



**Public Health Association**  
AUSTRALIA

**Public Health Association of Australia  
submission on National Radioactive  
Waste Management Amendment (Site  
Specification, Community Fund, and  
Other Measures) Bill 2020**

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## Preamble

### The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public's health in Australia.

The PHAA works to ensure that the public's health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people's health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

### Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

### Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.



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## The Bill

The Bill is designed to give effect to the Government's commitment to establish a single, purpose built National Radioactive Waste Management Facility to support Australian nuclear science and technology by providing for the permanent disposal of low-level waste and temporary storage of intermediate level waste. The bill does not allow for the facility to expand to include other types of material such as high-level waste.

The explanatory memorandum for this bill notes that the waste is a by-product of nuclear medicine which it is claimed one in two Australians will use in their lifetime. Australia's nuclear waste is currently stored in over 100 separate locations across Australia. A single facility will significantly improve Australia's ability to safely and securely manage radioactive waste and meet our international obligations under the *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*.

### Identification of the site

The Bill specifies the site on which the Facility will be established and operated, and allows for the acquisition of additional land for expanding the site, and for access. The Bill enables the decision about the location to be subject to Parliamentary scrutiny.

The location was chosen from a number under consideration, following a Site Assessment Report and a Community Sentiment Report under the following criteria:

- The extent to which it is reasonably likely that, at the site, radioactive waste can be safely and securely managed by the establishment and operation of the Facility that meets the necessary regulatory or other approvals, licences, and permits;
- The costs to acquire the site and realise the facility at the site;
- Other matters relevant to the suitability of the site for the establishment and operation of the facility, and;
- The extent to which there is broad community support for the facility to be hosted at the site

The chosen site is "Napandee", near the town of Kimba in South Australia.

### Community Fund

The Bill enables the establishment of a new Community Fund to replace the National Repository Capital Contribution Fund. The Community Fund is designed to support the long-term social and economic sustainability of the host community, contributing to local health services, agricultural research and development, enhancements to local critical infrastructure, and further development of the local Aboriginal community economy. The fund is intended to provide community services essential to the operation of a viable long-term radioactive waste management facility, and recognises that the facility will require support throughout its operation to ensure that Australia upholds its international obligations as a party to the Joint Convention. The Government will provide a one-off payment of \$20 million to the fund.

The fund will be governed through the establishment of an entity to receive the payment and ensure it is used to support the economic and social sustainability of the host community. The entity will be established in consultation with the Regional Consultative Committee, the District of Kimba Local Government, and the South Australian Government. The consultation is designed to ensure the entity and governance arrangements accurately reflect the economic and social needs of the local community, while giving consideration to how those needs fit within the broader Aboriginal and South Australian community.



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Non-Commonwealth and non-host State and Territory users of the facility (primarily State and Territory Governments, industry, hospitals, and universities) will be required to pay a fee, prescribed by regulations, towards the capital costs of the facility – the National Repository Capital Contribution Fee. Any amounts received after the first \$10 million will be credited into the Fund for the benefit of the host State.

### **Human Rights implications**

The explanatory memorandum notes that the land specified as the site was voluntarily nominated by its owners, and is part of an estate in freehold owned by private entities. Some people within the local community did not support the nomination of the land for use as a radioactive waste facility, in particular the Board of the Barngarla Determination Aboriginal Corporation. The memorandum notes that the nomination was strongly supported by the broader local community – 62% of the 90% of eligible voters who responded to the ballot.

The memorandum notes that Native Title rights have been extinguished at the site, and that there are currently no identified registered places or objects of cultural significance to Aboriginal people on the site.

## **PHAA Response to the Bill**

There are inherent risks of radioactive spillage and environmental contamination in transporting nuclear waste.(1) The locating of any radioactive waste management facility should only proceed with relevant State and Territory approval, and fully informed local community consent, including communities through which the waste is to be transported. While the Explanatory Memorandum to the Bill outlines the consultation processes which occurred with the communities local to the site itself, there is no apparent mention of consultation with communities through which waste would be transported to reach the site.

