

Additional comments from Liberal Senators

1.1 Liberal Senators agree with the majority report's consideration of the evidence, and support the majority report's conclusions and recommendations. Liberal Senators understand the importance of establishing a national facility to ensure that Australia is in accordance with international best practice in relation to the management of radioactive waste materials.

ALP promises in relation to establishment of a national facility

1.2 However, Liberal Senators wish to make some additional comments in relation to the evidence of many submitters and witnesses who expressed the view that the Bill does not deliver on a number of promises made by the Australian Labor Party (ALP) concerning the establishment of a national radioactive waste facility, and particularly in relation to the Muckaty Station nomination.

1.3 These submitters and witnesses pointed to undertakings by the ALP – many of which were made while still in opposition – that, in government, it would seek the repeal of the current Act. Further, the ALP stated that it would put in place a new process for the selection of a site for the national radioactive waste facility, which would restore rights of procedural fairness, transparency and accountability.¹

1.4 As noted in Chapter 1, prior to the election of the Rudd Labor Government in 2007, the ALP committed to the repeal of existing legislation as part of its National Platform. This pledge was highlighted in a joint press release by Senator the Hon. Kim Carr (the then Shadow Minister for Industry, Innovation, Science and Research), Northern Territory Senator Trish Crossin, and the Hon. Warren Snowden (the member for the electorate of Lingiari in the Northern Territory). The press release stated:

Labor will legislate to restore transparency, accountability and procedural fairness including the right of access to appeal mechanisms in any decisions in relation the...[siting] of any nuclear waste facilities.

Labor will ensure that any proposal for the siting of a nuclear waste facility on Aboriginal Land in the Northern Territory would adhere to the requirements that exist under the Aboriginal Land Rights, Northern Territory Act (ALRA).

Labor will restore the balance and, pending contractual obligation, will not proceed with the establishment of a nuclear waste facility on or off Aboriginal land until the rights removed by the Howard government are restored and a proper and agreed site selection process is carried out.

Labor will not arbitrarily impose a nuclear waste facility without agreement on any community, anywhere in Australia.²

1 'Govt's waste dump fiasco, cont'd', 6 March 2007, p. 1.

2 'Govt's waste dump fiasco, cont'd', 6 March 2007, p. 1.

1.5 Liberal Senators note that a number of submitters and witnesses strongly questioned the extent to which the Bill honours the government's previous promises and undertakings concerning the establishment of a national facility and the Muckaty Station nomination. Particular concern was expressed in relation to the restoration of procedural fairness to the site selection process, and the transparency of the processes put in place by the Bill.

1.6 Liberal Senators acknowledge the evidence of submitters and witnesses in relation to this issue and note that the Labor Bill is in many ways consistent with the current Act, which was introduced by the Howard Government. This again confirms that Labor is willing to say one thing and then do another.

Impact on the Northern Territory

1.7 Liberal Senators also note the evidence of some submitters and witnesses regarding the Bill's impact on the Northern Territory.

1.8 The Northern Territory Government submitted that the establishment of a radioactive waste facility in the Northern Territory could impose a number of potential risks and costs.

1.9 The Northern Territory submission noted that the normal operation of the facility will have a 'significant impact on territory security and emergency management capacity and capabilities'. Further, a serious incident at, or transporting waste to, the facility could require the territory to provide additional resources in order to respond appropriately.³

1.10 In light of the potential impacts of locating the national radioactive waste facility in the Northern Territory, the Northern Territory Government expressed its concern 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...⁴

Adequacy of regulatory oversight of national radioactive waste facility

1.11 Finally, Liberal Senators acknowledge the concerns of a number of stakeholders as to whether the legislative framework and regulatory oversight arrangements governing the construction and ongoing operation of the proposed facility are adequate. These concerns are particularly pertinent in light of the Bill's displacement of certain state and territory and Commonwealth Acts, and the expected

3 *Submission 147*, p. 4.

4 *Submission 147*, p. 5.

life span of the facility (approximately 300 years). Accordingly, Liberal Senators consider that the actual or perceived uncertainty as to the effectiveness of the legal and regulatory regimes that will govern a national facility should be addressed by an independent review, to be held at an appropriate time following the selection of a site. The focus of this review should be on the adequacy of the regulatory arrangements governing the facility, and ensuring that all facets of safety and security regulation reflect, and will continue to reflect, international best practice. As a minimum, the review body should contain representatives from relevant traditional owner and community groups, and representatives with relevant scientific, security, safety and technical expertise.

1.12 In recognition of the particular interests and concerns of the Northern Territory Government, as noted above, Liberal Senators also consider that an aspect of the review should be to consider the facility's impacts on the Northern Territory, in the event that the facility is located on a site in that territory.

Recommendation 1

1.13 That the Bill be amended to require that an independent review of the national radioactive waste facility and its operations be conducted within five years of the commencement of its construction; the review should consider the adequacy of the legal and regulatory regimes governing the safe and secure operation and effective management of the facility. A further independent review should be conducted within each ten years of the facility's operation.

Senator Guy Barnett

Senator Stephen Parry

Deputy Chair

Senator Russell Trood

