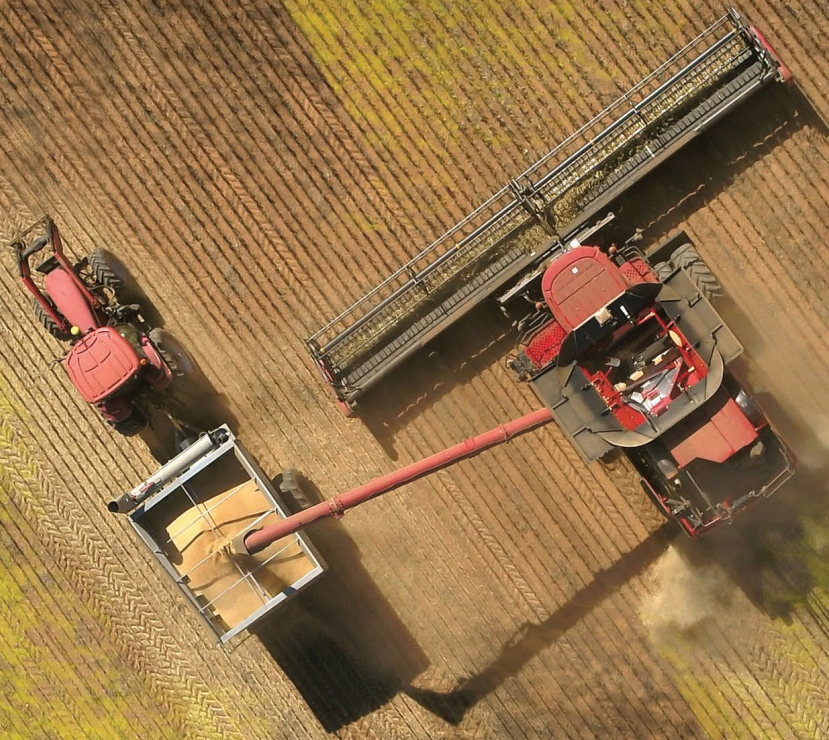


# Labor's legacy and choice:

## Advancing responsible radioactive waste management in Australia 🌱



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# In July 2023, the Federal Court overturned the former Coalition government's divisive approach to managing Australia's radioactive waste.

This clear vindication of the concerns of the Barngarla people was accepted by the Albanese government earlier this month. This welcome decision offers a chance for federal Labor to develop a more considered way forward that is informed by the key Labor values of recognition, respect and responsibility.



## Years of division and delay

Radioactive waste has been a contested policy area for decades, with successive federal governments failing in attempts to impose a national facility on unwilling communities, especially in South Australia and the Northern Territory.

The problematic and deeply divisive Kimba project Labor inherited from the former Coalition government, which planned for a co-located disposal site for low level waste (LLW) and storage site for intermediate level waste (ILW), was recently quashed in the Federal Court after a legal challenge by the Barngarla native title holders.

In Opposition, federal Labor opposed moves by former Minister Keith Pitt to amend the National Radioactive Waste Management Act to remove the right of judicial review for affected communities and stakeholders. Federal Labor played a vital role in restoring important procedural rigour to a deeply flawed and curated process.

After being pivotal in enabling the Barngarla people to have their day in court, Minister King and federal Labor's recent formal decision to respect the court decision and Barngarla opposition is deeply welcome.

**The Albanese Government's commitment to scrap the flawed Kimba proposal reflects deep Labor values and opens the door to a new and credible approach to radioactive waste management.**

### **The UN Declaration on the Rights of Indigenous People:**

(UNDRIP) provides clear guidance on facility siting. Article 29 maintains that; States shall take effective measures to ensure that ***no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.***



# After Kimba – the way ahead for responsible radioactive waste management

The good news is that there is a safer, cheaper and more responsible option than the failed Kimba plan. This preferred option is credible, costed and consistent with international best practice.

## 1. Decouple low level and intermediate waste

There is no operational imperative to co-locate the ILW and LLW facilities. A fit for purpose option should be found for each, with far more suitable locations for low level waste disposal throughout Australia.

Instead, the more appropriate co-location is a joint facility for intermediate level reactor waste from Lucas Heights, alongside any high-level waste generated by future Australian conventionally armed, nuclear-powered submarines (SSNs) from AUKUS, as both waste streams require permanent deep geological burial, rather than near surface disposal.

While the development of a high-level facility is not currently necessary, the prospect of a potential new and highly complex waste stream reinforces the need for an integrated policy approach to radioactive waste management. The complexity of finding a site for Australia’s current waste inventory highlights the prudence of transparent forward planning.

## 2. Direct resources into developing a permanent national disposal site post-Kimba

The Kimba proposal was unlawful under both federal and SA state law. The plan was also both unpopular and unnecessary. The Coalition plan would only have provided temporary storage and would have failed to progress a final national facility. It was an expensive and unnecessary distraction from the real challenge and more urgent priority of finding a permanent waste disposal site.

After more than sixty years, neither the US nor the UK have managed to develop a deep geological disposal site for either their nuclear submarine or civilian reactor waste.

