disposal Facilities Code)</i>.</p>

				<p>Recommendation #7. State legislation should be respected.</p> <p><a href="#">Link to Full General Comment</a></p>	Not accepted	This falls outside the scope of the draft advisory note on the public health considerations.
				<p>Recommendation #8. Remove bias.</p> <p><a href="#">Link to Full General Comment</a></p>	Not accepted	There are existing requirements for the operator to fully outline management processes. The operator must demonstrate competence to manage all stages of the facility to receive a licence.
9	Neville Reid			<a href="#">Link to full General Comment</a>	Noted	
10	Josephite SA Reconciliation Circle	General comment (excerpt) + lines 17-23		<p><a href="#">Link to full General Comment</a></p> <p><b>And also in lines 21 to 23:</b> An ethical approach supports and facilitates discussion among all parties seeking to understand and promote the wellbeing of individuals. To this we would add, and families and particular communities and the country itself. cf: also Lines 153-158.</p>	Noted	
		30-44			Noted	

		71-76			Noted	Guidance is provided in <i>RPS C-3 (Disposal Facilities Code)</i> in relation to the expectation for consideration of societal concerns related to transport and transport routes.
		57-64			Noted	
		71-76	Add responsibilities to those along transport routes, including before the project is granted licensing	Proponents have given all responsibility in the proposed project to 824 Kimba ratepayers. In contrast no say or even awareness given to those along transport routes.	Not accepted	Guidance is provided in <i>RPS C-3 (Disposal Facilities Code)</i> in relation to the expectation for consideration of societal concerns related to transport and transport routes.
11	Greg Bannon	General comment		<a href="#">Link to full General Comment</a>	Noted	
12	Christine Wakelin	11		<a href="#">Link to full General Comment</a>  Line 11: The level of health protection be optimised....having regard to economic factors". A young farmer and mother recently said at a meeting "I am not concerned about radiation exposure but I am very concerned for the reputational risk to the sale of our Agricultural Produce, in very competitive and at times exploitive export markets." Barley and wine embargoes, without credible reasons, are recent examples. This is	Noted	

			causing justified concern and anxiety to many producers, not only in the KIMBA area but on Eyre Peninsula and statewide.		
		13; 42-44	Lines 13 and 42-44 define Health, using the WHO definition of a “state of complete physical, mental and societal wellbeing and not the absence of disease or infirmity”, give reassurance to most of our members as the mental and societal well-being constitutes one of our major concerns for the site of the Facility.	Noted	
		15; 115-117	Lines 15 and 115-117 refer to Community. We require a definition of Community as we are concerned that this could change to suit the circumstances, as was the case with ANSTO and the Department of Industry during the last 6 years.	Noted Should this be	Definition of community added (from <i>RPS C-3 (Disposal Facilities Code)</i> )
		17-20	Lines 17-20 refers to an Ethical and Inclusive approach to engagement, with opportunity to engage with individuals. In our group’s dealing with ARPANSA during the process thus far our group has been treated with respect and our opinions listened to. If this approach continues, I have faith in a good outcome for our community as a whole. In the past 5 years both ANSTO and the Officers of the Department of Industry have portrayed our group as a “vocal minority” with little knowledge. The members of the “No” group have had to improve skills in	Noted	

			forensic research to attempt to gain knowledge of nuclear matters, rather than just accepting the material supplied by the Department and ANSTO.		
	23		Line 23. We welcome social and psychological support programs for our community at this divisive time.	Noted	
	42-44		Line 42-44 refer to the WHO definition of health where an individual can cope with the normal stresses of life and can work productively and fruitfully, contributing to the community. Division within our community has interfered with this ideal during the last five years. It is admirable for ARPANSA to state this aim.	Noted	
	52-53		Lines 52 and 53 aptly raise the concerns of the identification of the harm to mental and social wellbeing of the community.	Noted	
	87, 98		Lines 87 and 98 correctly identify that it is essential to engage the community and stakeholders concerning situations that affect them. As I have stated previously, this decision could impact agricultural producers in the whole state of South Australia.	Noted	
	109-113		Lines 109-113 discusses processes with which I concur.	Noted	
			Social, psychological and cultural factors need to be considered. The most glaring	Noted	



				example of the ignoring of cultural factors is the denigration of the opinions of the Barngarla people, the traditional owners of the site area.		
		122-127		Lines 122 to 127 talk of Engagement being more than formal consultation. Thank you for this important inclusion. In the last 5 years this ideal has been ignored, particularly if the Government and ANSTO information was being questioned.	Noted	
13	Anonymous			<a href="#">Link to full General Comments</a>	Noted	
14	Terry Schmucker			<a href="#">Link to full General Comments</a>	Noted	

**List of Submissions with full text of General Comments:**

No.	Submitter	Full copy of General Comment
1	<b>Barngarla Aboriginal Determination Corporation (BDAC) RNTBC ICN 8603</b>	<p>We thank ARPANSA for the opportunity to provide comment in relation to the Advisory Note draft.</p> <p>We accept from the outset that ARPANSA is independent of the site selection process conducted by the Commonwealth, and the below comments about that process are outlined due to their ongoing relevance of the ARPANSA licencing process, not as any criticism of ARPANSA to date.</p> <p>To provide context to our comments, we are the Traditional Owners over much of the Eyre Peninsula and are appalled at the Commonwealth’s consultation process regarding the site selection of the Nuclear Waste Management Facility in Napandee. From day one, our concerns of the risk of the waste facility towards our cultural and spiritual connection to the land have been ignored. Not only have we been ignored, but we were never given the opportunity to vote in a community ballot used to assess ‘board community support.’ As will be explained below, the importance of Aboriginal engagement has not been adequately emphasised in the advisory note, despite being a key interest group in nuclear waste matters.</p> <p>We note that per the <i>Australian Radiation Protection and Nuclear Safety Act 1998</i> (<i>The Act</i>), ARPSANSA is the relevant body to grant a licence to a ‘controlled persons’ regarding a controlled facility. Per s 32(3) of <i>The Act</i>, the CEO of ARPANSA ‘must take into account the matters (if any), specified in the regulations and must also take into account international best practice in relation to radiation protection and nuclear safety’ when making licencing decisions.</p> <p>The basis of our comments listed below is that the advisory notice should be amended to ensure compliance with ‘international best practice’ in protecting Aboriginal communities regarding nuclear safety. We note that ‘international best practice’ is not defined within <i>The Act</i>, and therefore, should be interpreted broadly by considering international treaties and documents. This includes the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 29(3), whereby states shall take effective measures to ensure that no storage or disposal of hazardous materials take place in the lands or territories of indigenous peoples without their free, prior, and informed consent. Obtaining informed consent is notably missing from the advisory note, and this is problematic. Whilst the advisory note states that all stakeholders should be given the opportunity to participate in decision-making, the Barngarla People, the Traditional Custodians of the land never received the right to vote, nor did they give their free and informed consent for the proposed action. This is in direct conflict with Article 29(3) of UNDRIP and therefore, the ‘controlled person’ has not upheld international best practise.</p> <p>The right to vote is a fundamental tenement of international law per the International Convent on the Elimination of Racial Discrimination (article 5(c)), and the International Covenant on Civil and Political Rights (article 25). These treaties, which have been ratified in Australia, clearly state that every citizen shall have the right to vote without discrimination and to take part in the conduct of public affairs.</p> <p>Furthermore, whilst we acknowledge that the advisory note does state that it is essential to engage with the community, it fails to demonstrate <i>how</i> to effectively engage, particularly with Aboriginal communities as key stakeholders in the proposed action. For example, line 98-99 states that all</p>

		<p>stakeholders should be given the opportunity to participate in decision-making but does not explain how to facilitate this, through obtaining consent. Whilst line 110 emphasises that community engagement should prioritise transparency and inclusiveness, this still fails to explain how to achieve this to maintain 'international best practice.'</p> <p>The advisory note should also be amended to better reflect the object of the Act, to protect the health and safety of people. As identified below, health should not merely be considered physical or mental, but also spiritual and cultural. This is consistent with the Preamble of the WHO Constitution, mentioned in the advisory note, which states that 'health is one of the fundamental rights of every human being without distinction or race.' By failing to consider the needs of Aboriginal health, this places western values above those of indigenous people. In this respect, it should clearly be expressed that the treatment of the Barnjarla people during the site selection process, has and will have an adverse effect on the mental and spiritual well-being of our community, and that this will continue into the licencing stage that ARPANSA may have to undertake. In simple terms, having a nuclear waste facility located on our traditional Country, without a say, has damaged our health, and licencing such a facility will further damage our health.</p> <p>Finally, discussion of the optimisation principle aims to achieve an ethically acceptable outcome, however, only focuses on issues with scientific or technical merit. It is difficult to see how this narrow focus respects various ethical dimensions without considering the potential of radiation risk to Aboriginal heritage and artefacts. We also note the impact on our native title land immediately next door, and the lack of assessment of the risk to that land where we have the right to live and protect. It is unclear whether this would fall within the meaning of 'scientific or technical merit', despite it being a genuine concern for Aboriginal people and surrounding communities. Therefore, the advisory note should be amended to ensure that the optimisation process explicitly takes into account cultural and Aboriginal issues.</p> <p>These general comments reflect our broad concerns, particularly surrounding community engagement, and we ask you to reflect these changes in the updated advisory note. Please be aware that our 'proposed text changes' below are merely a non-exhaustive list of areas where the advisory note could improve, and we hope ARPANSA can utilise its expertise and make similar changes throughout.</p>
2	<p><b>Sue Tulloch</b></p>	<p>Introduction</p> <p>As I read it, the Notes are there to offer a framework for future regulatory requirements that will facilitate a robust, ethical process to protect peoples' health and well being (and the environment), from the harmful effects of radiation, by ensuring that the proponent, applying for a license to establish a National Radioactive Waste Management Facility (NRWMF) satisfies these regulatory requirements during all stages in the proposed life of the facility.</p> <p>ARPANSA:</p> <ul style="list-style-type: none"> <li>• To act autonomously, impartially and independent of the proponent</li> </ul>

