

PROPOSED RADIOACTIVE WASTE DUMP & STORE

Anti-Nuclear & Clean Energy Campaign
Friends of the Earth, Australia
www.foe.org.au/anti-nuclear



The Federal Government is looking for a site for a national radioactive waste dump and above-ground store. This follows failed attempts to impose waste facilities on Aboriginal land in SA (1998– 2004) and the NT (2005– 2014).

The government has called for nominations from landholders anywhere in Australia. A short-list of possible sites will be released in July 2015.

Concerns with the proposal include:

- The failure of the Government to establish the need for a national repository/store.
- Draconian legislation which overrides all state/territory laws and key Commonwealth laws and undermines the ostensibly voluntary nature of the current call for expressions of interest.

AUSTRALIA'S NUCLEAR WASTE

Uranium mine tailings waste is managed on-site and is not part of the debate over the proposed national facility.

Measured by radioactivity, spent nuclear fuel reprocessing waste from Lucas Heights reactors accounts for over 90% of the waste the Government wants to dump somewhere in Australia. Although the volume of this waste is relatively small it is by far the most radioactive material.

Measured by volume, two sources account for well over 90% of the radioactive waste: ANSTO / Lucas Heights; and approximately 2000 cubic metres of low-level radioactive waste (contaminated soil) stored at Woomera, SA.

NUCLEAR WASTE HAZARDS

The Government wants to bury lower-level wastes in shallow trenches and store long-lived intermediate-level waste (ILW) above ground. No progress has been made towards the final disposal of ILW (via deep geological disposal) so the planned 'interim' store could stretch many decades into the future.

Nuclear engineers Alan Parkinson and John Large have warned that a dump would be attractive to terrorists

wanting to make a 'dirty bomb', a radioactive weapon delivered by conventional means.

Numerous transport accidents involving radioactive materials have been documented – notwithstanding Government claims to the contrary.

A key problem is that the Federal Government department responsible for the proposed dump/store has a track record of seriously mismanaging radioactive waste management projects, namely, the Maralinga 'clean up' in the late 1990s, and earlier proposals to dump waste in SA and the NT.

NATIONAL RADIOACTIVE WASTE MANAGEMENT ACT

The Federal Government's National Radioactive Waste Management Act is heavy-handed and undemocratic. A November 2010 Parliamentary Bills Digest outlines the main provisions of the Act. The following points and quotations are drawn from the Digest.

The Bill (now an Act) incorporates a requirement on the part of the Minister to accord 'procedural fairness' in relation to the nomination of a site for a repository, however the *"new requirement is not however unduly onerous – it necessitates the Minister inviting comment from specified persons or entities, and 'tak[ing] into account any relevant comments given'."*

"In the event that the Minister makes an error of law in the processes applying to site nominations, approval of nominations, and selection of the preferred site, the Bill restores the right of an 'aggrieved person' to seek judicial review under the ADJR Act. However, the Bill also retains the current provisions of the Act that a failure to comply with certain procedural elements does not invalidate the nominations etc."

"The Bill retains the existing provisions of the Act that effectively exclude State and Territory laws from operating where they would 'regulate, hinder or prevent' the Commonwealth from doing work to investigate the suitability of potential sites and then the construction and operation of the proposed facility, including the transporting of radioactive materials."

The Bill requires evidence of consultation and consent with the relevant traditional Aboriginal owners but *"a failure to comply with these elements does not invalidate a nomination, nor is the nomination disallowable by Parliament."*

The Bill states that the Minister can "at his or her absolute discretion" approve a nomination of a site and a failure to observe procedural elements does not invalidate the approval nor is it disallowable by Parliament.

"New section 12 effectively excludes State and Territory laws from operating where they would 'regulate, hinder or prevent the doing of a thing authorised by section 11'. New section 12(1) does state that only certain types of State and Territory laws (eg laws relating to 'the use or proposed use of land or premises') are excluded, but the range of laws mentioned is so wide they are likely to give almost complete coverage. Indeed, even if a State or Territory law fell outside the type listed in new subsection 12(1), the law could be excluded by prescribing it under regulation ..."

"New subsection 13(1) provides that two Commonwealth laws, the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the Environment Protection and Biodiversity Conservation Act 1999, have no effect where they would 'regulate, hinder or prevent the doing of a thing authorised by section 11'. Again a prescription power under regulation exists (subsection 13(2)) to allow for the exclusion of other Commonwealth laws, or parts of laws."

"The acquisition and/or extinguishment of rights and interests under new section 19 has effect despite any other law of the Commonwealth, State or Territory, including the Commonwealth's Lands Acquisition Act 1989 and the Native Title Act 1993 ..."

"New section 24 effectively excludes State and Territory laws from operating where they would 'regulate, hinder or prevent the doing of a thing authorised by section 23'. New subsections 24(1)-(2) do state that only certain types of State and Territory laws (for example, laws relating to 'the uses or proposed use of land or premises') are excluded, but again the range is so wide they are likely to give almost complete coverage. Even if a State or Territory law fell outside the types listed in new subsections 24(1)-(2), the law could be excluded by prescribing it under regulation ..."

The Act also provides wide-ranging powers to override Commonwealth legislation.

NUCLEAR MEDICINE

The Government's claim that most of the waste is a by-product of nuclear medicine is false. The Medical Association for Prevention of War notes that the government has been "peddling a lie" by claiming that the proposed radioactive waste repository/store would in any way facilitate the practice of nuclear medicine.

A RESPONSIBLE APPROACH TO RADIOACTIVE WASTE MANAGEMENT

All options for radioactive waste management need to be considered – not just 'remote' repositories (always more remote for some people than for others).

The option of ongoing storage at ANSTO's Lucas Heights site needs to be independently assessed. All relevant organisations have acknowledged that this is a viable option including Mr Ferguson's own department, the regulator ARPANSA, the Australian Nuclear Association, and ANSTO itself.

Requiring ANSTO to store its own waste is the best and perhaps the only way of focussing the Organisation's mind on the importance of waste minimisation. It avoids the risks of transportation. It avoids double-handling – i.e. long-lived intermediate-level waste being moved to a store only to be moved again should progress be made in relation to a deep geological repository which is the designated method of disposal for long-lived intermediate-level waste and high-level waste.

"ANSTO is capable of handling and storing wastes for long periods of time. There is no difficulty with that."
-- Dr Ron Cameron, ANSTO.

"It would be entirely feasible to keep storing it [radioactive waste] at Lucas Heights ..."
-- Dr Clarence Hardy, Australian Nuclear Association

"A significant factor is that ANSTO has the capacity to safely store considerable volumes of waste at Lucas Heights ..."

-- Department of Resources, Energy and Tourism, 2003

MORE INFORMATION

- www.beyondnuclearinitiative.com
- www.foe.org.au/anti-nuclear/issues/oz/nontdump
- Anica Niepraschk, 1/5/2015, SBS, 'Let's hope the opportunity to deal with radioactive waste won't be wasted', www.sbs.com.au/news/article/2015/05/01/comment-lets-hope-opportunity-deal-radioactive-waste-wont-be-wasted