

radioactive waste. [20:46]

Senator PATRICK: Minister, as a starting point on this, you were quoted in the newspaper some time ago suggesting that it was unlikely that you would conduct a ballot at Kimba or Hawker at the same time as an election. Just to put it on the table—I know there's a court case in progress, and we have to wait for the judgement—is it likely that you would run a ballot between now and the election?

Senator Canavan: I'm probably going to disappoint you, but, given that we do have the uncertainty of a court case at the moment, the government hasn't made any decision around future steps to test support for a radioactive waste facility at Kimba or Hawker. Any future decision will be guided by the court's judgement, which could have a number of factors and not be as simple as a yea or nay. We're awaiting that. The hearing has occurred, but we don't have any information about when.

I'll explain the comments I made last year. It was always the government's intention to ensure that any poll— survey, poll, whatever it would be—that we were conducting would be conducted outside an election process. We were well aware of the fact that this process had been going on for over a year, in the case of Hawker, and a fair while in Kimba, so we wanted to conclude it as soon as possible. Obviously, given events out of our control, and the injunction sought by the Banggarla people, we've been delayed in that pursuit.

Senator PATRICK: So there's nothing firm you can give the people of Kimba and Hawker at this point in time.

Senator Canavan: Unfortunately, given the court case, we have to wait till that decision occurs.

Senator PATRICK: With the indulgence of the chair, I'd like to table a map and provide that to the officials. It's simply a map from a document that you're familiar with, Senator Canavan. You know it's in the public domain. Is that okay?

CHAIR: That's fine.

Senator PATRICK: I did an FOI some time ago that looked at how the department might have considered Commonwealth sites for the radioactive waste management facility. I got a response from the department in relation to Woomera. It had taken advice from Defence, and Defence had said no. On this

map there are three numbers: 52A, 45A and 40A. Location 52A is inside the Woomera Prohibited Area. I believe that Defence has indicated that is a place they don't want to have a facility, even though they've already got waste there. Could you give me some idea as to whether locations 45 and 45A were considered by the Commonwealth in the selection process? I note that both of those sites were recommended as a possibility in this very extensive report.

Senator Canavan: I'm happy to refer to officials. I, myself, would probably need to take that on notice though, given that that part of the selection process occurred before I was the minister. I would note that we have established a process which has sought voluntary applications from landowners. I'm not familiar with the land ownership of these two sites there. Are you saying they're on Defence land—40a and 45a?

Senator PATRICK: I'm actually just trying to clear that up. I don't actually know myself, so it's not a loaded question.

Senator Canavan: I'm not aware either, but I might pass to Ms Chard and she might have some information.

Senator PATRICK: I just thought the department would have been aware of this study and would have some information.

ECONOMICS LEGISLATION COMMITTEE

Page 112 Senate Thursday, 21 February 2019

Ms Chard: Of the three sites that you're referring to, two of those sites are within the Woomera protected zone and one is just outside of the boundary. I note the map indicates that two of them look like they are outside of the boundary—

Senator PATRICK: Which ones are inside and which one's outside?

Ms Chard: I'll have to take that on notice—the specific one. The one that's outside of the boundary was also assessed by Defence, and all three sites were assessed by Defence as being incompatible with their operational requirements.

Senator PATRICK: Particularly in relation to the one that's outside Woomera Prohibited Area, firstly, is it owned by Defence, and, secondly, noting it's outside the Woomera Prohibited Area, what would be the basis of their saying no?

Ms Chard: I would have to take on notice what the ownership is, but position of Defence has been that it's inconsistent with their operational requirements—that their operational activity that occurs in and around Woomera would be incompatible with the facility being there. More specific details, I'm sorry, I would have to refer to Defence.

Senator PATRICK: I'm interested if you could perhaps go—and I understand; I didn't mean to ambush you. But outside that Woomera Prohibited Area I presume I can go and buy some land; I can do whatever it is I like outside the boundary. The act that covers the Woomera Prohibited Area gives the minister powers to shut areas off and all manner of things, but not outside. Could you pay particular attention to the site that's outside the Woomera Prohibited Area. Once again, it has got me confused as to why Defence are having a say on it. It must be Defence land, I'm guessing, and—

Senator Canavan: I'm happy to do that. The only remark I would make—and this is all conditional on 'if', because I'm not aware of the ownership of these properties—is that if it, in fact, is not land owned by Defence, I'd just reflect back on my comment earlier: that the process we've established is one where we sought voluntary applications. So, of course, we don't have the immediate potential simply to direct someone who owns private land to do something.

