

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2005-2006 SUPPLEMENTARY ESTIMATES HEARING

Outcome: 3

Output Group: 3.2 – Assistance for science collaboration and innovation

DEST Question No. E487_06 - Final

Senator Crossin provided in writing.

Question:

Why has the Federal Government chosen to override the established rights and accepted legislative due process in the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) concerning decisions/declarations for nuclear dump siting under this Radioactive Waste Management Bill?

Answer:

Commonwealth Radioactive Waste Management Facility

The *Commonwealth Radioactive Waste Management Bill 2005* does not override the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the Minister's approval under Clause 3 of land nominated by the Northern Territory Government or an Aboriginal Land Council to undergo siting investigations, or in relation to the Minister's declaration under Clause 7 of a site to undergo full regulatory consideration.

Clause 6 of the Bill provides that the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and the *Environment Protection and Biodiversity Conservation Act 1999*, have no effect where they would "regulate, hinder or prevent" actions taken to conduct investigation works (under Clause 4), prior to a site being chosen to undergo full regulatory consideration. The Government considers that these Acts, were they not disapplied, could offer an opportunity for persons to unreasonably interfere with the site selection process.

There are no known significant environmental or heritage issues that would have required action under Commonwealth environment and heritage legislation were the relevant Acts not disapplied.

Nevertheless, the Minister may consult informally with the Minister for the Environment and Heritage should any significant environmental issues arise during the site investigations.