		<ul style="list-style-type: none"> <li>• To be accountable via the Australian Parliament</li> <li>• To use evidence based decisions in keeping with ‘worlds’ best practice’ in a transparent licensing process</li> </ul> <p>The following comments relate to the Notes on line 87: ‘Why is it essential to engage with the community?’ My community consultation experience during DISERS’ site selection process 2015- 2020. As part of the Quorn community whom the federal DISER sought to ‘consult’, I and many others (FLAG) Flinders Ranges Local Action Group had well researched, respectful alternative views against siting the NRWMF at Barndioota near Hawker. Sadly my experiences of ‘worlds’ best practice’ in ‘ethical community consultation’ was one of frustration and disappointment at constantly not being effectively heard. Also intimidation, and lack of respect, including being physically removed from a BCC (Barndioota Consultative Committee) meeting by a DISER employee because I wanted to be a public observer. Discussion that day centered on whether or not Quorn residents would be included in the vote. (See Appendix 1)</p> <p>Recommendation notes 98-99: to welcome public observers at consultation committee meetings using same protocol as councils. ( As was magically on show at the Senate Inquiry at Hawker!)</p> <p>Recommendation notes 130-131: more detail to include enforcing /monitoring an initial survey process, worthy of public scrutiny, to determine progress to Stage 1. Targeting two small outback towns to compete for the spoils, (Ref Ash Research 6/7/2015 ‘Role of competition’), (millions of dollars for the loser) is NOT ethical. (Lines 17-22) All South Australians, indigenous and non indigenous, to be included in long term public participation. Discussions including ‘risk analysis’ and long term goals such as, co-location of LLW and ILW at the facility, need to be openly discussed.</p> <p>Recommendations notes 132-135: ‘Culturally - appropriate communication’ should expand, specifying that it’s NOT OK to encourage division amongst indigenous families by unfounded promises of jobs and apprenticeships and controlling indigenous voting rights. Unless ARPANSA can facilitate and carry out regulated checks and balances for an ethical voting process for a NRWMF site selection, including genuine effective public engagement, the best guidelines in the world ring hollow. Regulatory requirements that directly address these matters, would engender TRUST in the process (Notes 156-158), ultimately enabling a sustainable solution for disposal of Australia’s domestic ILW including economic scenarios to pay for it.</p> <p>Conclusions</p> <ul style="list-style-type: none"> <li>• ARPANSA needs to back up these overall, robust regulatory requirements, to demonstrate real autonomy and authority, so no other communities experience the kind of ‘community consultation’ that was inflicted upon Hawker, Quorn and Kimba, during the six years of tax payer funded DISER site selection circus.</li> <li>• Regulatory requirements that empower ARPANSA to scrutinize accountability of a proponents’ application, using non compliance criteria.</li> </ul>
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3	<p><b>Leon and Dianne Ashton</b></p>	<p>Thank you for your consideration for allowing us to make comments on the “Draft Advisory Note: Public Health Consideration For Siting, Construction And Operation of A Radioactive Waste Disposal Facility.</p> <p>We wish to make comments on the reference for the “Siting” of a RWDF. and the involvement of the applicant with the impacted communities. In particular, we wish to comment on the lines from line 108 to line 113 under the sub heading, Why is it essential to engage with the community.: The paragraph states that.</p> <p><i>It is important to carefully consider not only the outcomes of stakeholder engagement but also the processes and procedural values adopted during the engagement. An effective engagement process that prioritises accountability, transparency and inclusiveness should provide stakeholders with clear, relevant and timely information that allows them to effectively participate in the decision making process. Stakeholders are an asset that will contribute knowledge to the decision-making process.</i></p> <p>Our personal involvement with the Department of Industry Innovation and Science, (DIIS, now DISER) stems back to December 2015 when they first announced through the media that they were intending to construct a National Radioactive Waste Facility (NRWF) just out of Hawker in the Flinders Ranges district. Even the local council were not aware of the situation. Most of the locals thought it was nothing but a huge mistake on this Government departments behalf. The people from DIIS would try and intimidate us by saying that we would most likely at some point in our lives, have a medical procedure that would involve nuclear medicine, but we did not want a dump in our own backyard. This was totally not true. (We might add here the department considers it fine for less than one percent of the population of South Australia to make a decision that may have profound implications for the rest of this state.)</p> <p>We tried to get them to see that the area they had picked was</p> <ol style="list-style-type: none"> <li>1/ On a flood plain.</li> <li>2/ In a seismically active area.</li> <li>3/ Smack in the middle of one of South Australia's most significant tourism draw cards, the Flinders Ranges.</li> <li>4/ Steeped in Traditional Custodians song lines and areas of huge traditional significance.</li> </ol> <p>The most profound part of our weekly consultation with this department, (with its ever changing turnover of staff) was that they would not listen to anyone. (Even professors and Doctors of Geology who taught some of the geologists contracted by the DIIS, said that the location should never be considered as a dump site)</p> <p>Then came the ORIMA survey. This was conducted by a market research company, (funded by DIIS) to see if the community wanted “more information”. We would like to emphasise that we are not prepared to spend another week in compiling a factual account of what we consider are blatant mistakes and cover ups conducted by this department, for them to obtain their “manufactured consent” for the dump to proceed for</p>
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	<p>Wallerberdina. Suffice to say, two independent researchers of the market industry gave their “informal comments” to the Senate Enquiry in 2017). They both concluded that the entire survey was contrived for the department to get a “yes” result. Even Minister Caravan agreed that the survey was “flawed and could have been done better”. But went on to say that they would “draw a line in the sand and move on”. Does this sound like ethical engagement with the community?</p> <p>It personally felt like we were standing in front of a bulldozer. Nothing that we could say or do would have any effect on the “all new”, never ending, turnover of staff from DIIS. Once we could see we were getting nowhere, as independent community members, we formed a group called F.L.A.G. Flinders Local Action Group. The departments philosophy was to divide and conquer. We now know that this was a deliberate ploy on their behalf to not have to answer the more confronting harder questions (that may get people thinking) and talking, and also, to eventually, hopefully, wear us down.</p> <p>Six years of our lives have been spent with countless thousands of hours to say nothing of the hundreds of dollars which we have each put in from our own pockets, to meet with state and federal politicians, attend forums and printing costs to display to the community, that there is another side of the story which has not been told. The irony to this sorry tale, is that we like most Australians are not opposed to a Nuclear Waste dump to bury our nuclear waste. What we are totally opposed to is the way in which the department can manipulate entire communities with incentives of bribes of jobs and money. Then when they are asked any confronting questions will either, A/ Say they will take it on notice, then never respond back or B/ Not answer the question. One immediate example is this. One of the many questions that no one from DISER would answer is, why are they saying they are looking for a home for a “one off purpose built home for all of Australias radioactive waste.</p> <p>If and when a permanent home for our ILW is found, won’t this make it two dumps? Let's not forget this is only on a piece of paper signed by Barnaby Joyce as a “promise”, he will start looking for a permanent home for the ILW once a dump is built for LLW.</p> <p>We believe there are many people opposing the dump proposal at Kimba who can almost see the broken promises coming up, (that the ILW will be moved to another spot down the track) as just another false delusion. If it comes to pass, and it actually does happen, then what will happen to the 45 jobs now promised by Minister Pitt to go to Kimba. The jobs are there after all, only because of the ILW that Minister Canavan said “will” come to Kimba. This “process” started off with a promise of ten million dollars and about 5 to 8 jobs, depending on when you joined in the “process “. Basically, what the department has done to individuals and community groups, (who have tried so hard at all times to be respectful) is destroy any hope of ever being able to trust any engagement certainly with DISER or the politicians associated with the establishment of a NRWMF in the future.</p> <p>We believe this department has no ethics in community consultation or engagement with this matter. They have sought to influence and control every step of the process. Transparency and openness does not exist. They seem to have access to a seemingly unlimited budget. The communities engaged in this shameful “process”, have all lost something dear to them that will never be replaced. No matter what happens from here the community spirit of Kimba will be lost for a long time to come. The people opposed to the dump and the “process”, are not blinded by the illusions of money and jobs but can see all of the unanswered questions, not only for them, but for the entire Eyre Peninsula region. To think</p>
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		<p>this has all started because of the departments plan to “manufacture consent”, to achieve their desired result. We have personally witnessed the Senior Adviser to Minister Canavan say to us, “bring it on. We will do what ever we want “. Does this sound like community consultation?</p> <p>A key International figure in World's Best Practice (WBP), Dr Allison MacFarlane, has stated that a community with council backing, must achieve an outcome of at least 75% for a community to host a dump. Anything less is a divided community. That is exactly what the town of Kimba is. A divided community. Had the department used WBP as a guide, (i.e. obtained 75% for Broad Community Support,) then a far more amicable dialogue would have been able to proceed. In closing we would like to add that in the unlikely event that Nappandee indeed does not become the chosen site, that an independent body (funded outside of the proposer and the promoter as in this case), closely watches any future involvement with this department to</p> <ol style="list-style-type: none"> <li>1/ Ensure honest voting numbers. Not manufactured. i.e. Not weighted questions to obtain a favourable result.</li> <li>2/ To ensure manipulation of boundaries to exclude concerned or opposed residents does not occur.</li> <li>3/ To closely watch interactions with the department on any indigenous traditional first custodian people.</li> <li>4/ To closely monitor department liaising with local people to ensure real community engagement and consultation is actually carried out.</li> <li>5/ To allow any genuine concerns from the community to be aired in the full description. (Not just drip fed half truths)</li> </ol> <p>If these comments could be somehow be directed into the sentence between lines 143 and 145 under the paragraph heading of : What are the responsibilities of the regulator. We do believe that this would go a long way to ensuring that no other community ever again will have to go through what our communities have gone through over the past six years</p>
4	<b>Australian Radioactive Waste Agency</b>	<p>The Australian Radioactive Waste Agency (ARWA) is leading the process to responsibly manage Australian radioactive waste now and into the future. ARWA support the purpose and intent of the draft Advisory Note, and will ensure that plans and arrangements around Australia’s first purpose-built National Radioactive Waste Management Facility (NRWMF) will maximise opportunities to improve the health and well-being of the community throughout the siting, construction and operation of the NRWMF.</p>
5	<b>Bob Tulloch</b>	<p>Introduction I wish to thank ARPANSA, firstly for the opportunity to comment on the draft ‘Public health considerations for siting, construction and operation of a radioactive waste disposal facility’ and secondly, for their genuine engagement with the FLAG team and our community, throughout the Radioactive Waste Facility Site Selection process.</p> <p>However, DIIS’s (now DISER) involvement in and management of the site selection process was unprecedented in its’ unscrupulous, unethical approach, doing little to enhance the public’s trust and confidence in the democratic process. Unfortunately, the consequent repercussions from</p>

