



**NORTHERN TERRITORY GOVERNMENT SUBMISSION TO**

**THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE**

**INQUIRY INTO THE NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010**

**MARCH 2010**

## **A. INTRODUCTION**

1. The Northern Territory Government (the NTG) welcomes the opportunity to provide its input into the Senate Legal and Constitutional Affairs Committee (the Committee) Inquiry into the National Radioactive Waste Management Bill 2010 (the Bill) introduced into the Commonwealth Parliament on 24 February 2010.
2. The NTG considers that if the Committee only focuses on legal and constitutional matters then this does not constitute a proper consideration of the Bill.
3. Notwithstanding the Committee's proposed focus, the NTG remains of the view that consideration of the broader issues of the impacts of locating a radioactive waste management facility in the Northern Territory or elsewhere in Australia need to be raised and considered by the Committee at this time.
4. The NTG notes that international best practice, as established by the International Atomic Energy Agency, provides that: "governments tend to emphasise their commitment to policies of openness and transparency in relation to their intentions and plans on radioactive waste management"; and that the Commonwealth government's *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia* sets out that public consultation for "Site selection shall include a suitable consultative process to establish public consent to the location of a disposal facility at the particular site."
5. Public hearings by the Committee in only Darwin and Canberra do not meet either international best practice or the Commonwealth government's own criteria and the NTG strongly petitions the Senate to hold an additional hearing in Tennant Creek at a minimum.
6. The NTG notes that the waste to be deposited in the national facility will potentially include, in addition to medical items, industrial tools, significantly contaminated soils and large individual items of contaminated plant.

## **B. NORTHERN TERRITORY GOVERNMENT SUBMISSION - SUMMARY OF LEGAL AND CONSTITUTIONAL ISSUES**

7. The NTG opposes the selection of a site for a radioactive waste management facility where the decision is not based upon an assessment of the most suitable location within Australia having regard to rational scientific criteria and analysis, and in circumstances consistent with the Commonwealth's public discussion paper released in 1997: *A Radioactive Waste Repository for Australia – Site Selection Study (Phase 3)* (the Commonwealth Study), which identified the 8 most suitable locations within Australia having regard to those factors.
8. The NTG opposes a process for the selection of a site for the facility that identifies the Northern Territory as the first choice location for that facility, and precludes the consideration of locations within other States and Territories unless and until the responsible Commonwealth Minister has determined it is unlikely that a facility will be able to be constructed and operated in the Northern Territory.

9. The NTG opposes a process for the selection of a site for the facility that selects the Northern Territory for differential treatment because its constitutional status as a self-governing territory is seen to minimise the risks of political and legal challenges to the selection of the site.
10. The NTG opposes a process for the selection of a site for the facility that would exclude the operation of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) to the extent that legislation might regulate or prevent the selection.
11. The NTG opposes a process for the selection of a site for the facility in the Northern Territory that would exclude the operation of both Commonwealth and Northern Territory environmental legislation to the extent that legislation would operate to regulate the selection of the facility.
12. If a decision is made by the Commonwealth to construct the facility in the Northern Territory for the purpose of storing low and intermediate levels of radioactive waste, the NTG demands commitments based in legislation from the Commonwealth that the facility would not in the future be modified to accept and hold higher level radioactive or nuclear waste.

**C. NORTHERN TERRITORY GOVERNMENT SUBMISSION - SUMMARY OF BROADER ISSUES**

13. The NTG advises that Lake Woods, a site of conservation significance which intermittently supports large populations of breeding and migratory bird species, is located 25 kilometres to the north of Muckaty Station and strongly suggests that a comprehensive biodiversity survey should be conducted addressing the impact the facility may have on the bird species that inhabit the Lake Woods area, and the three known threatened and one endangered fauna species previously detected at Muckaty Station.
14. Groundwater under Muckaty Station is of high quality and is currently used as outstation drinking water with good potential for irrigated agriculture. A comprehensive research and testing should be conducted to consider the effect the facility may have on this resource.
15. The NTG has further concerns about the potential for lost revenue from mining royalties, should the placement of the facility sterilise the site from possible mineral and petroleum exploration / extraction activities; and cattle and beef exports as a result of herds not being able to be run on an area taken up and/or adjacent to the facility. In addition, there is the potential for loss of existing and new markets due to the real or perceived threat posed by the proximity of the herd to a radioactive source.
16. A full and transparent seismological assessment, as part of a full and transparent scientific assessment of suitable locations to site a radioactive waste facility would negate existing concerns regarding the unacceptably high seismic risk represented by the Muckaty site. Further, it is considered that there needs to be a mandatory obligation on the Commonwealth to examine a range of sites for seismological as well as other characteristics in order to determine the most appropriate location for a facility. This situation differs greatly from the current Bill which will allow the Commonwealth to simply accept a site offered by a particular land holder for the purposes of political expediency.

17. The NTG considers that if a decision is made by the Commonwealth to construct the facility in the Northern Territory for the purpose of storing low and intermediate levels of radioactive waste, the NTG demands commitments based in legislation from the Commonwealth that the facility would not in the future be modified to accept and hold higher level radioactive or nuclear waste.
18. The NTG advises that as the Northern Territory and the Commonwealth have both adopted the *National Directory for Radiation Protection, edition 1.0*. This framework includes justification of a practice, optimisation of protection and safety and limitation of radiation dose. It is agreed that all these principles be applied when approving any facility that uses or stores radioactive material.
19. Optimisation of radiation protection must be considered during the facility planning and design stages. For example, the design of the facility and long term estimated dose must be agreed multilaterally. It is imperative that the Northern Territory be part of this process.
20. In the event of a serious incident at the facility or accident transporting radioactive waste, the National Critical Care and Trauma Response Centre at Royal Darwin Hospital would provide major assistance. However, there is very limited capacity within the Northern Territory hospital network outside of Darwin to respond to any radioactive waste incident or accident. Additional resources would be required in order to provide an appropriate regional medical response in the event of an incident at the facility.
21. The Port of Darwin does not have the resource capability (expertise or equipment) to respond to a radioactive incident, a radiation safety monitoring program, storage facility to securely store radioactive material or sufficient security to manage heightened risk resulting from interest from protest or more sophisticated criminal groups. The transport of radioactive waste by road also raises concerns relating to the security of the waste whilst in transit to the facility and the potential for a significant impact on transport routes as a result of an accident.
22. The establishment of a national radioactive waste management facility within the Northern Territory will have a significant impact on NTG security and emergency management capacity and capabilities. These activities would include intelligence gathering; security monitoring and response at points of entry into the Territory; security monitoring and response during transportation of radioactive material; responses to the storage facility to assist on-site security personnel, and costs associated with emergency responses due to loss of containment (for example: transportation accidents).
23. The NTG considers there will be negligible economic benefit from the facility. Depending on the construction company retained to build facility, there may be some building works during construction for local employees although 'fly-in, fly out' arrangements are likely to prevail. Once operational (security related work); and ongoing lease payments from the Commonwealth to landholders for the use of the land are likely to only have minimal local or Territory-wide benefits.

