

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2007-2008 BUDGET ESTIMATES HEARING

Outcome 5 – Science, Research and Innovation

DEST Question No. E070_08

Senator Milne asked on 30 May 2007, EWRE Hansard page 90.

Question:

Senator MILNE—That is an assurance you give me. But is it actually in the document that the deed of agreement, or whatever you are calling it, becomes null and void in the event that there is a change to the nature of the waste being stored?

Ms Paul—I think that is covered off through the way the legislation falls, but perhaps my colleagues could go into the detail.

Mr Davoren—There is not. Both the NLC and the traditional owners were happy with the assurances provided under the act.

Senator MILNE—So there is no assurance to them on that. Thank you.

Ms Paul—We could offer an assurance. I would be more than happy to offer a further assurance. As we have said before, we have not yet gone into the details with you of the agreement. Indeed, we have not even received their nomination. I would be more than happy to make more assurances based on what we have already taken them through, which goes to the status of this governing legislation and, of course, the full range of international and other standards which this facility must meet, which are extremely extensive.

Ms Borthwick—And the deed goes to the purpose of the site as it is currently articulated. So it can only speak to low-level and intermediate waste.

Ms Paul—Yes. We may be talking at cross-purposes, as I understand it.

Senator MILNE—I am not a lawyer; Senator Brandis is. I would like for it to be specific that it becomes null and void in the event the nature of the waste is changed.

Ms Paul—Usually with a contract, obviously the purposes which are spelt out in the contract can only be those purposes. You cannot then go outside those purposes. So I am happy, if you would like, to spell that out in a bit more detail on paper for you.

Answer:

Waste Facility

The Commonwealth Radioactive Waste Management Act 2005 defines “controlled material” that can be managed at the Facility to specifically exclude high level radioactive waste or spent nuclear fuel. The Northern Land Council and the traditional owners of the volunteer site regard this legislated prohibition as providing a high level of reassurance that there will be no change in the nature of the waste to be managed by the Commonwealth in the Northern Territory. A provision in the site nomination deed such as that proposed would be subordinate to the existing legislated provision and has not been sought.