		<p>DISER's actions have only succeeded in tarnishing the integrity and reputation of other government departments and organizations involved in the process. The public rely heavily on regulators (ARPANSA) to act in their best interests.</p> <p>To apply checks and balances in order to maintain a balanced and transparent process, especially involving complex issues such as nuclear installations. There can be no greater importance placed on public consultation as being a vital part of the process, not to be left as the sole responsibility of the proponent.</p> <p>I fully embrace the intentions of the draft but hold serious concerns regarding its' implementation without checks and balances being in place to enforce it.</p> <p>The following comments stem from personal experiences dealing with DISER during the past six years. Living the Site Selection Process: 'Community Consultation' (line 87) Generally the FLAG group did not oppose the concept of establishing a national radioactive waste facility. However FLAG did oppose the establishment of a facility on two major issues;</p> <ol style="list-style-type: none"> <li>1. Siting a facility within a major tourist destination, the Flinders Ranges, as the economy of our region is reliant on tourism.</li> <li>2. The chosen site was situated on an active alluvial flood plain of the Hookina Creek, a major river system that flows from the ranges west into Lake Torrens. This system is prone to major flood events that are well documented. During the public consultation process FLAG repeatedly lobbied the proponent, DISER regarding our concerns over the geological suitability of the site. We presented power point presentations and lectures of our findings to council members, community forums and newspapers. Our concerns being supported and documented by an Emeritus Professor Chris vonderBorch of Geology and Marine Geology, Flinders University and peer reviewed by five notable academics heavily involved with the geology of the Flinders Ranges. (paper available)</li> </ol> <p>What we received for our efforts and input from the proponent, was ridicule and intimidation. The peak of disrespect came when FLAG organized for Emeritus Professor Vic Gosten to deliver a presentation, regarding the threat from flooding to the nominated site, at a Community Consultative Meeting held at Hawker and controlled by DISER. After the lecture Mr Vic Gosten, his wife and FLAG representatives, were refused permission by DISER personnel to share in a morning tea break with other guest speakers and delegates. FLAG's concerns over the siting of the facility within the alluvial flood plain of the Hookina Creek were finally acknowledged, when in 2020, DISER published a report titled; 'Site Assessment National Radioactive Waste Management Facility'.</p> <p>This report contains information about three sites – Lyndhurst, Napandee, and Wallerberdina – which were shortlisted following the nomination and approval processes specified in the NRWM Act. According to the report, Wallerberdina was rated as the least acceptable site having been given 7 high/very high risk ratings. These included the risk of serious potential flooding and avulsion from the Hookina Creek, seismicity and implementation of the emergency plan. The report also states that Wallerberdina would have cost an additional \$150.9 million to mitigate these threats, but would still have 24/7 access problems due to flooding in times of emergency.</p>
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		<p>Important to note, the criteria used to eliminate Wallerberdina in the 2020 report was also used in the original site selection framework conducted in May 2015. That is, the siting of a nuclear facility within a flood risk area went against the IAEA and ARPANSA safety criteria, there by questioning the progress of Wallerberdina to Stage 1. If a thorough and inclusive community consultation process had been conducted as detailed in the draft report (lines 108 to 112), outcomes may have been different, perhaps resulting in major cost savings being achieved. World’s best practice would embrace such well researched and well intended public input.</p> <p>The fact that this did not happen combined with a blatant disregard shown by DISER towards alternative inputs to the process, could suggest that DISER may have had an alternative agenda. The usefulness of Wallerberdina, purely as a starting point, (despite its inappropriateness as a nuclear waste site), to inject the element of competition between two communities, used as a motivator during the site selection process. This approach was presented to the Independent Advisory Panel in July 2015 by Professor Peta Ashworth, a consultant from the University of Queensland.</p> <p>Conclusions Our lives, friendships and communities where fractured and torn apart, the effects still lingering today. The ‘pro facility’ doctrine was loud, clear, and biased. A process tightly controlled by DISER with little room for alternative points of view, local dissent controlled with intimidation and bullying tactics. Presented in a process where community consultation was co-opted to manufacture consent.</p> <p>Small communities similar to ours, do not have, or cannot muster the resources to combat the power and finances of a large government department. The public rely heavily on the integrity of regulators such as ARPANSA to enforce their guidelines to ensure proponent compliance. We suggest it is crucial, ARPANSA include in the Draft, checks and balances to hold proponents accountable for their documentation of public consultation processes, and or, tighten the regulator’s powers to thoroughly investigate an applicant’s documentation, so the behavior that is described above, will not happen again.</p> <p>We do not wish to see other communities put through the same process. The best, most well intentioned guidelines can be corrupted by lack of continued public scrutiny.</p>
6	<p><b>Australian Conservation Foundation</b></p>	<p>ACF maintains that the current federal government approach to the development of the NRWM facility proposed for Kimba in regional South Australia has been deeply flawed and inconsistent with community expectation and best practise.</p> <p>The consultation process to date has been heavily curated and steered to achieve a pre-determined outcome.</p> <p>The failure to meaningfully engage key stakeholders, most notably the Barngarla community is unreasonable, unjustified and in conflict with a range of obligations and guidance, including the Declaration on the Rights of Indigenous people.</p> <p>The measured values and philosophy that underpins this ARPANSA guidance note is absent from the proponent’s approach and a deep trust deficit exists between many key stakeholders and the proponent.</p>

		This context further highlights the importance of ARPANSA both presenting and being perceived as a trustworthy actor.
7	<b>Medical Association for Prevention of War</b>	<p>The text in lines 17-20 are appropriate and obvious. “Ethical and inclusive” are key ingredients of any process dealing with long lived radioactive waste. It begs the question why this has not been applied by the Department of Industry, Science, Energy and Resources to the ongoing process regarding the temporary storage facility, which is also a planned exposure situation.</p> <p>The current site selection process has been littered with deliberate government misinformation for the community. The “information campaign” has more resembled a one-sided advertising and promotions exercise than any open debate. Offers for a debate in the community have been refused, and patently false statements made on a number of occasions.</p> <p>Exclusion of interested parties such as the Barngarla traditional owners (who are unanimous in their opposition) and a community poll that excluded some landholders by using town boundaries (rather than the 50km radius used at other sites) also illustrate what has been a totally unacceptable process. In addition, there are inaccurate claims about nuclear medicine and totally unrealistic promises for jobs in the region.</p> <p>These are only a few of the problems with the deeply flawed “community consent” process. Moving intermediate level waste from Lucas Heights, where there is ample capacity, experience, skills and security to a temporary store in regional South Australia is irresponsible, increases risk and is not consistent with world’s best practice.</p> <p>ANSTO needs to acknowledge responsibility for the waste they create and are planning to create in future and develop a disposal facility. The damage that has been done to multiple communities over the years is reckless and unnecessary.</p> <p>If the aim of ARPANSA is genuinely keeping the exposures of individuals as low as possible, and this truly underpins decisions, then the following should happen:</p> <ol style="list-style-type: none"> <li>1) leave existing ILW waste at ANSTO until a disposal facility is built. This reduces the risks of transport and storage at a site ill-suited to looking after the waste; Kimba does not have the skills, experience or security that are present at Lucas Heights.</li> <li>2) Make ANSTO progress the disposal facility planning in a meaningful fashion.</li> <li>3) The first principle of toxic waste management is to reduce production. Reduce future production of ILW by addressing the (very highly subsidised) production of Molybdenum isotopes at Lucas Heights. Cyclotron production is licensed and getting underway in Canada, and produces much less radioactive waste. If Australia adopted and phased in this technology we would have much less ILW in future.</li> </ol>

