providing information to the committee may be quite a distressing and nerve-wracking experience. This is likely made worse by the fact that the person is currently not informed of the outcome of the disciplinary proceeding, including whether any action was taken against the teacher.

Clause 46 of the bill rectifies this by replacing section 65, to provide that following an inquiry, if the board is satisfied on reasonable grounds that it is appropriate to do so, the board may notify a person or body with a legitimate interest in the decision about the decision and the reasons for the decision. This provision ensures that the board has discretion to engage with those people who have a legitimate interest in an inquiry decision.

Decisions of the board are capable of affecting a person's registration and, in turn, their livelihood. Currently, the Act provides that people may appeal to the Local Court against a decision of the board. Appeals to the Local Court are often cumbersome, time consuming and expensive for teachers. Clause 53 of the bill repeals the right of appeal in Part 7, Division 2 of the act, and inserts new section 73C which vests the Northern Territory Civil and Administrative Tribunal, NTCAT, with jurisdiction to review certain decisions of the board.

The reviewable decisions and persons affected by the decision, which extends beyond registered teachers to also capture complainants, are set out in the Schedule in clause 57 of the bill. Administrative review to NTCAT will provide efficient and cost effective recourse for those who wish to seek review. The ability for affected persons to apply to NTCAT for review also ensures oversight and a readily accessible check and balance on the board's decision-making.

The bill also makes minor or technical amendments to clarify the intent of particular provisions, reduce unnecessary regulatory burden, contemporise the legislation and enable flexibility in dealing with evolving issues affecting teacher registration, and ensure alignment across this act and with related legislation in the NT.

I am pleased to commend this bill to honourable members

Motion agreed to; bill read a first time.

Ms UIBO (Education): Madam Speaker, I move that the bill be referred to the Social Policy Scrutiny Committee for report by 7 May 2019.

Motion agreed to.

SPEAKER'S STATEMENT
Appointment of Acting Deputy Speaker

Madam SPEAKER: Honourable members, I advise that Ms Nelson has been appointed as an Acting Deputy Speaker.

NUCLEAR WASTE TRANSPORT, STORAGE AND DISPOSAL (PROHIBITION) AMENDMENT BILL (Serial 62)

Continued from 13 February 2019.

Ms LAWLER (Environment and Natural Resources): Madam Speaker, the report of the Social Policy Scrutiny Committee was tabled in parliament on 23 October 2018. At this time, I take the opportunity to acknowledge the members of our community who took the time to prepare submissions to the committee on the bill.

Twelve submissions were received from organisations and individuals who took the time to comment on this bill, and the committee held two public briefings with representatives from the Department of Environment and Natural Resources, as well as Trade, Business and Innovation and Health.

While members of the committee and I are grateful for the interest shown in this bill, it became apparent to the committee throughout its proceedings that whilst there was considerable community interest in the bill, the purpose of the act was not well understood. A number of submissions received addressed matters that were outside the scope of the bill and, for that matter, the act.

The report, however, included two recommendations, both of which this government will progress. This included a recommendation that the bill be passed subject to recommendation two of the report. Before I go

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on to talk about recommendation two, which has brought on the Assembly amendment being tabled today, I will go over the intent and purpose of the *Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004*.

As we have heard, the act was introduced at a time when there was significant local and national debate on nuclear waste facilities and their location, including debate and discussion about establishing a facility on Commonwealth land in the Northern Territory.

I thank the Members for Nelson and Barkly for their comments and their history lessons on the origin of the act and its passage in 2004.

The purpose of the act was to protect the Northern Territory environment and the health of Territorians by preventing the Territory from becoming a dumping ground for Australia's nuclear waste. We heard the story behind the word 'dumping'.

Member for Katherine, thank you also for having a say about it. Member for Karama, as the Chair of the scrutiny committee, thank you for your input. Also, the Member for Port Darwin, who is the newly-appointed Minister for Primary Industry and Resources, thank you for your input into the debate. Obviously, also the Opposition Leader for your support.

