

Gregory F Parkin

Committee Secretary Senate Legal and Constitutional Committee

Dear Secretary

National Radioactive Waste Management Bill 2010

I suggest two changes to the Bill.

Invitation to comment on proposed acquisition of your land to provide all-weather road access to the selected site

I suggest that the Bill require that before the Minister decides to make a declaration under subsection 13(4) in relation to land, the Minister must give a notice in writing to each owner of the land, unless this is impracticable.

In the current Bill, there is no obligation to give a notice (inviting comment) to the owner of land before that land is compulsorily acquired under subsection 13(4). Instead, the owner of that land will be able to exercise their right to be heard only if the owner becomes aware of the newspaper notice.

This is certainly so (under the current Bill) when the owner of the land that is being acquired under subsection 13(4) is not also the owner of the selected site. It could be argued that section 17 will require that a notice be given to the owner of the selected site before a declaration is made under subsection 13(4). But this is an uncertain and incomplete substitute for what should be an express part of the entitlement to procedural fairness.

Operation and procedures of the regional consultative committee

Subclause 21(5) provides that if no regulations are in force under subsection (4), the committee may operate in the way determined in writing by the committee.

This provision, allowing the committee to operate in the way determined in writing by the committee, should be available even if regulations are in force under subsection (4). The provision should be available unless there are regulations that prescribe the operations and procedures of the committee. The Government should have the flexibility of being able to make basic regulations for the committee (for example, prescribing membership and terms of appointment) without having to also dictate to the committee how it must operate.

Yours sincerely

Gregory F Parkin