With the complex and expensive cost and challenge of building such a facility for the first time in Australia, alongside regulatory concerns and capacity, and the difficulty of securing appropriate community licence, it is prudent to assume that only one co-located site will be developed. That siting work needs to begin now.

## 3. Continue secure extended interim storage at Lucas Heights

In the 2021-22 federal budget, the Morrison Government allocated around \$60 million to extend ILW storage at the Australian Nuclear Science and Technology Organisation’s (ANSTO) Lucas Heights facility in southern Sydney. Around 95% of Australia’s radioactive waste is already managed there and capacity expansion works are underway. This provides a secure interim management option.

There are no regulatory or radiological impediments to extended interim storage at Lucas Heights.

ANSTO’s facility is precluded from becoming a permanent disposal site, however there are no comparable constraints on it as a storage site.

This site is best placed to manage these wastes until an ultimate disposal decision is made. ANSTO has secure tenure, full federal police security and Australia’s highest level of radiation monitoring and emergency response capacity. Importantly, the bulk of the waste is already there, thereby avoiding all the uncertainties of double-handling and duplicated transport.

In June 2020, the then-CEO of the federal nuclear regulator, the Australian Radiation and Nuclear Safety Agency (ARPANSA), told a Senate Inquiry intermediate level waste can be safely stored at Lucas Heights “for decades to come.”



# Australia’s radioactive waste holdings

Australia’s radioactive waste is overwhelmingly produced and managed by ANSTO.

The Australian Radioactive Waste Agency’s 2021 inventory of radioactive waste clearly highlights that ANSTO is the key waste driver, not hospitals, clinics or universities. ANSTO is expected to produce 12,972 cubic metres of LLW and 3753 cubic metres of ILW – i.e. 16,725 cubic metres of the national total of 17,163 cubic metres.

Given its proven track record, superior institutional assets, proximity of the waste and enhanced funding and capacity provisions, ANSTO is the best resourced agency and location to store this material pending the development of a lasting management approach.

## Australia’s Low-Level Waste (cubic metres)

Waste Holder	FUTURE	LEGACY	TOTAL
ANSTO	10,665	2,307	12,972
Defence	88	70	158
CSIRO	40	44	84
ARPANSA	–	66	66
Hospital	2	–	3
Other Commonwealth	–	2	2
Research and education	1	1	2
Total	10,796	2,490	13,286

## Australia’s Intermediate Level Waste (cubic metres)

Waste Holder	FUTURE	LEGACY	TOTAL
ANSTO	2,198	1,555	3,753
CSIRO	62	12	74
Defence	2	21	23
ARPANSA	–	22	22
Industry	3	–	3
Hospital	–	–	1
Other Commonwealth	–	1	1
Research and education	–	–	–
Total	2,265	1,611	3,877

Above: A storage cask for high-level radioactive waste is loaded onto a cargo ship for delivery to Australia Photo: Charly Triballeau / AFP / Getty Images



**Nothing about the nuclear industry, especially nuclear waste, is clean or uncomplicated.**

Builders have a maxim: measure twice, cut once. This sensible approach should also inform Australia's approach to radioactive waste management, especially in relation to the unnecessary double-handling of ILW. We should move this material only once and do it well.

Extended interim storage at ANSTO - coupled with a robust public review of the full range of longer-term management options and potential facility locations - is the approach most likely to advance lasting and responsible radioactive waste management.

**It is time to adopt a new process, not simply search for a new postcode.**

**Federal Labor National Platform position:**

Labor acknowledges that radioactive waste management is **a complex policy challenge that requires the highest levels of transparency and evidence**, while balancing the need of the community to benefit from treatments for diseases like cancer. Accordingly, Labor will act in accordance with scientific evidence, and with full transparency, broad public input and best practice technical and consultative standards, **taking into account the views of traditional owners**, to progress **responsible** radioactive waste management.

Dumping of radioactive waste barrels. Photo: Vchal / Shutterstock



# Labor's legacy and choice

Whether its Whitlam and land rights, Keating and Mabo, Rudd and the Apology to the Stolen Generations, or Albanese and the Voice, federal Labor has a long history of, and commitment to, good processes and listening to Aboriginal people.

Radioactive waste management is a serious inter-generational environmental, technical and cultural challenge and the decisions made today will have implications for generations to come.

The scrapped Kimba plan lacked First Nation or SA Labor support and was deeply deficient. Now that it has been rejected by the Federal Court and the Albanese government, **Labor has the ability - and the responsibility - to choose a better pathway, moving away from division and towards a credible and lasting policy solution.**

Jason Bilney, Barnngarla Determination Aboriginal Corporation chairperson outside the Federal Court in Adelaide, July 2023. Photo: BDAC





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## **Australian Conservation Foundation**

Wurundjeri Country, Level 1, 60 Leicester Street, Carlton VIC 3053 ABN 22 007 498 482

**Phone** 1800 223 669 **Email** [acf@acf.org.au](mailto:acf@acf.org.au) **Web** [www.acf.org.au](http://www.acf.org.au)

**f** Australian Conservation Foundation **t** @AusConservation

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