24. The NTG is concerned that there may be significant financial implications arising should a decision be made to locate the facility in the Northern Territory. The Northern Territory should not be financially disadvantaged by a decision to locate a facility in the Northern Territory and appropriate financial arrangements would need to be implemented to recover any costs arising, for example: in the form of a funding agreement for cost recovery under the Intergovernmental Agreement on Federal Financial Relations.
25. The NTG recognises that there are existing funding agreements in place to enable cost recovery in relation to Commonwealth owned land or facilities. These agreements would need to be reviewed and considered prior to the development of any new cost recovery arrangements. Additionally, there is a need to ensure that any arrangements for cost recovery do not impact upon other financial arrangements with the Commonwealth or the allocation of GST revenue.
26. The NTG considers that it will essential that the terms of the commercial arrangements fully reflect and factor in all of the critical issues including the long term nature of the facility; size of buffer areas and restrictions needed in relation to access and use of the buffer area; disruption and costs arising from the required ongoing long-term monitoring of health and environmental factors on the environment and persons living near, working at or visiting the facility; disruption and restrictions associated with transportation of radioactive waste to the facility; and sterilisation of the potential uses of the land for other uses.
27. The NTG considers that while the economic impacts of the proposed radioactive waste management facility are expected to be long term, those benefits are likely to provide only a limited benefit to the regional and Northern Territory economy.
28. While businesses involved in the development of the proposed radioactive waste management facility are likely to be supportive and other regional business operators may recognise that some local and regional benefits may flow from the development and not oppose the development outright; overall, industry associations and other businesses may be expected to be generally opposed to the proposed facility and the manner in which it is being forced on the Northern Territory. They are also likely to be concerned about the scope of the radioactive waste management facility, once established, being expanded to include high level nuclear waste in future.
29. The establishment of a radioactive waste management facility in the Northern Territory could potentially undermine the Northern Territory's local tourism industry and may reflect negatively on Australia's overall tourism positioning and reputation in the global tourism marketplace because of the negative perception that could be generated from the facility.

#### **D. LEGAL AND CONSTITUTIONAL MATTERS**

30. The Committee has sought submissions in relation to, amongst other things, legal and constitutional matters, including issues relating to procedural fairness and the impact of the Bill on, and interaction with, state and territory legislation.

*Structure of the National Radioactive Waste Management Bill 2010*

31. It is necessary to make some introductory observations in relation to the content of the present Commonwealth legislation and the structure of the Bill.
32. On 15 December 2005, the Commonwealth enacted the *Commonwealth Radioactive Waste Management Act 2005* (Cth) ("the current Commonwealth Act"). So far as is relevant for the purposes of this submission, the current Commonwealth Act operates to:
  - allow the Chief Minister of the Northern Territory to nominate land in the Northern Territory (other than Aboriginal land) as a potential site for the management and storage of certain types of radioactive waste, and to allow a Land Council to nominate Aboriginal land in the area of the Land Council as a potential site;
  - allow the Commonwealth Minister to approve nominated land as a site;
  - allow the Commonwealth, its contractors and employees to do anything necessary in the Northern Territory for or incidental to the purposes of selecting a site on which to construct and operate a radioactive waste management facility, and render any State or Territory law that purported to regulate, hinder or prevent such activity of no effect;
  - allow the Commonwealth Minister to declare that a site is selected for a facility;
  - acquire and/or extinguish any rights or interests in a site the subject of a declaration; and
  - allow the Commonwealth, its contractors and employees to do anything necessary in the Northern Territory for or incidental to the purposes of constructing and operating a radioactive waste management facility, and render any State or Territory law that purported to regulate, hinder or prevent such activity, or the transportation of radioactive material, of no effect.
33. The current Commonwealth Act establishes the Northern Territory as the only jurisdiction in which the site for a radioactive waste management facility may be located, and in which a facility may be subsequently constructed.
34. By way of comparison, the Bill would, if passed, operate to:
  - preserve the nomination made under the current Commonwealth Act in relation to a site on Muckaty Station in the Northern Territory;
  - in addition, allow Land Councils to nominate Aboriginal land in the area of the Land Council in the Northern Territory as a potential site;
  - effectively preclude the nomination and consideration of potential sites within other States and Territories unless and until the responsible Commonwealth Minister has determined it is unlikely that a facility will be able to be constructed and operated in the Northern Territory;

- allow the Commonwealth Minister, having made that determination, to make a declaration that nominations of potential sites may be made in relation to land anywhere in a State, the Australian Capital Territory or the Northern Territory (subject to a requirement to give notice to the Land Councils of the intention to make the declaration and to consider comments), after which time no nomination can be made by a Land Council and no land previously nominated may be declared a selected site for a facility;
  - allow the Commonwealth Minister to approve land nominated as a site (subject to a requirement to give notice of the intention to grant the approval and to consider comments);
  - allow the Commonwealth, its contractors and employees to do anything necessary in a State or Territory for or incidental to the purposes of selecting a site for the construction and operation of a radioactive waste management facility, and render any State or Territory law that purported to regulate, hinder or prevent such activity of no effect;
  - allow the Commonwealth Minister to declare that land nominated and approved as a site is selected as the site for the construction of a radioactive waste management facility (subject to a requirement to give notice of the intention to make the declaration and to consider comments);
  - acquire and/or extinguish any rights or interests in a site the subject of a declaration; and
  - allow the Commonwealth, its contractors and employees to do anything necessary in a State or Territory for or incidental to the purposes of constructing and operating a radioactive waste management facility, and render any State or Territory law that purported to regulate, hinder or prevent such activity, or the transportation of radioactive material, of no effect.
35. The Bill would continue the differential treatment of the Northern Territory. Whilst the Bill is clothed with the appearance and suggestion that the process for the nomination of potential sites extends to all States and Territories, its staged operation would be:
- the express preservation of the nomination of land in the Northern Territory made under the current Commonwealth Act, and a facility for further nominations of Northern Territory land to be made unilaterally by Land Councils;
  - the preclusion of any nomination or consideration of sites outside the Northern Territory unless and until it had been determined there was no feasible Northern Territory nomination;
  - the determination whether the facility was able to be constructed and operated on nominated sites in the Northern Territory, which determination would lie effectively with the Commonwealth Minister; and
  - upon approval of land nominated in the Northern Territory, the disqualification from consideration of any location in another State or Territory.

