

COMMISSIONER: Good morning. We will resume topic 13 this morning, Community Engagement and Nuclear Facilities, and I welcome Mr Bob Watts from the Nuclear Waste Management Organisation in Canada.

5 MR JACOBI: Mr Watts is the associate vice president of aboriginal relations for NWMO, an organisation established in 2002 in accordance with Canada's Nuclear Fuel Waste Act to assume responsibility for the long-term management of Canada's used nuclear fuel. Mr Watts is also a fellow and adjunct professor at the School of Policy Studies at Queen's University.  
10 Throughout his career, Mr Watts has focused on strengthening Canada's First Nation's institutions.

He has previously served as the CEO of the Assembly of First Nations and as the interim executive director of Canada's Truth and Reconciliation  
15 Commission. In 2014, he was the recipient of the Inspire Award in recognition of his outstanding career achievement as an indigenous professional, and the Commission calls Mr Bob Watts.

COMMISSIONER: Thank you for joining us, Mr Watts. Earlier this year we  
20 had the benefit the Commission visiting the Nuclear Waste Management Organisation in Canada, and one of the topics we discussed during that visit concerned the approach taken to engage Canada's aboriginal peoples in discussions and decision making on the management of spent fuel. This morning we hope to further explore Mr Watts' deep personal knowledge and  
25 experience in this area.

In saying that, I do appreciate that our aboriginal communities will have their own issue and concerns that they'll needed to be centrally addressed by the Commission should we recommend participation in additional nuclear  
30 activities. Mr Watts, can I perhaps start with perhaps you giving us a precis of what's happened since 1980 in Canada's approach to the management of spent fuel.

MR WATTS: Sure. Thank you, Commissioner. If I could just go back  
35 maybe a couple of years before 1980, because a lot of the times when we talking to folks, there's a misconception that somehow our hopes have just turned their mind to the question of what to do with used nuclear fuel in Canada in the last few years, and in fact since the late 70s, the nuclear industry in Canada have struggled with this question of what to do with used nuclear  
40 fuel. In 1978, there was the Porter Commission on electricity planning in Ontario that looked at this issue. In 1980, ACL looked at this issue, and with particular interest in a deep geological repository for used nuclear fuel.

A number of years of study that was led by ACL, which culminated in their  
45 work and recommendations being referred to an environmental assessment

panel, and this panel looked at all of the work that ACL had done. This was the Seaborn Panel, and it's significant, I think, the findings from the Seaborn Panel. What they said through the multi review of the work of ACL was that from a technical perspective, that safety had been demonstrated, however,  
5 broad public support had not, and they said that broad public support is necessary to ensure the acceptability of a concept for managing nuclear fuel waste.

10 So from our point of view, and reflective of the Seaborn findings, safety has two complimentary perspectives, one is technical and one is social. So in the work the NWMO has done over the years, it's looked at both a management system and a technical system in terms of how we approach a siting process for used nuclear fuel, and the management system really looks at the social part and of course the technical system looks at the scientific and technical nature  
15 of a siting process and a deep geological repository.

MR JACOBI: Can I just pick up from there and get you to explain to us a little about how the Seaborn recommendations led to the formation of NWMO and the tasks that were assigned to it?

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MR WATTS: So from the Seaborn panel, nuclear power producers looked at a number of alternatives for moving forward. They knew they had to deal with the issue of used nuclear fuel. They made a number of recommendations to the federal government of Canada in 2002 that passed a piece of legislation called  
25 the Nuclear Fuel Waste Act, and significant in this Act was that any process to deal with used nuclear fuel would be funded by the nuclear power producers and there's been - our principle is, and we try to implement it in Canada "the polluter pays" principle. So this idea is consistent with the notion the polluter must pay for the management of waste.

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The NWMO operates on a not-for-profit basis of a clear mission in terms of working corroboratively with Canadians to develop a management approach for the long-term for Canada's used nuclear fuel, and this is significant in terms of our mission. So this approach needs to be socially acceptable, technically  
35 sound, environmentally responsible, and economically feasible. So the Nuclear Fuel Waste Act set out, I think, a number of important principles in terms of establishment of a trust fund to ensure the long-term financing of a deep geological repository consistent with what we've been told from Canadians.

40 I mean, safety is the first issue, but one of the other things that we were told, significantly, is that this generation in particular has benefitted from the production of electricity from the nuclear power plants and that we should take responsibility for that. We shouldn't kick it down the road to another generation. So both from a siting point of view and from a financial point of  
45 view, we think that's significant that we're not looking at putting a financial

burden on future generations or the burden of figuring out what to do with used nuclear fuel.

5 MR JACOBI: I understand that NWMO is constituted under the statute you referred to. I'm just interested to understand the status of its independence both from industry and from government.