Senator PATRICK: Of course, I understand that.

Senator Canavan: So there may be that complication. And, as I've expressed to you before, we have asked

Defence multiple times around options at the WPA, and they haven't been supportive of anything.

Senator PATRICK: If it is Defence land and outside the WPA, there has to be another reason, and I'm just asking for what that reason is.

Senator Canavan: We'll take that on notice. I'll have to go to Defence.

Senator PATRICK: Thanks. That'd be very helpful.

Ms Chard: I can confirm—my colleague has just advised me—that it is, in fact, Defence-owned property. But we'll take on notice the specific reason.

Senator PATRICK: Yes. I'd be very interested. I know that's not your fault, although, once again, from an oversight perspective, I'm interested in the process and what due diligence you did. When they present you with information, it's always nice to challenge it a little bit and poke the reasoning a little bit. So that would be helpful.

Mr Lawson: I might add, just for the sake of clarity, that much of the Woomera Prohibited Area is not actually owned by Defence; it's leasehold area.

Senator PATRICK: Thank you. I understand that. They've got this red zone that is owned by Defence and orange zones and green zones and so forth. I did an FOI to both Defence and ARPANSA. Defence came back. I think everyone's aware of

the CSIRO waste at Woomera, but there's also another facility called Koolymilka, which is owned by Defence and has some intermediate-level waste, some of it owned by Defence, some of it administered by Defence.

I did ask for a copy of their manual, their emergency response plan. In that plan there were a number of risks that they identified associated with the facility. They included things like fire, flood, storm, civil protest activity at Woomera, missile strike from something that might be on the range, aircraft strike from an aircraft nearby and they mention, 'terrorist activity aimed at accessing the facility for publicity purposes, or for removing drums from the facility for use in a dirty bomb'. That is a Defence assessment. It's in their emergency response plan and they have a contingent for it. some sort of way of reacting to that plan.

I've spoken to residents of Kimba who basically have said that the Department of Industry has been silent on that particular prospect even though it has been raised during community consultation. I'm giving the department

ECONOMICS LEGISLATION COMMITTEE

Thursday, 21 February 2019 Senate Page 113

an opportunity to lay out has the community been consulted about the possibility of a terrorist attack and what was the nature of that consultation, if there was any?

Senator Canavan: Can I say up-front that I've never been provided with any advice that this is at all a risk. Obviously, in putting forward a proposal for a radioactive waste facility the department and myself have gone through the assessment of the risks of handling, storage and transport of radioactive waste and this has never been raised as an issue. I have no reason to believe there is any risk of this. I want to state again, as I have many times at this committee and other places, that, of course, the waste we're talking about is already stored, or the level of waste we're talking about is already stored at Lucas Heights—30 kilometres from our largest city—and it's been managed safely for decades. I don't know if officials wanted to add anything.

Senator PATRICK: To be fair, Minister, Defence did tell me they had not provided you with a briefing and that they had not provided the community with a briefing of that nature. But, I would ask you to take it on face value. I'm happy to provide your office with the document that I have. It is a Defence document. It is an assessment of the risks that they feel they need to deal with and one would

presume that there would be no difference in relation to a terrorist attack at Woomera, Kimba or Hawker. In fact, the likelihood at those two places, noting that it's not in a special zone—

Senator Canavan: Chair, I might just intervene a little here. I'm not familiar with the documentation Senator Patrick is referring to, but we I think just need to be a little bit careful throwing around speculation around attacks on our domestic soil. I'm happy to take on notice if you provide the documentation to us. But I would prefer to do that by notice rather than in an open discussion here with documentation we haven't seen—

Senator PATRICK: I'm happy to table the document.

Senator Canavan: As I say, this has never been raised with me at all as a risk. Let's table it.