36. The reality of the Bill's operation is that it designates the Northern Territory as the jurisdiction in which the site for a radioactive waste management facility would be selected, and in which a facility would be subsequently constructed, almost as surely as does the current Commonwealth Act.

*The application of scientific criteria*

37. The first and most deleterious consequence of that operation would be to exclude, in the first instance at least, more than 80 per cent of the Australian landmass from consideration. The clear consequence of this exclusion is that the initial determination will not be made on the basis of the most suitable site on the Australian landmass having regard to environmental, geographical, geological and other scientific considerations.
38. The NTG notes that the site selection process to assess the 8 possible locations for a radioactive waste management facility in the Commonwealth's Study applied all thirteen of the National Health and Medical Research Council's (NHMRC) criteria covering both biophysical and socio-economic considerations. The criteria were divided into 2 groups: those important for radiological protection, and other, non-radiological factors as follows:

*Criteria important for radiological protection*

- The facility site should be located in an area of low rainfall, should be free from flooding and have good surface drainage features, and generally be stable with respect to its geomorphology.
- The water table in the area should be at a sufficient depth below the planned disposal structures to ensure that groundwater is unlikely to rise to within five metres of the waste, and the hydrogeological setting should be such that large fluctuations in water table are unlikely.
- The geological structure and hydrogeological conditions should permit modelling of groundwater gradients and movement, and enable prediction of radionuclide migration times and patterns.
- The disposal site should be located away from any known or anticipated seismic, tectonic or volcanic activity that could compromise the stability of the disposal structures and the integrity of the waste.
- The site should be in an area of low population density and in which the projected population growth or prospects for future development are also very low.
- The groundwater in the region of the site that may be affected by the presence of a facility ideally should not be suitable for human consumption, pastoral or agricultural use.
- The site should have suitable geochemical and geotechnical properties to inhibit migration of radionuclides and to facilitate repository operations.



### *Criteria for non-radiological factors*

- The site for the facility should be located in a region that has no known significant natural resources, including potentially valuable mineral deposits, and that has little or no potential for agriculture or outdoor recreational use.
  - The site should have reasonable access for the transport of materials and equipment during construction and operation, and for the transport of waste to the site.
  - The site should not be in an area that has special environmental attraction or appeal that is of notable ecological significance, or that is the known habitat of rare fauna or flora.
  - The site should not be located in an area of special cultural or historical significance.
  - The site should not be located in reserves containing regional services such as electricity, gas, oil or water mains.
  - The site should not be located in an area where land ownership rights or control could compromise retention of long-term control over the facility.
39. Based upon the outcome of the descriptive and analytical comparison of the 8 locations against each of the NHMRC criteria, the Billa Kalina region in South Australia was recommended as the preferred location for investigation to identify a suitable site for a national radioactive waste management facility.
40. On any rational approach, the selection of a site for a national radioactive waste management facility must be based upon an assessment of the most suitable location within Australia having regard to scientific criteria and analysis. It is highly unlikely that even with the passing of time since the Commonwealth's Study was undertaken that the outcomes of the descriptive and analytical comparisons of the 8 original locations would have altered significantly.
41. It is considered that the Commonwealth should revisit its original study and its criteria for assessing possible locations for a national radioactive waste management facility, however; the Bill as presently framed precludes the making of a selection on that basis. The NTG acknowledges that it is not necessary to incorporate those selection criteria into legislation. That is best achieved by an executive and ministerial commitment to a process based on scientific considerations. In order to achieve that end, however, the legislative direction for the identification and selection of a site in the Northern Territory in the current Commonwealth Act (and in the Bill as presently drafted), must be removed.

### *The identification of the Northern Territory as the first choice location*

42. As is explained above, the process for the selection of a site for a national radioactive waste management facility contemplated by the terms of the Bill identifies the Northern Territory as the first choice location for that facility, and precludes the consideration of locations within other States and Territories unless and until the responsible Commonwealth Minister has determined it is unlikely that a facility will be able to be constructed and operated in the Northern Territory. There is no valid constitutional or policy reason for doing so.

43. The only apparent reason for the differential treatment of the Northern Territory under the terms of both the current Commonwealth Act and the Bill would appear to be either:
- that the Federal Executive sees that Parliament's plenary legislative power under s122 of the *Constitution* in relation to the Territory would operate to minimise the risk of a legal challenge to a Commonwealth determination providing for the site selection, construction and operation of a radioactive waste facility in a State on the basis that the legislation did not fall within the external affairs power or some other head of legislative power under s51 of the *Constitution*; and / or
  - that any adverse political consequences of selecting a site in the Northern Territory, as opposed to a State, would be minimised by reason of the Northern Territory's smaller population base.
44. Neither reason constitutes a valid ground for differential treatment of the Northern Territory.
45. There can be no doubt that the Commonwealth has the constitutional power to enact valid legislation which displaces the operation of both State and Territory laws in relation to activities involving radioactive waste. The Commonwealth has already done so in the form of the *Australian Nuclear Science and Technology Organisation Act 1987*, dealing principally with activities at the nuclear reactor at Lucas Heights in New South Wales. In pursuance of that legislation, radioactive waste from those activities may lawfully be transported to and stored in any State or Territory regardless of whether there is any State or Territory law which purports to preclude such transportation or storage. There is no material difference between the States and self-governing Territories in relation to the operation of that legislation.
46. The decision of the Full Federal Court in *South Australia v Slipper* [2004] FCAFC 164 was not to the effect that the Commonwealth did not have the power to enact legislation displacing the operation of South Australian laws purporting to prohibit the establishment of a radioactive waste facility in that State. It was simply to the effect that there was no "urgent necessity" under the terms of the *Land Acquisition Act 1989* (Cth) for the acquisition of privately owned land in South Australia for that public purpose, and that the Commonwealth process for the acquisition of land had failed to satisfy the requirements of procedural fairness.
47. That the Commonwealth has power to legislate for the construction and operation of a national radioactive waste management facility in a State is also evident from the fact that the Bill, in theory at least, allows for that result.
48. Whilst in Opposition in 2005, the present Minister for Environment Protection, Heritage and the Arts said during the second reading debates for the current Commonwealth Act:

