



List of submissions to the 2024 Review of the Woomera Prohibited Area Coexistence Framework

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Submission: Review of the Woomera Prohibited Area Coexistence Arrangements.

From the 2018 Review - "Recognizing the complexity of the WPA environment and the rapid pace of contemporary change, a further complete Review of the WPA arrangements is recommended by 2025."

It is now seen that the matters to be considered are far more complex and far-reaching than what might have been apparent in 2018. The "Timeframe" of this 2024 Review which "...should be finalised by the end of Q1 2025..." and the determination that the "Interim findings related to re-making the Rule should be presented by December 2024", puts great emphasis on making this Review an expedient process that within the current context cannot give due consideration to the matters in hand, or allow for a sufficiently broad, open and transparent Public Consultation Process.

I contend that the "Timeframe" is inadequate and must of necessity be reflective of the importance of the matters to be considered. I also request a detailed outline be produced of all prospective determination processes that are now planned in order to facilitate the unprecedented and unevaluated proposals that are now clearly on the table: ie. High Level U.S. Nuclear Waste Disposal within the WPA, facilitation of weapons testing at a greater intensity and increased military use of potentially high risk technological installations.

The assertion by the Hon. Richard Marles MP that given "The National Defence Strategy made clear that in response to our strategic circumstances, we must accelerate capability development and acquisition, including long range strike, and investment in emerging technologies for the A.D.F.", indicates a far greater potential development of the WPA than is expressed within the framework of this Review. (quote from dpm.media@defence.gov.au)

The Commonwealth Department of Defence and the ADF must show honesty to the People of Australia in truthfully outlining what is being proposed for the Woomera 'Prohibited' Area. It is, after all, Traditional Country and a vital Environment that requires the same due diligence in Assessment, Evaluation and Public Awareness of the proposals that the Commonwealth Government and the Military have for this area.

Despite claims by the Government that it can ensure "that the arrangements are in the interests of all users" (dpm.media@defence.gov.au), the potential impacts of now far greater developments both in the facilitation of weapons testing, siting of weapons? siting of a High Level Nuclear Waste Repository? take the WPA into a much larger realm of assessment of the 'Arrangements' than for other previous Reviews.

The manner in which this Review is being conducted would indicate a state of 'business as usual' in the WPA, but, the now commonly used phrase "fit for Purpose" in conjunction with the statement of the "Key Tasks" in the "Terms of Reference" that:

5. The Review should make qualitative and quantitative assessments of the balance of national interests over the short and medium (10year) term, including but not limited to:

b. anticipated future Defence needs in the WPA, in particular any potential changes in frequency and scope of activity"

indicates possible substantial changes that potentially require greater oversight.

The South Australian Nuclear Waste Storage Facility (Prohibition) Act 2000 specifically prohibits the development of Nuclear Waste infrastructure in S.A.

For the past 30+ years South Australians have opposed efforts from many sources to impose Nuclear Waste Disposal on S.A. This is the Public Position.

High Level Nuclear Waste Disposal is a massive undertaking that should necessarily be the responsibility of the Country producing the material, in this case the United States. Movement of such materials is fraught with considerable unacceptable hazards and risks as is the storage of such materials for the unimaginably long period that is required. No Government or Defence body can ensure safe disposal and maintenance of storage of High Level Nuclear Waste well beyond the foreseeable or even imaginable future.

" 3. Objects of Act. (Nuclear Waste Storage (Prohibition) Act. 2000)

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 Waste Storage Facilities in this State.

9. Prohibition against importation or transportation of nuclear waste for delivery to nuclear waste storage facility

A person must not -

- (a) bring nuclear waste into the State, or
- (b) transport nuclear waste within the State.

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

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."

From the 2018 Review:

"Analysis of new data in 2018 also identified additional areas with potential for groundwater resources in the WPA."

Refer to Map - Water 2018 Review. This Map indicates that the Great Artesian Basin underlies the Woomera 'Prohibited' Area. Any notion of storing High Level Nuclear Waste is unthinkable.

Impacts of higher grade weapons testing, any siting of weapons or military technologies that attract active engagement all have potential for implications for the People, the Land and animals of the immediate vicinity and the wider South Australian Environment.

All consideration must be given to any proposals at this time with thorough and comprehensive investigation through Public Input.

The Objective at this time and in this Age is one of Peace and Co-Operation in our Region and in the World. There is great necessity to apply every effort in this regard. Honesty with the Australian People is imperative and ultimate respect and regard for the Lands and People of Woomera and its Environs vital to the future of us all.

Annie McGovern OAM. 6.8.24.

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Nature
needs us,
now

Comments from the Australian Conservation Foundation on the Woomera Prohibited Area Coexistence Framework Review

September 2024

The Australian Conservation Foundation Inc (ACF) was founded in the mid-1960s with the support of prominent Australians, the Government and the wider community and is Australia's lead national environment organization and advocate for the environment.

ACF is strictly non-partisan, and we are proud of our political independence.

ACF welcomes this opportunity to provide input to this review (the Review) and future management approaches and options for the Woomera Prohibited Area (WPA). This is especially critical in the context of a rapidly evolving set of Defence and security arrangements which may have profound and lasting implications for our nations, especially the AUKUS arrangement.

At the time of the AUKUS proposals surprise announcement in September 2021, the acquisition of nuclear-powered submarines was described by the Chief of Navy Vice Admiral Michael Noonan as "the single most consequential capability decision" and one that would "no doubt change the shape of our nation".

Given the profound – indeed nation changing - strategic, safety, environmental and economic implications of this decision there has been little public or Parliamentary scrutiny of the AUKUS project.

ACF maintains that it is unacceptable and inconsistent with democratic principles that such a fundamental policy decision be advanced with such limited transparency or review.

This approach actively reduces scrutiny, precludes the credible and comprehensive consideration of the many complex issues and undermines both community confidence and procedural credibility.

In this context the Reviews consideration of a wide range of WPA issues is timely and very important. Particularly the key task of exploring *the WPA's contribution to current and future Defence capability, including the financial and other benefits deriving from Australia's ability to share knowledge and technology with allies, particularly in light of new and emerging technologies, and the subsequent value of the WPA to the US Alliance and other key international relationships.*

ACF holds serious concerns around the AUKUS Agreement, including around environmental and waste management impacts, costs and consequences and the way this initiative has been and is being advanced.

There has been a long history of nuclear issues and concerns with the WPA, and it is important that this is acknowledged and addressed in the Review.

Predominately these concerns have been around the siting, status and management of radioactive waste and the persistent and continuing commentary, promotion and expectation of potential expanded national, international, civil and military radioactive waste streams on the WPA.

ACF would welcome the Review providing clarification of the current status of radioactive waste inventories and management on the WPA, especially regarding CSIRO and Category S wastes.

ACF would also appreciate the Review providing clarity on the implementation status of previous recommendations – particularly those of the de Brouwer review - relating to WPA management, processes and operations.

The issue of future management of radioactive waste, including High Level Waste, arising from the Aukus agreement is a deep concern for ACF and needs to be clearly articulated and presented in the Review.

ACF has concerns that along with future Australian military waste the Aukus deal could see Australia host UK and US naval radioactive waste, including HLW. This risk was identified by a Senate Foreign Affairs, Defence and Trade Committee inquiry in May 2024 into the *Australian Naval Nuclear Power Safety Bill (2024)*.

Despite a clear Committee recommendation (recommendation 3) that the draft legislation be amended 'so that a distinction is made between Australia's acceptance of low-level nuclear waste from AUKUS partners, but non-acceptance of high-level nuclear waste', this has yet to occur.

ACF welcomes the Governments assurance that it has 'no intention' to accept HLW from our Aukus partners but political promises – unlike radioactive waste - are finite. This legislation must be amended to preclude any future Government exercising this option.

Given that the WPA has been publicly canvassed as a potential future Aukus waste site ACF urges that the Review explicitly address this concern.

ACF would further welcome the Review exploring and adopting key foundational or guidance principles in relation to radioactive waste management plans, practises and discourse on the WPA.

Fundamental among these must be consent, especially Traditional Owner consent.

Australia's experience of radioactive waste management and First Nations people's can be described as one of failed top-down imposition and successful bottom-up

resistance. This can be seen in multiple community campaigns over decades, mainly in South Australia and the Northern Territory.

It has also been recognised in the final report of a mission to Australia by the UN Special Rapporteur on Toxics – to be presented in Geneva in September 2024 and attached for the Reviews consideration.