The act has two primary functions. The first is to prevent certain waste being imported into the Territory and the second is to prevent someone from constructing and operating a nuclear waste storage facility. The act does not, and is not, intended to regulate the transport, storage or disposal of nuclear waste that may be generated or present within the Northern Territory. This is the function of other legislation, primarily the *Radiation Protection Act* and its regulations.

The scrutiny committee received a number of queries relating to the transport, storage and disposal of nuclear waste. Similar queries were raised by the Member for Nelson. I will answer some of his questions in a minute. The scrutiny committee spent some time seeking information about this issue and responding to it in its report, notwithstanding that the committee recognised that the regulation of the storage of nuclear waste in the Territory is not a matter for this act.

I refer anyone who is listening, but also those who would like to seek further clarity about those matters, to paragraph 3.9 and 3.12 of the scrutiny committee's report which covers those matters that have been raised in quite considerable detail.

Simply, this bill prevents importation, disposal and storage of nuclear waste in the Territory. Where waste is generated in the Territory or otherwise exempted under this act, there is a separate regulatory regime which is the *Radiation Protection Act*.

Authorities issued under that act ensure that waste is stored in a manner that protects the health and safety of people and the environment from harmful effects of radiation. Radiation protection authorities allow temporary storage of nuclear waste, which is then disposed of outside the Territory. Storage is for a time defined period and allows consolidation and aggregation of the waste for its further transport and disposal. This type of storage is not inconsistent with the act which is, as I have said before, is about constructing nuclear waste disposal facilities.

NORMS (naturally occurring radioactive materials) are usually stored within the physical footprint of that company, business or person who holds the *Radiation Protection Act* authority.

Temporary storage is allowed, Member for Nelson, before transporting to an appropriate disposal facility outside the Northern Territory. That may be interstate or over in the USA. There are a number of places where nuclear waste can be disposed of. In Western Australia they are building a new facility at Sandy Creek. That may be a place that some of that waste is disposed of.

Let me assure you the amendments being proposed—including the Assembly amendments being tabled here today—do not change the purpose or intent of this act, which is to prevent the Northern Territory from becoming a dumping ground for nuclear waste.

The amendments are designed to make it clearer that industries that are operating offshore outside Territory waters, but which have a clear economic and social connection with the Territory and may generate nuclear waste—including naturally occurring radioactive materials or NORMS—incidentally as part of their ordinary business activity are not captured by the act—that is, they are exempt.

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These amendments became necessary after uncertainties were raised by the industry as to whether NORMS that were incidentally produced as a natural by-product of petroleum and other energy producing hydrocarbons, and which may accumulate within pipelines, equipment and other parts such as pumps, valves, separators, traps, drill bits and heads that are commonly used during exploratory and production activities were actually exempt by the act.

The government's legal advice confirmed these ambiguities and provided advice that legislative amendments was the most appropriate course of action if government was to provide certainty to industry that they were not inadvertently breaking the law simply by performing their ordinary industry practices.

I reiterate these amendments do not change the intent of the act. They are simply clarifying the exemptions that were already in place. This act does not regulate the transport, storage or disposal of nuclear waste, including NORMS, regardless of their origin within the Northern Territory. This authority rests primarily with the *Radiation Protection Act* and its regulations, which are administered by the Department of Health. This is in recognition of the risk that radioactive materials can pose to human health as well as to the environment.

Returning to the report and the Assembly amendments tabled today, recommendation 2 of the report recommended that proposed section 5(4)(b)(ii) relating to the application of the act be further amended to make when a project can be a prescribed project per the regulations and therefore be exempt from the act.

The Assembly amendment tabled here today proposes to make amendments in accordance with the recommendations of the report. Specifically, that a prescribed project will be required to be located within 800 kilometres of the closest point on the Territorial sea baseline or in a prescribed sedimentary basin within an offshore area as well as delivering significant economic and social benefit to the Territory.