The fact is that there was a deliberate misleading of citizens of the Northern Territory. As members in the House have already acknowledged, the Northern Territory government went to an election this year and its position was to oppose the siting of a nuclear waste dump. And it won—the people had spoken. But this government is clearly deaf to the people of the Top End. This government is unable to listen to the voices of those who speak. All it can do now is impose its wishes upon people who do not have the capacity to challenge, the capacity to oppose.

...

We have reached a situation where what we suspected may happen indeed has. The people of the Northern Territory have been faced with a government intent on overriding legislation which would provide adequate and proper protection for them in some circumstances, but in this case that will not happen. The federal government is intent on imposing its will on the people and the government of the Northern Territory, even though that government has been recently elected and had made it very clear that its mandate for re-election was that a site of that kind would not be located in the Northern Territory.

49. It was on the basis of those sentiments that the federal Labor government pledged to repeal the present Commonwealth legislation. Despite those expressions of sentiment and that pledge, the Bill as presently drafted would continue the differential treatment of the Northern Territory for no sound or compelling constitutional or policy reason, would retain the character of "overriding legislation", and would persist in ignoring the views of the people of the Top End expressed clearly in the electoral context.
50. So far as direct inconsistency between the Bill and Northern Territory legislation is concerned, on 4 November 2004 the Northern Territory enacted the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004* (NT) ("the Prohibition Act"). In summary, the Prohibition Act operates to:
  - prohibit the construction or operation of a nuclear waste storage facility in the Northern Territory; and
  - prohibit the transportation of nuclear waste into the Northern Territory for storage at a nuclear waste storage facility in the Northern Territory.
51. South Australia and Western Australia have enacted similar laws. The Bill would operate to override State and Territory laws to the extent that they purport to prohibit the selection of a site for, construction or operation of a national radioactive waste management facility in a State or Territory, or purport to prohibit the transportation of nuclear waste into the State or Territory for storage in accordance with the proposed Commonwealth legislation.
52. The NTG concedes that the Commonwealth has power to legislate in that fashion (subject to the qualifications posited later in these submissions in relation to the appropriateness of excluding Northern Territory environmental laws), but maintains that any exclusion of laws should operate, in both form and effect, with equal application to States and Territories. What is required to ensure equal application is for the selection of a site for a facility to be made on scientific grounds, without any geographical delimitation, and for the exclusion of State or Territory (as the case may be) laws to have effect dependent upon the location selected in accordance with that process.
53. The Bill should be redrafted to allow the nomination of land in any State or Territory from the outset, and to remove the legislative bias towards the selection of a site in the Northern Territory.
54. The displacement of State and Territory laws gives rise to further practical difficulties. Because the exclusion extends to State or Territory laws that "regulate" activities in connection with the selection of a site, the construction and operation of a facility and the transportation of waste – as well as to laws that would "hinder" or "prevent" such activities - the Bill, if enacted, would mean that the following Northern Territory laws (at least), would have no application to such activities in the Northern Territory:

- *Aboriginal Land Act*
- *Building Act*
- *Construction Contracts (Security Of Payments) Act*
- *Construction Industry Long Service Leave and Benefits Act*
- *Dangerous Goods (Road and Rail Transport) Act*
- *Disasters Act*
- *Electrical Workers and Contractors Act*
- *Environment Protection Authority Act 2007*
- *Environmental Assessment Act*
- *Fences Act*
- *Fire and Emergency Act*
- *Heritage Conservation Act*
- *Land Title Act*
- *Law of Property Act*
- *Local Government Act*
- *Northern Territory Aboriginal Sacred Sites Act*
- *Planning Act*
- *Plumbers and Drainers Licensing Act*
- *Power and Water Corporation Act*
- *Public Health Act*
- *Radiation Protection Act*
- *Radioactive Ores and Concentrates (Packaging and Transport) Act*
- *Soil Conservation and Land Utilisation Act*
- *Waste Management and Pollution Control Act*
- *Water Act*
- *Weeds Management Act 2001*
- *Workplace Health and Safety Act*

55. The Commonwealth should identify the legislative or other means by which it proposes filling this substantial regulatory gap, so that State and Territory residents can feel assured that activities that are inherently hazardous are conducted according to appropriate standards.

### *Procedural fairness issues*

56. Section 8 of the current Commonwealth Act provides that no person is entitled to procedural fairness in relation to a Ministerial declaration that a site is selected for a facility. Paragraph (zc) of Schedule 1 to the *Administrative Decisions (Judicial Review) Act 1977* (Cth) provides that a nomination under s3A or a decision under s3C or s7 of the current Commonwealth Act is not a decision for which the usual administrative review mechanisms are available.
57. Clause 9 of the Bill provides for a limited right of hearing in relation to certain of the Minister's declarations and approvals under the Bill.
- The Minister must give notice and invite comments before making a declaration that would open up the nomination process to land in other States and Territories, and must take into account any relevant comments made in response.
  - The Minister must give notice and invite comments from the nominator of the land and any person with a right or interest in the land before approving land nominated as a site, and must take into account any relevant comments made in response.
  - Those provisions are expressed to be an "exhaustive statement" of the requirements of natural justice in relation to the relevant decisions.
58. Clause 17 of the Bill provides for a limited right of hearing in relation to a declaration by the Minister that the site previously approved by the Minister is selected as the site for a facility. Under that mechanism, the Minister must give notice and invite comments from the nominator of the land and any person with a right or interest in the land before making the declaration, and must take into account any relevant comments made in response. Again, that mechanism is expressed to be an "exhaustive statement" of the requirements of natural justice in relation to the declaration of a site.
59. Schedule 1 to the Bill repeals paragraph (zc) of Schedule 1 to the *Administrative Decisions (Judicial Review) Act 1977*, although this is of limited effect given that the provisions empowering the Minister to make a declaration of land as a selected site express the exercise of that power to be in the Minister's "absolute discretion".
60. In those particular respects, and subject to the qualifications posited above in relation to the differential treatment of the Northern Territory, the provisions of the Bill represent a significant improvement on the current Commonwealth Act; but they are still unduly restrictive.
61. The Northern Territory acknowledges that there is an argument that the interests of administrative necessity warrant some restriction on the requirements of procedural fairness in the process of approving and selecting a site. Even allowing for that matter, the Bill should be redrafted afford a right to make submissions to persons living on or near the selected site, and to the Government of the State or Territory in which the site is situated, in relation to any proposal to approve land nominated as a site and any proposal to declare the selection of an approved site for the construction and operation of a facility.

