

Senate Standing Committee on Economics
ANSWERS TO QUESTIONS ON NOTICE
Department of Industry, Science, Energy and Resources
National Radioactive Waste Management Amendment (Site Specification, Community Fund and
Other Measures) Bill 2020 [Provisions]
28 August 2020

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES

TOPIC: Date of Cabinet Consideration

REFERENCE: Question on Notice (Hansard, 28 August 2020, Page 2)

QUESTION No.: 6

Senator McALLISTER: Was the matter considered by the cabinet?

Ms Chard: Yes.

Senator McALLISTER: On what date was the matter considered by cabinet?

Ms Chard: I think we gave you a date for the minister seeking the PM's authority for a letter that the minister wrote to the PM.

Senator McALLISTER: That's correct.

Ms Chard: And the Prime Minister subsequently suggested that the minister bring that to cabinet. I actually don't have the specific date for that, but it would have been shortly after that correspondence.

CHAIR: Can you get that one, please? It shouldn't be too hard to find.

Ms Chard: Yes. Apologies that I don't have that particular date. From memory it wasn't very long after the correspondence.

ANSWER

As is normal practice for matters relating to Cabinet deliberations, the department has consulted with the Department of the Prime Minister and Cabinet, who have advised that it is a longstanding practice not to disclose information about the operation and business of the Cabinet, including when the matter went to Cabinet, as to do so could potentially reveal the deliberations of the Cabinet, which are confidential. Disclosure of the details of this approval process and associated briefing would reveal the deliberations of the Cabinet.

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AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES

TOPIC: Public Interest Immunity Claim

REFERENCE: Question on Notice (Hansard, 28 August 2020, Pages 4-5)

QUESTION No.: 7

Ms Reinhardt: I do recognise the similarities in the argument. The argument we are making is in relation to the unredacted material we provided to the committee.

Senator PATRICK: That is not my understanding and maybe we can get some clarity here. You have provided a document to the committee that contains redactions and I think the committee—I'm not suggesting we are forgoing our rights here—is happy to leave those reductions in place but have the document, as unredacted, tabled.

CHAIR: No, the committee has made a decision on that, Senator Patrick.

Senator PATRICK: The committee has not made any decisions on that, but the understanding of the committee is that you do not want any of the material that has been presented tabled?

Ms Reinhardt: That is our preference, but as Ms Chard has mentioned, it is obviously for the committee to determine that.

Senator PATRICK: We are trying to give you an opportunity to press the case in respect of harm. I am simply giving you some advance warning. You will know that I have FOI'd this exact material. I am never going to put something that is committee-in-confidence into the public domain, but I have FOI'd it. My current score with the Information Commissioner is Rex Patrick, as a 'Mister', five; government zero. I am extremely confident that I'm going to win this and if I win it there will be consequences for the ministers and for officials. That is the backdrop against which I'm asking you to reconsider the claim that is being made and acquiesce to the idea that the document can be disclosed with the redactions in place. There is nothing in what I read in those documents that appears to be harmful in any way shape or form. I think you are going to lose with the Information Commissioner, and that is going to have consequences in the Senate.

Ms Reinhardt: Given you have brought the minister into this, it would be my preference to take this on notice and discuss it with a minister and provide the committee with further advice—

Senator PATRICK: Right. I think we can leave it there then.

ANSWER

As previously advised, the documents provided to the Committee contain information which has not been redacted but which constitutes deliberative advice to Government, including that based on legal advice. The department maintains its request that the Committee accepts the documents on a confidential basis.

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AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, SCIENCE, ENERGY AND RESOURCES

TOPIC: Public commitments regarding waste storage

REFERENCE: Question on Notice (Hansard, 28 August 2020, Page 5)

QUESTION No.: 8

Senator McALLISTER: I'd like to start by asking some technical questions about the interaction between the amendments that are before us and the National Radioactive Waste Management Act. Am I correct in understanding that if this bill is passed and the head legislation is amended it will allow for a site to be established in a particular geographic location, and that location will be specified in the legislation?

Ms Chard: Yes, that is correct.

Senator McALLISTER: Are there any constraints about the nature of the facility that might be developed at this specific geographic location?

Ms Chard: Yes, the act is quite specific about the fact that the acquisition can only be for a radioactive waste facility. The act specifies the type of radioactive waste that can be managed by the facility and limits it to only being Australia's domestic radioactive waste and specifically excludes its ability to manage any high-level radioactive waste.