These amendments have primarily come about as a result of concerns raised by INPEX during the scrutiny committee process. INPEX pointed this out to the committee, citing a specific example that the 800 kilometre requirement specified in the amended bill might inadvertently exclude offshore oil and gas projects licenced under Australian Government law that would be most appropriately serviced by the Northern Territory and provide significant economic and social benefits to projects that meet the 800 kilometre requirement.

As such, INPEX suggested that section 5(4)(b)(ii) be amended to read 'is located within Australia's jurisdiction'. Recommendation 2 of the report was made in light of the concern raised by INPEX, further consideration by the departments and subsequent information provided to the committee. Recommendation 2 provided that the 800l kilometre limit should remain, but 'or within a prescribed geoscience basin' should be inserted.

After discussions with the Office of the Parliamentary Counsel the Assembly amendment has been drafted to insert the term 'prescribed sedimentary basin within an offshore area' instead of 'prescribed geoscience basin'. This slight change in terminology to that in the report's recommendation is necessary to ensure incidentally produced NORMs from petroleum or hydrocarbon industry activity cannot be imported into the Territory from any geoscience basin in the world, whether located onshore or offshore.

To allow such an exemption is considered to be beyond the scope of the intent and purpose of the act. The use of the term 'prescribed sedimentary basin within an offshore area' is considered to remove any possible risk of nuclear waste being imported into the Northern Territory from other jurisdiction such as Queensland or Western Australia that would be normally responsible for managing that waste.

As noted by the Member for Nelson, there are sedimentary basins that contain onshore and offshore components, such as the Bonaparte Basin. As I have said, the act will not regulate waste that is generated in the Territory.

Any activity within an offshore component of the basin in the Northern Territory does not require an exemption. For onshore basins that cross the borders, like the Amadeus Basin in the southern Northern Territory, the exemptions in this act were never intended to allow operators in other states to use the Northern Territory as their facility for disposal of their waste. The economic benefits of projects in other states will primarily flow to those states and not the Northern Territory. Those states should then be responsible for their own waste management.

In reference to the question asked by the Member for Nelson about the transportation of nuclear materials to be used at Royal Darwin Hospital, it is important to note the products coming from Lucas Heights are medical or pharmaceutical products that contain nuclear material to be used for medical treatment. As such, these

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are covered under the *Radiation Protection Act* overseen by the Department of Health. That waste is produced in the Territory and is not affected by this legislation. RDH provides for temporary storage of any radioactive material that may have been seized or surrendered to the Chief Health Officer under the *Radiation Protection Act.*

In addition to the further clarity that will be provided to the proposed amendment section 5 through the Assembly amendment, the Assembly amendment is also proposing to introduce the power within the act to create regulations that can specify examples of significant economic and social benefit that may be considered before a project can be prescribed under the act.

Such regulations are considered important to provide decision-making guidance to the Administrator and also to provide guidance to industry and the community about what type of matters would be consider as having appropriate significant social and economic benefit to the Northern Territory for an offshore oil and gas project to be considered for a prescribed project status.

In summary, the amendment bill and associated Assembly amendments do not change the intent of the act. They are simply clarifying that naturally-occurring radioactive material generated and dealt in relation to offshore petroleum production operations, that clearly provide related economic and social benefits to the Territory, are able to use the Territory as a service and supply hub, which would involve the onshore processing and cleaning of equipment that likely contains NORMs, prior to the disposal of such materials and an approved facility outside the Territory, without the added concern that the company is operating in breach of the law.

I thank each of my colleagues, the Leader and members of the Opposition and the Independent members for speaking on this bill. I thank the scrutiny committee and the organisations and individuals who took the time to comment on this bill.

I thank the Departments of Environment and Natural Resources; Trade, Business and Innovation; and the Health for their advice to the scrutiny committee throughout the inquiries into these proposed amendments.

I move that the bill and Assembly amendments be passed to become proposed law.

I move that the bill be now read a second time.

Motion agreed to; bill read a second time.

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