

From:
To: [SPSC SPSC](#)
Subject: NUCLEAR WASTE TRANSPORT, STORAGE AND DISPOSAL (PROHIBITION) AMENDMENT BILL 2018
Date: Wednesday, 19 September 2018 12:16:25 PM

Attention: Social Policy Scrutiny Committee
Re: NUCLEAR WASTE TRANSPORT, STORAGE AND DISPOSAL (PROHIBITION) AMENDMENT BILL 2018

I take this opportunity to comment on the draft Bill as a continuation of my participation in relevant NT and Federal formal and informal processes around nuclear waste legislation this century, and my full participation in all formal consultation surrounding the new industrial threat posed by fracking for shale gas in the NT.

Both perspectives incline me to reject any weakening of the current Act.

In fact now might be a good time to be tightening the identified clause, given that the Federal Government have had some effect in dividing local communities in South Australia targeted with Commonwealth nuclear waste, at the same time as communities around southern ports have strengthened their resolve to disallow nuclear waste to move through their towns. It now seems more likely than it did in 2004 that the Commonwealth's nuclear waste might try to make it's way down the length of the Territory.

But no, the Act is being reconsidered with one purpose only: to remove any impediment to the rapid acceleration of planetary ecocide by pumping out methane and fossil fuels as fast as you can. The determination of our rogue leaders to punch above their weight, and make the greatest contribution they can to the mounting climate chaos will permit no room for doubt, and so we are here simply presented with a few specific additional exemptions for the fossil fuel industry.

I am disappointed at the standard of the Explanatory Memorandum, a feature of the legislative process which traditionally avoids straying into ruling-party propaganda. I am perplexed by the repeated use of the phrase '*off-shore oil and gas*' without any reference to such in the actual amendments. Clearly, the Bill itself - which if enacted is applied as written, not as described - makes no such distinction, and is, despite the attempts in surrounding documentation to limit scope to '*offshore*', entirely applicable to shale fracking for on-shore gas.

When the Chief Minister and his cabinet received the final report of the fracking inquiry - which told that a majority of respondents oppose fracking; that risks to groundwater dependent ecosystems could not be assessed; that the risk of water contamination could not be weighed; and that the inevitable blow-out of the carbon budget can not be balanced - we were urged, as these disqualifications were effortlessly brushed aside, to remain engaged in the reform process.

One wonders then, why this particular feature of the reform process - bad new laws designed to explicitly permit the frackers to generate, handle, collect and transport radioactive wastes - was not fed back to community participants as a significant milestone warranting our attention. Upon asking, the inquiry secretary replied that the Bill is scoped for off-shore gas. While clearly the substance of the changes is in no such way limited to (equally repugnant) off-shore exploitation, it is interesting to consider why this distinction would be claimed. Some obvious explanations for this sleight of hand immediately arise.

I am further disappointed at what the Bill, Memorandum and Public Briefing have not said. Some of this will keep for later, but for now, let's consider the destination of these identified exempt wastes. It is noteworthy that this process has coincided with the Federal approval of the Chandler Salt Mine Project, which we are informed will be licensed as a dump for NORMs. It is disappointing, then, that this process (and indeed the fracking inquiry) has not given attention to the plans we see forming around us for the dumping of radioactive fracking wastes in the red heart of the country.

This then goes to the Statement of Compatibility with Human Rights, which did not address the rights of indigenous people to free, prior and informed consent. Article 29 of the UN Declaration of the Rights of Indigenous People (UNDRIP - as ratified by Australia in 2009) includes the requirement that:

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

I note that Alice Springs News reported, in their [article](#) 'Hazardous waste facility near Alice recommended by EPA' last December reported a statement from Traditional Owners, saying:

'information provided by Tellus Holdings Ltd on the hazardous waste storage component of the project was not explained to them during consultation meetings, nor plans for permanent storage and environmental risks.

I further note [correspondence](#) from the Central Land Council to the EPA NT, in response to the EIA process in March 2017, requested that:

'NORMs (naturally occurring radioactive material) not be accepted at the Facility in support of a no radioactive waste policy.'

In conclusion, I find this process to be:

- off-target (ignoring the real threat of nuke waste coming down the length of the NT)
- corrupted (falsely scoped to off-shore gas to avoid appropriate scrutiny) and
- deficient (silent on plans for the exempted waste, and their implications)

While I am sure that this goes some way to giving industry certainty and clarity, it goes backwards as far as giving Territorians what we want. As has been made clear to this point, most recently with the final report of the fracking inquiry, the only certainty Territorians want to offer the dirty old fossil fuel industry is a locked gate.

This Bill threatens to weaken existing laws intended to protect the NT from unwanted nuclear wastes, in order to burden us with unmanageable risk posed by the gas industry. As such I recommend its rejection.

contact:

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