

Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018 Submission.

Dear Social Policy Scrutiny Committee,

Please accept this as my submission in response to the Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018.

Michael Tennant, Department of Trade, Business and Innovation CEO, told the Social Policy Scrutiny Committee on Monday 10 September 2018, that this Act relates to “offshore and onshore gas” which is a “priority sector”, and that the amendments were “requested by the oil and gas industry”.

It is surprising then, to read that radioactive waste produced by pipelines or the exploration or production of energy-producing hydrocarbons are exempted from this amendment to the Nuclear Waste Transport, Storage and Disposal (Prohibition) Act. See Part 1, Section 5(3) and 5(4) below:

Part 1, Section 5

(3) This Act does not apply in relation to the following:

(a) nuclear waste that was lawfully stored in the Territory before the commencement of this Act;

(b) nuclear waste produced in the Territory that is stored or disposed of in accordance with the Radiation Protection Act;

(c) mining activity in the Territory related to uranium ores or uranium oxide (U3O8) under the Mining Management Act;

(d) the possession, packaging, storage or transportation of uranium ores or uranium oxide (U3O8) under the Radioactive Ores and Concentrates (Packaging and Transport) Act;

(e) nuclear waste produced incidentally from the operation or maintenance of a pipeline in the Territory conveying petroleum or other energy-producing hydrocarbons;

(f) nuclear waste produced incidentally from the exploration for, or the recovery or exploitation of, petroleum or other energy-producing hydrocarbons in the Territory.

(4) This Act does not apply in relation to nuclear waste transported into the Territory if the nuclear waste is produced incidentally from:

(a) the operation or maintenance of a pipeline conveying petroleum or other energy-producing hydrocarbons into the Territory; or

(b) the exploration for, or the recovery or exploitation of, petroleum or other energy-producing hydrocarbons at a prescribed project that:

(i) delivers significant economic and social benefits to the Territory; and

(ii) is located within 800 km of the closest point on the Territorial Sea Baseline.

It is unacceptable that radioactive wastes, including NORMS, produced incidentally from the operation or maintenance of a pipeline in the Territory conveying petroleum or other energy-producing hydrocarbons, or produced incidentally from the exploration for, or the recovery or exploitation of, petroleum or other energy-producing hydrocarbons are not recognised as nuclear waste.

Part 1, Section 2 of the Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004 must have the definition of “nuclear waste” amended to include radioactive material derived from exploring, producing or transporting petroleum or other energy-producing hydrocarbons, as demonstrated in the example below:

Eg. 2(b) waste material that contains radioactive material derived from:

- (iv) nuclear waste produced incidentally from the operation or maintenance of a pipeline in the Territory conveying petroleum or other energy-producing hydrocarbons;
- (v) nuclear waste produced incidentally from the exploration for, or the recovery or exploitation of, petroleum or other energy-producing hydrocarbons in the Territory.

Part 4, Section 15(2) of the Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004 also needs updating and amending, to bring the penalties for offences into line with the public’s expectations. The current 500 penalty units for a body corporate offence equates to just \$77,500, this needs to be greatly increased to being over a \$1,000,000 to act as a genuine deterrent to corporations offending.

This Bill must adhere to the purpose of the Act which is to “protect the safety, health and welfare of the people of the Territory and the environment in which they live”. Radioactive waste from petroleum activities¹ is a major issue we will face if the onshore oil and gas industry proceeds in the Territory. Lax legislation and enforcement has seen radioactive waste and materials dumped in municipal rubbish tips and other inappropriate places in the United States², we can not allow this to happen in the Northern Territory.

Yours Sincerely,

¹ <https://www.aiche.org/cei/resources/links/radioactive-waste-hydraulic-fracturing>

² There are many USA examples. Here’s 2:

<https://www.forbes.com/sites/jeffmcmahon/2013/07/24/strange-byproduct-of-fracking-boom-radioactive-socks/>

<http://bakken.com/news/id/89334/filter-sock-incidents-show-regulation-needed-oil-waste/>