



Australian Government
**Department of Industry,
Innovation and Science**

National Radioactive Waste Management Facility Project

Kimba Consultative Committee Guidelines
(September 2017)

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1 Kimba Consultative Committee

1.1 Introduction

The Government, through the Department of Industry, Innovation and Science ('Department'), is currently undertaking a process to establish a National Radioactive Waste Management Facility ('facility') to manage Australia's low level and intermediate level radioactive waste. This process is referred to as 'the project'.

On 27 June 2017, the former Minister announced that Kimba, South Australia, has been shortlisted for Phase Two of the project. This entails further community consultation and technical assessment work.

The Department is dedicated to ensuring the community is fully engaged and is able to provide input on key aspects of the project throughout its next phase. Therefore, the Department is establishing the Kimba Consultative Committee ('the Committee') to assist in this for Phase Two of the project.

These guidelines have been developed to assist in establishing and operating the Committee.

While the Committee will play an important role in the Government's engagement with the community it is important to note that it will be complemented through direct engagement by the Department with key stakeholders such as neighboring and nearby landowners, traditional owners and their representatives, local community groups and the general public to ensure concerns and issues are understood and considered in the decision making process.

The Kimba Consultative Committee will operate in the same manner as Barndioota Consultative Committee.

1.2 Purpose of the Committee

The purpose of the Committee is to ensure constructive dialogue and information exchange between the Government and the Kimba community on all aspects of the project pertaining to Phase Two.

The Committee is not a decision-making body and performs an advisory role only.

The Committee will meet regularly throughout the process to discuss key aspects of the project.

The Committee will be convened and facilitated independently from the department.

More specifically, the Committee provides a forum to:

1. Provide advice and input into the potential issues that affect the community in relation to the project.
2. Provide advice on the suitability of proposed projects under the Community Benefit Package.
3. Be consulted on and informed of the outcomes of field and technical investigation work.
4. Provide advice on engagement activities undertaken with neighbouring landowners, key stakeholders and the general public.
5. Help identify the key social and community values to be considered in the evaluation of the sites.
6. Assist in communicating and disseminating information to the broader community.

The Committee will give members the opportunity to work through, discuss and understand the implications and benefits of the project, be informed of potential issues, and be aware of upcoming community engagement activities.

Responsibility for oversight of the project's compliance with the conditions of any government approvals remains with the Department.

1.2.1 Period of operation of the Committee

The Committee will remain active for the duration of the Phase Two activities, which will continue to the point at which the Minister takes a decision whether to take the site to the next stage. Phase 2 may continue to the end of December 2018. The Minister may ask the Committee to either disband or continue beyond this time as required.

If Kimba progresses to Phase Three (site selection, facility design and licensing), then a Regional Consultative Committee (RCC) would be established in accordance with the *National Radioactive Waste Management Act, 2012*. In this instance, all Committee positions would be reviewed and a process to transition to the RCC would commence.

1.3 Members of the Committee

1.3.1 Membership of the Committee

The Committee will consist of between 15 to 20 members who will be representative of the local community (see Section [1.3.4] for further details). Membership will comprise the following positions:

- An Independent Convener;
- A Deputy Convener; and
- Community representative members (also referred to in these guidelines as Committee members).

The Committee will be supported by officials from the Department, including through the provision of secretariat assistance (see section [1.3.5] for further details). The Committee, through the Independent Convener, may request other experts to participate or provide advice as required, or may be asked to participate in other forums related to the Facility.

The community representative members will be made up from a range of people that represent an interest or view from the local community, and may be drawn from the following:

- Direct neighbours to the site
- Indigenous groups
- Business
- Local government
- Local community members
- Other groups such as landowners, agriculture and tourism.
- Anyone else with an interest in the land

1.3.2 Independent Convener

Role of the Independent Convener

The Independent Convener will be engaged to assist in the deliberative process of the Committee.