(100) *The Special Rapporteur notes, however, that there is a disconnect in narratives between authorities' efforts and the lived experiences of local communities, Indigenous Peoples, and workers in relation to toxics issues. Indigenous Peoples have suffered grave maltreatment from radiation exposure due to nuclear testing, spraying of highly hazardous pesticides, uranium and other mining, and industrial activities with toxic impacts. The proposed siting of radioactive wastes on the lands of Indigenous Peoples illustrates the lack of respect for rights contemplated in the United Nations Declaration on the Rights of Indigenous Peoples.*

And the Report further explicitly notes:

(69) *...under the AUKUS security partnership deal between Australia, the United Kingdom and the United States of America, Australia will be responsible for the storage of high-level nuclear waste from naval reactors that will power Australian submarines. The introduction of high-level radioactive waste into Australian territory may pose significant additional management challenges.*

In relation to wider community consent considerations there is an extensive body of academic and technical reports and policy papers that note the importance of social license and community consent and the need to recognise, respect and respond to opposition on its merits rather than reflexively view criticism as vexatious, misinformed or 'emotional'.

The South Australian Royal Commission into the nuclear industry noted that radioactive waste management requires *both social consent for the activity and advanced technical engineering to contain and isolate the waste. Of the two, social consent warrants in planning and development much greater attention than the technical issues.*

The earlier UK Committee on Radioactive Waste Management (CORWM 2006) found that community involvement in any proposals for the siting of long-term radioactive waste facilities should be based on the principle of volunteerism i.e. an expressed willingness to participate and identified the failure of earlier 'top down' mechanisms (often referred to as Decide-Announce-Defend).

CORWM stated that it is generally considered that a voluntary process is essential to ensure equity, efficiency and the likelihood of successfully completing the process and that there is a growing recognition that it is not ethically acceptable for a society to impose a radioactive waste facility on an unwilling community. It further found that

communities should have the right to withdraw from siting processes up to a pre-defined point.

There is a growing recognition that it is not ethically acceptable for a society to impose a radioactive waste facility on an unwilling community - CORMW, 2006

Experience has shown that without this consent, the project will sooner or later be cancelled, stopped or indefinitely delayed – one way or the other - EU Nuclear Decommissioning Best Practice guidelines

For policy makers it is often easier to measure metrics and assess natural and technical features and properties than it is to do engage meaningfully with human values, attitudes and responses.

There are clear communities of interest that are not geographically defined but who need to be actively recognised and meaningfully engaged. This was recognised in the SA Nuclear Fuel Cycle Royal Commission finding that both '*broad social consent and specific community consent must be obtained for any new nuclear activity to commence in South Australia*'.

ACF urges the Review to recommend greater transparency, inclusion and respect for the fundamental pre-condition of consent in relation to any radioactive waste management issues or proposals on the WPA.

There are multiple ways this could be advanced including by:

- Operationalising the UN Declaration on the Rights of Indigenous People's Declaration Article 29 requirement that:

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

- Not acting in a manner inconsistent with state or territory nuclear constraints or prohibitions
- Elevating transparency, reporting and public right to know provisions and processes
- Ensuring no foreign sourced radioactive waste is accepted for management, treatment or disposal

ACF thanks the Review for consideration of these comments and trust that they will help address the current and future challenges and issues.



Attachment: Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, September 2024

To: The Secretary

Woomera ‘Prohibited’ Area Review

Public Input by Mr David J. Noonan B.Sc., M.Env.St.

Independent Environment Campaigner and ABN Sole Trader Consultant

05 September 2024

Re: The Public Interest and Indigenous Rights in SA must not be compromised by an untenable Defence imposition of AUKUS military High-Level nuclear waste & nuclear weapons usable fissile material on the Woomera Area

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To: The Secretary

Woomera 'Prohibited' Area Review

Public Submission by Mr David Noonan B.Sc., M.Env.St.

Re: The Public Interest and Indigenous Rights in SA must not be compromised by an untenable Defence imposition of AUKUS military High-Level nuclear waste & nuclear weapons usable fissile material on the Woomera Area

Dear Secretary

An array of Public Interest and Indigenous Rights & Interests are at stake in South Australia facing an ongoing Defence siting assessment for imposed storage of AUKUS nuclear wastes.

The Woomera Area Review must require Defence to become transparent on these matters.

Please consider this input and the Recommendations provided (see p.9-10). I also request an opportunity to give Evidence as a Witness in a Hearing (see my Relevant Background, p.12).

This public input focuses on serious Defence “nuclear risks” and impacts that threaten the Woomera Area in SA and warrant full transparency and public interest disclosures by Defence.

The powers, imprimatur and pathway the [AUKUS Agreement](#) (Washington, 04 August 2024) drives a federal Labor agenda to impose nuclear powered submarine (N-Subs), “nuclear risks”, and military High-Level nuclear reactor wastes & nuclear weapons usable fissile materials, with consequence for the Rights and Interests of Civil Society and Indigenous People in Australia.

The Review is an opportunity for the public to formally engage and scrutinise Defence plans for the future of the Woomera Area in context of the unfolding federal AUKUS agenda and Defence intention to over-ride State Laws and impose AUKUS N-Sub nuclear wastes on community.

Integrity, transparency, and accountability are key to public confidence in governance in Australia. This Review must face up to the fact the unfolding dangerous and undemocratic federal agenda to impose N-Sub’s untenable High-Level nuclear wastes (N-wastes) undermines public confidence and is harming trust in governance in Australia.

The Review must take account of looming “nuclear risks” caused by the AUKUS Agreement in an uncOSTED liability of High-Level nuclear wastes to be imposed on all future generations.

The Safety, Health and Welfare, and Rights & Interests of targeted Australian communities and Indigenous Peoples are at stake, along with protection of the Environment in which they live.

Defence nuclear risks confront SA & NT as primary targets for intended N-waste Storage sites.

This Review must urgently inform SA community on “nuclear risks” they may face at Woomera.

The ‘[Review](#)’ of the Woomera Prohibited Area was announced by Defence Minister Marles MP: *“to ensure it remains fit for purpose and meets Australia’s national security requirements”* – read AUKUS requirements. For transparency, the Review should Report pre the federal election.

The public has a ‘Right to Know’ who is targeted for imposed storage of AUKUS N- wastes.

Minister Marles MP has still not made a promised ‘announcement’, said to be by early 2024, on a process to manage High-Level nuclear waste and to site a waste disposal facility, he [saying](#) “*obviously that facility will be remote from populations*” (ABC News 15 March 2023).

The national press (11 August 2023) reports the Woomera rocket range is understood to be the ‘favoured location’ for storage and disposal of submarine nuclear waste (“[Woomera looms as national nuclear waste dump site including for AUKUS submarine high-level waste afr.com](#)”).

Political leaders in WA, Qld and Vic have already [rejected](#) a High-Level nuclear waste disposal site. SA’s Premier has so far only said it should go to a ‘remote’ location in the [national interest](#).

This Review must respect the SA public and Traditional Owners rights to full disclosure of potential nuclear risks and impacts *in advance* of any decisions, legislation and process to impose AUKUS N-waste onto community in the Woomera Area or anywhere else in SA.

Defence can-not claim to have a ‘**social license**’ to operate in the Woomera Area while failing to inform affected community of the AUKUS nuclear risks, the cultural and environmental impacts, and socio-economic impacts they may face through siting for AUKUS nuclear waste storage.

Defence has so far denied South Australians their ‘**Right to Know**’ the nuclear risks they face.

AUKUS N-wastes are a threat to the Rights of the People of SA to decide their own Future.

The Woomera Area Review must understand that South Australians will not accept federal Labor and Defence undemocratic imposition of AUKUS nuclear wastes in our State.

If federal Labor go ahead with storage of AUKUS nuclear wastes in SA, it will have to over-ride State Law to impose the dump. AUKUS N-wastes are a threat to the Safety of the People of SA.

Storage and disposal of nuclear wastes compromises the Safety and Welfare of the people of South Australia, that is why it is *prohibited* by the [Nuclear Waste Storage \(Prohibition\) Act 2000](#).