Senator McALLISTER: In the information around this proposal, the government has indicated that it intends to establish, firstly, a permanent storage facility for low-level radioactive waste and, secondly, a temporary storage facility for intermediate-level waste. That's correct, isn't it?

Ms Chard: That's correct.

Senator McALLISTER: That will not be reflected in the legislation, though, will it?

Ms Chard: The National Radioactive Waste Management Act, as it currently stands, and the bill that is being put to parliament don't make a distinction between low- and intermediate-level waste. You're correct in your assessment that the bill doesn't prohibit that, but what will prohibit that are the technical requirements and the regulatory approvals that will be necessary. And public commitments have been made that the facility won't be used to permanently dispose of intermediate-level waste.

An intermediate-level waste storage solution will be a relatively complex undertaking. There are few international precedents for intermediate-level waste disposal which aren't also linked to high-level waste disposal by countries which produce energy. So Australia is in quite a unique situation. We will need to do extensive research and development, and it is highly unlikely that the geology at that particular site which we've identified would be suitable for disposal or meet the regulatory requirements. The government has committed publicly that this site will not be a site for the permanent disposal of intermediate-level waste on a number of occasions. But you're correct that the legislation doesn't make that distinction specifically.

Senator McALLISTER: Can you provide the committee with some examples of these public commitments on notice?

Ms Chard: Yes, certainly. There have been numerous media releases that make that statement. I've also made numerous reports in the media in responses to letters to the editor. We also have a range of fact sheets available on our website, at www.radioactivewaste.gov.au, which make that commitment clear on the public record. I believe that I've also provided, and that my colleague

Bruce Wilson has provided, that kind of evidence to this committee in its previous 2018 inquiry into the site selection process.

Senator McALLISTER: I might come back to that later.

ANSWER

The Australian Government has committed publicly that the site will not be for the permanent disposal of intermediate-level waste. The different treatment of intermediate-level waste (ILW) and low-level waste (LLW) is a key message in the government's communications. Examples of these public commitments are shown below:

Australian Radioactive Waste Management Framework (April 2018)

The Australian Government is moving to ensure the long-term safe and secure management of radioactive waste by building a single National Radioactive Waste Management Facility (NRWMF) to permanently dispose of Australia's LLW and temporarily store Australia's ILW. A separate process will be put in place to develop a permanent disposal facility for ILW (an Intermediate Level Waste Disposal Facility or ILWDF).

Media releases

- <https://www.minister.industry.gov.au/ministers/canavan/media-releases/national-radioactive-waste-management-facility-napandee-site> - February 2020
- <https://www.minister.industry.gov.au/ministers/canavan/media-releases/new-framework-function-guide-management-radioactive-waste-and> - April 2018
- <https://www.minister.industry.gov.au/ministers/frydenberg/media-releases/bipartisan-support-national-radioactive-waste-management> - February 2016
- The Hon Keith Pitt MP, Minister for Resources, Water and Northern Australia, [media release](#) launching the Australian Radioactive Waste Agency (ARWA):
The new agency will also progress long-term work to site a separate, permanent location for disposal of intermediate level waste, as well as other waste management functions outlined in the Australian Radioactive Waste Management Framework.

Website

It is stated clearly on the department's [main landing page](#):

The facility will:

- permanently dispose of low-level radioactive waste
- temporarily store intermediate-level waste

Factsheets

- [Safely Managing Radioactive Waste](#)
 - *The facility will ultimately be the location where low level waste is safely disposed, and intermediate level waste is safely stored until a separate intermediate level waste disposal facility is established.*
- [Facility concept design](#)
 - *The National Radioactive Waste Management Facility will be the permanent disposal site for Australian low level radioactive waste and where Australian intermediate level waste is temporarily stored for a few decades, until a separate permanent facility is constructed at another location.*

- Why we need a National Radioactive Waste Management Facility
 - *Low level waste will be permanently disposed of at the facility, and intermediate level waste will be temporarily stored at the facility.*

News media

The disposal of LLW and temporary storage of ILW has been a key message in the majority of our media responses. Below is a small sample:

Letters to the editor:

<https://www.eyretribune.com.au/story/6715562/radiation-levels-no-higher-than-existing/> - April 2020

<https://www.echo.net.au/2020/08/nuke-response/> - August 2020

<https://www.eyretribune.com.au/story/5514262/letters-to-the-editor/> - July 2018

Social Media

An example of the message on department social media:

Friday 06 March 2020	<p>Intermediate level waste will be stored at the NRWMF until a permanent disposal solution is developed.</p> <p>Intermediate level waste disposal will require a different solution – likely a deep geological repository that will take several decades to site and build.</p> <p>You can read more here: https://bit.ly/2vQa48g</p>
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TOPIC: FOI request date

REFERENCE: Question on Notice (Hansard, 28 August 2020, Page 9)

QUESTION No.: 9

Senator PATRICK: Fantastic. I want to go to an FOI request that I've made to the department. Are you aware that I've made an FOI request to the department seeking access to correspondence from you in particular?

