



19 February 2020

Senator the Hon P. Wong  
Leader of the Opposition in the Senate  
PO Box 6100, The Senate  
Parliament House  
Canberra ACT 2600

Dear Senator Wong,

**CONCERN OF SOUTH AUSTRALIAN NUCLEAR WASTE REPOSITORY NAPANDEE (KIMBA)**

On 1 February 2020, the then Resources Minister Matt Canavan announced the Federal Government intended to advance a planned national radioactive waste facility near Kimba in regional South Australia. Since then he has resigned this portfolio and new Resource Minister, Keith Pitt, has introduced amendments to the enabling legislation – the *National Radioactive Waste Management Act 2012*. This Bill – the *National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020* - is currently before the Federal Parliament.

The Government is presenting this Bill as a housekeeping or administrative issue but it is not and I write to urge you not to support these amendments at this time.

The proposed legislation needs to be subject to real scrutiny as it has serious adverse impacts and is an attempt to both change the ground rules and reduce legal and procedural recourse including over-riding South Australia's *Nuclear Waste Storage (Prohibition) Act 2000*.

There are deep concerns around the proposed changes and compelling reasons to test the Federal Government's assumptions and approach, including;

- . The Bill seeks to change the objects of the original Act by removing an explicit reference to Commonwealth waste in relation to the proposed facility. This is poor process to change legislative objects so late in a contested process and it also opens the proposed facility up for significant future project creep and waste streams – possibly more waste from more places.
- . The Bill reduces transparency - e.g. no need for referencing the action in the Gazette – and further reduces procedural fairness with a 50% reduction from sixty to thirty days for consultation.
- . The Bill proposes to continue with exemptions from project compliance with both the EBPC and Aboriginal and Torres Strait Islander Heritage Protection Act.
- . This is enabling legislation for Australia's first dedicated radioactive waste facility and there is a clear community expectation for the most rigorous process and assessment.
- . The proposed Federal action is subject of continuing legal action and contest from the region's Barngarla Traditional Owners
- . The proposed action is not compatible with long-standing state law *Nuclear Waste Storage (Prohibition) Act 2000*
- . There is a need to assess the rational of the action and, in particular, compliance or consistency with international best practice in relation to siting and facility consultation and development.

- . There remains many project uncertainties including: transport routes – waste acceptance criteria – facility design – who would manage and operate said facility.

This is a project that has national and inter-generational impacts and needs rigorous and evidence-based consideration. Revolving Ministers and changing laws are not consistent with this need.

Your opposition and advocacy to any change consistent with recent South Australian and National ALP Convention resolutions would be most welcomed and encouraged.

As always, I am more than happy to meet and discuss at a mutually agreeable time.

Kind Regards



Jamie Newlyn  
SA Branch Secretary