MR WATTS: So the Nuclear Waste Management Organisation is a not-for-profit corporation. It's (indistinct) it's not a crown corporation. It has its own board of directors. The board of directors is populated by a number of folks from the nuclear industry, some from the operators and some others who are technical experts. Significantly, in the Nuclear Fuel Waste Act it established an advisory council, and so the members of the advisory council are appointed by the board of the Nuclear Waste Management Organisation and there's, I think, a couple of things that are important in this.

One is that through legislation, this advisory council, which is independent of the NWMO, must have expertise in aboriginal or indigenous traditional knowledge, must include representatives from local and regional governments and aboriginal organisations that are affected in their region. The advisory council makes their own independent report to the federal government every year in terms of what they observed, in terms of the actions of NWMO, and so it has its own independent chair and independent body and its own independent voice. So in terms of having a process and a governance system that is able to speak directly to government on our actions, we think that was a really wise choice putting that advisory council in place.

MR JACOBI: Can I pick up another aspect of the statute, and I understand the statute imposes particular consultative obligations on NWMO in terms of its engagement with the community. I'm just wondering whether you might expand on the sorts of stakeholders that it specifically envisages must be addressed by NWMO in considering its activity.

MR WATTS: So section 12, subsection (7), of the Nuclear Fuel Waste Act makes it clear that -

*The waste management organisation shall consult the general public, and in particular aboriginal peoples, on each of the proposed approaches.*

So this was put in place at the time where we were still looking at what would be the approach that we end up recommending to government after a number of years of study, and so it talks about - it goes on:

*The study must include a summary of the comments received by the*

*waste management organisation as a result of those consultations.*

5 So the Nuclear Fuel Waste Act envisioned not just sort of the NWMO consulting with its own technical experts sort of in-house, but that we would have a broad public process, inclusive of aboriginal peoples, ensuring that folks were finally going to be able to participate in the process, and that we would report back to government on all of those comments that we received through that process and to make a recommendation to government on an approach to dealing with used nuclear fuel in Canada.

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MR JACOBI: I was hoping to just pick up on the scale of that particular process. I understand the process itself that was run was simply for the task of recommending what the approach should be, that is the process for a siting process and so on. So I was perhaps – could you address first what the objective was of the process that was conducted and then perhaps we can come to the issue of the extent and the scale of the process that was run.

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MR WATTS: So the objective of the process itself was to be able to go back to government to make a recommendation to the government on an approach for dealing with used nuclear fuel in Canada. And so that approach had to be both technical and it had to be social as well. So it had to take in to account scientific evidence, comments from the general public and from Aboriginal people in particular. The NWMO set up many, many tables both scientific, technical, ethical, values based, indigenous tables (indistinct) of the flora tables that were set up to engage knowledge holders or experts in a wide variety of areas but we also had town hall meetings, we had telephone surveys, we had open houses from one end of the country to another to engage people on every question from identifying advice from folks in terms of what should be done, how it should be done, when those actions should be done. And we received everything from put the used nuclear fuel in a rocket ship and shoot it in to space to put it in a volcano to put in a deep geological repository which was the recommendation.

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In terms of a question of breadth of that consultative process this went on for three years. So the NWMO met with more than 18,000 Canadians from one end of the country to another with over 2,500 Aboriginal people and Aboriginal organisations were provided with resources to be able to conduct some of their own consultative sessions to be able to have some of their own experts, to be able to guide the development of recommendations from Aboriginal peoples. We consulted with some 500 specialists and held over 120 information and discussion sessions in every province and territory in Canada.

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MR JACOBI: I am just interested to understand, I think you have addressed speaking to people about techniques or approaches for disposing of the fuel. I

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am also interested to understand the extent to which you gathered what might be described as values within the community and reported on them?

5 MR WATTS: Well, I think that's a really important part of our process was that any recommendation that we were going to make had to reflect the values of the people that we talked to. So this question of values and principles and ethics and having this brought up for framework were really key in terms of the development of an approach. So there are a few things that we were told in particular that were important to Canadians. One was that safety and security is top priority and that continues to be our top priority in terms of how we roll out the adapted waste management programme. They also told us that this generation must take action and we owe it to future generations to deal with these issues now. We are told that whatever we do had to be consistent with the best international standards and practices and significantly we were told 10 that the approach must be adaptable. That it must create space and make room for improvements based on new knowledge or societal expectations or priorities. So this idea of adaptability is built right in to the main of our process and we found in terms of rolling out the process that it had to be adaptable.