They will:

- Be appointed by the Minister;
- Be independent of the Department;
- Act impartially with respect to any individual or representative in the community;
- Attend and convene meetings in a fair and independent manner;
- Facilitate discussion to ensure all members are provided with an opportunity to speak and share their views;
- Support constructive dialogue;
- Facilitate resolution of disputes between Committee members and between the Committee and the Department;
- Identify any items of a confidential nature so that Committee members understand how this information may, or may not, be used;
- Assist in the preparation of meeting notes for all Committee meetings, with support from the Department's project team;
- Discuss prospective agenda items with the Department for inclusion in the next Committee meeting;
- Collate any materials that need to be disseminated to the Committee members and ensure that they are distributed within a reasonable timeframe.

The Independent Convener will ensure that all matters raised by the community representatives are given equitable treatment and maximise the value of the Committee.

The Independent Convener will be supported by the Department in coordinating and supporting the meetings. Should the Independent Convener be unavailable for individual meetings, the Deputy Convener will act in their position for the meeting. If the Independent Convener becomes unavailable for an extended period it is expected that they will notify the Minister through the Department. The Deputy Convener will act in their place until a permanent Independent Convener appointment is made.

Nomination of the Independent Convener

The process for selecting the Independent Convener will be independent of the selection of Committee members (refer to section [1.3.4] below).

A nomination form is included at [section 2](#) of these Guidelines. Nominations may be made following advertisements by the Department in local media publications, the project website and community consultation events, to seek community representatives who would be suitable for joining the Committee.

The nomination period will be open for a minimum of 10 days from the date of publication, to allow interested community members the opportunity to make a nomination.

All nominations are to be sent directly to the Department (via email or post), who will review the nominations and provide a shortlist to the Minister.

The Department will shortlist nominees for the role of Independent Convener and provide the shortlist to the Minister. Nominees must provide the following information to the department:

- A covering letter addressing the nominee's suitability for the position against the selection criteria below;
- The nominee's current CV;
- A signed nomination form (refer to section 2 below).

Selection criteria for the Independent Convener

The selection criteria for the role of Independent Convener are:

- An ability to facilitate and manage stakeholder committees in an independent manner;
- Experience in community relations, facilitation, mediation or public advocacy;
- An ability to represent the concerns of a variety of interest groups and an understanding of local issues;
- A willingness to share information with the local community; and
- Uphold the Code of Conduct, in section 1.4.4, below

The Minister will appoint an Independent Convener. He may do so after considering the shortlist of nominations made by the Department, or by having regard to the suitability of an individual to meet the selection criteria and to perform the duties of the role. The Minister may cancel the appointment of the Independent Convener at any time and appoint a new Independent Convener.

Where the majority of Committee members are concerned about the manner in which the Independent Convener is fulfilling the role (e.g. there is an ongoing perception of bias, inappropriate control, a refusal to share information or to adhere to the wishes of the Committee), they may request the Minister review the Independent Convener's appointment, with a view to deciding whether to replace the Convener.

1.3.3 Deputy Convener

Role of the Deputy Convener

The Deputy Convener will be engaged to assist in the deliberative process of the Committee. They will:

- Be appointed by the Minister;
- Be independent of the Department;

- Act impartially with respect to any individual or representative in the community;
- Attend meetings;
- Convene meetings in a fair and independent manner when the Independent Convener is unavailable;
- Assist the Independent Convener in their role, as appropriate;
- Assist in the preparation of meeting notes for all Committee meetings, with support from the Department's project team;
- Discuss prospective agenda items with the Department for inclusion in the next Committee meeting;
- Collate any materials that need to be disseminated to the Committee members and ensure that they are distributed within a reasonable timeframe.

The Deputy Convener will be supported by the Department in coordinating and supporting the meetings. Should the Independent Convener be unavailable for individual meetings, the Deputy Convener will act in their position for the meeting. If the Independent Convener becomes unavailable for an extended period, the Deputy Convener will act in their place until a new Independent Convener is appointed.

Nomination of the Deputy Convener

A nomination form is included at [section 2](#) of these Guidelines. Nominations may be made following advertisements by the Department in local media publications, the project website and community consultation events, to seek community representatives who would be suitable for joining the Committee.

The nomination period will be open for a minimum of 10 days from the date of publication, to allow interested community members the opportunity to make a nomination.