### *Regional consultative committee*

62. Clause 21 of the Bill provides for the establishment of a regional consultative committee "to facilitate communication between the Commonwealth, the operator of the facility (if any) at the selected site and persons living in or near the region where the selected site is situated".
63. As presently drafted, the clause provides little or no assurance that the regional consultative committee would afford affected persons any effective input into the processes for the selection of the site and the construction and operation of the facility.
64. In order to provide that facility, those parts of the Bill in dealing with the regional consultative committee should be re-drafted to:
  - require the Commonwealth Minister to establish the regional consultative committee rather than, as is the case in the current version, to vest the Minister with a discretion in the exercise of which he or she may determine not to establish a committee;
  - provide that it is a function of the committee to facilitate communication between the Commonwealth, the operator of the facility, persons living in or near the region where the selected site is situated and the Government of the State or Territory in which the site is situated;
  - provide a guarantee of membership on the committee of representatives and nominees of the Government of the State or Territory in which the site is situated; and
  - establish a process by which the committee may, on its own motion, report to the Minister with recommendations in relation to the selection of the site and the construction and operation of the facility, and by which the Minister is required to respond to those recommendations within a specified time and with reasons for their adoption or rejection as the case may be.

### **E. ENVIRONMENT AND RESOURCES**

65. Clause 11 of the Bill provides that laws of a State or Territory covering a broad range of subject matters, including environmental protection and assessment, have no effect to the extent that they would "regulate, hinder or prevent" activities necessary for or incidental to the purpose of selecting a site on which to construct and operate a facility. Clause 12 of the Bill goes on to provide that the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) also has no effect to the extent that it would "regulate, hinder or prevent" the doing of a thing of the purpose of selecting a site on which to construct and operate a facility.
66. Similarly, clause 23 of the Bill provides that laws of a State or Territory covering that same broad range of subject matters, including environmental protection and assessment, have no effect to the extent that they would "regulate, hinder or prevent" activities necessary for or incidental to the purpose of constructing, operating and maintaining a facility. On the other hand, clause 24 of the Bill expressly preserves the operation of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) in relation to those matters.

67. The NTG has serious concerns about the lack of any obligation to carry out an environmental impact assessment for the selection of a site for the facility as the Bill provides no opportunity to undertake an open and transparent environmental assessment on the site selection; a process which would otherwise provide an opportunity for public input and consultation.
68. As already noted, there can be no doubt that the Commonwealth has the constitutional power to enact valid legislation which displaces the operation of State and Territory laws in relation to activities involving radioactive waste. This extends to State and Territory environmental legislation.
69. The Commonwealth might legitimately seek to abrogate the operation of State and Territory laws in circumstances where the Commonwealth intends the matter in question to be subject to its regulatory powers. So, for example, the NTG has no fundamental objection to the abrogation of State and Territory environmental laws in relation to the construction, operation and maintenance of a facility in circumstances where the matter will be subject to Commonwealth laws providing for environmental assessment and protection.
70. A fundamental concern does arise in circumstances where the Bill abrogates not only State and Territory environmental laws in relation to activities undertaken in the selection of a site for a facility, but also Commonwealth laws providing for environmental assessment and protection. The activities authorised for the purposes of selecting a site on which to construct and operate a facility involve such matters as construction, drilling, excavation and clearing, which have the potential for significant environmental impact and damage.
71. The exclusion of all laws providing for any form of environmental assessment and protection in relation to those activities would preclude any systematic, comprehensive and public review of the effects site selection may have on the environment. The Bill should be re-drafted so that, at the very least, the operation of the *Environment Protection and Biodiversity Conservation Act 1999* is preserved in respect of site selection, as is the case in relation to the construction and operation of the facility.
72. The Bill's abrogation of State, Territory and Commonwealth environmental assessment and protection laws in respect of the selection of a suitable site for the facility is also inconsistent with Australia's obligations under Article 13 of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Vienna, 5 September 1997).

*Availability of information about the impact on the environment of the facility*

73. The Environmental studies prepared by Parsons Brinkerhoff for the Commonwealth in relation to the three Defence sites previously considered for the location of the facility were only recently tabled in the March 2010 Sittings of the Commonwealth Parliament.... Further, the Bill does not require the Minister to make public any tests, studies or research leading to the selection of the site. The clear consequence of this is that the public is unable to independently assess, let alone be informed about, the potential risks and benefits flowing from the selection of the site. The NTG opposes the selection of a site for a facility where the decision is based upon environmental assessments, studies or tests and the results of which have not been made available to the public for consideration and comment.