20 There are a few other things that we were told in terms of process. We were told, I guess from a principles and values point of view that the process has to be open; it needs to be transparent, fair and inclusive. And again, it must meet the highest scientific professional and ethical standards. We were told that we 25 – through the process that any community, and this has been expanded in our thinking to talk about area, must be informed and willing. Must meet strict scientific safety requirements. That fairness needs to be a hallmark of our process, that the idea about community well-being, so people need to be better off both for having participated in our process but in terms of how we think about assessing an area that it's not just is it good rock or not good rock, that 30 the idea of a community well-being has to be brought in to that assessment process. What we are finding is that some of the initial thinking that we had in terms of sustainable development definition of a community well-being needs to be expanded to incorporate different world views, different things that are important to different areas that we're working in, different cultural groups and 35 other groups. So well-being isn't something that is sort of fixed assessment tool, it in itself needs to be flexible.

40 And what we were told was that communities should have a right to withdraw and this needs to be built in to any agreements, so they can withdraw from the process and that we need to be respectful of Aboriginal rights. So in terms of designing a process, all of these elements had to be taken in to account in terms of that design.

45 MR JACOBI: Can I just come back? You mentioned that even at this stage

where you were seeking the views of the community with respect to these options, both as to the process and as to the approach for disposing of fuel, that there was some resourcing of communities. Can you explain what was the nature of the resourcing at that time?

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MR WATTS: What we did in some cases was work through some regional organisations and sometimes some national organisations to assist us in setting up the processes and bringing people together. So we identified points to be able to enter in to an agreement with those organisations or those communities to be able to participate in that process. I can't go in to great detail in terms of what those agreements look like. I wasn't with the NWMO at that time in terms of those sorts of agreements.

MR JACOBI: Okay. Could I just come to the – as I understand it, the NWMO then made a recommendation to government and this is at the end of the three year process and I am just interested to understand what the government then did with the recommendations that were made by NWMO in terms of its decision as to how spent fuel was to be managed?

MR WATTS: I am sorry but I couldn't – could you repeat that again please.

MR JACOBI: Sorry. I understand that NWMO then made recommendations to government, along with its report of the information that it had gathered through its process. I am just interested to understand what government then did with the information that was provided to it and what the outcome of that was?

MR WATTS: So government took a couple of years to actually study our recommendations, our process, they talked to some of the same groups that we talked to, to verify the type of information that we had put forward. Government has its own legislative process in terms of committee hearings and (indistinct) went to our committee hearings to be able to speak to this. And government was able to accept our recommendation in terms of going forward with adaptive phase management as a way forward for dealing with used nuclear fuel in Canada.

MR JACOBI: We have discussed adaptive phase management a couple of times and I am just interested to understand, I understand that technique involves a focus both on technical and on the process aspects, or the managerial aspects and I am just wondering whether perhaps you can expand on what the components of that particular management technique are?

MR WATTS: So from a technical perspective there are a few things that adaptive phase management embraces. One is that there needs to be a centralised containment in isolation of used nuclear fuel in a deep geological

repository. That there needs to be continuous monitoring of that repository. That we need to build in to our process a potential for irretrievability of used nuclear fuel from that repository. So those were the key features in terms of technical method. From the management side of adaptive phase management the key features were that adaptive phase management needed to be flexible in its pace and manner of implementation, that we needed to have a phase and adaptive decision-making process. Needed to be responsive to advances in technology, research, Aboriginal traditional knowledge and societal values. And that the process itself needed to be open, inclusive and fair, seeking an informed and well (indistinct) community. And that throughout the process there needed to be sustained engagement of people and their communities. So those are the key features of adaptive phase management.

MR JACOBI: Now I understand from that time that the NWMO developed some guiding principles for site selection and I am just interested to understand the Commission has already heard a great deal on the topic of consent and in fact will be spending some more time addressing that issue and I am just interested – I think you made a comment with respect to not only needing communities to consent but also having areas consent. I am wondering perhaps whether you can identify your early thinking with respect to consent and how that has changed?

MR WATTS: I think in terms of adaptive phase management, when I look at all of the research and the papers behind adaptive phase management, I think it was always recognised that even though we are seeking an informative host community that because of the size of the project and the nature of the project, that we would need to look beyond the community in terms of a decision making process. So we have started to look at what does that mean in terms of an area? And because we are still working in multiple areas in terms of resiting process, we haven't got to the point in our process where we have sort of defined what that area might look like but we do know from a principle point of view, that this issue of willing and informed host is going to be broader than the community that sort of put their hand up in the first instance and wanted to identify themselves as a community that was interested in learning more about our project. And I think that is significant too. We went from a number of communities, 22 communities had indicated interest in learning about our process, we narrowed down to nine communities at this point and what we say is that this is a learn more process. No community that is part of the learning process at this point has indicated that they want to be host and at the same time, from an NWMO perspective we haven't indicated our preference in terms of who should be a host or who shouldn't be a host. This is a multi-year learning process both from the management side and from the technical side in terms of understanding both safety and social licence.