All nominations are to be sent directly to the Department (via email or post), who will review the nominations and provide a shortlist to the Minister.

The Department will shortlist nominees for the role of Deputy Convener and provide the shortlist to the Minister. Nominees must provide the following information to the department:

- A covering letter addressing the nominee's suitability for the position against the selection criteria below;
- The nominee's current CV;
- A signed Nomination form (refer to [section 2](#)); and

Selection criteria for the Deputy Convener

The selection criteria for the role of Deputy Convener are:

- An ability to facilitate and manage stakeholder committees in an independent manner;
- Experience in community relations, facilitation, mediation or public advocacy;
- An ability to represent the concerns of a variety of interest groups and an understanding of local issues;
- A willingness to share information with the local community; and
- An ability to uphold the Code of Conduct, in section 1.4.4, below

The Minister will appoint the Deputy Convener. He may do so after considering the shortlist of nominations made by the Department or by having regard to the suitability of an individual to meet the selection criteria and to perform the duties of the role. The Minister may cancel the appointment of the Deputy Convener at any time and make a new appointment.

Where the majority of Committee members are concerned about the manner in which the Deputy Convener is fulfilling the role, they may request the Minister review the Deputy Convener's appointment, with a view to deciding whether to replace the Deputy Convener.

1.3.4 Community representative members

Role of community representative members

The roles of community representative members are to:

- Attend meetings, actively participate in discussions, and advise any issues of concern from the group(s) each member represents;
- Provide information to the Committee about any community engagement activities or technical investigations;
- Declare any potential conflicts of interest; and
- Uphold the Code of Conduct, in section 1.4.4 below.

Nomination of community representative members

A nomination form is included at [section 3](#) of these Guidelines. Nominations may be made following advertisements by the Department in local media publications, the project website and community consultation events, to seek community representatives who would be suitable for joining the Committee.

The nomination period will be open for a minimum of 10 days from the date of publication, to allow interested community members the opportunity to make a nomination.

All nominations are to be sent directly to the Department (via email or post), who will review the nominations and provide a shortlist to the Minister.

The Minister will review the shortlist, appoint the community representatives and formally notify in writing the successful appointees.

The Minister may appoint, review or replace community representatives at any time. He may do so by having regard to the shortlist, or by having regard to an individual's capacity to perform the role of community representative member on the Committee and to meet the eligibility criteria set out below.

Selection criteria for community representatives

Community representatives will be selected from the local community and other stakeholder groups. Candidates will be selected to ensure that the Committee will comprise of a broad membership to represent the interests of the community.

To be eligible to be selected, community representatives must:

- Be from the community, and be able to represent it in a constructive manner, with an interest in the project;
- Have demonstrated involvement in local community groups and/or activities;
- Be willing to attend meetings and disseminate relevant material and information to the community;
- Be willing to remain a participating member of the Committee until further notice (except in exceptional circumstances);
- Have good communication and interpersonal skills; and
- Be willing to adhere to the Committee's Code of Conduct (refer to section 1.4.4 below).

1.3.5 Role of the Department

The Department will take an active role in the Committee to:

- Provide details on upcoming project events and milestones, outlining how that will affect the local community;
- Seek the views of the Committee on a range of issues regarding the community consultation and technical work;
- Provide the Committee with feedback regarding issues raised or the progress of comments put forward for Departmental consideration within agreed timeframes;
- Organise meeting facilities for each meeting;

- Provide Secretariat support at each meeting and draft the Notes; Provide information regarding shortlisted applicants for the Community Benefit Program for the advice and views of the Committee; and
- Promote the Committee within the community;
- Consider suggestions made by members of the Committee on the processes and operation of the Committee;
- Support the Independent Convener in their role, including developing the agenda for Committee meetings; and
- Develop the Committee Terms of Reference.

1.4 Committee Meetings

1.4.1 Timing and location of meetings

It is expected that most meetings will be held in Kimba, South Australia although meetings at other locations around the region are possible if the Committee considers this to be desirable. Dates, times and venue of meetings will be agreed at the first Committee meeting, and will be subject to the availability and requirements of Committee members.