8	<b>Friends of the Earth Australia</b>	<p><b>Recommendation 1 Full Comment:</b>          Surely the issues under consideration – public health considerations for siting, construction and operation of a radioactive waste disposal facility – warrant a more thorough consultation process than ARPANSA appears to be undertaking. All the more so since the government's current consultation process regarding a proposed national nuclear waste dump near Kimba in SA is characterised by:</p> <ul style="list-style-type: none"> <li>* Systemic racism</li> <li>* Repeated bribes delivered under a questionable 'community benefits' program</li> <li>* Orchestrating consent by using different boundaries for inclusion / exclusion in 'community ballots' for the Kimba and Flinders Ranges proposed sites resulting in bizarre and clearly unfair outcomes.</li> <li>* Zero consultation beyond the proposed dump sites (e.g. zero consultation along transport corridors).</li> <li>* Blatant deceit (e.g. the false claim that most of the radioactive waste is a by-product of nuclear medicine<sup>1</sup>).</li> <li>* Legislation (the National Radioactive Waste Management Act – NRWMA) which violates and undermines key principles outlined in this ARPANSA Draft Advisory Note.</li> <li>* The government's setting of a benchmark of 65% to demonstrate 'broad community support' then repeatedly shifting the goalposts when its massive bribery campaign delivered only 62% support in a sham Kimba 'community ballot', falling to 43% if the results of the Barngarla survey are included.</li> </ul> <p><b>Recommendation 2 Full Comment:</b>          The additional text should state that overarching legislation should not adversely affect or discriminate against First Nations people. Thus the government would be required to remove racist and indefensible clauses in the NRWMA such as the following:<sup>2</sup></p> <ul style="list-style-type: none"> <li>• The nomination of a site for a radioactive waste facility is valid even if Aboriginal owners were not consulted and did not give consent.</li> <li>• The NRWMA has sections which nullify State or Territory laws that protect the archaeological or heritage values of land or objects, including those which relate to Indigenous traditions.</li> </ul>
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<sup>1</sup> <https://nuclear.foe.org.au/dump-medicine/>

<sup>2</sup> <https://nuclear.foe.org.au/nrwma/>

		<ul style="list-style-type: none"> <li>• The NRWMA curtails the application of Commonwealth laws including the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> and the <i>Native Title Act 1993</i> in the important site-selection stage.</li> <li>• The <i>Native Title Act 1993</i> is expressly overridden in relation to land acquisition for a radioactive waste facility.</li> </ul> <p>The text should note that native title is not the only criterion to determine the legitimate interests and rights of Aboriginal Traditional Owners.</p> <p>The text should note that Traditional Owners should be included in government-initiated 'community ballots' or similar processes. A topical example is the sham Kimba community ballot – the government not only excluded Barngarla Traditional Owners on the grounds that their interests and ownership were not 'rateable' but went so far as to fight a court case to ensure their exclusion.</p> <p>A 22 June 2021 joint statement by Barngarla Determination Aboriginal Corporation and No Radioactive Waste on Agricultural Land in Kimba or SA group states:</p> <p><i>"The Government has completely and utterly miscarried the site selection process. There are many examples of this. No proper heritage assessment of the site was ever undertaken, and they have marginalised the voices of the farming community throughout the entire process. However, the most obvious and appalling example of this failed process was when the Government allowed the gerrymandering of the Kimba "community ballot", in order to manipulate the vote. The simple fact remains that even though the Barngarla hold native title land closer to the proposed facility than the town of Kimba, the First Peoples for the area were not allowed to vote. They prevented Barngarla persons from voting, because native title land is not rateable. Further, they did not allow many farmers to vote, even though they were within 50km of the proposed facility, because they were not in the Council area. They targeted us, because they knew that if they had a fair vote which included us, then the vote would return a "no" from the community."</i></p> <p>ARPANSA would be aware that in April 2020, Federal Parliament's Joint Committee on Human Rights Noted the unanimous opposition of the Barngarla Traditional Owners to the proposed Kimba dump and it Noted that the NRWAM Amendment Bill does not sufficiently protect the rights and interests of Traditional Owners and that "there is a significant risk that the specification of this site will not fully protect the right to culture and self-determination." Importantly, the Human Rights Committee's report was unanimous and was endorsed by Liberal and National Party members as well as Labor members.</p> <p>The Draft Advisory Note advocates "an ethical and inclusive approach to engagement with the community" but there is nothing in the Draft Advisory Note that would make an unethical, exclusive and racist government change its ways.</p> <p>The Draft Advisory Note states: "It is recognised that other potential impacts on society that are not directly related to radiation exposure, including harm to mental and social well-being caused by a planned facility, need to be identified and considered in decision making."</p> <p>ARPANSA should put the onus on the proponent to do more than merely identifying non-radiological harm and considering it in decision-making. There should be a <b>requirement to avoid</b> inflicting non-radiological harm.</p>
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		<p>The Draft Advisory Note should require proponents to comply with Article 29 of the UN Declaration on the Rights of Indigenous Peoples:</p> <p><i>"States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent".</i></p> <p><b>Recommendation 3 Full Comment:</b> Here are two examples of fluffy language in the Draft Advisory Note:</p> <p><i>"The level of health protection should be optimised under prevailing circumstances, having regard to economic and societal factors."</i></p> <p><i>"... exposures ... should be kept as low as reasonably achievable, taking into account economic and societal factors"</i></p> <p>Proponents should be required to keep exposures as low as <i>technically</i> achievable (ALATA) rather than "as low as reasonably achievable". Put the onus on the proponent to justify why anything less than ALATA methods should be accepted.</p> <p><b>Recommendation 4 Full Comment:</b> Although the Draft Advisory Note is generic in nature, it should address a topical aspect of the government's current plans – moving long-lived intermediate-level waste (LLILW) from secure storage at ANSTO to less secure and less safe indefinite storage at Kimba ... for no logical reason whatsoever.</p> <p>Moving LLILW to an above-ground 'interim' store adjacent to a repository for lower-level wastes makes no sense given that much of the waste is currently located at ANSTO's Lucas Heights site, which is properly secured and home to much of Australia's nuclear expertise. ANSTO also enjoys considerably higher access to nuclear monitoring, security, waste management expertise and emergency response capacity than any other site in the nation.</p> <p>Moreover, the government's current waste management strategy raises the spectre of transporting LLILW 1500 kms from ANSTO to a store site near Kimba, and potentially transporting it hundreds or thousands of kilometres again from a store in SA to a deep underground repository should such a facility be established. This makes absolutely no sense. Of relevance in this regard is the November 2013 advice from ARPANSA's Nuclear Safety Committee that dual-handling transport for interim storage "does not represent International Best Practice" and "also has implications for security".</p> <p>The final Advisory Note should state something along the lines that moving waste from one storage site to a less secure storage site, with no offsetting advantages, is unacceptable. (And that it is unacceptable to concoct dishonest justifications for such proposals such as the federal government's claims about ongoing storage at ANSTO – the CEO of ARPANSA has explicitly rejected some of those claims.)</p>
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<sup>3</sup> Economics Legislation Committee, Department of Industry, 1 June 2017, [http://parlinfo.aph.gov.au/parlInfo/download/committees/estimate/e3ddf88b-3e9c-4546-9d90-8f646689a98c/toc\\_pdf/Economics%20Legislation%20Committee\\_2017\\_06\\_01\\_5134.pdf;fileType=application%2Fpdf](http://parlinfo.aph.gov.au/parlInfo/download/committees/estimate/e3ddf88b-3e9c-4546-9d90-8f646689a98c/toc_pdf/Economics%20Legislation%20Committee_2017_06_01_5134.pdf;fileType=application%2Fpdf)

<sup>4</sup> NH&MRC, 1992, Code of practice for the near-surface disposal of radioactive waste in Australia, [www.arpansa.gov.au/pubs/rhs/rhs35.pdf](http://www.arpansa.gov.au/pubs/rhs/rhs35.pdf)