MR JACOBI: I am interested to pick up on the concept of communities

indicated that they are interested and you have expressed it in terms of them being willing to learn. I am just interested, perhaps if you could expand on what that means in terms of consent and the ability of those communities to subsequently change their position?

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MR WATTS: So in order to – the NWMO went out for a couple of years to talk to folks about the adaptive phase management process, it went to a number of everything from trade shows to Municipal Associations to conferences and conventions where leadership would be gathered both from an Aboriginal point of view and from a Municipal point of view in different parts of the country to what people know about this. And what we emphasised in terms of our process is that it is a learning process and we call this part of our work (indistinct) learn more and so communities came forward, they had to pass their own resolutions or seek their own authority to be able to come in to the process. We have entered into agreements with communities on the basis of learning and making it clear that learning is not a long-term commitment; it's not an indication of wanting to host the project. So we put a number of stipulations in place that make it clear that this really is about learning. We are interested, as a corporation, in being able to learn about the geology in the area, wanting - interested in the types of communities that are out there, so studies have been done in the communities of everything from looking infrastructure to community vision.

We have put – made monies available to communities to be able to either redevelop or perhaps reassess what their community vision is, what their long term hopes for their community are and to be able to assess whether or not this project itself fits in to, or is consistent with the long term vision of those communities.

MR JACOBI: Can I just – I just want to come to – I think we have addressed another of the – from my reading of NWMO's policy, the guiding principles for its site selection process, and I just want to come to a couple of the others. There is one that speaks of respecting Aboriginal rights, treaties and land claims and I am just wondering perhaps whether you might expand on the content of that particular guiding principle and how that has affected the decisions with respect to the site selection process that has been conducted since those principles were developed?

MR WATTS: Well there are some parts in terms of this principle that we don't have control over. The question of land claims is a question for the Crown and Aboriginal communities to sort through but we need to be able to recognise that those claims are out there and might impact on our siting work. That in terms of even thinking about a particular area, we need to recognise that Aboriginal peoples have rights that are associated with those areas, sometimes they are treaty rights, sometimes they are rights that predate the treaty process

and continue to exist today. So the stage of the process that we're in right now is really trying to understand from some of those communities what those rights are, how our process might impact on those rights, are there things that we can do within our own process to act in a fashion that might have a lower impact on rights or avoid any impact on rights. So that question we're just kind of working out way into now

But in terms of a principle for siting, it's a significant principle. With the aboriginal communities that we're working with right now, again it's a "learn more" process. So folks are just sometimes in the very early stages of finding about used nuclear fuel, how it's now being safely managed, perhaps taking a tour to a nuclear facility to see how used nuclear fuel is being safely managed now, and be able to understand what our process is both in the short, medium and long term. So in a lot of ways, we were just at step 3 of a nine-step process. We're still in early days in terms of implementing some of these principles, but they will guide us through all the steps of the process.

MR JACOBI: And just coming to another of the principles, and I think we've already picked it up and touched on it a sense, which was fostering the long-term wellbeing of the host community. You spoke earlier of your conception of sustainable development having been expanded perhaps since you initially developed the concept for these purposes. I'm just interested to understand how that's changed and how that's developed through the process of what you've been doing.

MR WATTS: So in terms of our wellbeing framework, it looks at a number of forces that are present in, I think, every community. So there's a question of people, and in terms of people, what we think about are things like employment, training, opportunity for the local people, for the community people, and things like population growth. We also, from a wellbeing perspective, look at infrastructure, so water, waste water, schools, libraries, emergency services and roads. In terms of another part of community wellbeing, economics and finance, looking at the questions of economic diversity and different tax system, in most cases, municipal taxes.

We look at the question of the environment and issues such as liveable communities and protection of environmental values, and some of those environmental values are just values that might be reflected in a Canadian environmental assessment process or international standards. It also needs to be able to reflect local environmental values. And then the question of social and cultural, so community wellbeing. The project itself should enhance community values and networking opportunities. When I talk about how this is starting to change when we've taken this document out and shared it with folks, one of the things that we've heard is that community wellbeing needs to take into account things like a relationship with the land, and needs to also take

into account spiritual values.

5 So there's other things that we're finding in terms of when we communicate  
with communities. Our wellbeing framework needs to either expand or take  
into account other issues that are being raised in communities, and I think over  
the long term, a place where we want to be is to be able to have not just sort of  
one static wellbeing framework or wellbeing assessment tool, but maybe  
10 having an assessment tool that could be modified to reflect a particular  
community's own sense of what wellbeing means, so that we could use that as  
a tool to be able to assess whether or not this project makes sense for them.

