

South Australia



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ELIZABETHAE II REGINAE  
A.D. 2000

**NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) ACT 2000**

No. 68 of 2000

[Assented to 30 November 2000]

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An Act to prohibit the establishment of certain nuclear waste storage facilities in South Australia; and for other purposes.

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**SUMMARY OF PROVISIONS**

1. Short title
2. Commencement
3. Objects of Act
4. Interpretation
5. Act binds Crown
6. Application of Act
7. Effect of Act
8. Prohibition against construction or operation of nuclear waste storage facility
9. Prohibition against importation or transportation of nuclear waste for delivery to nuclear waste storage facility
10. Offences by body corporate
11. Powers of public authority
12. Orders by court against offenders
13. No public money to be used to encourage or finance construction or operation of nuclear waste storage facility
14. Public inquiry into environmental and socio-economic impact of nuclear waste storage facility

**The Parliament of South Australia enacts as follows:**

**Short title**

1. This Act may be cited as the *Nuclear Waste Storage Facility (Prohibition) Act 2000*.

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Objects of Act**

3. The objects of this Act are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State.

**Interpretation**

4. In this Act—

"**environmental harm**" has the same meaning as in the *Environment Protection Act 1993*;

"**ionizing radiation**" has the same meaning as in the *Radiation Protection and Control Act 1982*;

"**nuclear waste**" means any waste material—

- (a) that contains a radioactive substance; and
- (b) that is derived from—
  - (i) the operations or decommissioning of—
    - (A) a nuclear reactor; or
    - (B) a nuclear weapons facility; or
    - (C) a radioisotope production facility; or
    - (D) an uranium enrichment plant; or
  - (ii) the testing, use or decommissioning of nuclear weapons; or
  - (iii) the conditioning or reprocessing of spent nuclear fuel,

but does not include Category A, Category B or Category C radioactive waste as defined in the *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia (1992)* approved by the National Health and Medical Research Council and published by the Australian Government Publishing Service as Radiation Health Series No. 35 (ISBN 0 644 28673 3);

"**nuclear waste storage facility**" means any installation for the storage or disposal of nuclear waste;

"**public authority**" has the same meaning as in the *Environment Protection Act 1993*;



**Powers of public authority**

**11.** A public authority may do one or more of the following:

- (a) remove a nuclear waste storage facility constructed or operated in contravention of this Act;
- (b) make good any environmental harm resulting from the construction or operation of that facility;
- (c) prevent or mitigate any future environmental harm resulting from the construction or operation of that facility.

**Orders by court against offenders**

**12.** (1) If, in proceedings for an offence against this Act, the court finds the defendant guilty of a contravention of this Act, the court may, in addition to any penalty it may impose, do one or more of the following:

- (a) order the defendant to take specified action to—
  - (i) remove a nuclear waste storage facility constructed or operated in contravention of this Act;
  - (ii) make good any environmental harm resulting from the construction or operation of that facility;
  - (iii) prevent or mitigate any future environmental harm resulting from the construction or operation of that facility;
- (b) order the defendant to take specified action to publicise the contravention and its environmental and other consequences and any other orders made against the defendant;
- (c) order the defendant to pay—
  - (i) to a public authority that has incurred costs or expenses in taking action of a kind referred to in section 11 as a result of the contravention; and
  - (ii) to any person who has suffered injury or loss or damage to property as a result of the contravention, or incurred costs or expenses in taking action to prevent or mitigate such injury, loss or damage,

the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such amount as is determined by the court.

(2) The court may, by an order under this section, fix a period for compliance and impose any other requirements the court considers necessary or expedient for enforcement of the order.

**No public money to be used to encourage or finance construction or operation of nuclear waste storage facility**

**13.** Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.

**Public inquiry into environmental and socio-economic impact of nuclear waste storage facility**

14. If a licence, exemption or other authority to construct or operate a nuclear waste storage facility in this State is granted under a law of the Commonwealth, the Environment, Resources and Development Committee of Parliament must inquire into, consider and report on the likely impact of that facility on the environment and socio-economic wellbeing of this State.