The [Reforming Defence Legislation](#) Review also proposes to take on Defence Act powers to override State legislation to ‘provide certainty’ to Defence roles, operations and facilities. My [input](#) and Recommendations to the Defence Review called for transparency on these issues:

Defence should become transparent over proposed Navy High-Level nuclear waste disposal, policy, siting process, rights and legal issues. Defence must declare whether the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#) will be respected OR is intended to be over-ridden to impose a Navy High-Level nuclear waste storage or disposal site on ‘remote’ lands and unwilling community in South Australia. (April 2023, p.7 & Rec 6-7)

I refer the Review’s consideration to “**The Politics of Nuclear Waste Disposal: Lessons from Australia**”, a [Report](#) by Dr Jim Green and Dimity Hawkins AM, Published by the Asia-Pacific Leadership Network (January 2024). The Defence AUKUS agenda needs to learn these lessons.

There is an onus on this Woomera Area Review to see it doesn’t add to a sad history of nuclear disrespect for Indigenous Human Rights and Interests in our State.

Civil Society faces imposition of an AUKUS military High-Level nuclear waste dump:

The Federal ALP belatedly [disclosed](#) a secret pre-condition in [AUKUS](#) plans to buy second-hand US nuclear subs: for Australia to have to keep US origin military High-Level nuclear waste forever...

In a breach of trust the ALP is seeking to 'normalise' High-Level nuclear waste in Australia. Claims of '[nuclear stewardship](#)' in taking on US N-Subs and in retaining untenable US N-Sub wastes are a farce.

Disposal of High-Level nuclear waste is globally unprecedented, with our AUKUS partners the US & UK having proven unable to do so in over 65 years since first putting nuclear powered subs to sea.

Minister for Defence Richard Marles MP has still not made a promised 'announcement', said to be by early 2024, on a process to manage High-Level nuclear waste and to site a waste disposal facility, he [saying](#) "*obviously that facility will be remote from populations*" (ABC News 15 March 2023).

Defence is already working to identify potential nuclear waste storage and disposal sites, is assessing existing Defence lands, and appraising potential regions with areas to compulsorily acquire a site.

The public has a right to know who is already being targeted for imposed AUKUS N- waste Storage.

Political leaders in WA, Qld and Vic have already [rejected](#) a High-Level nuclear waste disposal site.

The SA Labor Premier has so far only said it should go to a 'remote' location in the [national interest](#).

AUKUS compromises public confidence in Gov and sets up a serious clash with civil society:

This Woomera Area Review must require Defence to become transparent and to be made accountable over rights and interests that are at stake in AUKUS intended military High-Level nuclear waste storage and federal Labor's still secretive N-waste siting process. For instance:

- Federal Labor must commit to comply with the [United Nations Declaration on the Rights of Indigenous Peoples](#) Article 29 provision of Indigenous People's Rights to "Free, Prior and Informed Consent" over storage or disposal of hazardous materials on their lands.
- Defence must declare their intension to over-ride the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#) to impose an AUKUS nuclear dump on outback lands and unwilling community in SA.
- Federal Labor must fully set out the array of AUKUS nuclear wastes to be stored in Australia.

The [ALP National Platform](#) (2021, Uranium p.96-98) makes a commitment to oppose overseas waste:

- *Labor will: 8. d. Remain strongly opposed to the importation and storage of nuclear waste that is sourced from overseas in Australia.*

In contrast, AUKUS aims Australia buy existing US military nuclear reactors in second-hand N-Subs that are to be up to 10-12 years old, loaded with intractable US origin High-Level nuclear wastes that are also weapons usage fissile materials – and remain as Bomb Fuel long after decommissioning.

Further, in an affront to public trust Labor's AUKUS Bill has been written to provide a federal legal power to take existing US and UK N-Sub nuclear reactor wastes for storage and disposal in Australia.

Federal Labor claims that it is not their 'policy' to do so – but it is their proposed Federal Law!

Defence is already targeting the Woomera Area as a potential region to site an imposed AUKUS military High-Level nuclear waste dump:

The [Labor AUKUS Bill](#) assumes a power and a right to over-ride State laws by naming State laws in Regulations that are to be made in 2025. Section 135 “Operation of State and Territory laws”, states:

If a law of a State or Territory, or one or more provisions of such a law, is prescribed by the regulations, that law or provision does not apply in relation to a regulated activity.

The AUKUS Bill provides for regulated activities in ‘nuclear waste management, storage and disposal’ at AUKUS facilities in future Nuclear Zones, which are to be authorised in part under Sec.135.

The national press has reported the Woomera rocket range is understood to be the ‘favoured location’ for storage and disposal of submarine nuclear waste (“[Woomera looms as national nuclear waste dump site including for AUKUS submarine high-level waste afr.com](#) 11 August 2023).

Defence will aim to compulsorily acquire and declare a High-Level nuclear waste dump site, with over-ride of State laws through this Bill, long before the buying a second-hand US N-Sub in 2032.

It was left up to a US Vice Adm. Bill Houston to reveal proposed sales of in-service Virginia-class subs will be in 2032 and in 2035, with a claimed first new N-Sub in 2038 (US [Breaking Defence](#) 8/11/23).

If Federal Labor decide to locate an AUKUS nuclear waste dump in SA, it will have to over-ride State Law to impose the dump. This AUKUS Agreement is a threat to the Safety of the People of SA.

Storage and disposal of nuclear wastes compromises the Safety and Welfare of the people of South Australia, that is why it is *prohibited* by the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#).

Labor Premier Mike Rann strengthened these laws in 2002. Now Federal Labor may over-ride them.

The *Objects* of the Act cover public interest issues at stake, to protect our Health, Safety and Welfare:

“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.”

The import, transport storage and disposal of High-Level nuclear reactor waste is *prohibited* in SA. However, federal Labor are taking up legal powers to impose a dangerous AUKUS nuclear dump on SA or on the NT, through an undemocratic override of State laws and compulsory land acquisition.

The 2023 [Reforming Defence Legislation](#) Review proposed to take on Defence Act powers to override State legislation to ‘provide certainty’ to Defence roles, operations and facilities. My [input](#) and Recommendations to the Defence Review called for transparency on those issues.

The AUKUS Bill Senate [Inquiry](#) at “**Overrides other laws**” (p.66) states: “This issue has been noted by local communities and environmental groups including David J Noonan who stated in his submission:

The Bill is undemocratic and disrespectful to the people of SA in a proposed power under Section 135 “Operation of State and Territory laws” to over-ride any SA Laws or provisions of our Laws effectively by decree, a fiat of unaccountable federal agents to annul our Laws by naming them in Regulations.”

This Woomera Area Review must respect South Australian’s Democratic Right to decide their own Future and to Say No to Defence imposition of an AUKUS nuclear waste dump.

Indigenous People have a UN recognised Human Right to Say No to AUKUS N-wastes:

The AUKUS Agreement triggers the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP, adopted by United Nations, Sept 2007) in Indigenous People's Article 29 Rights to "Free, Prior and Informed Consent" over storage or disposal of hazardous materials on their lands. AUKUS military High-Level nuclear wastes and fissile materials are absolutely 'hazardous materials'.

This Woomera Review must act in accordance with the Recommendations of the federal Inquiry [Report](#) (Nov 2023) into the UN Declaration on the Rights of Indigenous Peoples and respect Chair of the Inquiry, Indigenous Labor Senator Patrick Dodson's clear views on the matter, stating:

"the Commonwealth Government ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people be consistent with the Articles outlined in the UNDRIP".

It is concerning Labor has so far failed to act on key Rec. No.6 of this UNDRIP Inquiry, which states:

"The Committee recommends that the Human Rights (Parliamentary Scrutiny) Act 2011 (Cth) be amended to include the UNDRIP in the definition of 'human rights', so that it be formally considered when scrutinising legislation."

This Review must call on the federal Labor and Defence to become transparent on whether or not they support the Rights of Indigenous Australians under the UNDRIP Article 29 to "Free, Prior and Informed Consent" - as a Human Right to Say No - over Storage of AUKUS military High-Level nuclear waste on their lands. **Transparency is a minimum standard to expect from this Woomera Review.**

The AUKUS Agreement builds on unacceptable steps to date. For instance, the "Statement of Compatibility with Human Rights" (Explanatory Memorandum to the current AUKUS Bill, p.97-102) misleadingly claims the Bills are compatible with Human Rights while excluding the UNDRIP.

I raised these issues of Indigenous Rights in my public input Recommendations to the 2023 Defence Review and to a Senate Inquiry into the current AUKUS Bill before Parliament - without response.

My [input](#) and Recommendations to the Defence Review called for transparency on these issues:

Defence should become transparent over proposed Navy High-Level nuclear waste disposal, policy, siting process, rights and legal issues. Defence should commit to respect and to comply with the [United Nations Declaration on the Rights of Indigenous Peoples](#) Article 29 provision of Indigenous People's rights to "Free, Prior and Informed Consent" over storage or disposal of hazardous materials on their lands.