		<p><b>Recommendation 7 Full Comment:</b> The Draft Advisory Note should state that is unacceptable to violate state laws such as the SA Nuclear Waste Storage (Prohibition) Act 2000, and that violating state laws is ethically unjust and unacceptable even if the Commonwealth has the relevant legal powers.</p> <p>The SA Nuclear Waste Storage (Prohibition) Act 2000 states: "The Objects of this Act are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State."</p> <p>The federal government has often spoken of the voluntary nature of the current national radioactive waste management project. Any failure to respect existing state legislation would deeply undermine this claim and it would also be inconsistent with international industry practice and standards that highlight the importance of inclusion and consent.</p> <p><b>Recommendation 8 Full Comment:</b> The Draft Advisory Note states: "In addition, taking actions based on unsubstantiated claims of health impact may give the impression that the risk associated with a disposal facility is much greater than the actual risk, causing unjustified fear and possibly psychosocial health consequences."</p> <p>Those statements are alarmingly one-sided. The Draft Advisory Note should further note that citizens need protection from spectacularly mismanaged radioactive waste projects and the entirely justified fears arising from that mismanagement, e.g. the Maralinga clean-up<sup>5</sup> under the Howard government was characterised by:</p> <ul style="list-style-type: none"> <li>* Ignorant ministers and bureaucrats managing companies who were equally ignorant regarding radiological hazards and had insufficient project-management expertise.</li> <li>* Cost-cutting imperatives adversely affecting outcomes (i.e. ongoing radiological risks).</li> <li>* A deficient clean-up described by then ARPANSA CEO John Loy as 'world's best practice' even though it breached national and international guidelines regarding shallow burial of long-lived waste.</li> <li>* ANSTO's role in the selection of the ARPANSA CEO who described a deficient project as 'world's best practice'.</li> </ul>
9	<b>Neville Reid</b>	I cannot believe the Government has not realized how Poorly positioned the Eyre Peninsula site of Kimba is for the proposed nuclear waste dump, if there is a major leak which there is a high probability of one happening with the transporting of old waste. Which is obvious when BHP stated it wanted nil involvement in the storage of waste because of the real risk to their mining operations in case of a transport accident. The nuclear

<sup>5</sup> <https://nuclear.foe.org.au/flawed-clean-up-of-maralinga/>

		<p>waste being transported in containers made of copper concrete and lead full of High-Level waste even if the containers are placed inside an extra container, it is still a Risk.</p> <p>The Government thinks naming it intermediate level waste will make it somehow safer this is naive at best and at worst corrupt miss information and hardly well thought out.</p> <p>And then the storing of it above ground, when world's best practice states deep in the ground with a hard granite bed rock which I heard Rowan Ramsey say himself. And then in a position near major industrial centres and transport route's Road and Rail and Export ports is such an ill-conceived plan by the LNP that only see's the needs of commerce, but they are putting the whole SA Economy at risk and for that matter the whole Australia's.</p> <p>If the main transport corridors were to be interrupted which we have seen with Covid 19 how important they are that is at reduced capacity imagen the disruption if they were closed for indefinite periods.</p> <p>And the loss of Eyre Peninsula's clean green agriculture and aquaculture image.</p> <p>Then there is the issue of contamination of ground water on the Eyre Peninsula which would be catastrophic for the population.</p> <p>The result of Major leak caused by a transport accident, storage accident or worse terrorism or a geological upheaval the closest recent earthquakes occurring below the nearby town of Cleve, will shut down Industrial hubs and main north south east and west transport routes in the region. The position of Kimba so close to important South Australia centres that would be affected as it travels on prevailing winds which are predominantly from the Northwest/ Southwest towards Whyalla 110km East, Pt Pirie 140km East, transport will be cut through the Eyre Highway then a strong cold front would push it northeast to Pt Augusta 160 km Northeast north southeast and west and south to the Eyre Peninsula. As each cold front and trough pass over the state it will affect the Eyre Peninsula the Mid North the Far North, York Peninsula it will make it to Adelaide on a hard blowing North Westerly. What these areas contribute to the SA economy would be catastrophic to the economy if they were affected and shut down. If you look at weather maps of prevailing winds and its shows how it will drift spreading around the points of the compass.</p> <p>There is also the issue of localised contamination as the waste breaks down and releases toxic gasses that obviously the people of Kimba have not been made aware of or a too greedy to listen.</p> <p>I have worked on the waters in this state since I was 14 years old, I am now 57 I know how the winds prevail in this state.</p> <p>If this dump must go ahead the most logical place to put it is somewhere remote as possible and in the somewhere stable in the desert some where it cannot affect ground water or will not be affected by Flooding and is safe from any attempt of attack by air from Terrorists, how could they think in a shed or concrete bunker above ground is safe even if they in case it concrete it is still a target or at risk of geological upheaval.</p>
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		<p>I do not believe one small town that has been bribed by the Government can make this decision for the whole state this is one of the most corrupt and undemocratic processes I have seen in this country thus far, you as members for the people in the Australian Parliament have a duty to prevent such a foolish plan for some, one off payments for toxic imported waste, look further into these floored plans Please protect us My children their Children this is a 50,000 to 100,000 year legacy it must be handled with long term plans and go underground in an ISOLATED PLACE!!!! The more it is moved the more Risk of a spill and the permanent contamination of and area there is which creates more areas that could have wider ranging economic issues for Australia.</p> <p>Do this once and do it right and refuse to become the world's Nuclear Waste Dump!!!!</p>
10	<p><b>Josephite SA Reconciliation Circle</b></p>	<p>The Josephite Reconciliation Circle takes great heart in studying the Draft Advisory Note from ARPANSA: Public health considerations for siting, construction and operation of a radioactive waste disposal facility, outlining as it does ARPANSA's expectations for consideration of community well-being throughout the siting, construction and operation of a radioactive waste disposal facility.</p> <p><i>Identification as an interest group:</i> South Australian Sisters of St Joseph, Josephite Companions and their Associates together with our Aboriginal mentors and associates have worked for the wellbeing of country and its peoples within this particular organisation, the <i>Josephite SA Reconciliation Circle</i>, since 2003. In particular, as committed Christians as well as loyal Australian citizens, Circle members are impelled to take seriously our responsibilities to act in support of Traditional Owners in relation to the wellbeing of country. We recognise that the wellbeing of peoples is inextricably linked to the wellbeing of country. In this particular matter we fully support the knowledges, concerns and responsibilities to country and peoples of the Barngarla Traditional Owners.</p> <p>Our Circle members gladly recognise the role of ARPANSA which as its name clearly states is our nation's Radiation Protection and Nuclear Safety Agency. The need for the role of ARPANSA as independent regulator is clear in this vital matter which calls for the safe disposal of Australia's most dangerous material - intermediate long lived radioactive waste (as well as the low level radioactive waste)</p> <p>Some members and associates of our Circle have had a history and so knowledge of the matters involved through previous efforts by the federal government to establish radioactive waste repositories, particularly in our State's north during the period of 1998-2004. One of our group in fact was a witness to the ARPANSA hearings conducted in Adelaide in 2004 which were very fair to those concerned with the dangers to country and groundwaters and cultural matters; in particular to the effects of such proposed activities on future generations of Aboriginal and other South Australians.</p> <p>As a practical part of our comments on this draft therefore we would urge ARPANSA to again undertake in South Australia as part of their process of regulation such a face to face hearing to which all parties on either side of the debate about this serious matter are invited to make their oral submissions to you the Regulator and in the presence of other interested persons in the general community. We see this as a practical application within the excellent Summary of the Draft document on <b>lines 17 to 20: An ethical and inclusive approach to engagement with the community ensures that all concerned are given the opportunity to participate in discussions and deliberations and ensures that decision- making takes into account their <u>knowledge</u> as well as their concerns over how the facility may affect them</b> (our emphasis). <b>And also in lines 21 to 23: An</b></p>

