

Additional Comments by Senator Rex Patrick

Kimba and Hawker, when you finally surrender, it must be of your own free will!

The Work of the Committee

1.1 I thank the committee for the work it has done in relation to this very important inquiry. I also thank the secretariat for their behind the scenes efforts.

1.2 I support the general findings in this report and the recommendations that flow from them, but I feel they do not address several substantive issues with enough force.

1.3 Out of responsibility to the communities of Hawker and Kimba, I address those issues now.

A Facility is needed

1.4 Centre Alliance accepts that Australia has a responsibility to safely and securely manage radioactive waste from the production of nuclear medicine and a range of nuclear-based scientific and industrial purposes.

1.5 Inherent in that acceptance is an understanding that Australia needs to have a national facility for the management of radioactive waste. However, the site for that facility can only be selected with the approval of the host community.

Flawed and Disingenuous Process

1.6 The Government commenced this site selection process committing to obtaining 'broad community support'. Whilst the *National Radioactive Waste Management Act 2012* does not require it, the Government has stated that it will not impose such a facility on an unwilling community.

1.7 However, when they first tested the water on whether they had 'broad community support', it was found wanting. So they increased their persuasion efforts.

1.8 They sought to inform by sending experts to the community. But they only sent experts that shared the government's perspective. Contrary views, which can be found among some highly qualified and well respected academics and professions, were not formally presented. The approach had a Soviet 'free thought feel' about it— "Please don't think, your Government will do that for you and then tell you what you need to know".

1.9 They sought to inform by taking interested members of the community on all expenses paid trips to ANSTO in Sydney. But they went beyond a reasonable brief when they extended the state funded trip to include dinner cruises on Sydney Harbour.

1.10 They sought to encourage through a multi-million dollar community benefit program, and then tripled the benefit content when they sensed encouragement was failing.

1.11 A fair process must not just be a fair process, it must also be seen to be a fair process, and on this count it fails.

Hedging of Bets

1.12 This Minister has stated that he will not proceed without broad community support. But in a sign of failing confidence in achieving that, the Department has reiterated in its submissions that:

The Act does not require, define or specify a minimum level of 'broad community support'. Rather, it provides the Minister with absolute discretion to make decisions in relation to nominations and site selection, taking into account comments received from the nominator and those with a right or interest in the land.

1.13 They lay the groundwork for the Minister to do whatever he wants in the event that a proper 'broad community support' threshold is not met.

1.14 But it is not as simple as that. The people repose (or are at least entitled to repose) trust and confidence in a Minister's statement and expect Ministers to deal straightforwardly and consistently with the public. The Minister must honour and act in accordance with his word.

A Vote of Sorts

1.15 Community sentiment assessment will finally be assessed through a vote managed by the Australian Electoral Commission. Most, if not all, have complete faith in the AEC in the running of the vote, but few have faith in the Government's honest use of the outcome.

1.16 On 22 March 2017, in response to a question about the meaning of 'broad community support' to Minister Canavan at question time in the Senate on 22 March 2017, the Minister stated:

We had taken forward a proposal from the Hawker region—Senator Xenophon might be aware of that—where support was at 65 per cent. We have not put a definitive figure on broader community support, for the reason that it is not just about the overall figure; we would need a figure in the range of the support we received in Hawker.¹

1.17 But the Minister appears to have walked away from that now. 'Broad community support' will mean whatever the Minister wants it to mean. To twist a phrase from Joseph Stalin: "It's not the people who vote that count; it's the people who interpret the meaning of the count."

1 Senator the Hon. Matthew Canavan, Minister for Resources and Northern Australia, *Senate Hansard*, 22 March 2017, p. 1816.

1.18 Having visited the communities at both Hawker and Kimba, they are bitterly divided. The process has polarised a community with some of the ill feeling likely to last a long time.

1.19 My view is that unless a 65% vote in favour of the facilities is achieved AND all adjoining neighbours are in agreement AND the aboriginal community are on board, the Government must look to alternative sites.

*The distinguishing mark of Comrade Minister is the AEC vote,
the instrument with which he does all his mischief*

Recommendation 1

1.20 **The Minister must quantify how broad community support will be determined and do so before vote.**

Recommendation 2

1.21 **As a minimum, broad community support must mean a 65% vote in favour in the AEC vote, AND agreement from all adjoining neighbours AND the agreement from aboriginal communities.**

‘Temporary’ Doublespeak

1.22 The process for finding a permanent solution for storing and disposing of Australia's low level radioactive waste began in the 1970's. It has taken at least four decades to get to the point we are now.

1.23 If one of the Hawker or Kimba sites is selected, the government intends to move intermediate level waste to any newly built facility as a 'temporary measure' until an intermediate level waste disposal facility is built.

1.24 It is anticipated that a similar process will be undertaken to identify and select a site for an intermediate-level waste disposal facility. In reality, this means that intermediate waste will be at the low level facility for decades.

1.25 It's probably reasonable for nuclear scientists, who think in radioactive half-lives, to think that 40 years is 'temporary'. But that's not how the rest of the community think.

1.26 Intermediate waste can and is being stored at Lucas Heights. ARPANSA Chief Regulatory Officer, Mr Jim Scott, stated that:

The Lucas Heights site is not actually able to be a disposal site; that is part of the ANSTO Act. The site that is currently being looked at for the national radioactive waste management facility will be a disposal site for low-level waste. That cannot be Lucas Heights under the current legislation.

1.27 This is lame reasoning. The ANSTO Act can be changed.

Recommendation 3

1.28 The ANSTO Act should be changed to permit the storage of intermediate-level waste until such time as an appropriate facility site has been identified and a facility built and commissioned.

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