The claim that one in two Australians will use nuclear medicine in their lifetime has no reference provided. PHAA notes that the use of nuclear medicine is declining as other technologies emerge, and its prevalence more closely reflects medical cultures and insurance arrangements than clinical need or improvements in health outcomes.(2)

The Explanatory Memorandum also does not include information on a final cost-benefit analysis of the proposed facility. An independent economic analysis of the proposal questioned the claimed economic benefits, and found that “...the transport of intermediate level waste from its current temporary location at Lucas Heights to another temporary location in South Australia appears to have little economic justification considering the low volumes involved...storing ILW indefinitely at a new facility rather than its current site at ANSTO creates cost and risks during transport, and shifts uninsurable risks to other communities”.(3) Over 90% of the intermediate-level waste which is proposed to be stored at the new South Australian facility is currently stored in Lucas Heights, NSW. As such, it seems unnecessary to move this waste from one above-ground storage to another, particularly given the risk this may pose to various communities, and the fact that this goes against international best practice.

The claim that the proposal is ‘strongly supported’ by the broader local community is not borne out in the data. With the reported 62% support in the ballot, 38% of the community do not support the proposed facility. Almost two-fifths is not a small minority, and should not be dismissed as such. The details of how the ballot was conducted are also important here. There were 734 residents of Kimba who responded to the ballot, however, Barngarla Traditional Owners were excluded from the residents only ballot as few live in the town of Kimba.(4) The Traditional Owners attempted unsuccessfully to block the ballot, claiming that it breached the Racial Discrimination Act.(5) In a separate poll of Barngarla Traditional Owners there was

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unanimous opposition to the facility, with all of the 209 respondents voting against the proposed facility.(6) When results from the Kimba ballot are combined with results from the Barngarla ballot, support for the facility falls from 62% to 43.8%. This is well below 65%, which is considered the government's benchmark for broad community support. Racial discrimination is a pernicious on-going problem and contributes to the poor health outcomes of Aboriginal Australians. PHAA, as an advocate for health and equity, regards this as one of the most damaging aspects of the Bill.

The opposition of the Board of the Barngarla Determination Aboriginal Corporation is particularly concerning for this proposal. Extinguishment of Native Title rights reflects the history of colonisation and peoples' capacity to use this legislation. Extinguishment does not override strong attachments that contemporary Aboriginal people have to their Country, including local food production that could be threatened by construction of nuclear waste facilities. The National Health and Medical Research Council's 'Code of Practice for Near-Surface Disposal of Radioactive Waste in Australia' states that facility sites should only be located in areas where there are no known significant natural resources, potentially valuable mineral deposits, and which has little or no potential for agriculture or outdoor recreational use.(7) The government's proposal of Napandee as the waste facility site does not abide by this national health code.

The nuclear waste which would be stored at the facility is noted to be a by-product of nuclear medicine. However, radioisotopes required for nuclear medicine can be produced safely and efficiently without the use of nuclear reactors.(8) Furthermore, nuclear medicine is declining as safer and more accurate technologies are introduced. In line with international trends, Australia should move to non-reactor-based sourcing of nuclear medicine isotopes. The Australian Government should support research and development of alternative isotope production and diagnostic technologies. The PHAA, along with many other organisations, has long called for a public inquiry to be held into all aspects of radioactive waste management, prior to any decision about long-term management.(9)

## Conclusion

PHAA does not support the proposed site for the National Radioactive Waste Management Facility. Far from strong community support, there is strong community opposition to the proposal, including unanimous opposition among Traditional Owners, and consultation does not appear to have been undertaken with the communities through which waste would have to travel to the new facility. An inquiry into all aspects of radioactive waste management should be held before any decision is made.

The PHAA appreciates the opportunity to make this submission.

Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.



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