	<p>ethical approach supports and facilitates discussion among all parties seeking to understand and promote the wellbeing of individuals. To this we would add, and families and particular communities and the country itself. cf: also Lines 153-158.</p> <p>The emphasis ARPANSA’s draft document places on knowledge of community and community members in the extract cited gives credence to the opponents of the current project for example - in this particular circumstance to the opposition farmers and others in the Kimba region who have had as they have made clear in various meetings for much of the past 6 years, to seek out and at their own considerable expense – further information/knowledge to back their own inherent concerns. This has been because government employees while coming to the region for named Consultations over the matter of the siting of the national radioactive waste repositories have simply presented positives like community funds available and have been in (often emphatic) denial of any short or long term disadvantages including exposure risk to the public and the environment.</p> <p>Our Circle members in fact have had a personal experience of this method named Consultation. As a result of our own Circle submissions of knowledge and concern over this ongoing project, the previous Resources Minister sent two of the current liaison officers to our Circle gathering. Neither government employee gave any of our members including our Aboriginal mentor at the time, any credence for knowledge, experience as well as for our concerns. It was clear that their task was simply to deny such. From our reading of this, your draft document we appreciate ARPANSA as regulator will be at pains to ensure the exposure of such a flawed process.</p> <p>We comment with favour on the comprehensive health definition of the Advisory Note including mental health concerns <b>Lines 30- 44</b>. Integral with the obvious physical health risks associated with the nature of long intermediate radioactive waste which even the proponent notes remains toxic for an unimaginable 10,000 years, is the associated mental health concerns to those who are conscious of the real dangers and risks to individuals, families – particularly future generations, livelihoods and cultural concerns for country. Obviously the Traditional Owners knowing their responsibilities to country are burdened by anxieties when they are legislatively denied any power to meaningfully assume these responsibilities and where the paradigms of power whether of parliament or court may not be open to successfully including their First Nations world view and responsibilities flowing from such.</p> <p>Likewise many of the farmers of varying age range have their own love of their land and its wellbeing. Moreover they significantly are acutely aware/concerned in a competitive international grain market of the effect real or perceived by buyers, of acute proximity to an above ground radioactive storage of Intermediate level radioactive waste. It has been sobering to hear the anxieties of a farmer re insurance and others with other ramifications. ARPANSA’S brief ensures that these mental health concerns will be followed up by the regulator. Only avid advocates deny the whole proposed project has wrought severe damage to the social fabric of a once cohesive successful SA regional community.</p> <p>Inherent in <b>Lines 71-76</b> include warnings of the overemphasis of risk. On the contrary our Circle would note in on ground or alternately in media discussions, our members have Noted on an attitude of dismissal by official proponents <b>to any mention at all of risk inherent, including in transport</b> in dealing with such toxic radioactive materials – whether with the government officials in our gathering cited above or in a very recent media interview with the current federal local Member who actually cited the transport of yellow cake as of completely comparable risk to the transport of this ILW exponentially many times more radioactive. In this respect we make our only suggested addition to the ARPANSA actual text by adding in these <b>lines 71-76</b>, the responsibilities of safety/risk to those citizens on the transport routes along the 1700 kms distance from the</p>
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		<p>source of the ILW at Lucas Heights. This includes the likelihood of the port of Whyalla being the port of entry of that material proposed to be sent by shipping. We quote from Professor Ian Lowe who on the ARPANSA 2004 panel mentioned above Noted: ‘A professional risk assessment cannot be conducted until a firm waste acceptance plan and <u>transport code</u> are developed. (our emphasis)</p> <p>To date we alert the regulator to this astonishing omission of the entire process: there has been no public mention /consultation of any kind with any citizens along transport routes. It is obviously ingenuous to claim as proponents have, that such notification would be dangerous to the safety of the transport. In the previous 1998-2004 proposal, in the interests of democracy and indeed safety, the proposed route was identified and those along it thus had a chance to enter into the debate. It is propitious to cite <b>Lines 87 to 113</b> of the Draft document –<b>Why is it essential to engage with the community</b>. Clearly there is a long way to go to ensure that ARPANSA’s regulatory framework comes to fruition in practice in this particular project including in this vital aspect.</p> <p>As a corollary to the above comments and as connection with <b>Lines 57- 64</b>, our Circle points to a clear way of ensuring a safer solution which we trust the regulator may well consider in its resolution. Our nation’s long-lived intermediate radioactive waste is now safely stored in the nation’s most secure facility for it- the place where it is made. ARPANSA’s current CEO, Mr Carl–Magnus Larsson is clearly on record as noting that ANSTO has enough space to store their own waste ‘for many decades to come.’</p> <p>We see as propitious and in fact our Circle made a brief positive submission to the Parliamentary Public Works Committee earlier this year regarding approval of the \$59.8 m budget grant to enable ANSTO to pursue extensions. To keep the ILW there would obviate so many of the risks of transporting the ILW literally halfway across the nation to be simply <b>stored again</b> in an above ground facility in dangerous times, far from the nuclear experts and high level security into a small country town where the nuclear experts are quite unlikely to take up residence. Clearly this solution avoids doubling handling of simply moving ILW from one storage to another less secure storage rather than waiting for world’s best practice underground secure final depositing to be undertaken. ARPANSA would be only too aware that presently there are no plans at all for this best practice to occur.</p> <p>Our Circle in conclusion thanks ARPANSA for the opportunity to comment on the Draft Advisory Note. It will be clear that our members appreciate much of the values and expectations of the document. We have taken the opportunity to alert the ARPANSA as regulator to the failures so far in the process not in keeping with the points cited. We do this this from the long involvement of some members in the process of this and previous attempts, all to date sadly flawed in the siting, construction and operation of a radioactive waste disposal facility. We make the final point that unfortunately at this point we are not really talking of a disposal site for ILW but of only another storage site.</p> <p>The Josephite SA Reconciliation Circle thanks ARPANSA for receiving our submission.</p>
11	<b>Greg Bannon</b>	<p>INTRODUCTION: I appreciate the opportunity to comment on this Draft Advisory Note, particularly, the public health considerations for siting, construction and operation of a National Radioactive Waste Disposal Facility (NRWDF). Australia has operated a nuclear reactor and produced radioactive waste since 1958. In 2021, more than 60 years later, we still do not have a single, safe, permanent national radioactive waste disposal facility. “Disposal” is the key word. It appears frequently and continually throughout the draft. A major element of the current National</p>

