

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2005-2006 BUDGET ESTIMATES HEARING

Outcome: 3

Output Group: 3.2 – Assistance for science collaboration and innovation.

DEST Question No. E118_06

Senator Carr asked on 1 June 2005, EWRE Hansard pages 83 and 84.

Question:

Given that a number of states have now passed legislation prohibiting transportation of waste materials through their jurisdictions, what is the constitutional power the Commonwealth is relying upon to establish a joint facility.

On 25 January the minister said that there were only some minor technical matters delaying an announcement on this matter. What are those minor technical matters that are delaying the announcement.

It is not satisfactory for you to rely on the reason [that the matters form part of policy advice to cabinet] for not answering the questions. I seek the department's view, given the statements contained in [the tabled advice from the Clerk] on the grounds for refusal to answer.

Answer:

Commonwealth Radioactive Waste Management Facility

The Australian Government is considering relying on all available constitutional powers to establish the Commonwealth Radioactive Waste Management Facility.

The Department of Education, Science and Training has provided advice to the Minister in relation to the legal implications of state and territory legislation purporting to prohibit the transport of radioactive waste. This advice is in the nature of opinion, advice and recommendations for the purposes of the Government's deliberative processes and it is not appropriate for the Department to disclose this advice.

There is a range of issues that must be considered in relation to the siting, establishment and operation of the Commonwealth Radioactive Waste Management Facility. The Department is not able to comment on which matters the Minister had in mind when he spoke on this subject. The Department has continued to provide, at the Minister's request, advice on potentially suitable sites for the Commonwealth Radioactive Waste Management Facility.