Senator PATRICK: I'll provide that to your office and I'll stop asking questions, but can I ask that you would then go back and maybe have a conversation with Defence, but also make sure that you address this issue with the people in Kimba and Hawker, because I've spoken to residents there who've said they have raised it and never got a response, and that's in some sense consistent with your advice tonight, minister.

Ms Reinhardt: I think it's also worth saying that there have been extensive consultations with the community about managing security around the facility. We do consider to it be a really important issue and there are a number of regulators that will regulate the facility. There is extensive work around the security of the facility. This is not an issue that we would consider to be a major risk. In the same way it's been managed at Lucas Heights for decades, it will be managed in another site once that is developed, so it would be—

Senator PATRICK: Sorry, on what basis do you say that? Have you got some defence background? Have you had some briefings on this?

Senator Canavan: Senator, this has been looked at, sorry, no—

Senator PATRICK: I understand that.

Senator Canavan: I'm going to intervene here, because now you're verballing public servants— Senator PATRICK: No. I simply asked on what basis did she make the claim that there's no risk—

Senator Canavan: Yes, but you made the claim in an editorial way. I don't want to go further. But I think you're bordering on being highly irresponsible to be

throwing around potential risks that I don't think are well formed. The assessments of—

Senator PATRICK: This is a Department of Defence document, Minister.

Senator Canavan: Hang on, Senator Patrick. If you wanted to raise these things, you could have raised them with me before, which might have been more appropriate. We are in a public committee here and this potentially goes to—

Senator PATRICK: I'm sorry, but this is a document released under FOI.

Senator CANAVAN: hang on, Senator—our security. You're running a political campaign on a local community issue, but now you're trying to bring in security issues unannounced, unaided. I don't think that is appropriate behaviour. Can I say, and this is what I'm trying to get to, the assessment of waste at the Defence facilities, at Woomera, Lucas Heights and other facilities around the country, has gone through a great depth of assessment. The classification of waste at Woomera is at a level no higher than that which exists at Lucas Heights or other facilities around Australia. It has been stored safely for decades, and I reiterate that.

CHAIR: Senator Patrick, perhaps I could suggest that the questions that you have are directed to the minister and to the department offline as potentially this isn't the right forum for that. Can the minister commit to that?

ECONOMICS LEGISLATION COMMITTEE

Page 114 Senate Thursday, 21 February 2019

Senator Canavan: Absolutely; I'm happy to take them on notice.

CHAIR: I think it would be entirely appropriate.

Senator PATRICK: Sure.

Senator Canavan: I've always been happy to provide Senator Patrick briefings on this matter, and I'm happy to do that on notice.

CHAIR: Rather than taking them on notice, perhaps we can arrange for a meeting.

Senator PATRICK: Sure. Just responding to what the minister said, all I'm suggesting is if this is a real risk, and there is some evidence that it is, it has come from Defence, then it's appropriate for the community to be engaged so that they're fully informed as they go into this.

Senator Canavan: And what I'm saying, Senator, is I'm always happy to provide you with briefings, as I have on this issue, and I think it's appropriate on this issue we do that first, and then we can discuss it further.

Senator PATRICK: I want to go to the matter of a brief that I also obtained under FOI that raised a number of issues in respect of the selection process, one of which I know you're aware of, Minister. The briefing that was provided to you after the AEC vote in 2017 contained advice from your department that claims had been raised about mental health issues associated with the selection process. Can you or someone just advise what the department has done in reaction to that advice you received?

Senator Canavan: Sure; yes. It's not something I just need advice on. As you know, Senator Patrick, I have visited Kimba and Hawker a number of times and seen that directly. As you would be aware, we have had officials in both Kimba and Hawker on a weekly basis now—it must be getting on for almost two years in Hawker, and a fair length of time, probably over a year, in Kimba—so we've always kept up a very constant and face-to-face degree of communication to deal with any issues that are raised.