MR JACOBI: I just want to pick up the topic of the techniques that NWMO  
has employed for gathering information from communities. In my reading I've  
15 seen references to NWMO having conducted aboriginal dialogues, and I'm just  
interested in if you could explain the concept of those, the program of those  
dialogues, and what was done and what the sorts of outputs were.

MR WATTS: So this was back during the project development days, and  
20 again, we provided resources for organisations, some to be able to conduct  
some of their own engagement and consultation with their membership to be  
able to talk about what to do with used nuclear fuel in Canada, and some of  
those were town hall light meetings or community meetings. Sometimes folks  
were able to identify experts within their own communities. Consultations  
were held with youth. Consultations - and, I guess, just to be really correct,  
25 these were a small C consultation, because there's a constitutional meaning too,  
to "consultation" in Canada now - but consultation with elders, and then a wide  
variety of tables that we brought together.

30 So whether it was forms, looking at a roundtable on ethics, as an example,  
there was indigenous participation in that. We brought together elders  
specifically to meet with each other to be able to talk about what to do with  
used nuclear fuel in Canada. We had roundtable dialogues with youth, so this  
included aboriginal youth in those tables. We had specific dialogue sessions  
35 on the application of traditional knowledge, and also some of the ethical issues  
associated with how do you go about interweaving indigenous knowledge or  
aboriginal traditional knowledge with other forms of knowledge or science in a  
manner that's respectful of that indigenous knowledge and maybe seeks to  
protect it.

40 So all of these types of conversations were being held during that period of  
developing adaptive phase management, regional dialogues, national dialogues.  
Once we had summarised all, you know, what we heard, we put out a  
document on what we heard and went back out and talked to folks again to  
45 make sure that what we were documenting in terms of what we heard was  
right, and to receive further feedback and trying to refine some of those ideas

in terms of what we heard.

MR JACOBI: I'm interested also in how NWMO engaged those that might not themselves put themselves forward to participate in your processes and how it was sure that it engaged, I guess, the broadest cross-section of the Canadian community.

MR WATTS: Well, we work with a number of non-governmental organisations across the country representing a number of different interests from environmental groups to all different types of groups representing a variety of civil society. So some of those may be representative of, I think, a broad spectrum of views in terms of the project itself, or how any major project in Canada should go forward. So we would try to engage folks about sort of identifying maybe a particular demographic groups by doing even telephone surveys, using web technology to invite participation from folks across the country. So I think the process itself, in terms of trying to seek input from every part of Canadian society, that's what we sought to do and I think for the most part we were very successful.

MR JACOBI: We've already spoken, I think, a little of aboriginal traditional knowledge, and I understand there was a particular technique referred to in the engagement process as a traditional knowledge workshop. I'm interested in whether you might expand on what that process is and how that information was then fed into decisions in terms of the overall design of either the process of the approach that was to be used.

MR WATTS: So through the traditional knowledge workshops, this included bringing the elders together in different parts of the country, or other traditional knowledge holders, to be able to seek advice on how traditional knowledge could be interwoven into this project. So I'd say that for the early days, in terms of our work traditional knowledge really helped shape the NWMO in terms of some of the values and principles NWMO holds really dear, and in terms of their involvement in some specific policies that are key in terms of our work with aboriginal people. Like our aboriginal policy really came from those dialogues with traditional knowledge holders.

What was also clear was that traditional knowledge wasn't just something that went to values and principles, but there was the opportunity as the project moved forward and the project needed to regroup to accommodate what I call (indistinct) call this, indigenous science, that through centuries and millennia of living in a particular area and a close relationship with the land and powers of observation indigenous science is significant and has a role to play in terms of the siting process that we're using. So whether or not we're talking about environmental concerns and how it might impact on the environment, that indigenous knowledge or indigenous science needs to be brought to bear on

that.

5 And so we're really, at this point in our project, starting to apply some of those ideas that came from these early traditional knowledge workshops. We've continued to meet with elders both in terms of the council of elders that we meet with several times a year, but also local knowledge holders to be able to understand everything from how migration routes are different - animals need to be taken into account in terms of a siting process - through to sacred plants and medicinal plants, sacred sites in different areas, and what we've said as an  
10 organisation is that every stream of work that we have, whether it's transportation, whether it's environment, whether it's wellbeing, whether it's geoscientific work, needs to find a way of incorporating traditional knowledge into the work that it's doing.

15 So the organisation paid attention to what it was told and these traditional knowledge workshops and has applied that to its work. We're actually right now in the process of the involvement of a traditional knowledge policy which will put into policy form those things that we were told in the early days through these workshops, and also what the guidance that we've been given  
20 over a number of years from elders and knowledge holders that have shared their advice with us.

