

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Resources, Energy and Tourism Portfolio

Budget Senate Estimates

1 June 2010

Question: **BR54**
Topic: **Nuclear test compensation**
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Senator Ludlam asked:

- (a) Some years ago a payment of \$13.5 million was made by the Australian government for rehabilitation of the Maralinga site. Have efforts been undertaken to assess the effectiveness of the clean up measures, and at what intervals and using what methodology is ongoing monitoring being undertaken into the safety of the area?
- (b) Were efforts made to undertake a clean up of the Emu Fields site and the Montebello Islands? If not, why has such a measure not been undertaken?
- (c) What justification is there for providing compensation to veterans and other personnel affected by the testing, but failing to provide compensation to the Aboriginals impacted by the same tests?
- (d) What options are open for compensation models to Aboriginal peoples affected by the testing?
- (e) What financial assistance if any, is being considered to assist the Aboriginal victims of the British Nuclear tests to pursue their legal rights through the British courts? If not, why not?
- (f) Has there been any consideration of a model for lump sum compensation for personnel impacted by the tests?
- (g) What are the reasons for rejecting such a model?

Answer:

- (a) A \$108 million clean-up of the former British Nuclear Test Sites at Maralinga, South Australia (SA), was completed in 2000. £20 million provided by United Kingdom Government was applied to the project. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has undertaken measurements of environmental radioactivity at the former test sites. The measurements were used in a radiation dose and health-risk assessment for the remediated land at Maralinga, which has confirmed the effectiveness of the clean-up.

The most recent measurements by ARPANSA were undertaken in 2009. These will be repeated in 2012 when the monitoring program, including the frequency of radiological surveys, will be reviewed by the Maralinga Lands Environmental Management Committee.

- (b) On advice from the Technical Assessment Group (TAG), an expert body established by the Australian Government in 1986, no major rehabilitation works were undertaken at the Monte Bello Islands, Western Australia (WA). The rationale for this advice is set out in the TAG report, *Rehabilitation of Former Nuclear Test Sites in Australia* (Australian Government Publishing Service 1990). The former test sites are now part of the Monte Bello Islands Marine Park administered by the WA Government.

Unlike Maralinga, no weapons development trials using long-lived contaminants were conducted at Emu Field, SA. Consequently, no major rehabilitation works were undertaken at the site. The Emu Field site was returned to traditional owners by the SA Government in 1991.

- (c) In 1991, the Australian Government settled, in full, claims for trespass and injury by Aborigines living in northern SA at the time of the nuclear tests conducted at Maralinga and Emu Field. These claimants were identified during the Royal Commission into British Nuclear Tests in Australia by a team of lawyers, scientists and historians advising Aboriginal groups during the Royal Commission.
- (d) See answer to (c) above.
- (e) No funding is being considered, as funding for litigation matters in foreign courts does not fall within the Attorney-General's Department's guidelines for Legal Aid for Indigenous Australians program.
- (f) Former Australian Defence personnel and Australian Government employees who participated in the Test Program have access to the lump sum compensation provisions of the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) and its predecessor legislation. Claims made under SRCA are administered by the Department of Veterans' Affairs and Comcare, respectively.

In 1986, the Australian Government introduced the Administrative Scheme (the Scheme). The Scheme made available the provisions of the SRCA and its predecessor legislation to civilians, including indigenous Australians, who participated in or were affected by the Tests Program. The Scheme remains open and is administered by the Department of Education, Employment and Workplace Relations.

- (g) See answer to (f) above.