I believe that it might have been Kimba, but I'll wait to be corrected, but overall we've also provided funding for infrastructure, both economic and social infrastructure, in Kimba and Hawker. Some of those investments I believe have gone directly to fund mental health initiatives. I don't believe they're specifically directed at the radioactive waste issue, but obviously they can help. And I might ask officials to just expand on that. I can't remember if that investment was Kimba or Hawker

Ms Reinhardt: Yes, there is particular funding for a mental health community project. In addition to that, it's also worth noting that in November last year Kimba was named the kindest place in the country and the best area to live with a number of happiness indicators around housing, health, education, employment and community work-life balance.

Senator PATRICK: Respectfully, I'm not talking about the community in general.

Ms Reinhardt: But you are talking about mental health issues within the community.

Senator PATRICK: No, if someone has raised a mental health issue—

Senator Canavan: I accept that. I will put it on the record—as I've said, I have been to Kimba a number of times. I think it's a beautiful town—

Senator PATRICK: I do too.

Senator Canavan: I think overall, as indicated by its success in these awards, it seems a fantastic community. That's not to say there aren't individuals that feel

stress from this process, and their concerns must be dealt with, even if they're not—

Senator PATRICK: Just to be clear, my question goes not to a community facility —and all of that's good— but if there are individuals that have expressed concern in relation to mental illness, making sure those individuals have been dealt with. Is the department aware of any particular individual? It could be on either side of the question, but obviously, if you become aware of it, there's a responsibility to act. Or has no-one presented with a name; you're just not aware of anyone that's done that?

Ms Chard: No-one specifically has approached the department. When the submissions from 2017 raised the potential for there to be mental health issues in the community, the department did raise it at the time with the local doctor. As the minister alluded to, we have subsequently supported, through the grants program, a mental health initiative in Kimba in October last year. They had a major health and wellbeing event. They had about 250 community members actually participate in that health and wellbeing event that was facilitated by the healthy mind, healthy community working group that's being supported through the grants program.

Senator PATRICK: Thank you. Just in relation to broad community support, just reading from the department's brief to you, Minister, it says, 'Given the similar results despite ongoing consultation, it is unlikely

ECONOMICS LEGISLATION COMMITTEE

Thursday, 21 February 2019 Senate Page 115

community views will change significantly in the short to medium term, with a block of around 40 per cent persistently strongly opposed.' Now, in effect, what that says is you won't ever get past 60 per cent. We've had discussions about your answer in the chamber, and I know it wasn't a dead-set marker at 65, but that would indicate, having knowledge of that going forward when you made your decision, you've basically accepted that something less than 60 per cent is an acceptable input factor to broad community support?

Senator Canavan: Look, we're going to repeat old ground, because I think this question has been asked in the chamber and at other estimates. As I've outlined, the government and I have not sought to put a specific threshold or number on the support required. We've always sought broad community support. As I've

said previously, the quantitative poll, or survey in some cases, that we have done is one factor in assessing that broad community support, but not the only one. In particular, we have sought to ensure that some subsets of the community have particular attention paid to their views, especially neighbouring landholders, the landholders themselves—it obviously doesn't proceed without their support—and, in cases, Indigenous community representatives as well. So it's not simple to bring it down to a specific number.

And then I go back to also saying that I might disagree here, but I think support for something like this—well, as I've said previously, a facility like this is always going to have a certain degree of opposition. I don't think any community would have 100 per cent support. I think a level around that 60 per cent support for something is a very high level of support, particularly in comparison to election results on other major issues, on issues of the day or election of officials.

Senator PATRICK: But it's clear that when you made the decision to proceed you were well aware that you were not going to get more than 60 per cent. That's the advice—

Senator Canavan: I wouldn't put it as definitively as that.

Senator PATRICK: Sure, but you're pretty sure.

Senator Canavan: You've characterised it in terms of the opposition, but I think the corollary there that may have been definitively outlined too is that the basic principle here is the communities in Kimba and Hawker are quite well informed. There has been a significant degree of consultation and, therefore, as you'd expect, most people—the advice to me is that the view is most people have probably made up their mind because of the information that has been provided.

Senator PATRICK: All right.

Ms Chard: Senator, it is worth noting that that assessment was made in 2017. Since then there has been more than a year—18 months or so—of fairly extensive consultation to make sure that the communities are adequately informed. The reference to 'short to medium term' was an assessment that was made back in mid-2017.