The Committee meetings will include input and involvement from relevant experts/advisers when required.

Any member of the Committee may ask the Independent Convener to convene an Extraordinary Meeting of the Committee at any time to discuss important and urgent topics. The Independent Convener shall determine whether an Extraordinary Meeting is warranted.

1.4.2 Meeting proceedings

The Independent Convener will convene all meetings and liaise with the Department to develop agenda items for each meeting. Agenda items may be added by members of the Committee through the Independent Convener, with any additions at the discretion of the Independent Convener and Department.

The Independent Convener should ensure that issues of concern are properly considered.

As the Committee is not a decision making body, it is not a requirement that consensus be reached on issues discussed at meetings. The Committee may wish to put forward an endorsement on a particular issue where there is unanimous agreement.

Committee meeting agenda items could include:

1. Apologies.
2. Declaration of conflicts of interests.
3. Response to issues raised at the previous meeting or provision of requested information.
4. Confirmation of the Notes of the previous meeting.
5. Community activities held and to be held.
6. Community concerns and response to concerns.
7. Next meeting.

1.4.3 Notes of meetings

Summary Notes of each meeting will be made publicly available on the Department's website.

The Notes will be drafted by the Department at the end of each Committee meeting in collaboration with the Independent and Deputy Convener. The Notes will not be a verbatim record of discussion but will record issues raised, actions to be undertaken, who is responsible for carrying out those actions, and by when.

The Notes will be reviewed by the Independent Convener prior to distribution to Committee members.

Following any changes, the Independent Convener will endorse the Notes, enabling upload onto the Department's website.

1.4.4 Code of Conduct of Committee members

Meetings of the Committee may adopt any particular set of standard meeting practices they wish. However,

as a minimum, Committee members are expected to:

- Regularly attend meetings;
- Advise the Independent Convener in advance if they are unable to attend meetings;
- Contribute to an atmosphere of open and constructive participation;
- Abide by the directions of the Independent Convener;
- Immediately advise the Independent Convener of any potential or actual conflicts of interest relating to matters under discussion;
- Perform their functions impartially and in the best interests of the community;
- Communicate concerns, interests and ideas openly and make reasons for any disagreement clear in a constructive and thoughtful manner;
- Engage with other members of the Committee respectfully; and
- Maintain confidentiality where a request has been made and agreed to by the Independent Convener.

Committee members are expected to sign the Code of Conduct Agreement provided at Section 4 of these guidelines prior to joining the Committee. This Code of Conduct Agreement identifies the accepted behaviors of Committee members.

The Independent Convener must bring any breach of the above requirements or of the Code of Conduct Agreement to the attention of the person(s) concerned. This may be via verbal warnings given during the meeting (and formally recorded in the meeting Notes) or a written warning following the meeting.

Following three warnings, either verbal or written, the Independent Convener may seek the Minister's approval to replace the member.

The Independent Convener may similarly request the replacement of any member who fails to attend Committee meetings regularly.

Meetings may be open to the public at the discretion of the Committee and will not be recorded by video or audio devices except with the agreement of the Department, the Independent Convener and all representative members of the Committee.

1.4.5 Conflicts of Interest

For Committee members, including the Independent Convener and Deputy Convener, a conflict of interest can exist if there is a conflict between:

- Their roles and responsibilities on the Committee; and
- Their private interests (where these interests could inappropriately influence their activities on the Committee).

Private interests include an individual's own personal, professional or business interests or the interests of individuals or groups with whom they are closely associated. This includes relatives, friends or other affiliations.

A conflict of interest can be:

- Real (or actual);
- Apparent (or perceived); or
- Potential.

A real (or actual) conflict of interest exists when a person's private interests **could** improperly influence how they perform their duties on the Committee.

An apparent (or perceived) conflict of interest exists where it **appears or is perceived** by a third party that someone's private interests could improperly influence how they perform their duties on the Committee, even if a real or actual conflict has not, or cannot, be established.

A potential conflict of interest exists when someone has a private interest and an actual conflict of interest **could** arise if they make any decisions related to the Committee.

