

Statement of Compatibility with Human Rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Amendments to the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004*

The Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018 (the Bill) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

Overview of the bill

The Cabinet Submission aims to address an ambiguity in the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004* (the Act) to include activities undertaken under the *Offshore and Petroleum and Greenhouse Gas Storage Act 2006* (Cth) and the Northern Territory's *Petroleum (Submerged Lands) Act*.

The Act was enacted to prevent the establishment of nuclear waste storage facilities (nuclear dumps) in the Territory.

The Act does not apply to nuclear waste generated from activities under the *Energy Pipeline Act* (refer section 5(2)(c)(i)) and the *Petroleum (Submerged Lands) Act* (refer section 5(2)(c)(iii)).

However, the drafting of these exemptions does not clearly capture the full scope of the pipeline and petroleum exploration, and recovery activities carried out by the offshore oil and gas industry which services their projects in the Territory.

It is not clearly specified that nuclear waste deriving from pipelines and petroleum exploration and recovery activities under the *Offshore and Petroleum and Greenhouse Gas Storage Act 2006*, and from pipelines under the *Petroleum (Submerged Lands) Act*, is exempt from the Act.

The Naturally Occurring Radioactive Materials (NORMs) is naturally occurring radioactive material that is widespread in sands, clays, soils and rocks, and many ores and minerals, commodities, products, by-products, recycled residues and devices used by humans. NORM scale deposit can occur offshore, via a pipeline and/or onshore at the LNG processing plant.

The catalyst for industry concern is the risk they might unlawfully transport NORM via pipelines and on equipment from offshore production facilities via service vessels for cleaning, maintenance, and refurbishment.

The Cabinet Submission seeks approval for the variation of sections 5(2)(c)(i) and 5(2)(c)(iii) of the Act to include relevant activities undertaken under the *Offshore and Petroleum and Greenhouse Gas Storage Act 2006* (Cth) and the Northern Territory's *Petroleum (Submerged Lands) Act*.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.