

PROPOSED RADIOACTIVE WASTE DUMP & STORE

Nuclear-Free Campaign – Friends of the Earth, Australia
www.nuclear.foe.org.au
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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 dumps on Aboriginal land in SA (1998– 2004) and the NT (2005– 2014). As of March 2018, two sites in Kimba (SA) are being targeted and one site near Hawker (SA).

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: i) ANSTO / Lucas Heights and ii) 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. (See 'Nuclear Transport Risks' at www.nuclear.foe.org.au/waste-import)

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 (NRWMA) is heavy-handed and undemocratic.

A report written by Monash University law student Amanda Ngo for Friends of the Earth details serious problems with the NRWMA. The NRWMA gives the federal government the power to extinguish rights and interests in land targeted for a radioactive waste facility. In so doing the relevant Minister must "take into account any relevant comments by persons with a right or interest in the land" but there is no requirement to secure consent – or to back off if consent is not forthcoming.

Aboriginal Traditional Owners, local communities, pastoralists, business owners, local councils and State/Territory Governments are all disadvantaged and disempowered by the NRWMA.

The NRWMA goes to particular lengths to disempower Traditional Owners. The nomination of a site for a radioactive waste facility is valid even if Aboriginal owners were not consulted and did not give consent. Federal Labor MPs complained long and loud about similar provisions in the Howard government's legislation, describing it as 'extreme', 'arrogant', 'draconian', 'sorry', 'sordid', and 'profoundly shameful'. At its 2007 national conference, Labor voted unanimously to repeal the legislation.

But it took five years for Labor Resources Minister Martin Ferguson to repeal the legislation, and Labor's NRWMA isn't much different to the legislation it replaced. It states that consultation should be conducted with Traditional Owners and consent should be secured – but that the nomination of a site for a radioactive waste facility is valid even in the absence of consultation or consent.

The NRWMA has sections which nullify State or Territory laws that protect the archaeological or heritage values of land or objects, including those which relate to Indigenous traditions. The Act curtails the application of Commonwealth laws including the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the Native Title Act 1993 in the important site-selection stage. The Native Title Act 1993 is expressly overridden in relation to land acquisition for a radioactive waste facility.

Adnyamathanha Traditional Owners have been clear in their opposition to the planned radioactive waste facility in the Flinders Ranges. Adnyamathanha Traditional Owner Enice Marsh said: "Native Title and the Aboriginal Heritage Act are not protecting our land. This needs a complete review or a Royal Commission. The Barndioota site in the Flinders Ranges must be struck off as a potential radioactive waste dump site and the National Radioactive Waste Management Act needs to be amended to give us the right to say 'no'."

Adnyamathanha Traditional Owner Regina McKenzie, who lives on Yappala Station near the proposed dump site, said: "The NRWMA is a political attack on Adnyamathanha women's spiritual beliefs. The destruction of our culture and significant woman's sites is a form of assimilation and thus breaches the UN Declaration on the Rights of Indigenous Peoples."

The NRWMA has been criticised in both Senate Inquiries and a Federal Court challenge to an earlier federal government attempt to impose a national radioactive waste facility at Muckaty in the NT.

The NRWMA also undermines environmental protection as it seeks to curtail the application of the *Environment Protection and Biodiversity Conservation Act 1999*.

Bruce Wilson, a senior federal government official, told a public meeting in Hawker that the NRWMA is based on 'world's best practice'. In fact, the legislation systematically disempowers local communities and Traditional Owners and weakens environmental protections. It needs to be radically amended or replaced with legislation that protects the

environment and gives local communities and Traditional Owners the right to say 'no' to radioactive waste facilities.

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 the government department driving this process, the regulator ARPANSA, the Australian Nuclear Association, and ANSTO itself.

Requiring ANSTO to store its own waste is the best 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.nuclear.foe.org.au/waste
- National Radioactive Waste Management Act: www.nuclear.foe.org.au/nrwma