Traditional owners Human Right to [Say No](#) to the imposition of nuclear wastes must be respected. See "[AUKUS nuclear waste dump must be subject to Indigenous veto](#)" (By [Michelle Fahy](#) May 2023):

"Bipartisan secrecy and Defence's poor record with Indigenous groups at Woomera are red flags for consultations over an AUKUS nuclear waste dump. Human rights experts say government must establish an Indigenous veto right."

Question: Will Defence respect OR disregard Indigenous Peoples UN recognised Right to Say No?

Is US origin military High-Level nuclear waste from US N-Subs to be dumped at Woomera?

The Federal ALP belatedly [disclosed](#) a AUKUS pre-condition to Australia's purchase of second-hand US nuclear submarines: for Australia to keep the US origin N-Subs military High-Level nuclear waste.

This was kept secret in the federal election and only revealed to the Australian public in March 2023.

The ALP is seeking to 'normalise' High-Level nuclear waste in Australia with simplistic claims of '[nuclear stewardship](#)' in taking on untenable liabilities to retain US origin N-Subs N-wastes forever.

Disposal of High-Level nuclear waste is unprecedented at a global scale, with the US and UK having proven unable to do so in over 65 years since first putting nuclear powered submarines to sea.

In Defence seeking to claim '[nuclear stewardship](#)' over nuclear waste it can be anticipated that a final site for an AUKUS military High-Level nuclear waste storage or disposal facility will be acquired and declared before a first purchase of a second hand US nuclear powered submarine, due in 2032.

The current AUKUS Bill Section 10 provides powers to declare a Designated Zone to impose a nuclear waste Storage site and Section 135 provides powers to over-ride State laws that protect public safety.

AUKUS aims Australia buy existing US military nuclear reactors in second-hand N-Subs that can be up to 10-12 years old, loaded with intractable US origin weapons grade High-Level nuclear wastes.

This is 'flag swapping' an Australian flag onto existing US N-Sub High-Level nuclear reactor wastes.

It has been reported the second-hand US nuclear subs for purchase by Australia will allow approx. 20 years of nuclear reactor operations to be left out of a cited 33-year reactor period.

US Vice Adm. Bill Houston revealed sales of in-service Virginia-class N-Subs will be in 2032 and 2035, with a first new Virginia N-Sub said to be sold to Australia in 2038 (US [Breaking Defence](#) 08 Nov).

This Review must seek a full explanation of how Defence claims to manage and perpetually store intractable US origin High-Level nuclear wastes from two second-hand US Virginia N-Subs.

AUKUS claims of '[nuclear stewardship](#)' in taking over US N-Subs and in retaining the US origin High-Level nuclear wastes are a farce. The US has been unable to dispose of any High-Level N-wastes.

AUKUS touted production of a future British N-Sub design in the 2040's, claimed to be built at an Osborne Dedicated Nuclear Zone, may never be realised - but this US origin N-waste threat is real.

This Review must consider and accept that it is undemocratic for Civil Society and Indigenous People in SA to have to face the serious risks and impacts in required perpetual Storage of intractable US origin military High-Level nuclear wastes and weapons usable fissile materials.

These US origin military High-Level nuclear wastes present an unprecedented, untenable threat to the Health, Safety and Welfare of the People of SA and to the Environment in which they live.

The import, transport storage and disposal of these AUKUS US origin nuclear wastes is against the Law in SA and must remain *prohibited* in our State to protect the Safety of the People of SA.

Multi-billion \$ N-waste Costs are ignored while the US gets Indemnity over nuclear risks:

Under threat of Defence imposition of AUKUS N-wastes in the Woomera Area this Review must require a full public exposition on the array of “nuclear risks” South Australia is exposed to by the AUKUS Agreement, and the consequences of an intended grant of Indemnify to the US.

The [National Interest Analysis](#) [2024] ATNIA 14 to the AUKUS Agreement is written by the proponent of N-Subs the Australian Submarine Agency (ASA) and is clearly not fit for purpose.

The NIA is without regard to Australia’s interests in the Agreement bringing “nuclear risks” here.

The NIA gives uncritical support to the Agreement granting a wide-ranging *Indemnity* to the US for “nuclear risks” in second-hand Virginia N-Subs and associated US origin nuclear materials:

***Indemnity 22.** The Agreement requires Australia to indemnify the UK and the US against any liability, loss, costs, damage, or injury (including third party claims) arising out of, related to, or resulting from nuclear risks (risks attributable to the radioactive, toxic, explosive or other hazardous properties of materials) ... transferred pursuant to the Agreement (Article IV(E)). ...*

The NIA 23 further supports “*the management of nuclear risks to be indemnified by Australia*” to be subject to an unstated role for the US to determine arrangements and “*visibility of activities*”.

This reads as a ‘secrecy clause’ to preference US interests over Australian interests. To limit the ‘visibility’ (and public reporting?) of “nuclear risks” and of required response arrangements.

To even attempt to address the serious array of “nuclear risks” imposed by the Agreement would require *unfettered* ‘management and arrangements’ and must be in our National Interests alone.

These matters require a full exposition re the “nuclear risks” we face in proposed US Indemnity.

Further, the NIA entirely ignores the **\$ Cost to Australia** of storing and disposing of US origin High-Level nuclear wastes and weapons usable fissile materials from the first two second-hand 10- to 12-year-old US Virginia Class N-Subs to be ‘Australian flagged’ in 2032 and in 2035.

There is an onus on this Review to require public \$ Costings and an evidentiary basis from the federal Gov for AUKUS nuclear waste storage on the Woomera Area, on:

- the liability \$ Cost consequent to this AUKUS Agreement in required capability and facilities for *in perpetuity* High-Level nuclear waste storage and geological disposal;
- whether the \$ Cost of High-Level nuclear waste storage and claimed geological disposal is included in - OR is additional to - the public Cost of AUKUS at approx. A\$368 billion.

These Costs must be in the order of at least 10’s of billions of dollars, yet this is entirely ignored throughout the AUKUS agenda, with only flippancy from proponent ASA’s claim at NIA Costs 46:

“No regulatory costs associated with this treaty action are anticipated and each Party will bear its own incidental costs...”

Recommendations:

These Recommendations No.1-5 comprise public interest disclosures that must be required from Defence to facilitate an informed public Review of the future of the Woomera Area:

1. Civil Society faces imposition of an AUKUS military High-Level nuclear waste dump

This Review must respect affected Communities and Indigenous People's '**Right to Know**' the Defence imposed nuclear risks they face in intended High-Level nuclear waste & nuclear weapons usable fissile material storage and disposal facilities.

1.1 The Review must call on Defence to publicly disclose which Australian regions and Indigenous Peoples are currently under threat of imposed siting and compulsory land acquisition for an AUKUS High-Level nuclear waste dump, and which - if any - existing Defence lands are included in the regional short list that is currently being prepared.

1.2 The Review must make Defence become accountable over the future and fate of the Woomera Area, understood in national media to be a 'favoured location' for storage and disposal of submarine nuclear waste ("[Woomera looms as national nuclear waste dump site including for AUKUS submarine high-level waste afr.com](#) AFR 11 August 2023). Noting the Woomera Area is currently subject to a Defence '**Review**': "*to ensure it remains fit for purpose and meets Australia's national security requirements*" – read AUKUS requirements.

1.3 Defence must become publicly accountable and declare its intension to over-ride the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#) through powers in an AUKUS Bill now before Parliament (Sec.135 "*Operation of State and Territory laws*"): to impose an AUKUS nuclear waste dump on outback lands and unwilling community in SA, by decree in federal Regulations.

This Defence agenda to impose nuclear waste storage in SA also involves Defence over-ride of the SA **Environment Protection Act 1993** and over-ride of the SA **Aboriginal Heritage Act 1988**.

2. Indigenous People have a UN recognised Human Right to Say No to AUKUS N-wastes

The Woomera Area Review must respect the clear views of Indigenous Labor Senator Patrick Dodson and act in accordance with the Recommendations of a Federal Inquiry [Report](#) (Nov 2023) into the UN Declaration on the Rights of Indigenous Peoples, stating:

"the Commonwealth Government ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people be consistent with the Articles outlined in the UNDRIP".