### *Areas of particular concern*

74. Lake Woods, a site of conservation significance which intermittently supports large populations of breeding and migratory bird species, is located 25 kilometres to the north of Muckaty Station. A comprehensive biodiversity survey should be conducted addressing the impact the facility may have on the bird species that inhabit the Lake Woods area, and the three known threatened and one endangered fauna species previously detected at Muckaty Station.
75. Groundwater under Muckaty Station is of high quality and is currently used as outstation drinking water with good potential for irrigated agriculture. Comprehensive research and testing should be conducted to consider the effect the facility may have on this resource.
76. There are also a number of prescribed Aboriginal archaeological sites located on Muckaty Station. It is considered that further archaeological surveys may be required to ascertain the full extent of such sites.
77. The NTG has further concerns about the potential for lost revenue from:
  - mining royalties, should the placement of the facility sterilise the site from possible mineral and petroleum exploration/extraction activities; and
  - cattle and beef exports as a result of herds not being able to be run on an area taken up and/or adjacent to the facility. The value of the Northern Territory's cattle industry was estimated at \$344 million in 2008-09. The Barkly region (the region in which the site for a facility is proposed) comprises 600 000 head of cattle accounting for about 30 per cent, or \$103 million, of the Northern Territory's total cattle industry.. The NTG has serious concerns about the potential for loss of existing and new markets due to the real or perceived threat posed by the proximity of cattle in the region to a radioactive waste facility.
78. While the immediate area around the Muckaty Station area is not known to be a highly earthquake prone zone, the location and probability of intra-plate earthquakes within Australia remains difficult to predict. A full and transparent seismological assessment, as part of a full and transparent scientific assessment of suitable locations to site a radioactive waste facility would negate existing concerns regarding the unacceptably high seismic risk represented by the Muckaty site.
79. Further, it is considered that there needs to be a mandatory obligation on the Commonwealth to examine a range of sites for seismological as well as other characteristics in order to determine the most appropriate location for a facility. This situation differs greatly from the current Bill which will allow the Commonwealth to simply accept a site offered by a particular land holder for the purposes of political expediency.
80. The NTG considers that the principles for a national radioactive waste management facility need to be absolutely clear. If a decision is made by the Commonwealth to construct the facility in the Northern Territory for the purpose of storing low and intermediate levels of radioactive waste, the NTG demands commitments based in legislation from the Commonwealth that the facility would not in the future be modified to accept and hold higher level radioactive or nuclear waste.



81. Attachment A: Maps of the geological structure of the Muckaty Aboriginal Land Trust and surrounding areas.
- Attachment B: Earthquake Hazard Map of Australia – 1991.
- Attachment C: Map of the Northern Territory's current exploration, mining and petroleum tenure with respect to the Muckaty Aboriginal Land Trust area.
- Attachment D: Map of petroleum operations and developments for the Northern Territory and off-shore areas.

## F. HEALTH

### *Argument against storing national radioactive waste in the Northern Territory*

82. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) must issue a licence before any national radioactive waste facility can come into existence. The licence is issued under the Commonwealth's *Australian Radiation Protection and Nuclear Safety Act 1998*.
83. If the facility were to operate under Northern Territory legislation, it would operate under the *Radiation Protection Act*. This Act deals with the acquisition, disposal, manufacture, possession, sale, storage, transport and use of a radiation source, including radioactive material. Section 109 of the *Commonwealth of Australia Constitution Act* prevails over Northern Territory legislation to the extent of any inconsistency.
84. The Northern Territory and the Commonwealth have both adopted the *National Directory for Radiation Protection, edition 1.0*. Both jurisdictions must take into account the regulatory framework for radiation protection. This framework includes justification of a practice, optimisation of protection and safety and limitation of radiation dose. It is agreed that all these principles be applied when approving any facility that uses or stores radioactive material.
85. The International Commission on Radiological Protection (ICRP) is the internationally recognised primary body that makes recommendations on radiation protection. It produced the ICRP Publication 108 - Environmental Protection: The Concept and Use of Reference Animals and Plants during 2008. Due to the assumed longevity of the proposed facility, it will be necessary to consider this 2008 document in terms of any environmental impact.
86. The ICRP defines waste as any material that will be or has been discarded and being of no further use. Radioactive waste could emanate from a number of disparate practices.

### *Implications for the siting of a National Radioactive Waste Facility at Muckaty Station.*

87. Australia is a signatory to the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management (Joint Convention). The Northern Territory has agreed to abide by this Convention.

88. The Northern Territory has no spent radioactive fuel but does hold radioactive waste that is covered by the scope of the Joint Convention. Medical and industrial waste forms only a very small component of this material.
89. Optimisation of radiation protection must be considered during the facility planning and design stages. For example, the design of the facility and long term estimated dose must be agreed multilaterally. It is imperative that the Northern Territory be part of this process.

#### *Acute Care Considerations*

90. In the event of a serious incident at the facility or accident transporting radioactive waste, the National Critical Care and Trauma Response Centre (NCCTRC) at Royal Darwin Hospital (RDH) would provide major assistance. The NCCTRC will provide the Northern Territory-wide Health Emergency Operations Centre.
91. The NCCTRC have aided a robust "Trauma system" within RDH, and are beginning to contribute a significant amount of training to pre-hospital response. This is not the case however in Alice Springs Hospital. Multiple injured/burnt/radiation poisoned patients from an incident would quickly overwhelm that hospital.
92. Currently, there is very limited capacity within the Northern Territory hospital network outside of Darwin to respond to any radioactive waste incident or accident. Additional resources would be required in order to provide an appropriate regional medical response in the event of an incident at the facility.

#### **G. TRANSPORT**

93. The Northern Territory's Port of Darwin currently handles radioactive material in the form of copper concentrate and containerised yellow cake (uranium). However; it does not have the capacity to handle other radioactive materials.
94. Radioactive materials are classified as Class 7 Dangerous Goods (AS 3486-2005 and International Maritime Dangerous Goods Code) and in order to manage cargo of this nature, the Port would need to comply with the relevant standard with respect to dose limits, monitoring, and transport.
95. Currently, the Port of Darwin does not have the resource capability (expertise or equipment) to respond to a radioactive incident, a radiation safety monitoring program, storage facility to securely store radioactive material or sufficient security to manage heightened risk resulting from interest from protest or more sophisticated criminal groups.
96. The transport of radioactive waste by road also raises concerns relating to the security of the waste whilst in transit to the facility and the potential for a significant impact on transport routes as a result of an accident.

## H. SECURITY

97. The siting of a national radioactive waste management facility in the Northern Territory will result in a range of security and emergency management issues. The primary concern for the NTG relates to the increased resource impost to establish appropriate processes and frameworks, and develop the required capabilities and capacity, to mitigate the many first and second order consequences of such a facility. These resource issues include but are not limited to: technical capabilities to track shipments and respond to incidents, Territory-wide capacity to manage protest action or civil disobedience by issue motivated groups, development and exercising of joint protocols with other jurisdictions, administrative actions to amend legislation and plans and negotiate joint agreements and protocols, and improved communications and intelligence sharing capability.