1.4.6 Disclosure of conflict of interest

The Convener, Deputy Convener, committee members and other officials must declare any conflicts of interest. There is a Conflict of Interest Declaration form at Section 5 of these guidelines.

The Independent Convener receives and retains all declarations from members including the Deputy Convener. The Independent Convener assesses all declarations to determine whether a conflict of interest exists, whether it is significant and what action should be taken to manage it. All declarations from the Independent Convener must be provided to the department.

In the event that a conflict of interest is identified, that individual will be advised what they must do to manage the conflict. For example, if a conflict of interest is a cause for concern, that official will not take part in particular discussions of the Committee.

1.4.7 Attendance by non-Committee members

Invitations for non-committee members to attend Committee meetings may be made by the Independent Convener or Department. Such invitations may be issued to:

- Company representatives providing specific project or technical advice;
- Technical experts or consultants; and/or
- State / Territory Government agencies.

1.4.8 Committee funding and remuneration

The Independent Convener, Deputy Convener and Committee members will receive payment of sitting fees and reasonable travel expenses from the Department. Sitting fees and travel expenses will be paid in accordance with the Remuneration Tribunal *'Determination 2017/10: Remuneration and Allowances for Holders of Part-Time Public Office'*. The Deputy Convener will be remunerated at the rate of the committee members. This outlines the hourly rates and reasonable expenses that can be reimbursed.

All fees for service and reasonable travel costs will need to be pre-approved in writing by the Department.

Any other payment received by the Independent Convener or Committee members [in relation to their Committee role] should be declared as a pecuniary interest. The declaration (but not the actual amount) will be recorded in the Notes of the meeting.

1.4.9 Dispute resolution

The aim of the Committee is to represent a diversity of viewpoints within the community, and consensus may not always be reached among members. Where members hold a range of perspectives on a particular issue, the differing viewpoints will be noted in the Notes.

The Independent Convener carries a particular responsibility in dispute resolution, in respect of disputes between members of the Committee.

If a dispute between the Committee members cannot be resolved by the Independent Convener, the Independent Convener should seek the advice of the Department.

1.5 Communication with the broader community

Committee members are encouraged to discuss issues and disseminate information about the project to the wider Kimba community. If appropriate, the Independent Convener may also give briefings to community organisations.

The Committee may agree to release statements or other information to the media, or to adopt other approaches to publicly disseminate information. However, only the Independent Convener may speak publicly on behalf of the Committee. Individual Committee members may make comments to the media or in public forums on behalf of themselves or the stakeholders which they represent, but not on behalf of the Committee.

There is a presumption that all documents and other information considered by the Committee should be generally available to the community.

2 Independent Convener/Deputy Convener Nomination Form

2.1 Nomination details

I would like to nominate for the position of Independent Convener/Deputy Convener (circle appropriate option) on the National Radioactive Waste Management Facility Project Kimba Consultative Committee.

I accept that selection and appointment as the Independent Convener/Deputy Convener (circle appropriate option) for the National Radioactive Waste Management Facility Project Kimba Consultative Committee will be subject to my:

- Ability to convene and manage stakeholder committees in an independent manner;
- Experience in community relations, facilitation, mediation or public advocacy;
- An ability to represent the concerns of a variety of interest groups and an understanding of local issues;
- Willingness to share information with the local community; and
- Ability to comply with the Code of Conduct.

Please attach a supporting letter that clearly demonstrates how you meet the above criteria.

2.2 Signed declaration

If appointed to the Kimba Consultative Committee, I accept that I will be asked to declare any conflict of interest in accordance with the process set out in section 1.4.6 of these guidelines, including any potential or perceived conflicts of interest.

I also understand that by completing this nomination:

- I have demonstrated that I meet the above criteria for selection to the Kimba Consultative Committee.
- I agree to signing Code of Conduct Agreement and displaying the accepted behaviors.
- I agree to and understand the responsibilities of being the Independent Convener/Deputy Convener (circle appropriate option) of the Kimba Consultative Committee.