2.1 This Review must seek an explanation from the federal Labor Gov as to whether they will commit to respect and comply with the [United Nations Declaration on the Rights of Indigenous Peoples](#) Article 29 provision of Indigenous Peoples Rights to "Free, Prior and Informed Consent", as a Right to Say No, over storage or disposal of hazardous materials on their lands;

OR if Federal Labor intends to claim a sanction to over-ride UNDRIP and to impose a hazardous AUKUS nuclear waste dump against the potential express wishes of Traditional Owners.

3. US origin military High-Level nuclear waste from US N-Subs to be dumped at Woomera?

The Woomera Area Review must recognise the AUKUS Agreement's proposed importation of US origin military High-Level nuclear wastes sourced in 10–12-year-old US Navy nuclear reactors in second hand US Virginia Class N-Subs that will require perpetual storage in Australia:

This Review must seek a full explanation of how Defence Minister Marles claims to be able to manage a globally unprecedented task in siting and perpetual storage & disposal of intractable US origin High-Level nuclear wastes from second-hand US Virginia N-Subs.

It is not credible for the Review to overly rely on claims by AUKUS proponent Minister Marles.

3.1 The Review should call on Minister Marles to explain the incompatibility between the AUKUS Agreement's transfer of US origin Virginia Class N-Sub nuclear wastes to Australia, effective importation of nuclear wastes sourced from the US, and the pre AUKUS Federal Labor Policy commitment in the [ALP National Platform](#) (2021, Uranium p.96-98) to oppose overseas waste:

- *Labor will: 8. d. Remain strongly opposed to the importation and storage of nuclear waste that is sourced from overseas in Australia.*

4. Multi-billion \$ N-waste Costs are ignored while the US gets Indemnity over nuclear risks

There is an onus on this Review to require public \$ Costings and an evidentiary basis on:

- the liability \$ Cost consequent in required capability and facilities for *in perpetuity* High-Level nuclear waste storage and geological waste disposal at the Woomera Area;
- whether the \$ Cost of High-Level nuclear waste storage and claimed geological disposal is included in - OR is additional to - the public Cost of AUKUS at approx. A\$368 billion.

These unstated, kept secret, liability \$ Costs must be in the order of at least A\$10's of billions.

4.1 In the public interest the Review must require a full exposition on the array of nuclear waste risks the AUKUS Agreement exposes the Woomera Area to and grants the US Indemnity over.

“Indemnity 22. The Agreement requires Australia to indemnify the UK and the US against any liability, loss, costs, damage, or injury (including third party claims) arising out of, related to, or resulting from nuclear risks (risks attributable to the radioactive, toxic, explosive or other hazardous properties of materials) ... transferred pursuant to the Agreement (Article IV(E)).” (In the [National Interest Analysis](#) [2024] ATNIA 14)

5. The Review must be transparent on Defence's roles for Woomera in AUKUS and in war

Our survival is at stake, ex-Ambassador to China, Ross Garnaut has [stated](#) (20 August 2024):

*“America would be damaged by war with China over the status of Taiwan, but, short of a major nuclear exchange debilitating both great powers, its sovereignty would not be at risk. Australia's would be. **Indeed, I doubt that Australia could survive as a sovereign entity** the isolation from most of Asia that would be likely to follow anything other than a decisive and quick US victory in a war in which our military was engaged.”*

Discussion:

Defence imposed AUKUS military High-Level nuclear waste & nuclear weapons usable fissile material on all future generations of Australians is untenable and will be opposed at Woomera.

This Review must at least be able to facilitate informed public consideration of the future of the Woomera Area through required full disclosures from Defence to the set of pre-requisite public interest Recommendations No.1-5 presented in this public input.

Australian regional communities and Indigenous groups have a '**Right to Know**' who is being currently targeted for siting and assessment of an AUKUS nuclear waste storage / dump.

The Review must realise an answer from federal Labor over whether the UNDRIP championed by Senator Patrick Dodson will be complied with OR over-ridden to impose AUKUS N-wastes.

Three years into AUKUS the failure to respect affected communities 'Right to Know' is evidence Defence is on a seriously wrong track and is undermining trust in governance in Australia.

There is an onus is on this Review to investigate the array of serious nuclear waste risks to be imposed on Woomera through AUKUS and subject to an Indemnity to favour US interests.

The Review must be transparent on Defence roles for Woomera in AUKUS and in war.

It is arguable that AUKUS and N-Subs bring Australia closer to a devastating **war** between the US and China, including likely strikes on Australia with a real risk of nuclear weapons strikes.

For instance, the Review should consider "[AUKUS: The worst defence and foreign policy decision our country has made](#)" by ex-Foreign Affairs Minister Gareth Evans (17 August 2024):

*"... Four, the price now being demanded by the US for giving us access to its nuclear propulsion technology is, it is now becoming ever more clear, extraordinarily high. Not only the now open-ended expansion of Tindal as a US B52 base; not only the conversion of Stirling into a major base for a US Indian Ocean fleet, making Perth now join Pine Gap and the North West Cape – and increasingly likely, Tindal – as **a nuclear target** ...*

Australia's no-holds-barred embrace of AUKUS is more likely than not to prove one of the worst defence and foreign policy decisions our country has made, not only putting at profound risk our sovereign independence, but **generating more risk than reward for the very national security it promises to protect.**

Australia's survival is at stake. Ross Garnaut ("[When an experienced ambassador to China speaks on AUKUS, we should listen](#)" 20 August 2024) is reported as stating:

*"America would be damaged by war with China over the status of Taiwan, but, short of a major nuclear exchange debilitating both great powers, its sovereignty would not be at risk. Australia's would be. **Indeed, I doubt that Australia could survive as a sovereign entity** the isolation from most of Asia that would be likely to follow anything other than a decisive and quick US victory in a war in which our military was engaged."*

It is not credible for this Review to overly rely on claims by AUKUS proponent Minister Marles.

As to my Relevant Background: In 30 years' experience scrutinising environment and nuclear public interest issues. I have provided public input and Recommendations relevant to matters now before this Review to AUKUS Federal Parliamentary and Defence processes held over the last 3 years:

- The [JSCT Inquiry](#) into the AUKUS Agreement, public input 2 Sept 2024, Rec's p.10-12;
- The [Inquiry](#) into the *Australian Naval Nuclear Power Safety Bill 2023*, by the Senate Foreign Affairs, Defence and Trade Legislation Committee, [Submission No.8](#) Jan 2024, Rec's at p.11;
- The [Reforming Defence Legislation](#) Review, [Submission No.34](#), Recommendations 6-7 at p.3 and discussion at p.7, 20 April 2023;
- An earlier [AUKUS Inquiry](#) by the Senate Foreign Affairs, Defence and Trade Legislation Committee held on the *Defence Legislation Amendment (Naval Nuclear Propulsion) Bill 2023 [Provisions]*, see [Submission No.46](#), Recommendations 1-5 at p.2, 26 May 2023;
- The [Defence Strategic Review](#), my public input is recorded but was not released by that process;
- The "Exchange of Naval Nuclear Propulsion Information Agreement" ([ENNPIA](#)) Inquiry by the Treaties Committee, [Submission No.40](#) (27 p), Recommendations at p.12, 25 Nov 2021.

I served for sixteen years as an Australian Conservation Foundation (ACF) environment campaigner 1996-2011 with primary roles on public interest nuclear issues.

Including as lead author of ACF nuclear issues public input to Joint Standing Committee on Treaties Inquiries and as an ACF witness in JSCT Hearings on uranium sales issues with China & with Russia.

As an individual, I later gave evidence as a witness before the JSCT Inquiry on UAE uranium sales, provided input to the JSCT Inquiry on Ukraine uranium sales, and am quoted in both JSCT Reports.

Roles as an ACF campaigner included over 5 years on a prior federal attempt to impose a nuclear waste dump in SA - 1998 through 2004 – another flawed process that had to be abandoned.

I have been an invited Witness as an individual involved on nuclear waste issues at a 2016 Hearing of the SA Parliament Joint Committee Inquiry on the Findings of the SA Nuclear Royal Commission.

As an Independent Environment Campaigner, I have provided public interest Briefing and Public Submissions throughout the [National Radioactive Waste Management Facility](#) process 2015-23.

For instance see a Brief "[Nuclear Waste Store siting at Napandee also targets the Port of Whyalla](#)" (Feb 2020, 2 p), and a formal Public Comment: "[Input to the CEO of ARPANSA on Alternative Storage of ANSTO ILW at Lucas Heights](#)" (Nov 2021, 26 p).