MR JACOBI: You mentioned NWMO's aboriginal policy, and I'm just interested whether you might explain just its key elements, but I'm particularly  
25 interested in its relationship with the work that NWMO does and how it affects the work that NWMO does.

MR WATTS: In terms of the involvement of the policy itself, we went out and met with aboriginal organisations, aboriginal communities, folks that were  
30 expert in the question of aboriginal rights and the evolution of aboriginal law in Canada, and also looked at what other corporations and governments in Canada have done in terms of how they would work with aboriginal peoples and how they would respect the rights of aboriginal peoples, and through that broad process, we received some excellent input into things that were fundamental in  
35 terms of an aboriginal policy. So some of those things include the types of principles that were articulated earlier in terms of respect for aboriginal treaty rights, being mindful of outstanding land claims and processes that the crown and aboriginal people may be entering into.

40 The idea that - I think this is important in terms of what the elders have told us, and, I think, reflected in our policy, is that the approach that we're talking is one that says aboriginal peoples can make a positive contribution to any project that's going on, and in particular, can make a positive contribution to our project. So we're not viewing this as this is sort of a step that we have to take  
45 or a box that we need to check in terms of engagement with aboriginal people,

but the belief that our project can be a better project by engaging early and often and consistently and respectfully with aboriginal peoples. So I think all of those elements are reflected in our policy.

5 COMMISSIONER: Can I just pick up on the Council of Elders, if I might? Is that a representative group of all Canada's aboriginal communities? How did you make selection and how large is the body?

10 MR WATTS: Well, there's been a bit of evolution in terms of the Council of Elders. It went through probably about three stages of development, and, you know, a number of years ago, we would convene meetings of literally dozens and dozens of elders to seek their advice, and out of those meetings the idea of an elders forum was proposed that would meet with the NWMO on a regular basis, and that forum probably had 24 or 25 elders who were on that.

15 Now, the question of representation is interesting one, because there are so many different indigenous nations in Canada that it would be difficult to pull together a body of elders that would be reflective of all of those different indigenous nations, and the question of representation itself is really key in  
20 terms of how we've established what's now called the Council of Elders. I think it will be clear in our terms of reference that the elders themselves - we don't expect that the elders that come to the Council of Elders as representatives of any political - any particular political organisation or community. They come there in their own right as an elder and the council  
25 itself is independent of the NWMO. We don't expect that the Council of Elders or the individual elders that are part of that council would represent the views of the NWMO. We don't look to them to be advocates for the NWMO or to go out and do public speaking on behalf of the NWMO. Their advisory - they are an advisory body to the council, to the NWMO that is highly  
30 respected. They really, as I noted earlier, help shape our organisation that came from the principles and values point of view but also in terms of how to have a respectful approach to engagement with Aboriginal peoples in Canada. Right now the Council of Elders consists of 12 individuals and in the last couple of years the - we have always had a bit of a youth component to it but it  
35 was never really clear what the role of the youth was, so the elders really worked hard on this over the last couple of years and we have a fabulous new contingent that meets with the elders.

40 So in some ways, it is part of an knowledge transfer from the elders to the youth that sit with them but the youth sit there in their own right too and ask questions of the NWMO, provide advice to the NWMO in terms of some of our planning and our processes. The council itself tries to have a balance in terms of men and women, so that there is equal gender representation that is being sought there. Elders have been identified, like in our process we went  
45 out and talked to some community groups and some of the regional and

national organisations to identify potential elders to sit on the council. So those – there is a bit of an open nomination process and we talk to some elders about do you know other elders that might be interested in being part of this advisory body. The NWMO then asked a number of elders if they would become a part  
5 of the council and to our delight, these elders have continued to work with us and like I said, play a significant role in terms of how we do our planning. They challenge our thinking; they make us better in terms of being responsive to Aboriginal concerns. But they do so in a way that really makes it clear that they are there as elders in their own right. They are independent of the NWMO  
10 but have an important role as a council of helping to advise us and to guide us and maybe giving us a kick in the behind when we need one. So we are really honoured that these elders have agreed to help us in this regard.

COMMISSIONER: Bob, in terms of the selection of 12, is there any  
15 controversy in terms of communities think they are being left out if they don't have a seat in the elders' forum?

MR WATTS: That's a really good question because what we are finding right now is that as our process starts to – has moved from a number of our studies  
20 being more desk top studies and trying to seek readily available information, to starting to go out and to work with communities in terms of some of the field studies. Whether it is just walking the land to better understand the land from a scientific, geological and an indigenous point of view, one of the things that we are finding is that there is a greater interest in elders from the local  
25 communities being engaged on a more regular basis and some of them wanting to be part of the Council of Elders. So we are actually – the last meeting that we had with the Council of Elders which was just a few weeks ago, really started to look at this question of how do we balance the fact that the NWMO is a national project but a lot of the siting activities are very – are getting much  
30 more specific. And so how do we balance that from elders' council point of view? Should there be so many elders that represent more of a national perspective and some elders that really reflect some of the more local knowledge? And what we have learnt from the elders is that there may be a number of – there may be some knowledge that is very broad and may be even  
35 sort of pan indigenous in some ways, but there is a great deal of knowledge that is very much specific to the areas where these communities have been for a millennia.