### *Security*

98. Northern Territory Police resources would be required to respond to likely and ongoing protest action or civil disobedience by Issue Motivated Groups opposed to the radiation and nuclear industry, and in particular, to the siting of such a facility in the Northern Territory. This could be expected at the facility site, at key institutions (such as Parliament House), and at a range of other locations across the Northern Territory such as the Port and other key points on transport routes.
99. Northern Territory Police involvement to assist or bolster on-site security arrangements and provide enhanced transport security will impose an impost on existing policing resources. The need for a capacity to potentially respond across the whole of the Northern Territory is likely to be a significant resources drain.

### *Emergency Management.*

100. Northern Territory Fire and Emergency Services resources would also be required to plan for the increased likelihood of and response to incidents or emergencies involving radioactive materials. Northern Territory emergency response agencies have capabilities to detect radioactive materials but very limited capacity or capability to respond to incidents or safely recover such material. The development of enhancements to Northern Territory Agencies' capabilities, as well as the development and exercising of the protocols with other agencies and jurisdictions who have advanced capabilities to respond in this field would be needed.

### *Regulatory and Licensing Frameworks*

101. There is likely to be an increased requirement for the training, accreditation, background checking and licensing of those handling, storing or transporting radioactive materials. This will create an increased workload across a number of NT Government agencies including Northern Territory Police Fire and Emergency Services, the Department of Health and Families (Environmental Health – Radiation Protection) and the Department of Justice (NT WorkSafe).

*Impact on existing security and emergency management legislation and plans*

102. It is likely that there will be a need to revise existing Northern Territory legislation and plans relevant to the security and emergency management of radioactive materials. Additionally there will be a range of agreements and protocols to be negotiated between NT Agencies, the Northern Territory, States and the Commonwealth. Northern Territory plans and legislation include, but are not necessarily limited to the:

- *Disasters Act*
- *Fire and Emergencies Act*
- *Radiation Protection Act*
- *Dangerous Goods (Road and Rail Transport) Act*
- *NT All Hazards Management Arrangements*
- *Chemical, Biological and Radiological Response Plan.*
- *Tracking of hazardous materials within the Northern Territory*

103. Due to the very small amounts of radioactive materials currently used or transported within the Northern Territory, the NTG's systems for the tracking of these materials are unsophisticated. The NTG would need to acquire more sophisticated systems for the tracking of radioactive materials transported through the Northern Territory. Protocols for handover of custodial responsibility at all stages will need to be amended or developed to take account of local arrangements and exercised and audited regularly.

*Access to national intelligence.*

104. The NTG does not traditionally have access to Commonwealth security risk assessments and intelligence about Commonwealth assets within the Northern Territory. Given the transport requirements associated with this facility, and the likelihood of protest action, the Northern Territory would need access to relevant intelligence to ensure timely awareness of and the ability to respond to security and emergency issues. The ability to appropriately respond especially if the threat emanates from more sophisticated criminal or other groups will depend upon well-established intelligence monitoring capability and enhanced intelligence linkages with all other jurisdictions. Such a capability will also necessitate commitment of significant resources.

105. The establishment of a national radioactive waste management facility within the Northern Territory will have an impact on NTG security and emergency management capacity and capabilities. These activities would include intelligence gathering; security monitoring and response at points of entry into the Territory; security monitoring and response during transportation of radioactive material; responses to the storage facility to assist on-site security personnel, and costs associated with emergency responses due to loss of containment (for example: transportation accidents).

## I. FINANCIAL IMPLICATIONS

106. The NTG is concerned that there may be significant financial implications arising should a decision be made to locate the facility in the Northern Territory. There is the potential for costs to arise, for example, from the following activities:
- Northern Territory Police responding to demonstrations or protests regarding the establishment or operation of the facility;
  - provision of Northern Territory Police, Fire or Emergency services personnel to the site or along the transport route in the event of an incident, injury or security breach;
  - in the event of an incident or security breach, coordination of Commonwealth and Northern Territory Police, Fire or Emergency services and other Government resources, as required, to manage incidents;
  - shipping and transport of radioactive waste through the Port of Darwin, or by road or rail into and through the Northern Territory;
  - Northern Territory health services responding to an incident or injury. There is limited capacity outside of Darwin to accommodate an incident and additional resources ranging from extra personnel to provide operational support and monitoring, appropriate regional medical responses, infrastructure to treat injured people and necessary medical supplies (for example: personal protective equipment, syringes and radiation specific antidotes).
  - Northern Territory health services responding to community concerns regarding health impacts associated with radioactive waste;
  - environmental responses or rehabilitation arising from an incident or from low level radioactivity;
  - legal costs including: challenges against the NTG or by the NTG against other parties, custodial requirements from the prosecution of protestors, actions against commercial operators for legal or regulatory breaches;
  - increased regulatory, monitoring and compliance activities of Northern Territory health services and NT WorkSafe;
  - increased security measures implemented by the Northern Territory to manage increased risks associated with radioactive waste; and
  - any changes required to Northern Territory legislation or regulatory frameworks.
107. To ensure that the Northern Territory is not financially disadvantaged by a decision to locate a facility in the Northern Territory; appropriate financial arrangements would need to be implemented to recover any costs arising. This may be in the form of a funding agreement for cost recovery under the Intergovernmental Agreement on Federal Financial Relations.
108. The NTG recognises that there are existing funding agreements in place to enable cost recovery in relation to Commonwealth owned land or facilities. These agreements would need to be reviewed and considered prior to the development of any new cost recovery arrangements.

109. Additionally, there is a need to ensure that any arrangements for cost recovery do not impact upon other financial arrangements with the Commonwealth or the allocation of GST revenue.

## J. COMMUNICATION AND CONSULTATION

110. The International Atomic Energy Agency in its 2009 publication "Policies and Strategies for Radioactive Waste Management (<http://www-pub.iaea.org/mtcd/publications/PubDetails.asp?publd=8116> ) sets out what should be included in a national policy on radioactive waste management. Specifically, the publication makes mention of *Provisions for public information and participation*.

In particular:

The national policy may indicate the State's intention to inform the public about proposed plans for radioactive waste management, and to consult concerned parties and members of the public to aid in making related decisions (Paragraph (iv) of the Preamble of the Joint Convention [2] and Ref. [17]). Nowadays, governments tend to emphasise their commitment to policies of openness and transparency in relation to their intentions and plans on radioactive waste management.