As illustrative of some of the public interest issues in nuclear waste siting processes I refer you to my public [input](#) to the Federal Environment Department on Guidelines for an Environmental Impact Statement process on the then proposed nuclear waste facility at Kimba (March 2023, 11 p).

I have a role in media comment on public interest nuclear issues, for instance see an article: "**Alarm on nuclear waste transport**" (By Clare Peddie, SA Sunday Mail Rural Edition, 31 July 2022).

Yours sincerely

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

Independent Environment Campaigner and ABN Sole Trader Consultant

Seaview Downs SA

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Australian Government

Defence

Woomera Prohibited Area Review 2024

Extract of classified Defence submission

September 2024

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1. The Woomera Prohibited Area (WPA) is a key national asset, critical to the development, test and evaluation of advanced defence capabilities. Its large geographic size (122,000 square kilometres), low population density, and electromagnetic quietness make it an ideal location. The WPA's overarching legislative and governing framework includes:
 - *Defence Act 1903*: authorises use of the WPA for testing of war materiel;
 - Woomera Prohibited Area Rule 2014 (the Rule): regulates most third-party access to the WPA;
 - *Defence Force Regulations 1952*: sets out historical access arrangements for traditional owners and native title holders, pastoral lease holders, railway authorities, and a limited number of mining operators; and
 - WPA coexistence governance arrangements (Memorandum of Understanding between the Commonwealth of Australia and South Australian Government and the WPA Advisory Board).
2. The WPA Rule and WPA governance arrangements together form the 'coexistence framework'. This recognises that, while Defence requirements for the testing and evaluation of military systems are given precedence within the WPA, the area is also important for pastoral activity, resource exploration and production, Aboriginal native title and cultural heritage, and other activities such as tourism and scientific research.
3. The review of the WPA Coexistence Framework is timely to consider Defence needs as defined by the *National Defence Strategy* (NDS). Commensurate with the deteriorating strategic environment, Defence capability and deterrence requirements have evolved substantially since the Rule was established in 2014, and subsequently reviewed in 2018.
4. The NDS directs Defence to adopt a strategy of denial through deterrence and the pursuit of accelerated capability development and acquisition of advanced weapons systems.
5. Defence test and evaluation demand for the WPA will substantially increase over the next decade as the advanced capabilities identified in the Integrated Investment Program (IIP) begin to come online.
6. The 2010 Hawke Review identified the WPA as an important strategic asset and Defence as its primary user. The coexistence framework was recommended to balance competing economic and national security interests. It was imperative in 2010, and it is even more imperative now, that Defence retain meaningful access to the WPA. As the geostrategic situation presents deeper enduring challenges, considering how to re-calibrate our approach to coexistence is timely.
7. Australia's ability to realise the strategic potential of the WPA relies upon the application of appropriate security and regulatory settings that provide clarity of purpose and enable more flexible access for Defence that meets national security requirements. As such, Defence's position is guided by the following principles:
 - maintain primacy of Defence's use of the WPA and protect its unique characteristics that allow for essential testing and development of Defence capability;
 - maintain the spirit of coexistence through innovative ways to balance diverse interests;
 - reduce complexity in the governance and administration of the WPA; and
 - apply a pragmatic approach to security that is appropriately focussed and calibrated.
8. Defence requires a **security** framework, surveillance and monitoring powers, and enforcement capability that is appropriately focussed and resourced for the current and future strategic environment. Cognisant of resourcing pressures, practical recalibration of security settings is required to: maintain requisite safety standards; deter malign actors; and minimise regulatory burden.

- a. **Defence must be able to proactively manage the introduction and use of technology in the WPA.** The current ‘notifiable equipment’ list detailed in the Rule is no longer fit for purpose and needs to be amended to incorporate current and emerging technologies now being developed and tested.
 - b. **Governance should be focussed and proportionate to the security risk.** Notwithstanding safety requirements, approvals to enter and operate within the WPA should be aligned with the realities of the security environment. The Coexistence Framework should not over-regulate in an attempt to achieve security objectives.
 - c. **The compliance system must be sufficiently credible to deter infractions, and fit-for-purpose for the security environment.** Improvements to the compliance system should seek to address capacity and complexity challenges.
9. The existing coexistence framework places a significant regulatory burden on all users of the WPA. **Streamlined and robust governance and regulatory arrangements** are required to set the conditions for Defence to achieve NDS objectives.
- a. **Defence must be able to adapt plans for use of the WPA in a way that maximises allocated time.** The Rule stipulates that six months’ notice must be given to resource production permit holders for a Green Zone closure. Once activated, the Green Zone must not be reactivated again for another three months. This also applies if an exclusion period is cancelled. Notice for Amber Zone 1 and 2 exclusion periods must be provided three months before the end of the financial year for the following financial year. This means that trials in the Amber Zones are being planned up to fifteen months in advance.
 - i. A reduced notification period would likely lead to fewer cancellations and allow Defence to provide greater fidelity to all users of the WPA. Reducing the length of the break between actions from 3 months to 21 days will further improve flexibility for Defence.
 - b. **Defence must be able to maximise outcomes from its use of the WPA while minimising the impact to non-Defence users.** Any testing in the WPA Green Zone (or Amber Zone 2) currently counts against total closure days for the entire area. A flexible green zone approach, as proposed in the 2018 Review, would allow relevant parts of the Green Zone to be closed in isolation of others. Amber Zone 2 would be absorbed into the Green Zone, as it can no longer be closed without concurrent green zone closures. A more flexible approach to the green zone would allow Defence greater use of the WPA and potentially reduce the impacts to non-Defence users.
 - c. **Defence must be able to take advantage of opportunities to collaborate with international partners when there is capacity.** Cooperative development of advanced capabilities is critical to both capability and deterrence outcomes for Australia.
 - d. **Stakeholder engagement mechanisms must be enhanced.** The 2018 Review recommended an ongoing focus on strong and productive relationships as the foundation of the coexistence framework. As we seek to achieve greater flexibility and streamlined governance, stakeholder engagement – and the mechanisms that enable it – will become increasingly important.



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Submission to the Review of the Woomera Prohibited Area Coexistence Framework

According to the Review web site, in addition to its Defence role, the Woomera Prohibited Area (WPA) “is also a place of national significance for Aboriginal cultural heritage, and home to pastoral and mining operations, while also hosting significant scientific and environmental research, prospecting and tourism.”

Not mentioned on the web site are moves to make the WPA a storage and/or disposal site for radioactive waste, including spent nuclear fuel, from the AUKUS program.

Media reports suggest that the government is considering building a “facility on defence land at Woomera that could also accommodate high-level waste from the AUKUS submarines.”¹ This would be consistent with Defence Minister Richard Marles’ statement that the submarine waste would have to be stored on Defence Department land.² On the other hand, it would be inconsistent with advice given to the Senate by the Department of Defence (DoD) during deliberation on the National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020. DoD then advised the Senate that “the siting of the National Radioactive Waste Management Facility at any of the four sites identified [including two within WPA] in the request could not be achieved.”³ However, former Senator Rex Patrick discovered through Freedom of Information that DoD subsequently set up a review “to identify locations in the current or future Defence estate suitable for the storage and disposal of intermediate and high level waste from Australia's nuclear-powered submarines”.⁴

Notwithstanding Defence’s equivocation, the sources quoted above provide ample grounds for the South Australian public to be concerned that spent nuclear fuel and other radioactive waste could be transported through the state to a storage and/or disposal site at WMA. This would be an additional function for WMA which should be accounted for in the governing framework.

We submit that the following principles should be adhered to in any deliberations and decisions about storage and disposal in the WPA of radioactive waste from the AUKUS program and that the WPA coexistence framework should affirm these principles.

¹ Phillip Coorey, ‘Woomera looms as national nuclear waste dump site’, *Australian Financial Review*, Aug 10, 2023

<https://www.afr.com/politics/federal/woomera-looms-as-national-nuclear-waste-dump-site-20230810-p5dvle>

² Ibid.

³ Rex Patrick, ‘Nuclear waste. Fifty years of searching, still nowhere to dump it’, *Michael West Media*, Dec 15, 2023

<https://michaelwest.com.au/nuclear-waste-fifty-years-of-searching-still-nowhere-to-dump-it/>

⁴ Ibid.

Principles

1) Traditional owners should be given a right of veto.

The Department of Defence's web site contains the following information:

The WPA contains sites of enduring significance to Aboriginal people, including stone arrangements associated with traditional ceremony and ritual, rock art sites, ceremonial sites, cultural sites manifested in topographical features such as watercourses, and archaeological sites that show how people lived in and used their environment.