Ms Chard: Yes.

Senator PATRICK: Do you remember what day you were made aware of that?

Ms Chard: I don't, but it was shortly after our last hearing.

Senator PATRICK: Our last hearing was on 30 June—

Ms Chard: Probably not our last hearing but the one prior to that.

Senator PATRICK: The one you appeared at was on 30 June.

Ms Chard: Yes.

Senator PATRICK: And you briefly appeared at the next hearing as well. I put that FOI request in on 2 July. So you would have been aware of it very shortly thereafter?

Ms Chard: Yes. I'd have to take on notice the exact date that I became aware of it. I should note that, because I'm actually the subject of the FOI request, I'm not directly involved in the FOI process.

Senator PATRICK: I appreciate that. But you would have been made aware of it because it was directed at you?

Ms Chard: That's correct.

ANSWER

2 July 2020.

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TOPIC: Project to define permanent storage arrangement for intermediate-level waste

REFERENCE: Question on Notice (Hansard, 28 August 2020, Page 10)

QUESTION No.: 10

Senator McALLISTER: I want to come back to the status of the project to define a permanent storage arrangement for intermediate-level waste. What steps have been taken so far in that project beyond tasking the new agency, ARWA, with that job?

Ms Chard: The government previously advised that it didn't intend to start its efforts in earnest on developing that pathway until the National Radioactive Waste Management Facility project was more fully developed. At this stage our work has been limited to enshrining the governance arrangements for the full life cycle of radioactive waste management in the 2018 framework that was published, the establishment of ARWA and the initial commencement of the research and development project by ANSTO and the CSIRO.

Senator McALLISTER: Could you tell me a little more about this research and development project—what its terms are?

Ms Chard: I'd need to take the specific terms of that project on notice.

ANSWER

ILW Disposal Pathway Research Project

To support the Australian Government's planning for the future disposal of the country's intermediate-level radioactive waste streams and to provide Government with information on disposal options that may be available to Australia, the Australian Nuclear Science and Technology Organisation (ANSTO) and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) have joined the International Atomic Energy Agency's (IAEA) Coordinated Research Project, *Standardised Framework for Borehole Disposal*. The four year project, which commenced for Australia in September 2019, is exploring the option of disposal of a range of radioactive waste, including intermediate-level wastes, in deep boreholes. More information about the project can be found on the IAEA's website: <https://www.iaea.org/newscenter/news/new-crp-developing-a-framework-for-the-effective-implementation-of-a-borehole-disposal-system-t22002>.

The potential advantage to Australia of utilising borehole technology is that it may provide the same multi-barrier approach to isolation of waste as a mined geological repository, but at a significantly lower cost when the national inventory consists of small volumes of waste (as is the case for Australia).

The study is investigating borehole disposal concepts under development or in operation worldwide, and is identifying their sizes, depths, engineered barrier systems, and operational practices. It also is enabling the identification of the reasons for the consideration of boreholes as a disposal solution.

The project will result in a literature review of borehole disposal concepts being considered or used internationally and the specifications for the design of specific borehole disposal solutions. It also will result in:

- Qualitative evaluation of alternative material choices for capsules and containers.
- Feedback on welding techniques for the capsules and container lids, including quality assurance measures.
- Specification and testing of cement components.
- Feedback on material integrity over the lifetime of the disposal system.
- A case study of the role that borehole disposal may play in a Member State's waste management policy and strategy.

In addition, CSIRO and ANSTO are co-operating on a project to assess the potential for the development of a demonstration borehole and on an assessment of the surface handling requirements for eventual disposal of suitable intermediate-level waste. CSIRO is developing safety assessments and co-operation is being provided by the SANDIA National Laboratory in the United States, which has the most extensive international experience in borehole research for nuclear waste disposal.