Name _____

Address _____

Email _____

Phone _____

Signature and date _____

This signed nomination form and supporting letter must be sent directly to the Department by email or post to the following addresses:

Email: radioactivewaste@industry.gov.au

Postal address: National Radioactive Waste Management Project
Department Industry, Innovation and Science
GPO Box 9839
Canberra ACT 2601

3 Community Representative Nomination Form

3.1 Nomination details

I would like to nominate for the position of community representative member of the National Radioactive Waste Management Facility Project Kimba Consultative Committee.

I accept that selection and appointment as the community representative member of the Committee will be subject to my:

- Being from the community, and ability to represent it in a constructive manner, with an interest in the project;
- Demonstrated involvement in the local community;
- Ability to attend meetings of the Committee and disseminate relevant material and information to the community;
- Willingness to remain a participating member of the Committee until further notice (except in exceptional circumstances);
Good communication and interpersonal skills; and
- Willingness to adhere to the Committee's Code of Conduct.

Please attach a supporting letter that clearly demonstrates how you meet the above criteria.

3.2 Signed declaration

If appointed to the Project Committee, I accept that I will be asked to declare any conflict of interest in accordance with the conflict of interest process set out in section 1.4.6 of these guidelines, including any potential or perceived conflicts of interest. I also understand that by completing this nomination:

- I have demonstrated that I meet the above criteria for selection to the Kimba Consultative Committee.
- I agree to signing a Code of Conduct Agreement and displaying the accepted behaviors.
- I agree to and understand the responsibilities of being a community representative member of the Kimba Consultative Committee.

Name _____

Address _____

Email _____

Phone _____

Organisation/role (if you are applying as a representative of an organisation)

Signature and date _____

This signed nomination form and supporting letter must be sent directly to the Department by email or post to the following addresses:

Email: radioactivewaste@industry.gov.au

Postal address: National Radioactive Waste Management Project
Department Industry, Innovation and Science
GPO Box 9839
Canberra ACT 2601

4 Code of Conduct Agreement for Committee members

Congratulations on your appointment to the National Radioactive Waste Management Facility Project Kimba Consultative Committee. This form must be signed and returned to the Department before your appointment can be activated.

All appointed members have a responsibility to understand their duties and responsibilities and execute the Committee's purpose without exceeding the authority of their position.

As a condition of engagement, the members of the Committee must agree to the principles of accepted behavior outlined below.

4.1 Accepted behavior

As a member of the Committee, I understand I will be expected to:

- Regularly attend Committee meetings, at dates and times set by the Committee's Independent Convener;
- Advise the Independent Convener (or, where appropriate, the department) in advance if I am unable to attend meetings;
- Contribute to an atmosphere of open and constructive participation;
- Abide by the directions of the Independent Convener;
- Immediately advise the Independent Convener during meetings of any potential or actual conflict of interest relating to matters under discussion;
- Perform in the best interests of the community;
- Communicate concerns, interests and ideas openly and make reasons for any disagreement clear in a constructive and thoughtful manner;
- Engage with other members of the Committee respectfully;
- Maintain confidentiality where a specific request has been made and agreed to by the Independent Convener; and
- Put forward views but also remain committed to open and shared dialogue.

4.2 Signed declaration

If appointed to the Committee, I accept that I will be expected to abide by the standards set out in this Code of Conduct Agreement.

Name _____

Signature _____

Date _____

Please return this Agreement to the Department by email or post to one of the following addresses:

Email: radioactivewaste@industry.gov.au

Postal address: National Radioactive Waste Management Project
Department Industry, Innovation and Science
GPO Box 9839
Canberra ACT 2601

5 Conflict of Interest Declaration

As a member of the National Radioactive Waste Management Facility Project Kimba Consultative Committee I declare (tick as appropriate):

I have a conflict of interest.

Please provide details:

I have no conflict of interest.

As well as declaring the above, in the course of Committee meetings or activities, including site visits, I will disclose any interests in a transaction or decision where there is a real, apparent or potential conflict of interest.

I understand I may be asked by the Independent Convener of the Committee or the department, where appropriate, to withdraw from discussion about or voting on particular issues.

Any such disclosure and the subsequent actions taken will be noted in the meeting Notes.

Name _____

Signature _____

Date _____