Aboriginal people continue their traditions by accessing the WPA for traditional ceremonies, hunting, heritage site protection, and cultural activities.⁵

During past attempts to find a site for a National Radioactive Waste Management Facility, Traditional Owners have demonstrated strong opposition to the dumping of radioactive waste on their land. It can be expected that the Traditional Owners of the Woomera area will also show a strong interest in any proposal to store and/or dispose of AUKUS radioactive waste on their land.⁶ Besides the potential for direct damage to Country, depending on the zoning classification applied to a site located within the WPA,⁷ and given that "Defence requirements ...are given precedence", access for the Traditional Owners could be denied or severely curtailed.

In this regard, the United Nations Declaration on the Rights of Indigenous Peoples is relevant. Article 29 states:

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

The Australian Government should apply this principle when attempting to find a site for AUKUS radioactive waste.

2) State legislation and the wishes of the people of South Australia should be respected.

South Australian legislation prohibits "the establishment of certain nuclear waste storage facilities in this State" in order "to protect the health, safety and welfare of the people of South Australia and

⁵ Department of Defence, 'History of the Woomera Prohibited Area'
<https://www.defence.gov.au/bases-locations/sa/woomera/about>

⁶ Ibid.

"The Woomera Prohibited Area (WPA) encompasses the traditional lands of six Aboriginal groups. Maralinga Tjarutja (MT) and Anangu Pitjantjatjara Yankunytjatjara (APY) hold almost 30 per cent of the land in the west of the WPA as freehold title granted under South Australian legislation. Four other groups – Antakirinja Matu-Yankunytjatjara (AMY), Arabana, Gawler Ranges and Kokatha – hold native title over areas in the WPA."

⁷ *Woomera Prohibited Area Rule 2014*, Articles 6, 7 & 8

to protect the environment”.⁸ That this legislation reflects the wishes of the general public has been demonstrated repeatedly. Public opposition has blocked several attempts to locate radioactive waste dumps in South Australia, most recently the proposed National Radioactive Waste Management Facility in Kimba. Also, in 2016 South Australia’s Citizens’ Jury on Nuclear Waste rejected a proposal to store and dispose of high-level nuclear waste from other countries.

The Commonwealth should not ride rough shod over state legislation and the will of the South Australian public. If it is unable to gain the acceptance of the State Parliament and the general public, it should not impose a radioactive waste facility on this state.

3) Consultation should involve *all* potentially affected people.

That includes the whole South Australian public. As a South Australian group our focus is on the South Australian public, but people in other states could also be affected, depending where the waste comes from.

The impact of a decision to store and/or dispose of AUKUS radioactive waste would not be limited to the destination area in the WPA. Everyone along the 500-kilometre route between Osborne and Woomera would be exposed to risk from potential accidents. That risk could also apply to people along the nearly 3,000-kilometre route from Garden Island in Western Australia.⁹ The port where the spent nuclear fuel is unloaded from the submarine would be at particular risk. The much-vaunted multi-layer protection would be compromised when the spent fuel is being removed from the submarines. In a worst-case scenario, an accidental (or malicious) release of radioactive material could contaminate large swathes of land.

Bearing this in mind, the public should be fully consulted before any decision is made to store and/or dispose of AUKUS radioactive waste in the WPA.

4) International radioactive waste should not be accepted

That the South Australian public does not want to be burdened with international radioactive waste was demonstrated by the above-mentioned Citizens’ Jury, which explicitly rejected a proposal to accept such waste.

The ALP National Platform (2021, Uranium p.96-98) also explicitly opposes acceptance of overseas nuclear waste:

Labor will: 8. d. Remain strongly opposed to the importation and storage of nuclear waste that is sourced from overseas in Australia.

⁸ *Nuclear Waste Storage Facility (Prohibition) Act 2000*

⁹ ‘ARPANSA approves siting licence for ASA Controlled Industrial Facility’, ARPANSA Web Site, 17 July 2024

<https://www.arpansa.gov.au/arpansa-approves-siting-licence-asa-controlled-industrial-facility?sfn=mo>

On 9 August 2024, the Defence Minister Richard Marles said, “Nuclear waste won't end up in Australia, other than the waste that is generated by Australia.” Prime Minister Albanese said, “There will be no nuclear [waste] transfer from either the US or UK.”¹⁰ However, the possibility of Australia accepting spent nuclear fuel from the UK and the United States is not ruled out in the Australian Naval Nuclear Power Safety Bill 2023. Furthermore, the status of spent fuel produced by second hand Virginia Class Submarines while they were owned by the United States, before they are transferred to Australia, remains vague.

There is a strong impression that the Australian public is being misled. A clear undertaking that Australia will not accept international nuclear waste should be codified in law in order to prevent future governments from welching on verbal commitments of previous ministers.

5) Any storage and/or disposal site must be amenable to IAEA nuclear safeguards

The nuclear fuel in the AUKUS submarines, both in the form of unused fuel and as spent fuel, can be used to make nuclear weapons. As such, it is a nuclear proliferation hazard. Would the Department of Defence be comfortable having IAEA inspectors fulfilling their safeguards duties on the militarily sensitive WPA?

The AUKUS agreement already threatens to undermine the nuclear non-proliferation regime by exploiting a dangerous loophole in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).¹¹ The (very inadequate) compromise is that while the nuclear fuel is in the submarines it will be exempted from IAEA safeguards, but the moment it is removed from the submarines as spent nuclear fuel it must be returned to IAEA safeguards.

Conclusion

Spent nuclear fuel is a form of radioactive waste that remains dangerous for tens of thousands of years. The Commonwealth Government should not take the view that the WPA, as Commonwealth land, is an easy solution to the radioactive waste produced as a result of AUKUS. There must be no short cuts. If Australia ever actually acquires nuclear submarines, the search for a solution to the radioactive waste problem should involve a full and transparent process of public consultation. No storage and/or disposal site should be selected that is not acceptable to the Traditional Owners, the State Parliament and the general public.

Philip White
For Friends of the Earth Adelaide

¹⁰ Jake Evans and Kathleen Calderwood, ‘Defence Minister Richard Marles insists AUKUS milestone won't force Australia to accept foreign nuclear waste’, ABC, 9 Aug 2024
<https://www.abc.net.au/news/2024-08-09/aucus-radioactive-waste-marles-denies-us-uk-obligation/104184608>

¹¹ Frank von Hippel et al, Letter to President Biden, 6 October 2021
<https://sgs.princeton.edu/sites/default/files/2021-10/AUKUS-Letter-2021.pdf>

Woomera Prohibited Area Co-existence Framework Review

Submission: Julie Marlow, Wollongong

I thank the Department of Defence (DOD) for the opportunity to comment on the Woomera Prohibited Area Review (WPA Review).

The lack of independence of the WPA Review is disappointing. With sincere due respect to Ms Rebecca Skinner, she has been appointed by Government and will have the guidance of Defence. She herself has an impressive history as a senior Defence public service and undoubtedly has the required knowledge of the Government's current national security position to be equipped to meet the review's very restrictive terms of reference.

The Review's terms of reference make clear that reviewers' recommendations must serve and enhance the military uses of the WPA, including the WPA's potential to increase Defence revenue. If the military potential of the WPA requires stronger prohibitions on other users, stronger prohibitions will be recommended. All the review can do for 'third party' users—pastoralists, miners, Aboriginal groups with native title and cultural heritage interests, tourism operators and scientific researchers—is make regulations less burdensome if possible. "In making [its] recommendations, the review should acknowledge the precedence of Defence's use to advance strategic priorities and capability development to protect our national security, and opportunities to minimise regulatory burden and costs for third-party users".

Terms of reference indicate that the Government has keen interest in further exploiting the economic potential of the WPA thus swelling Defence coffers. The Review is to assess opportunities to increase the usefulness of the WPA expensive services to military allies. This promises more international entities among WPA users, such as the big international arms corporations, who will be more privileged than the non-defence 'third party' users. It would seem that miners seeking minerals essential for the 'emerging' armament technologies will also be privileged.

I am not a WPA user. In calling for submissions, Defence is clearly wishing to attract WPA users. It appears that non-user members of the general public are not considered to be appropriate stakeholders. However, as an Australian, I am a stakeholder. All residents and citizens of Australia are stakeholders in the WPA and its activities. The area, as described by Defence, is "a critical Defence site used for the testing of advanced and emerging Defence capabilities". Any such site has critical public interests invested in it and its management must be accountable to the public.