		<p>Radioactive Waste Management Facility (NRWMF) proposal put to the communities of the Flinders Ranges and Kimba is “temporary storage” of Intermediate Level Radioactive Waste. We are told that this material is Australia’s most toxic and long-lived nuclear waste. The length of the “temporary” time period is undefined and there is currently no plan for “disposal”. Like the rest of our Flinders Local Action Group, I understand the need for the NRWMF. Our opposition is directed at the deceitful and divisive process that targeted five unsuitable sites in two Local Government Districts, both in the same Federal electorate, a mere 200 kms apart. It quickly became apparent that we were being subjected to a “snow job”, victims of a classic example of the “D A D” principle - Decide, Announce, Defend!</p> <p>SUMMARY:</p> <ul style="list-style-type: none"> <li>• This current NRWMF model is flawed because it is based on, first, finding a willing and compliant “host” community, then secondly, trying to adapt a site nearby. We know this approach is open to coercion. It certainly causes social disruption and division.</li> <li>• The NRWDF needs to be at the best, most suitable site - geologically and culturally.</li> <li>• When ILW moves from Lucas Heights it should be to permanent disposal at the NRWDF.</li> <li>• The LLW dump at Napandee needs to stop. Low level material has been sitting around for 60 years now so it cannot be urgent to move it before a NRWDF is established. THE SITES: From 25 nominations Australia-wide, six were shortlisted including the original two at Kimba - Pinkawillinie and Cortlinye - and Barndioota in the Flinders. Well before the communities were informed, the process of selecting a site had commenced. Use of the name “Barndioota” instead of the property name, “Wallerberdina”, was confusing. Only a local ratepayer would know that Wallerberdina is in the Hundred of Barndioota. Later in the process Barndioota disappeared and we had committees such as the Wallerberdina Working Group. In the first year of public information, 2016, the two Kimba nominations were abandoned due to Community opposition. Wallerberdina was progressed alone, seemingly as the preferred site. In 2017, two new nominations - Lyndhurst and Napandee - were accepted for Kimba. A very pro-active District Council led the request for the new nominations to be received. The competition to be the selected site began again. What clearer proof is there of just how stressful and divisive this site selection model and process is? Time will tell if a national low level radioactive waste disposal dump will pave Kimba’s streets with gold but the damage to that community may never completely heal. Once the dump is there it will be there forever. With Wallerberdina, we researched and provided what we thought would be convincing, cultural, scientific and factual evidence that the site was wrong. Proper interpretation of the “desktop survey” conducted before it was shortlisted would have shown that. Our countless hours of work, hundreds of thousands of 2 words written and spoken, and thousands of kilometres travelled were ignored. It took a narrow 5% majority - 52/47 - before the Minister called a halt to Wallerberdina. These might seem to be nit-picking, petty points, but with each one the mighty wedge of distrust was driven deeper! After six years opposing this current proposal for a NRWMF I feel well qualified to speak on the health aspects associated with it. CURRENT NRWMF PROPOSAL: The proposal introduced to the communities of the Flinders Ranges and Kimba in 2015 was the latest attempt to confirm a site for a national nuclear waste dump. This unsuccessful process has been ongoing for 40 years. Each previous attempt has failed mainly because no community has been willing to accept such a facility. The strategy to gain acceptance in this case had been formulated well before the short-listed sites were announced. ARPANSA is well aware of the steps in the process and of our personal and group’s (Flinders Local Action’s) objections to how it was conducted. Some key dot points are:</li> </ul>
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		<ul style="list-style-type: none"> <li>• The role of the DIIS, as proposer and promoter, could never be unbiased because of its vested interest in securing a site.</li> <li>• It is a cynical exercise to simultaneously promote the same facility in two different communities promising the same benefits to each, knowing only one site will be selected. This tactic was mentioned in Peta Ashworth’s 6th July, 2015, Independent Advisory Panel Powerpoint presentation (quoted below): “Page 11 - Role of Competition - There was one unique factor, competition as a motivator that emerged from the Future Gen case study...This created a situation where the competing communities became invested in winning. Future project developers might consider adding the competition element and including public acceptance as an explicit criterion for evaluating sites. [Ashworth et al (2012) What’s in Store: Lessons from Implementing CCS]”</li> <li>• The Department maintained a constant presence, including appointing a local Liaison Officer and stationing an Aus-Industry Officer in each district for long periods. They presented national and international speakers to “information sessions”, released many newsletters, factsheets and reports (all supportive and up-beat), and escorted over 200 people to visit Lucas Heights. The only “cooling off” period, an enforced, temporary halt, came with the Barngarla Determination, Aboriginal Council appeal to the State Supreme Court. Where is the line between information and “spin” or propaganda?</li> <li>• One thing we asked for was a properly moderated public forum where the pros and cons of the proposal could be debated. We were told that this could become unruly but there was nothing stopping us from organizing it ourselves. There has been a litany of grievances, half-truths and changing goal posts over the last six years. We have written and spoken about them many times. I make the points above to demonstrate how such a level of division and distrust (between community members as well as with the Department and its representatives) has been caused. The dump proposal quickly divided us into two camps. This occurred because everything revolved around “spin”. Money seriously tainted the process. The divisions remain today and for some will probably never heal and for others we simply “don’t mention the dump”! Member for Grey, Rowan Ramsey is very fond of saying that the people of Kimba are the best informed on the subject of nuclear waste of any in Australia. The reverse could actually be true of waste dump supporters because they have no need to be critical, only accepting.</li> </ul> <p>3 CO-LOCATION OF LOW LEVEL WITH INTERMEDIATE LEVEL WASTE: In May 2018, some two years into the process, ANSTO CEO Dr Adi Paterson made a significant and unexpected announcement. The facility would provide another 30 jobs in addition to the 15 originally promised. He said he was able to announce this because, in April 2018, Minister Canavan confirmed the decision to co-locate Intermediate Level Waste in temporary storage alongside Low Level Waste at the same site. The total financial package would also triple to an overall \$31 million. Dr Paterson later commented that he thought the community would embrace co-location of ILW on the same site. He said that if the facility was established to secure LLW only there would be little ongoing economic benefit to the community beyond the construction and commissioning phase. DIIS information, from the first brochure handed out, always stated that the two categories would be co-located but only promised 15 jobs. ANSTO’s explanation for the sudden tripling of jobs was that initial projections were conservative and understated. It now seems that one of the pillars of the NRWMF, co-locating the two categories of waste, is less important. In 2016 we were told that this facility was urgently needed because there would be no room for longer storage at Lucas Heights after about 2021. We have heard Dr Karl-Magnus tell a Senate Select Committee that there is room there for “decades”. FLAG wrote a submission to the Public Works Committee in July supporting ANSTO’s Option 2, seeking extended interim storage of ILW at Lucas Heights. The critical point is that the extended period of temporary storage should be used to identify the pathway and establish the National Radioactive Waste Disposal Facility. The NRWDF would be the state-of-the-art, world’s best practice site for all</p>
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		<p>Australian generated radioactive waste. If it is suitable for ILW, it will be more than suitable for LLW. This would truly consolidate all our nuclear waste in one single location.</p> <p>CONCLUSION: Sir Walter Scott said; “Oh, what a tangled web we weave, when first we practice to deceive”. This process must not continue in this form. Inflated promises of economic benefits have raised overly optimistic expectations in some people. If the first priority in finding a site is to gain community support, seemingly at any cost, how can the Department/Government claim any sort of moral high ground? That can only come if a site is chosen on its suitability for nuclear waste disposal, meeting accepted National and International criteria, using scientific and factual information. It is worth noting that we have dealt with a revolving door of Departmental staff over the last six years. I have lost count of the number and now there is a new separate agency, ARWA, operating from Adelaide. I am fairly sure that no one working on the NRWMF now has been there since the beginning. It has been disconcerting having to continually deal with new staff not fully briefed or up to speed on the issues. There is genuine aversion to the nuclear industry in many circles, regardless of any benefits, medical or otherwise, that we get from its peaceful applications. It is long overdue for Australian producers of nuclear waste to deal with and resolve the issue of its safe permanent disposal. Temporary storage with no plan for disposal does not meet expectations.</p>
12	<b>Christine Wakelin</b>	<p>My husband and I own a family farm of almost 100 year history, in the KIMBA District Council area and we have many concerns about the proposal to put a Radioactive Waste facility in our area.</p> <p>ARPANSA Guidelines say that such a facility “Should not be on Agricultural Land”. Agricultural land makes up 4% of the land mass of Australia. Surely there are more suitable sites to be found in the remaining 96% of the land in Australia.</p> <p>The process of nomination of the site has been shown to be totally flawed as those objecting to the proposed sites have been ignored.</p> <p>The draft guidelines and the opportunity offered by ARPANSA to comment on them, offer me hope of fair consideration of the perspective of many concerned people of our area. Thus far in the process we have been painted as people whose views should not be considered.</p> <p>I offer several examples:</p> <p>Suggestions such as “people needing nuclear medicine will not be able to access it if KIMBA does not accept the Nuclear Waste” and there is waste in 100 sites around Australia which MUST be placed at the Kimba site as soon as possible, with no explanation after multiple requests for details of the sites of the radionuclide activity of the material have been provided.</p> <p>A ballot of those on the electoral roll of the District Council of KIMBA, used by Minister Pitt as his “Community Support” for the site selection was only 54% of those eligible to vote. Successive Ministers would not state what was meant by “broad community support”.</p>

	<p>Many of those eligible are not permanent residents of our district yet were part of the vote, in contrast to permanent residents/Farmers, closer to the selected site who were not permitted a say.</p> <p>No opportunity was offered for the Traditional Owners of the area, the Barngarla people, to participate in the vote or their concerns addressed in the decision making process. The Barngarla held their own, independently scrutinised vote which resulted in a 100% vote against the siting of the facility on their traditional land.</p> <p>The Federal LNP Government earlier this year attempted to deny the right of judicial review of the site selection process by introducing legislation which would have negated this right. The opposition and cross bench Members and Senators combined to defeat this attempt to block the right to judicial review.</p> <p>The members of our group strongly hold the view that the BEST SITE should be selected for the storage of and ultimate disposal of Radioactive Waste. KIMBA District, and the Napandee Site are not the best solution and site. I have not been able to find sound geological, seismological or hydrological reasons why the site at Napandee was selected over the many other sites nominated, other than a strong belief by the local Federal Member to site the waste disposal facility in his community. This appears to lack an either an impartial or objective perspective.</p> <p>The 2021 Federal Budget provided over \$59 million for an expansion of the storage of Intermediate Waste at ANSTO'S Lucas Heights Facility. This expenditure was recently approved by the Public Works Committee of the Federal Parliament. This should allow time for a suitable permanent disposal site to be identified, thus negating for another temporary site at Napandee to be built, at more than 5 times the cost.</p> <p>Why has there not been a determined effort to search for a permanent site prior to this- I understand that prior to the commissioning of the OPAL reactor in 2007, a site was to have been found. This was not done.</p> <p>Having made the above general background comments, I will address the Draft Disposal Facilities Code.</p> <p>Line 11: The level of health protection be optimised....having regard to economic factors". A young farmer and mother recently said at a meeting "I am not concerned about radiation exposure but I am very concerned for the reputational risk to the sale of our Agricultural Produce, in very competitive and at times exploitive export markets." Barley and wine embargoes, without credible reasons, are recent examples. This is causing justified concern and anxiety to many producers, not only in the KIMBA area but on Eyre Peninsula and statewide.</p> <p>Lines 13 and 42-44 define Health, using the WHO definition of a "state of complete physical, mental and societal wellbeing and not the absence of disease or infirmity", give reassurance to most of our members as the mental and societal well-being constitutes one of our major concerns for the site of the Facility. Examples we have already felt in our community are: several valued long term members have already moved away from family</p>
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		<p>and friends, jeopardising their careers, because of the impact of the community division on their mental health. Couples and whole families are divided by the proposal of the Facility, with many working relationships tested severely. Long term relationships have been fractured.</p> <p>Lines 15 and 115-117 refer to Community. We require a definition of Community as we are concerned that this could change to suit the circumstances, as was the case with ANSTO and the Department of Industry during the last 6 years.</p> <p>Lines 17-20 refers to an Ethical and Inclusive approach to engagement, with opportunity to engage with individuals. In our group’s dealing with ARPANSA during the process thus far our group has been treated with respect and our opinions listened to. If this approach continues, I have faith in a good outcome for our community as a whole. In the past 5 years both ANSTO and the Officers of the Department of Industry have portrayed our group as a “vocal minority” with little knowledge. The members of the “No” group have had to improve skills in forensic research to attempt to gain knowledge of nuclear matters, rather than just accepting the material supplied by the Department and ANSTO.</p> <p>Line 23. We welcome social and psychological support programs for our community at this divisive time.</p> <p>Line 42-44 refer to the WHO definition of health where an individual can cope with the normal stresses of life and can work productively and fruitfully, contributing to the community. Division within our community has interfered with this ideal during the last five years. It is admirable for ARPANSA to state this aim.</p> <p>Lines 52 and 53 aptly raise the concerns of the identification of the harm to mental and social wellbeing of the community.</p> <p>Lines 87 and 98 correctly identify that it is essential to engage the community and stakeholders concerning situations that affect them. As I have stated previously, this decision could impact agricultural producers in the whole state of South Australia. I am acutely aware that in the only two statewide polls taken on this matter, 70% of respondents said “No” to a Disposal site in SA.</p> <p>Lines 109-113 discusses processes with which I concur.</p> <p>Social, psychological and cultural factors need to be considered. The most glaring example of the ignoring of cultural factors is the denigration of the opinions of the Barngarla people, the traditional owners of the site area.</p> <p>Lines 122 to 127 talk of Engagement being more than formal consultation. Thank you for this important inclusion. In the last 5 years this ideal has been ignored, particularly if the Government and ANSTO information was being questioned.</p> <p>Thank you for the opportunity to offer comment on the draft Disposal Facilities Code prepared by ARPANSA.</p>
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13	Anonymous	<p>There is failure time and time again with this proposed near surface dump which is driven purely by politics and not by science.</p> <p>Consultation does not equate to consent, but this seems to be overlooked.</p> <p>AECOM has in its PRELIMINARY REPORT 2018, (<a href="https://www.industry.gov.au/sites/default/files/201904/nrwmf_site_characterisation_technical_report_napandee.pdf">https://www.industry.gov.au/sites/default/files/201904/nrwmf_site_characterisation_technical_report_napandee.pdf</a>) shown the flaws in the proposed Napandee site declared recently by the Minister. Rewriting it via a SITE ASSESSMENT REPORT 2020 compiled by DIIS (<a href="https://www.industry.gov.au/sites/default/files/2020-04/nrwmf-site-assessment-2020.pdf">https://www.industry.gov.au/sites/default/files/2020-04/nrwmf-site-assessment-2020.pdf</a>) intent not only of getting the nuclear waste out of Lucas Heights and but preferably out of the state of NSW and has resulted in Napandee in South Australia being declared. Is this the very best and safest place possible for the PERMANENT DISPOSAL of this waste in Australia? This question was neither asked nor answered! However – it is prudent to note that in 2016 Wallerberdina in South Australia was the ONLY site deemed suitable out of 6 short listed sites deemed suitable from a possible 28 from all over Australia! Suddenly according to Site Assessment Report Traffic Light Colours contained in the Site Assessment Report 2020, Wallerberdina was no longer acceptable! This information is colour coded with no proper technical details given – Traffic Light Colours do not equate to scientific data in any language!</p> <p>Risk management involves transport – a point glossed over repeatedly when dealing with the siting of this nuclear dump, but not addressed properly! This has been a major problem because transport of classified nuclear waste is not something which can be equated to the minute quantities used in diagnostic use. The quantity and quality of the classified nuclear waste earmarked for transport cannot be compared to those tiny amounts transported for medical use, and also not for the yellowcake which is transported and at a MUCH MUCH LOWER radioactivity level to that of Low Level or Intermediate Level Classified Nuclear Waste!</p> <p>There is no mention of passive barriers. In fact the AECOM Preliminary Report 2018 is wheeled in as a source but not taken seriously in details which is outlined. What is the main problem seen with nuclear waste dumps? WATER! There was a study done for the land also owned by the Baldocks only six or seven kilometres from Napandee regarding perched water and water seeps! (<a href="https://cdn.environment.sa.gov.au/landscape/docs/ep/kimba_seeps_site_report_2020.pdf">https://cdn.environment.sa.gov.au/landscape/docs/ep/kimba_seeps_site_report_2020.pdf</a>)</p> <p>AECOM mentions problems with hydrology – and that should not come as a surprise as these paddocks are used for growing export wheat! Of course with the advent of no till agriculture there will be a rise in ground water table - and that is a big problem if you have a near surface disposal site nearby!</p> <p>There is concern about containment and preventing exposure of this nuclear waste to the biosphere, but the Federal Government insists on placing this dump near a town! We cannot say what will happen in the timeframe of 300 years but given that people and agriculture have</p>

