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Submission on Australian Radioactive Waste Management Framework

Thank you for the opportunity to submit feedback on the proposed update to the Australian Radioactive Waste Management Framework (ARWMF). This submission is made in the name of Friends of the Earth Adelaide. We expect Friends of the Earth Australia to lodge a separate submission. We fully support any oral and/or written submission they make.

Recommendations are underlined in the body of this submission and are also listed in an appendix at the end.

The new draft ARWMF has some improvements compared to the existing Framework, notably a recognition that "the most effective way to manage radioactive waste is to avoid generating it", an acknowledgement that "Australia's nuclear history has significantly impacted Indigenous Australians", and a reference to the "United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including participation in decision-making and the objective of free, prior and informed consent (FPIC) for measures and projects that affect Indigenous peoples' lands, territories, resources and culture."

Our concern is that, in the absence of clear commitments to upholding these principles, these references may amount to little more than lip-service.

How specifically do you propose to 'avoid generating' radioactive waste and how will we know that generation of radioactive waste has been avoided? A commitment should be made in the ARWMF to report regularly on what steps have been taken to avoid generating radioactive waste and what radioactive waste has thus been avoided.

It is obvious to any casual observer that the government is in fact committing to dramatically increasing the amount of radioactive waste that is generated, both quantitatively and qualitatively, through the AUKUS nuclear-powered submarine project. This project, which was embarked on without public scrutiny, has been widely criticised as unaffordable, unachievable and not in Australia's best security interests. It will result in classes of radioactive waste that Australia doesn't even currently possess, namely high-level radioactive waste (HLW), including spent nuclear fuel from nuclear reactors fueled by highly enriched uranium (HEU). If the government is serious about avoiding generating unnecessary radioactive waste, it should start by avoiding the waste from the AUKUS project, including waste from foreign owned nuclear-powered vessels visiting Australian ports and spent nuclear fuel generated by US Virginia class submarines.

In view of the pressure to accept foreign radioactive waste under AUKUS, and bearing in mind the past history of popular opposition to proposals to accept international radioactive waste, ARWMF should explicitly exclude acceptance into Australia of foreign radioactive waste.

If the government is determined to continue with its mistaken commitment to AUKUS, it should clearly inform the public what it plans to do with the waste. It should immediately drop its Federal Court appeal against Rex Patrick's freedom of information win in the Administrative Review Tribunal. It should also inform the public about the status of Defence Minister Marles' promise that "there will be a process that we will determine within the next 12 months for how the [high-level radioactive waste] site will be identified" (Press Conference, 14 March 2023). As long as the government withholds this information, references to transparency in the ARWMF will not be taken seriously.

Regarding UNDRIP, the ARWMF should go beyond simply referencing FPIC to include a specific commitment to honour and uphold the FPIC principles. It should also indicate how it intends to go about fulfilling that commitment. The proposed ARWMF does not contain any such commitment.

The fact that the National Radioactive Waste Management Act 2012 contains clauses over-riding the Native Title Act 1993 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 makes us sceptical about the sincerity of the references in the draft ARWMF to UNDRIP and FPIC. As well as clarifying the status of UNDRIP and FPIC in the ARWMF, the National Radioactive Waste Management Act 2012 should be amended to withdraw the over-rides of the Native Title Act 1993 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and to mandate that UNDRIP and the FPIC principles are followed. The over-ride of State and Territory laws should also be removed in order to ensure that local views are respected and radioactive waste facilities are not approved without broad community support.

The proposed new ARWMF is noncommittal about the role of the private sector. The government is still at the stage of "Assess[ing] capabilities of industry to support or participate in waste management." The 'Scope' section states that while the "primary focus is on Commonwealth waste, the framework recognises that Commonwealth disposal facilities may provide a disposal pathway for other Australian waste holders, including state, territory, and private sector entities". Later it is stated that "ARWA is assessing the capabilities of the private sector to support or participate in the management and disposal of Commonwealth radioactive waste."

It might be tempting for the government to try to outsource some of its responsibilities and risks to the private sector, but that would be a mistake. If anything goes wrong, private companies may be unwilling and/or unable to rectify the situation.

Any involvement of the private sector should be made conditional on three key principles: (1) the polluter pays principle, (2) final responsibility rests with the government, regardless of who produced the waste, and (3) the highest level of transparency.

Management and disposal of radioactive waste generated by the private sector should be paid for by the companies that generated the waste. However, much radioactive waste remains hazardous beyond the life of any private sector entity. In fact, much radioactive waste remains hazardous beyond the life of the state itself – longer than humans have existed. Nevertheless, on the premise that the state is expected to outlast private sector entities, the least worse approach is for the

government to retain responsibility for management and disposal. It must not choose the path of 'socialising risks and privatising rewards' for management and disposal of radioactive waste.

In regard to transparency, we are concerned about vague and potentially misleading claims made by some people in the private sector in regard to radioactive waste disposal. ARWMF must explicitly reject misleading or incrementalist approaches that seek to establish an initial foothold, then expand the scale and/or type of waste beyond what was initially proposed. Some people associated with the international nuclear industry still have their eyes on the Australian 'outback' as an ideal location for disposal of radioactive waste of all kinds from around the world. There is a danger that private radioactive waste disposal sites could be used as a Trojan horse.

Philip White 23 October 2026
Convenor
Friends of the Earth Adelaide

Appendix: Recommendations

1. A commitment should be made in the ARWMF to report regularly on what steps have been taken to avoid generating radioactive waste and what radioactive waste has thus been avoided.

2. The government should avoid generating unnecessary radioactive waste by cancelling the AUKUS project and not accepting waste from foreign owned nuclear-powered vessels visiting Australian ports and spent nuclear fuel generated by US Virginia class submarines.

3. ARWMF should explicitly exclude acceptance into Australia of foreign radioactive waste.

4. If the government does not cancel AUKUS, it should clearly inform the public what it plans to do with the radioactive waste.

5. The government should immediately drop its Federal Court appeal against Rex Patrick's freedom of information win in the Administrative Review Tribunal.

6. The government should inform the public about the status of Defence Minister Marles' promise that "there will be a process that we will determine within the next 12 months for how the [high-level radioactive waste] site will be identified".

7. The ARWMF should include a specific commitment to honour and uphold the FPIC principles. It should also indicate how it intends to go about fulfilling that commitment.

8. The National Radioactive Waste Management Act 2012 should be amended to withdraw the over-rides of the Native Title Act 1993 and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and to mandate that UNDRIP and the FPIC principles are followed. The over-ride of State and Territory laws should also be removed.

9. Any involvement of the private sector should be made conditional on three key principles: (1) the polluter pays principle, (2) final responsibility rests with the government, regardless of who produced the waste, and (3) the highest level of transparency.

10. ARWMF should explicitly reject misleading or incrementalist approaches that seek to establish an initial foothold, then expand the scale and/or type of waste beyond what was initially proposed.