

Community Affairs Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Inquiry into Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

5 August 2015

Question no: 1

Topic: Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

Type of Question: Hansard, Page 2.

Senator: Ludlam

Question:

In my home state of WA the Nuclear Waste Storage (Prohibition Act) 1999, which was passed under the Court government, is referenced all the way through pertaining to nuclear waste and not to radioactive waste. What I am trying to work out is, is this significant, does it matter, or can we still use the terms reasonably interchangeably, and that there is not a legal difference of interpretation?

Answer:

The amendment to the *Australian Radiation Protection and Nuclear Safety Amendment Bill 2015* relating to changing the term 'nuclear waste' to 'radioactive waste' aligns the terminology with the international practices established by the International Atomic and Energy Agency (IAEA).

The IAEA does not provide a definition of 'nuclear waste' as all waste is captured under the definition of 'radioactive waste'. Definitions used in state and territory legislation are a matter for state and territory consideration.

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HEALTH PORTFOLIO

Inquiry into Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

5 August 2015

Question no: 2

Topic: Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

Type of Question: Hansard, Page 3.

Senator: Ludlam

Question:

Items 1 to 3 identify that private business will be unaffected by the changes, so it appears to be really directed and targeted at Commonwealth entities. Can you confirm for us that the Act will not apply, for example, to individuals or commercial uranium mines?

- a) Rum Jungle;
- b) Radium Hill;
- c) Processing waste from contamination of Port Pirie in South Australia; and
- d) All the Alligator Mines in the Northern Territory.

Answer:

Rum Jungle, Radium Hill and contamination at Port Pirie are under NT and SA control and do not come within the scope of the ARPANS Act.

The Alligator Rivers region uranium mine workings within Kakadu National Park are under the control of Parks Australia North. Parks Australia North is a controlled person under the ARPANS Act and any legacy sites identified by Parks Australia North could be legacy sites under the proposed Bill.

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Inquiry into Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

5 August 2015

Question no: 3

Topic: Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

Type of Question: Hansard, Page 4.

Senator: Ludlam

Question:

What is covered under state and territory legislation in relation to regulating a contaminated legacy site?

Answer:

The ARPANS Act does not apply to legacy sites controlled by states and territories.

Contaminated sites are not dealt with under the National Directory for Radiation Protection (NDRP), and national uniformity has yet to be established for such sites.

The NDRP is a compendium of policies and procedures agreed by the states and territories that COAG agreed in 2004 would be the overarching vehicle for attaining National Uniformity across all jurisdictions, where nine separate pieces of radiation safety legislation currently exist. Amendments to the NDRP are prepared and agreed through the Radiation Health Committee, coordinated by ARPANSA. Discussions regarding the approach for control of contaminated legacy sites are ongoing.

What is covered by state and territory legislation, outside of the NDRP arrangements, is a matter for their consideration.

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HEALTH PORTFOLIO

Inquiry into Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

5 August 2015

Question no: 4

Topic: Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

Type of Question: Hansard, Page 8.

Senator: Ludlam

Question:

Would there be imposed additional cost, time requirements or staff requirements to take up additional responsibilities for site remediation?

Answer:

No.

The *Australian Radiation Protection and Nuclear Safety Amendment Bill 2015* does not introduce any new provisions related to the regulation of legacy sites. The regulator has been able to license legacy sites; this amendment provision makes the legislative manner by which this is done clearer.