

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

Briefing by David Noonan, Independent Environment Campaigner 23 May 2023

The Federal ALP belatedly [disclosed](#) a pre-condition to AUKUS and to Australia's purchase of existing US nuclear submarines is for Australia to keep the US subs military High Level nuclear waste forever.

This was kept secret in the federal election and only revealed to the public after an 18-month study.

The ALP is seeking to 'normalise' military High Level nuclear waste in Australia with simplistic claims of '[nuclear stewardship](#)' in taking on the liabilities in buying US nuclear subs & retaining the wastes.

Disposal of High Level nuclear waste is unprecedented at a global scale, with the US and UK having proven unable to do so in over 60 years since first putting nuclear powered submarines to sea.

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

Defence is reported to be working with the [Australian Radioactive Waste Agency](#) to conduct a review to identify potential nuclear waste disposal sites. The public have a right to know who's targeted.

WA, Queensland and Victoria immediately [rejected](#) a High Level nuclear waste disposal site in their States. The SA Premier said it should go to a safe 'remote' location in the [national interest](#).

[New Agencies are to be set up](#) and at least three sets of federal legislation are to go to Parliament that relate to facilitating the disposal of military High Level nuclear waste in Australia.

An Australian Submarine Agency (ASA) is to be set up by 1 July 2023, to absorb the current Nuclear-Powered Submarine Taskforce and manage nuclear submarines and supporting infrastructure and facilities from acquisition through to disposal. Defence says the ASA is 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 Defence Minister.

The current [Reforming Defence Legislation](#) Review proposes to take on Defence Act powers to override State & Territory legislation to 'provide certainty' to Defence roles, operations and facilities.

In public [input](#) to that Defence Review I made these Recommendations (April 2023, p.7 & Rec 6-7):

Defence should become transparent over proposed Navy High Level nuclear waste disposal, policy, siting process, rights and legal issues. Defence should commit to respect and 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](#) will be respected or is intended to be over-ridden to impose a Navy High Level nuclear waste storage or disposal site on 'remote' lands and unwilling community in South Australia.

Integrity, transparency and accountability are key to any public confidence in government process.

However, this nuclear dump is likely to be imposed on community in SA or in NT, with override of State legislation, compulsory land acquisition, and disregard for Indigenous Peoples right to Say No.

Both the AUKUS military nuclear dump and ANSTO's dump imposition at Kimba are untenable affronts to democratic rights and to Indigenous People's rights in SA

Defence should now disclose associated policy plans for ANSTO nuclear fuel wastes and long-lived Intermediate Level Radioactive Wastes (ILW) to also be disposed at a proposed military High Level nuclear waste disposal site, along side Navy nuclear wastes arising from buying US nuclear subs.

SA already faces federal imposition of a so called [National Radioactive Waste Management Facility](#) to store ANSTO nuclear fuel wastes and ILW on agricultural land near Kimba, on Barngarla People's country in defiance of [Barngarla clearly Saying No](#), and dividing community on Eyre Peninsula.

A suite of public interests are already at risk, see [input](#) to the Federal Environment Department on Guidelines for an Environmental Impact process on the nuclear facility at Kimba (DN 23 March 2023).

For instance, see "[Nuclear Waste Store siting at Kimba also targets the Port of Whyalla](#)" (Feb 2020).

ANSTO is the predominant waste holder and future producer of both ILW and Low Level Waste, see a Briefing: "[National Inventory of Radioactive Waste shows the Kimba dump is ANSTO's dump](#)".

There are [alternatives](#): ANSTO can securely retain their nuclear wastes on site at Lucas Heights, rather than impose double handling transport into *indefinite* above ground storage at Kimba.

Both 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 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 has 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 Commonwealth owned Defence lands. Siting a nuclear waste dump would be imposed through compulsory land acquisition & 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](#)" (20 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.

Both the proposed AUKUS military High Level nuclear waste dump and ANSTO's dump at Kimba are illegal under SA Law. Both nuclear dumps are an untenable affront to democratic rights in SA.