111. The Canadian experience in siting radioactive waste facilities strongly recognised in 2009 that the "decide-announce-defend" model results in abject failure whereas consultation and communication results in success.

*The Commonwealth government's provision of information to the public*

112. The NTG notes that the Commonwealth government's *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia* sets out that public consultation for "Site selection shall include a suitable consultative process to establish public consent to the location of a disposal facility at the particular site."

113. The NTG notes that in its October 2008 *National Report from the Commonwealth of Australia - Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*, the Commonwealth government reported that:

### **Availability of information to the public**

Public consultation would be undertaken as part of the environmental approval process and the regulatory licensing process. Consultations with the relevant jurisdictions would take place as part of public consultation. Referrals under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) and any subsequent environmental impact assessments/statements are released for public comment as part of public consultation by the Minister for the Environment.

114. Neither the current Commonwealth Act nor the Bill adequately put into practice the public consultation processes upon which the Commonwealth government has reported to the international community as a signatory to the Joint Convention.

115. Further, the Bill's regional consultative committee, to be established after the declaration of the site for the facility, does not constitute an adequate mechanism for public consultation in the decision making process of the selection of a site.

## **K. OTHER ISSUES**

### *Commercial Arrangements*

116. While the commercial arrangements between Commonwealth and land owners of a selected site are matters for resolution by those parties, it will be essential that the terms of the commercial arrangements fully reflect and factor in all of the critical issues including:

- the very long term nature of the facility;
- the size of the buffer area and restrictions needed in relation to access and use of the buffer area;
- disruption and costs arising from the required ongoing long-term monitoring of health and environmental factors on and near the site including radiation levels, radionuclide concentrations, noise, dust and other relevant contaminants potentially affecting local and regional air, water, soil, waste, flora, fauna, structures, residents, workers and visitors (this is likely to include check and audit monitoring in addition to monitoring required for the effective operation management of the facility);
- disruption and restrictions associated with transportation of radioactive waste to the facility; and
- sterilisation of the potential uses of the involved land for other uses such as mining, exploration, agriculture, pastoral activities, tourism, residential and the valuation of the foregone or curtailed economic development prospects for site owners and those in surrounding areas.

### *Business and Industry Considerations*

117. The development of the proposed radioactive waste management facility will present short-term opportunities to firms, employees, suppliers and others involved. This may include Indigenous and regional firms and workers during the preparation and construction phase.

118. The on-going business and economic impacts of the proposed radioactive waste management facility, while expected to be very long-term, are likely to be modest at best with limited contributions to the regional and Northern Territory economy. While reliable estimates will depend on the scale, scope and design of the proposed facility, experience points to a small, possibly part fly-in/fly-out specialist, general and administrative work force, minor local procurement possibly including security services, some ground and related maintenance and, of course, no actual products (other than the provision of storage services).

119. There may be some ongoing benefits derived from the infrastructure and headworks established for the facility. These potential benefits are also expected to be limited and will depend on the scale, location and access arrangements.

### *Business Operating Environment*

120. Overall, industry associations and other businesses may be expected to be generally opposed to the proposed facility and the manner in which it is being forced on the Northern Territory. They are also likely to be concerned about the scope of the radioactive waste management facility, once established, being expanded to include high level nuclear waste in future.
121. Businesses involved in the development of the proposed radioactive waste management facility are, however, likely to be supportive. Other regional business operators may also recognise that some local and regional benefits may flow from the development and not oppose the development outright.
122. Generally, the development and presence of a radioactive waste management facility in the Northern Territory is likely to attract strident criticism and active protests from those opposed to uranium mining, nuclear power and associated waste products and those concerned about the potential environmental impacts and damage associated with the proposed facility. While such responses are expected to be relatively short-term and reasonably easily managed, the media coverage of such action may impact on the Northern Territory's business operating environment, with potential implications for tourism, investment and industry development prospects in the short to medium-term. These potential risks and negative impacts will require monitoring, management and action, including by the Territory Government.

[see *Impacts on the tourism industry and reputation of the Northern Territory as a nature-based tourism destination* notes below]

123. From past experience with other controversial facilities, the medium to long term impact of the proposed radioactive waste management facility are not expected to be significant for Northern Territory investment attractiveness and industry development prospects, even if there are sporadic and visible protests about the presence and operation of the proposed facility. This assessment would require a full re-evaluation should the scope of the proposed radioactive waste management facility be extended to include high-level nuclear wastes or its scale expanded to accept radioactive or other wastes generated by other countries.

### *Impacts on the tourism industry and reputation of the Northern Territory as a nature-based tourism destination*

124. Tourism is a major industry and employment sector for the Northern Territory. During 2008-09, almost 1.5 million people visited the Northern Territory, staying for 9.8 million nights and spending over \$1.7 billion. Tourism is estimated to contribute \$1.526 billion directly in Gross Value Added, or 10.3 per cent to the Northern Territory economy. Tourism provides 18,000 jobs for Territorians, or 16.3 per cent of total employment in the Northern Territory, a much higher proportion than the national average (8.3 per cent). In fact, after the mining and resources sector it is the second most important revenue generating industry sector in the Northern Territory.



125. The NTG, through Tourism NT, invests \$39.4 million towards marketing and developing the Northern Territory domestically and internationally. The tourism positioning, branding and marketing of the Northern Territory focuses on nature-based and cultural tourism experiences. The nature-based experiences revolve around the National Parks, pristine wilderness, vast iconic landscapes, environmental sustainability and the unique ecology of the Northern Territory. The Northern Territory is home to two national tourism assets; the iconic World Heritage Listed Kakadu National Park and Uluru-Kata Tjuta National Park. These parks play a major role in attracting tourists to Australia, not just the Northern Territory.
  126. The establishment of a radioactive waste management facility in the Northern Territory could potentially undermine this positioning and the \$1.7 billion local tourism industry. It would also reflect negatively on Australia's overall tourism positioning and reputation in the global tourism marketplace because of the negative perception that could be generated of the facility especially if located in the Central Australia region and its close proximity to the internationally recognised Uluru-Kata Tjuta and Australia's Red Centre National Landscape.
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