Senator PATRICK: Well 'short to medium term'—I know, for example, an intermediate solution to an intermediate level waste management facility could be a 40-year term. I'm just going off, *prima facie*, what the department advised the minister—that is, you're unlikely to get a change beyond 60-40, and just noting that's the basis upon which the minister proceeded.

Senator Canavan: I should clarify that none of my comments indicate that we are prejudging. We are genuinely going to have another assessment of community support. The process was one established through the local government that is currently the subject of a court case. So that will be up to people. We can't predict the exact result. The department have provided their best assessment, and I didn't take it to be a definitive one.

Senator PATRICK: But you accept, Minister, that you're going to put people through an AEC vote where they don't understand what the pass mark is? It is like that old saying that we've heard in the chamber before— that it is not the people who vote that count; it's the people who count that vote.

Senator Canavan: But the vote is done by each individual. Each individual has their choice. I think that's the way democratic decisions should be made.

Senator PATRICK: But normally when you go into an election you know what the criteria is for a pass or a fail. When you have a party room spill, as sometimes happens, you know going into that what the pass mark is for the leader to have to step down and the new leader to step up. We know when we go to an election exactly how it is counted and exactly how someone is nominated and ends up being a member of parliament. Here we have no idea what is going to happen on the other side of the AEC vote. It is really unusual.

Senator Canavan: For an absolute start, after any conclusion of any ballot and subsequent decision by the government, that decision will come back to the parliament. So it will be scrutinised. There will need to be changes made to the Radioactive Waste Facility Act. So those changes to that act will need to have the support of both houses of the parliament.

ECONOMICS LEGISLATION COMMITTEE

Page 116 Senate Thursday, 21 February 2019 Senator PATRICK: What changes would they be?

Senator Canavan: I will ask officials to go through those, but there are a number of changes that would be required on the selection of any site—and I flagged that in Kimba and Hawker when I last visited. So there will be that level of scrutiny and assessment of any government decision. This is obviously a different and somewhat unique way of seeking to establish a radioactive waste facility. There might be one or two but there are not many examples around the world of

governments conducting this kind of democratic choice. Most facilities have been established by fiat, not through community choice.

We have always had difficulties in deciding the boundaries and constituencies that we would ask, which brings me back to the point about broad community support and why we have always taken a multifactor approach, where we don't just take the raw result of a ballot and one group are missed out. A group I mentioned earlier are the people who aren't in the area but are close and have an interest. We're taking submissions from them and they'll be assessed by me following any ballot and collation of submissions.

Senator PATRICK: Minister, I don't mind your algorithm; I would just like to know what it is.

Ms Chard: When the legislation was conceived in 2012 it envisaged that a fund would be established to support the community. The legislation is currently drafted that that fund would be managed by the state government. Following community feedback and the relative legislative frameworks, when the government announced the \$30 million community development package last year, one component of that was a \$20 million community fund. So there would need to be legislative change to enshrine that new fund in the legislation and adjust the terminology so that it's a fund that can be managed by the community rather than by the state.

Senator PATRICK: Having made that commitment to the community, if that legislation didn't pass through the parliament, what would happen then?

Ms Chard: The fund isn't dependent on the legislation change, but the community has asked for the fund to be enshrined in the legislation, so we would seek to make that change.

Senator PATRICK: So there could be a situation where the decision gets made—and the people of Kimba and Hawker should know this—by the minister, because there's nothing that fetters him at this point in time, but the funding arrangement might not be possible if the parliament didn't agree?

Senator Canavan: The government would make a decision at that time, but I'm very confident that, in the event that we have strong support for this facility, we'll also have the support of the parliament, and we'll keep our promises around funding any community with the direct employment and investment of the facility and also the establishment of the related fund.

CHAIR: I think that's probably a very good spot to break for 15 minutes.
Proceedings suspended from 21:15 to 21:30

The copyright of the Australian government as the recorder and publisher of Hansard with reporting of the various proceedings of the Australian federal government is acknowledged particularly with the publication of this extract which is for the purposes of providing specific information of interest and required by the persons who are given copies of this extract