

## Civil Society faces imposition of an AUKUS military High Level nuclear waste dump

*Updated Briefing by David Noonan, Independent Environment Campaigner 13 August 2023*

The Federal ALP belatedly [disclosed](#) a secret pre-condition in [AUKUS](#) plans to buy existing US nuclear submarines: for Australia to keep the US subs military High Level nuclear waste forever.

In a breach of trust the ALP is seeking to 'normalise' High Level nuclear waste in Australia. Claims of '[nuclear stewardship](#)' in taking on US nuclear subs and in retaining the US sub wastes are a farce.

Disposal of High Level nuclear waste is globally unprecedented, with our AUKUS 'partners' the US and UK having proven unable to do so in over 60 years since first putting nuclear submarines to sea.

[New military Agencies are being set up](#) with an 'Australian Submarine Agency' (ASA) set up to: "*enable the necessary policy, legal, non-proliferation, workforce, security and safety arrangements*".

A new military nuclear regulator, the statutory 'Australian Nuclear-Powered Submarine Safety Regulator' is to be established. Both Agencies will report directly to the Minister for Defence.

An array of federal legislation is required to manage nuclear submarines, supporting infrastructure and facilities, from acquisition through to disposal. The [Reforming Defence Legislation](#) Review proposes to take on *Defence Act* powers to override State and Territory legislation to 'provide certainty' to Defence roles, operations and facilities.

Minister for Defence Richard Marles MP has stated there will be 'an announcement' by early 2024 on a process to manage High Level nuclear waste and to site a waste disposal facility, [saying](#) "*obviously that facility will be remote from populations*" (ABC News 15 March 2023).

Defence is already working to identify potential nuclear waste disposal sites. Political leaders in WA, Queensland and Victoria have [rejected](#) a High Level nuclear waste disposal site. The SA Labor Premier has so far only said it should go to a safe 'remote' location in the [national interest](#).

AUKUS compromises public confidence in government and sets up a serious clash with civil society:

- Defence must be transparent and made accountable over AUKUS policy, associated rights and legal issues, and the proposed High Level nuclear waste dump siting process;
- Defence must commit to comply with the [United Nations Declaration on the Rights of Indigenous Peoples](#) Article 29 provision of Indigenous People's rights to "Free, Prior and Informed Consent" over storage or disposal of hazardous materials on their lands.
- Defence must declare whether the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#) is intended to be over-riden to impose an AUKUS dump on lands and unwilling community in SA.

The public has a right to know who is targeted and a right to Say No to imposition of nuclear wastes.

The [ALP National Platform](#) (2021, Uranium p.96-98) makes a commitment to oppose overseas waste:

- *Labor will: 8. d. Remain strongly opposed to the importation and storage of nuclear waste that is sourced from overseas in Australia.*

In contrast, AUKUS proposes Australia buy existing US military nuclear reactors in subs that are to be up to 10-12 years old, loaded with intractable US origin weapons grade High Level nuclear wastes.

An AUKUS military nuclear dump is likely to be imposed on community in SA or in NT, with override of State laws, compulsory land acquisition, and disregard for Indigenous Peoples rights to Say No.

## **Woomera is being targeted as a ‘favoured location’ for an AUKUS nuclear dump, in an untenable affront to democratic rights in SA and to Indigenous People’s rights**

SA community and the Bargarla People have just [overcome](#) federal plans to store ANSTO nuclear fuel wastes and ILW on agricultural land near Kimba that had divided community on Eyre Peninsula.

The Bargarla People [won](#) a hard fought court case against the Federal Government that set aside the Kimba dump siting decision by Coalition Minister Pitt as affected by bias and pre-judgement.

In response, Labor Minister Hon Madeleine King MP [decided to not appeal](#) the Judge’s finding of apprehended bias, saying *“The judgement was clear, and the Government is listening.”*

The next day the national press reports: [“Woomera looms as national nuclear waste dump site including for AUKUS submarine high-level waste \(afr.com\)”](#) (11 August 2023). The article states the AFR understands the Woomera rocket range is the ‘favoured location’ for the submarine waste.

The federal gov may also decide to ‘co-locate’ AUKUS submarine waste with ANSTO nuclear fuel wastes and long lived ILW. However, the regulator says ANSTO wastes can be securely retained at the Lucas Heights reactor site for decades. An imposed AUKUS dump will discredit any associated plans.

A suite of public interests are already at stake. For instance, which Ports will be requisitioned for roles in AUKUS nuclear waste plans? (the federal gov previously targeted the [Port of Whyalla](#)).

AUKUS nuclear waste dump plans trigger the [United Nations Declaration on the Rights of Indigenous Peoples](#) (adopted by United Nations, Sept 2007) in Indigenous People’s Article 29 rights to “Free, Prior and Informed Consent” over storage or disposal of hazardous materials on their lands.

Traditional owners must have a right to [Say No](#) to nuclear wastes, see [“AUKUS nuclear waste dump must be subject to Indigenous veto”](#) (By [Michelle Fahy](#) May 2023): *“Bipartisan secrecy and Defence’s poor record with Indigenous groups at Woomera are red flags for consultations over an AUKUS nuclear waste dump. Human rights experts say government must establish an Indigenous veto right.”*

The [“Woomera Protected Area”](#) (WPA) a large Defence weapon testing range in SA had already been flagged by other State Premiers as a site for a military High Level nuclear waste disposal facility.

Most of the WPA is State owned Crown land and not federal owned Defence lands. Siting a nuclear dump on the WPA would be imposed through compulsory land acquisition and over-ride of SA laws.

Storage and disposal of nuclear wastes compromises the safety and welfare of the people of South Australia, that is why it is prohibited by the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#).

The Objects of this Act cover public interest issues at stake, to protect our health, safety and welfare:

*“The Objects of this Act are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State.”*

Defence are already ignoring Aboriginal Heritage law and contravening protections in SA, see [“Defence bombing Indigenous site in Woomera”](#) (May 2023). Defence is now further *‘angling for exemption from State laws it admits serve important public purposes’*.

The SA Premier is yet to say if he will support an Indigenous right to Say No to an AUKUS dump in SA.

South Australians have a democratic right to decide their own future and to reject an AUKUS dump.