



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

Senator Jess Walsh  
Chair  
Senate Economics Legislation Committee  
Parliament House  
CANBERRA ACT 2600

Dear Senator Walsh

On reviewing the Proof Hansard of the testimony given by the department at the Senate Estimates hearing on 15 February 2024, I find that some of the information provided to the Committee would benefit from clarification and correction.

The following exchange occurred between myself and Senator Susan McDonald:

**Senator McDONALD:** I'm trying to understand the decision timeline around the Kimba decision last year. Please pull me up if there's anything that I don't have accurate. On 1 August, the department submitted MS23-001217 to the minister's office on the PDMS, and I have that to table. On 3 August, Minister King met with Mr Ramsey, the member for Grey, to discuss Kimba and the Community Development Program.<sup>1</sup> On 7 August, Minister King signed MS23-001217, advising that she would not appeal the High Court decision. That's what I'm tabling. On 9 August, the department submitted MS23-001339 with policy and legal advice for the minister based on the draft ministerial state that her office had provided. At last estimates, Mr Usher and the department told us that they found out on the evening of 9 August that the decision would not be appealed.<sup>2</sup> On 10 August, the minister made the ministerial statement in the parliament. Is this a correct outline of the timeline of the decision? Mr Usher.

**Mr Usher:** I was first aware that the decision to move away from the Napandee site was being considered on the Tuesday. I can't quite recall the date; I think it was Tuesday 8th. But, as I understand, the final decision to actually move away from the Kimba site was taken - I was aware of that late on Wednesday 9th.

**Senator McDONALD:** That's what you said at the last estimates—

**Mr Usher:** That's correct.

**Senator McDONALD:** that you found out on the evening of the 9th the decision would not be appealed. Are you happy with the time line as I have it?<sup>3</sup>

**Mr Usher:** That's right.

I would like to advise the Senate Economics Legislation Committee of the following corrections to my testimony at the hearing.

<sup>1</sup> Senator McDonald's statement that "On 3 August, Minister King met with Mr Ramsey, the member for Grey, to discuss Kimba and the Community Development Program" is not correct. Minister King was scheduled to meet with Mr Ramsey on 3 August 2023, however, that meeting did not occur. Minister King met with Mr Ramsey on 27 November 2023.

<sup>2</sup> During my previous hearing with the Senate Committee on Thursday 26 October 2023, I was not asked when I found out that the Federal Court order would not be appealed.

<sup>3</sup> On Monday 7 August 2023, I was advised of the government's decision not to appeal the Federal Court judgement of 18 July 2023, which set aside the declaration of the former Minister for Resources, the Hon Keith Pitt MP, to select the site for the National Radioactive Waste Management Facility (NRWMF) under s14(2) of the *National Radioactive Waste Management Act 2012* (brief MS23-001217 refers). During Tuesday 8 August 2023, I was advised that Minister King was considering a decision not to pursue the site located near Kimba, South Australia as the site for the NRWMF nor the previously shortlisted Lyndhurst and Wallerberdina sites, with the intention to announce this in Parliament. I was informed in the evening of Wednesday 9 August 2023 that this decision had been formally made by the Minister.

I kindly ask that you alert other members of the Committee to these corrections.

Yours sincerely

Sam Usher  
Chief Executive Officer, Australian Radioactive Waste Agency

2 April 2024