

Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Dr Geoff Gallop, MLA)

**Nuclear Waste Storage Facility
(Prohibition) Bill 1999**

A Bill for

An Act to prohibit the establishment of a nuclear waste storage facility in Western Australia, to amend the *Nuclear Activities Regulation Act 1978* and for other purposes.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Nuclear Waste Storage Facility (Prohibition) Act 1999*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Interpretation

5 In this Act unless otherwise provided —

10 “**nuclear waste**” means any radioactive material derived from the operations of a nuclear reactor, nuclear weapons facility, nuclear reprocessing plant or isotope enrichment plant except for nuclear waste that has been generated in Australia or material that has been used under licence for scientific, industrial or medical purposes in accordance with the provisions of the *Radiation Safety Act 1975*;

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

15 “**public sector body**” has the meaning given to it under section 3 of the *Public Sector Management Act 1994*; and

“**statutory body**” has the meaning given to it under section 3 of the *Financial Administration and Audit Act 1985*.

4. Objects of Act

20 The objects of this Act are to protect the health, welfare and safety of the people of Western Australia and to protect the environment in which they dwell by prohibiting the establishment of a nuclear waste storage facility in this State.

5. Relation to other laws

25 (1) Subject to subsection (2) this Act has effect notwithstanding any other Act or written law.

(2) This Act does not derogate from the *Radiation Safety Act 1975* and where any provision of that Act or any regulation made

under that Act is inconsistent with any provision under this Act the provisions of that Act or that regulation prevail.

6. Act to bind Crown

5 This Act shall bind the Crown in right of the State of Western Australia and, so far as the legislative competence of the Parliament of Western Australia extends, in all its other capacities.

7. Prohibition against constructing or operating a nuclear waste storage facility

- 10 (1) A person shall not construct or operate a nuclear waste storage facility.
- (2) A person who contravenes subsection (1) shall be guilty of an offence and punishable by a fine not exceeding \$500 000.

8. Offence by corporation

- 15 (1) Where a corporation contravenes section 7, each person who is a director of the corporation or who is concerned in the management of the corporation contravenes the section unless the person satisfies the court that —
- 20 (a) the corporation contravened the section without the knowledge of the person; and
- (b) the person —
- (i) was not in a position to influence the conduct of the corporation in relation to its contravention of section 7; or
- 25 (ii) being in such a position, used all due diligence to prevent the contravention by the corporation.
- (2) A person may be proceeded against and convicted under section 7 because of subsection (1) whether or not the

corporation has been proceeded against or convicted under that provision.

- 5 (3) Nothing in this section prejudices or affects any liability imposed by this Act on any corporation by which an offence against section 7 is actually committed.

9. No advances for encouraging or financing development etc. of nuclear waste storage facility

10 Notwithstanding anything to the contrary in any other Act or written law, no moneys shall be granted or advanced to any person out of the Consolidated Fund or out of the fund of any public sector body or statutory body for the purpose of encouraging or financing any activity associated with the development, construction or operation of a nuclear waste storage facility.

15 **10. Consequential amendments**

Section 5 of the *Nuclear Activities Regulation Act 1978* is amended —

- (a) by inserting at the beginning of the section the following —

20 “ (1) Subject to subsection (2) ”; and

- (b) by inserting after the section the following —

“

(2) Subsection (1) does not apply in relation to the *Nuclear Waste Storage Facility (Prohibition) Act 1999*.

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