

From: AGD:Submissions
Sent: Thursday, 12 March 2015 9:17 AM
To: Contact Details Removed
Subject: FW: Public submission by David Noonan to Nuclear Royal Commission

Thank you for your comments. Your views will be considered by the Government when finalising the Terms of Reference of the Royal Commission.

Your comments may be made available to the public. Please advise by return email if you **do not consent** to your comments being made public.

Attorney-General's Department Disclaimer:

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From: David Noonan Contact Details Removed
Sent: Wednesday, 11 March 2015 8:31 PM
To: AGD:Submissions
Subject: Public submission by David Noonan to Nuclear Royal Commission

9 March 2015

To: The Attorney-General's Department of South Australia
submissions@agd.sa.gov.au

Re: Public submission to the SA Nuclear Royal Commission, proposed Terms of Reference

See (2 page) submission and a key recommended Term of Reference attached.

Please consider my interest and request to appear as a Witness before this Nuclear Royal Commission. I have relevant experience as an environment campaigner on nuclear issues.

Please acknowledge recite of this submission and make my submission public.

Yours sincerely

David Noonan, B.Sc., M.Env.St

Address in Adelaide and Contact details provided (not for publication)

Contact Details Removed Contact Details Removed

Monday 9 March 2015

To: The Attorney-General's Department of South Australia
submissions@agd.sa.gov.au

Re: Public submission to the SA Nuclear Royal Commission, proposed Terms of Reference

Nuclear is not 'peaceful'. Nuclear waste imposes unique risks and unacceptable impacts. Nuclear actions before this Commission are National issues affecting the rights and interests of all Australians. No State administration has a right to impose nuclear risks and impacts on others.

Proposed Term of Reference to direct the Nuclear Royal Commission:

"To inquire into and report on the Democratic and Legal Rights, and the Civil and Human Rights, including to Environmental Protection, to Sustainability, to Health and to Non-Imposition of Nuclear actions, that are at stake and subject to nuclear actions before this Commission."

Political Leadership in South Australia by Liberal Premier John Olsen in 2000 *prohibited* International and key National nuclear wastes. **Nuclear waste proposals before this Commission are illegal in SA.** Under the “*Nuclear Waste Storage Facility (Prohibition) Act 2000*”, the import, transport, storage and disposal of any wastes derived from nuclear reactors, or uranium enrichment plants, or from the conditioning and reprocessing of spent nuclear fuel, is *prohibited*. The construction and operation of such nuclear waste facilities is against the law in our State. The Objects of this important 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.”

Political Leadership in South Australia by Labor Premier Mike Rann extended this legislation in 2002, successfully protected SA’s interest’s, and defeated Prime Minister John Howard’s imposition of a National nuclear waste dump, which was against the law and the will of the people of SA.

This State administration should respect and not seek to overturn the law on these matters.

Any State government public funding to *encourage* a nuclear waste facility, and the related potential conduct of this Nuclear Commission, risks breach of the *Nuclear Waste Storage Facility (Prohibition) Act 2000*, Clause 13 **No public money to be used to encourage or finance construction or operation of nuclear waste storage facility**, stating:

“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.”

In any case, International nuclear waste is a National issue in the jurisdiction of the Federal government and subject to the *Customs Act*. The State of SA can and has *prohibited* these nuclear wastes entering SA - but has no say or any formal role to bring these nuclear wastes into Australia. International and National nuclear waste facilities have been considered and rejected by State Parliaments across Australia. Over the period 1999 to 2007 they have been made **illegal** in Western Australia, in South Australia, the Northern Territory and Queensland. **We have had this debate.**

Further, Prime Minister John Howard’s *Environment Protection and Biodiversity Conservation Act 1999* regulate “*nuclear actions*” as “*Matters of National Environmental Significance*”. The Federal Parliament has effectively *prohibited* nuclear power plants, enrichment plants, fuel fabrication and reprocessing facilities under the EPBC Act Section 140A *No approval for certain nuclear installations*. These four nuclear actions are against the law in Australia and are outside of the jurisdiction of SA. **All proposed nuclear waste, enrichment and reprocessing facilities, and the reactors put before this Commission by the State administration are illegal under either State or Federal law.**

International nuclear wastes, uranium enrichment, spent nuclear fuel reprocessing facilities and nuclear reactors are also **contrary** to ALP Platform, Policy and SA State election **commitments** given to the people in 2002, 2006, 2010, and in 2014 for the term of office of this ALP State administration.

Nuclear is not ‘peaceful’: Proposed uranium enrichment and spent fuel reprocessing are restricted ‘**dual use**’ sensitive technologies to produce fissile materials with potential for nuclear weapons use.

Reprocessing is a highly polluting, discredited, and dangerous link in the nuclear chain, to separate and stockpile **plutonium**, the fissile material of choice of nuclear weapons builders and terrorists alike. **To promote plutonium reprocessing is reckless and akin to promoting nuclear in-security.**

This Nuclear Commission lacks respect for Indigenous Australians rights and interests:

All the proposed nuclear actions will likely lead to nuclear waste dumping on traditional owner's country. This Inquiry effectively invites nuclear proponents to target custodians and country.

In Conclusion: This Nuclear Commission is not constructive and is not welcome. **The proposed nuclear actions have clearly unacceptable environmental impacts**, fail intergenerational equity, will damage South Australia's reputation, and would risk turning SA into a terrorist target.

Under the draft Terms of Reference this Nuclear Commission risks becoming a promotional exercise for the nuclear lobby, to push illegal nuclear actions and to **fail the public interest integrity test**.

Such an ill-considered Inquiry will be divisive in community, likely set back SA's renewable energy development, and risks damaging the reputation of our State and key sustainable industries.

Further, in the shadow of the **Fukushima nuclear disaster** – reactors fuelled by Australian uranium - it is **farical of the State** to propose an Inquiry into *expanding* uranium mining while *excluding* Inquiry into the risks, impacts and responsibilities consequent to uranium mining and sales deals.

Please consider my interest and request to appear as a Witness before this Nuclear Royal Commission. I have relevant experience as an environment campaigner on nuclear issues.

Yours sincerely, David Noonan, B.Sc., M.Env.St
(Address in Adelaide and Contact details provided)