So we are actually trying to sort through that right now. Should we continue to  
40 have more of a national body and then maybe some more regionalised Councils of Elders in the different areas that we are working with and we haven't come up with an answer yet but we are working with the elders to sort through that very question.

45 COMMISSIONER: Can I also ask, do the elders provide advice to you on the

opportunities for Aboriginal engagement in business and some of the work that is being contemplated?

5 MR WATTS: In a more general way, I mean what they told us over time is the importance of reaching out to indigenous business community, to actually try to reach out to all parts of indigenous society. So whether it is traditional knowledge holders, whether it is folks that are dealing with particular issues of well-being in communities, the indigenous business community, we have taken that advice and have sought to reach out to those different parts of indigenous  
10 society. So some may be attending indigenous trade shows, as an example and to have a booth there and to talk about our project. They have also encouraged us to make sure from a policy point of view, that we have a policy structure that welcomes the participation of indigenous businesses. So we have developed what is called an Aboriginal and Local Business Procurement Policy  
15 which allows us to focus in on Aboriginal businesses and other local businesses in the siting areas that we are involved in. We are just going through another review of that right now to look at what are some of the best practices in the country in terms of Aboriginal procurement and questions of Aboriginal (indistinct) in terms of procurement processes.

20 MR JACOBI: Can I pick up in terms of Aboriginal engagement, in fact community engagement more generally, in terms of providing information about nuclear activities, you mentioned before doing visits to Canadian nuclear facilities and I am just wondering perhaps whether you might expand on the  
25 nature of the activities that you have been conducting and the extent of those activities?

MR WATTS: So with the different communities that we have met with, we have participated in everything from open houses in the communities or we  
30 would bring some of our display material in to the community and community members would come through and meet with some of our experts to understand our project. Some places there's been a community feast where we've had a speaker there to be able to talk about our project. We attend a number of annual general meetings of aboriginal organisations, often times  
35 either having a booth at their trade show or to make a presentation in one of the information sessions that would be at annual general meeting.

So our approach has been very broad. We have put in place a resource program to enable, well, all the local communities that we work with, but in  
40 particular in this case, aboriginal communities to be able to develop capacity in the community, to be able to work with us and to meet with us, to be able to coordinate activities within their own community in terms of providing information on our project. We translated materials that NWMO produced into nine different indigenous languages, and actually we're just going through a  
45 renewal process right now in terms of translating some of the more recent

material that we've developed into indigenous languages.

5 And we think that's really important to be able to ensure that folks where  
English might be a second language are able to read and understand our  
material in their first language. What we found too, through that, is that we  
went and translated something into one indigenous language, but even within a  
particular area there is different dialects of that language, and so one word may  
mean something in the western part of that region and in the eastern part it  
means something totally different. So we're actually working with some of the  
10 local communities to translate some of the more general information into even  
local dialects.

MR JACOBI: I think the Commissioner asked a question before; we're  
interested in the extent to which NWMO, even at the stage that you're currently  
15 at, is involved in capacity building within communities. Perhaps you could  
give an explanation about where you're at now, given that you're in a national  
program where you've got nine communities willing to learn more.

MR WATTS: So right now our capacity-building program and the idea of  
20 bringing people to a nuclear facility to see how used nuclear fuel is presently  
being managed, that continues. In some cases it started with some local  
leadership but had expanded to other groups within the community, including  
sometimes youth. The NWMO is developing another facility separate from the  
nuclear power plants which feature some more transportation material and a  
demonstration solely in terms of what a deep geological repository might look  
25 like. So that facility is going to open next year and we'll be able to take people  
through that in terms of developing both the capacity and understanding of the  
project.

30 We put in place, both from an aboriginal point of view and a municipal point of  
view, resources for communities to be able to develop their own - perhaps a  
committee within the community to be able to focus on this issue and become  
more expert in terms of our project. Some of those folks you bring down  
(indistinct) officers for a week or two at a time to be able to meet with  
35 everyone from radiation experts, to geologists, to environmental folks, to folks  
working on questions of wellbeing, to be able to understand our project from  
many, many different points of view.