	<p>remained in that area for over 150 years of European settlement, and the Indigenous people many thousands of years longer, the area is not one which has had innate exposure to the nuclear industry in any form and therefore there is no JUSTIFICATION for putting this waste in this site – in the middle of wheatfields!</p> <p>The integrity of this dump concept under AUSTRALIAN conditions cannot be GUARANTEED and indeed insurance to reflect this is not obtainable as this dump will render agricultural land a PERMANENT NUCLEAR WASTELAND with potential and perceived ability to contaminate! Migration of radionucleotides can happen. Especially in shredded materials which this Low Level Nuclear Waste has been touted as being the case from ANSTO ...”This waste is shredded and compressed into 200 litre drums, which are safely stored on-site. The radioactivity is measured using a scanning system.” (<a href="https://www.ansto.gov.au/education/nuclear-facts/managing-waste">https://www.ansto.gov.au/education/nuclear-facts/managing-waste</a>)</p> <p>If you read the whole AECOM PRELIMINARY REPORT from start to finish COMPLETELY, they leave a lot of questions about whether the siting of the nuclear dump for disposal is in the correct place, given the longevity of requirement for the radioisotopes to remain contained away from the biosphere for hundreds of years.</p> <p>The ILW dry storage is also a problem given the conditions required to sustain it even in its TN-81 cask. As well known the TN-81 cask has a warranty guaranteed by manufacturers for 40 years. So what happens if a permanent disposal pathway is not found for it? The skill set at Kimba are highly unlikely to be able to cope with any problems on site. And ANSTO no longer has STEWARDSHIP over this waste once it is at Kimba!</p> <p>The dump proposed is not in association or even a branch of ANSTO. It is solely operating as a branch of AWRA which has NO TIES with ANSTO. Why is this so? Maybe because it makes it more amenable to be privatized as an international venture because the costs of maintaining such a facility to the standards required and continuing monitoring may indeed prove higher than we are lead to believe by the Federal Government and ANSTO.</p> <p>How long are these “40” promised jobs guaranteed to be available? Who are going to deal with any emergencies on site? This is a rural agricultural township in South Australia of only 824 eligible voting people contained within the Kimba Local Government. Much is done on a voluntary basis. Half of these people think that they will be working at the dump as a sideline to farming. It is not an industry. It is an endpoint. This needed to be pointed out to them. But they have been showered with money and promises, of a reinvigorated community with pavements of gold if they embrace this nuclear dump!</p> <p>Bushfires. There are HUGE loadings of crops surrounding this proposed dump. Conditions seen on the Lower Eyre Peninsula – such as the Port Lincoln (Wangary Fires 2005) have seen fires the likes never seen before with history! Same for other fires in South Australia such as the Pinery Fire (2015) and the Cherry Gardens Fire (Adelaide Hills 2021). The temperatures and fire fronts are beyond the temperatures ever seen before. How will the spalling of the concrete vaults deal with such exposure? And we are talking for the 300 year lifetime of the dump – not just the next</p>
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		<p>decade or two!</p> <p>The fact that there are no PASSIVE BARRIERS means that the disposal site is exposed to whatever climatic and environmental conditions in Australia. Our climate is different. Our soils are different. Even daytime temperatures and humidity are different.</p> <p>MITIGATION should be the SECONDARY CONSIDERATION – not the FIRST. Passive barriers should be the FIRST. There is NOTHING passive with this proposal of a permanent disposal of LLW. That means there is no guarantee shown for containment of the radioisotopes in this totally all above ground near surface nuclear dump!</p> <p>How can you guarantee containment of this site for 300 years? Or 200 years? Or 100 years? Or even 50 years?</p> <p>Lots of MITIGATION does not sew confidence in the proposal no matter what a politician or politicians deem suitable! They have their own agenda.</p> <p>How much experience has AWRA had with nuclear dumps in Australia? How much experience have they had under OUR conditions or environment? South Australia is known for its reactive soil. See how many cracks are in buildings and concrete and cement foundations and pipes in South Australia. Couple that with WATER – steel rusting encased in concrete - nucleotides migrate! Will they be dealt with or simply shrug shoulders and say it comes with permanent disposal?</p> <p>Again we are dealing with very long time lines!</p> <p>Kimba has NO history with the nuclear industry in any way – either in the past or present!</p> <p>And to keep saying that they are “informed” is far from the truth.</p> <p>NO business case.</p> <p>NO details on closure details or possible complications short or long term and how they will be handled.</p> <p>Just lots of money thrown at this proposal and not much in the way of details.</p> <p>This means people are relying on trust rather than facts – NOT GIVEN ALL THE FACTS – just given selected facts – to make their judgements, and this is worrisome because that means THEY AREN'T TOTALLY INFORMED!</p>
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14	<b>Terry Schmucker</b>	<p>I am a farmer and have been busy with a difficult harvest period. There has been 6 years of changing rules and outcomes for the selection site of radioactive waste disposal. It has now been announced to be Nappandee which is near my home. i have lost complete faith in the integrity of the process and It now appears to be forced onto my neighborhood without consultation or consent. I am considered from the Wudinna community and live closer to the Nappandee site than the township of Kimba. In a nutshell I feel a deep sense of despair within and believe community division is here to stay. The financial entitlements have been distributed unfairly based on council boundaries and not distance from a site. We have no voice or right to ensure that this toxic waste will be managed properly. Broad Community support should mean all the bona fide community within the proximity of this facility. We should have confidence in the safety and integrity of the process and have equal access and support.</p> <p>Please note Nappandee was one of three sites nominated at Kimba and it is in the south western quarter of the district. This in itself did not allow the consultation process to properly consider all of the health outcomes of the surrounding peoples.</p>
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