40 We try to have at least monthly meetings. In most of the communities that  
we're working in, in some of those meetings we focus on a particular issue. So  
when we have a meeting that's dedicated to transportation, as an example - or a  
meeting that's dedicated to what is radiation, to a meeting that's dedicated to  
really what type of geology are we looking for; so what does a safety case look  
like? So we continue to have a process. And it's not just NWMO folks that go  
45 to these meetings. We try to encourage other experts working in the area to

make themselves available to go to community meetings, and again, in communities where the open houses - we have a mobile transportation exhibit that goes around to a number of communities to demonstrate to folks how used nuclear fuel would be transported when we get to that part of our work, which is still a couple of decades away.

But I think it demonstrates too, how important it is to engage early on with these issues. We work with youth groups and the community where we develop some materials that are specific to youth, because we know that a decision-making process for a community may still be years and years away and some of the youth will be the decision-makers at that time. So it's important to engage with youth, and some their perspectives and some of their ideas they shared with us in terms of insights into our project have actually helped make our project a better project. So those are the sorts of activities that we've been doing.

MR JACOBI: Can I just pick up there, and perhaps to finish off, you've explained that there's a nine-step process overall in terms of the steps and that you're at about the third step. I'm just wondering perhaps whether you can give us a perspective on what the intended pathway forward is from here.

MR WATTS: Well, I think first of all what's important is that in terms of our process, we haven't sort of identified a particular timeline that goes along with each step. As management of an organisation, we need to do planning so we have some timelines that we plan around, but in terms of how the process actually rolls out, it's really clear that this is a community-driven process. So we need to be able to be mindful of the different paces that communities work at, that their own decision-making processes in terms of how they move forward or don't move forward, need to be respected. So we're really careful not to be seen to be pushing communities through a process.

There are steps that we need to go through, both from the safety perspective in terms of those activities and from a social perspective, but the pace needs to be mindful of the communities that we're working in. So the steps that we're in right now, really talking about going through processes of community visioning, which I talked about before, and increasing the detailed assessment. So we would go from things like - going from desktop studies to be able to understand from generally (indistinct) information what the geology is like in the particular areas, to moving forward with things like aerial surveys of areas, to going out walking the land, going out again, maybe taking rock samples, and all along trying to better understand those areas that we're working in.

At some point in the not too distant future, we'll want to move towards bore holes to be able to understand what the rock is at depth, but we haven't got that far in our process yet, but that's a part in terms of some more detailed

assessment work, and then at the same time engaging with communities in terms of who do we need to be talking to in the area? What sort of learning processes are going to – should we be moving forward with in different areas? What would partnership look like? I mean we have made it really clear from a policy point of view that the project will only move forward in partnership and the partnership needs to include those communities that came in in the first instance, the Aboriginal communities in the area and other surrounding communities. So starting to reach out and see whether or not there is opportunities for partnership or for communities that perhaps don't have a strong record of working closely together to be able to encourage maybe some joint initiatives in terms of some of the studies, both social and ethical, are part of the work that we are doing through steps 2 and 3.

As we move forward in to step 4 that is when we are looking at bore hole drilling and more detailed assessment. Step 5 really looks at, again some of the more technical studies but also this whole question of starting to really focus on social licence and demonstration of willingness to move forward. We are hopeful in the next perhaps 10 years or so to be focussed on a particular area in terms of our site selection process. And then there are years and years of regulatory review and associated studies in preparation for that.

COMMISSIONER: Mr Watts, we have found that evidence very, very useful and I thank you for the time you have made available today and I hope we do get a chance to see you down under.

MR WATTS: Well, I hope so too, sir and thank you for the opportunity. If I can perhaps leave you with one thought, just to take another minute of your time. In a previous job, I had the privilege of helping to set up Canada's Truth and Reconciliation Commission and we undertook a process probably much like what you are doing now, trying to understand best practices from all over the world and we convened meetings, bringing experts in from different truth and reconciliation commissions, or truth commissions from all over the world. A couple of things that really have resonated with me and have stuck with me in terms of process and one is that there is no template that is applicable everywhere. That people and culture and society are different all over the world and that processes need to be reflective of those values and principles of the people that you are working with and their aspirations. So it was really clear from that point of view, that we just couldn't take the South African Truth and Reconciliation Commission model and transpose it in to Canada and it would work because it wouldn't. And the other thing that we were told by a number of groups is to – by keeping in mind where we want to be, down the road, that we need to act in a manner that is consistent with the outcomes that we are trying to achieve.

So in this case we were trying to move forward to achieve reconciliation or at

least be able to put it in a process where reconciliation was possible and so in order to do that we had to have a process that reflected that every step of the way. So those two things in particular really have stayed with me in terms of good process, good planning and good design and I hope that it might – those two might resonate with you as well, sir.

COMMISSIONER: Certainly does. Indeed. We will adjourn now until 12.00.

10 **ADJOURNED**

**[10.15 am]**