The theme for my submission is the governance of the WPA's co-existence framework.

First Nations' sovereignty

My major concern relates to First Nations' sovereign rights to WPA lands. The Review appears to restrict its understanding of Indigenous rights to 'native title and 'cultural heritage'—this is an inadequate understanding. In the *Uluru Statement from the Heart*, an eloquent and concise description of First Nations' concept of sovereignty is given: "*Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. ... This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with their ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or*

extinguished, and co-exists with the sovereignty of the Crown.” It is imperative that reviewers ensure their recommendations to Government do not allow regulation of the WPA to encroach on Indigenous sovereignty and over-ride Indigenous cultural rights. Meaningful consultation with all the six (or more?) First Nations whose lands comprise the WPA must be achieved. Advice should also be sought from Indigenous public figures who have in-depth general knowledge of First Nations’ people and their customs and law, and who, through their contributions to academe, have tried so hard to enlighten non-indigenous Australia about how co-existence can work and, indeed, benefit us all.

I urge reviewers to strongly recommend that WPA regulations incorporate the UN consent tool for Indigenous peoples, known as the Free, Informed and Prior Consent: “FPIC is a principle protected by international human rights standards that state, ‘all peoples have the right to self-determination’ and – linked to the right to self-determination – ‘all peoples have the right to freely pursue their economic, social and cultural development’. Backing FPIC are the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Convention on Biological Diversity and the International Labour Organization Convention 169, which are the most powerful and comprehensive international instruments that recognize the plights of Indigenous Peoples and defend their rights.”

<https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/>

I also ask that the review remind the Government that Australia has endorsed the UNDRIP but has yet to fully incorporate it into laws and practices. It follows that Australia should also ratify the International Labour Organisation (Indigenous and Tribal Peoples) Convention 169.

Environmental protection

We are in a time of climate and biodiversity crises—these are our greatest national security risks. It is extraordinary that the Review terms to not require reviewers to seek opportunities for improved environmental protection. WPA Rule 2024 allows the co-existence framework to include environmental researchers only, whose activities of course are secondary to Defence activities. The WPA is undoubtedly a hotspot of environmental assault: from military activities, including nuclear weapons testing, from mining and pastoralist operations.

The WPA must be among the ADF’s highest sources of CO₂-e emissions (worthy of note is the fact that the world’s militaries, including Australia’s, are under no obligation to report and reduce their CO₂ emissions). Evaluation of the contribution of rocket technologies to global CO₂-e emissions is in its early days but indicate that it is considerable. Researchers into black carbon (BC) emissions of rocket launches confirm this. Their key points are:

- The increased stratospheric BC burden from rocket launches warms the stratosphere;
- Stratospheric BC-induced heating causes shifts in stratospheric dynamics, year-round NH ozone loss, and a stronger Antarctic ozone hole;
- The climate response scales in a near linear fashion with increasing rocket launch emissions.

(Maloney, CM, Portman, RW, Ross, M, Rosenlof, KH; The Climate and Ozone Impacts of Black Carbon Emissions From Global Rocket Launches; Journal of Geophysical Research: Atmospheres Vol 127, issue 12, June 2022 <https://doi.org/10.1029/2021JD036373>)

I ask reviewers to recommend a genuinely independent and comprehensive assessment of WPA’s natural environment and the risks posed by its Defence uses.

AUKUS Pillar 2

It is clear that the a major motive behind the WPA Review is the facilitation of the highly controversial AUKUS agreement. From Government perspective, the WPA, the largest land based test range in the world, must be fit-for-purpose as a means to (borrowing words from the Review's consultation page) "accelerate capability development and acquisition, including of long range strike, and investment in emerging technologies", that is, Pillar 2 of AUKUS. The 'emerging technologies' that Government wants to help develop and/or purchase include missile systems and unmanned systems involving poorly understood, arms-race provoking technologies, such as AI and hypersonics. Such dangerous developments have nothing to do with preserving peace. On the contrary, their acquisition risks compromising our relations with China and other regional states.

Australia's acquisition of these weapons hold high stakes for the general public. ***I ask the reviewers to recommend an open and independent risk assessment of these military technologies and greater involvement by Australia in establishing international law regarding their development and uses.***

AUKUS Pillar 1

What is equally alarming is the probability that WPA will also be used to facilitate AUKUS Pillar 1 in that it is considered the favoured site for the disposal of high-level nuclear waste made necessary by the future decommissioning of US and UK nuclear reactors purchased by Australia. Minister for Defence Marles announced March 2023 that the Government has committed to Australia being responsible for disposal of naval nuclear reactors; he promised to reveal where disposal site/s would be within twelve months of his announcement, but has yet to do so.

Globally, no safe permanent solution for high-level waste has been found. After 60 years of building and decommissioning nuclear powered ships, US and UK have arrived at no satisfactory solution for their immense accumulation of waste.

Within a few years, Australia will need to be equipped to manage and store low- and intermediate waste from operational UK and US nuclear submarines soon to be based and maintained at HMAS Stirling (SRF_W). Will this waste be eventually transported from temporary facilities at Stirling onto WPA?

Historically, the Australian population has been opposed to nuclear power and concerns about nuclear waste has been a significant part of what informed that opposition.

The AUKUS agreement and its implementation has proceeded without proper scrutiny, not even parliamentary debate. Decisions of the foremost consequence for the public are justified by Government with claims based on opinion, not sound evidence. Such justifications are under credible challenge from reputable and informed critics. The Government has failed to respond constructively to the criticism and concerns about AUKUS that have been voiced by both civil society, military strategists and researchers, nuclear scientists, international law academics and others.

I ask the reviewers to recommend to Government full and open re-assessment of the AUKUS agreement.

Defence Secrecy

And that brings me to the vexed matter of DOD's and the whole defence sector's notorious lack of transparency and accountability. Australian defence is reputed to be the most secretive among OECD countries. Journalists and other researchers seeking information on local defence matters have more success with US government sources than sources of the

Australian Government. Rarely is anything substantial gained through our FOI system. This secrecy is appalling and a serious undermining of our democracy.

Journalist and former Canberra Times editor, Jack Waterford, in his 'Australia's secretive defence establishment: the real enemies of truth and freedom' (Pearls & Irritations 19 Sept. 2024) gives good evidence for his claim that, "*There is a serious problem with foreign propaganda and discerning the truth in the modern world. But the biggest part of the problem, and the starting point for considering what we may do about it, is the public's incapacity to know, understand or believe anything much that the Australian government, and the Australian Defence Force, puts out about defence matters. It is rather more difficult to sort truth from fiction supposedly coming from the enemy when one has no idea about the reliability of what we are being told by our own. And not much reason to believe anything much they say either. Whether as an armed force, or as a military bureaucracy, it [the defence department] is more compulsively secretive than any of Australia's allies, including Britain, the United States, and NATO. Other defence organisations train and trust their agencies and officials to engage with the general population, and to participate in debates on policy and strategy.*"

The lack of transparency and accountability that surrounds AUKUS is undermining of the credibility of the WPA Review. It is unacceptable that the WPA Review is to proceed without the Government making clear what its ambitions for the WPA are and an open evaluation of what the cultural, social, strategic, economic risks might be. How can public consultation be credible when the public is not informed? We are being kept on the wrong side of a very dark curtain.

Reviewers must expect and demand greater transparency and accountability of Defence for the sake of their own credibility as well as for our democracy.



5 September 2024

Review of the Woomera Prohibited Area Coexistence Framework
C/- Strategic Policy
R1-1-A098
PO Box 7901
Canberra BC ACT 2610
Email: woomera.review@defence.gov.au

Dear Sir/Madam

Exploration Licence Holder submission for the Woomera Prohibited Area Coexistence Framework Review

Background

The following submission is made on behalf of Marmota Limited and its wholly owned subsidiaries Marmosa Pty Ltd and Half Moon Pty Ltd which hold exploration licences within the Woomera Prohibited Area ('WPA'). Marmota including its subsidiary Half Moon Pty Ltd are Managers of the Golden Moon Joint Venture and Manager of the Western Gawler Craton Joint Venture, which also reside within the 'WPA'. Marmota (including its subsidiaries and Joint Venture rights) has 10,776 km² of exploration tenure within the WPA and has a multitude of prospective gold and advanced exploration projects which are spread across the AMBER 2 ZONE and GREEN ZONES within the WPA.

Submission Key Points:

1. Access: impact of existing access zones and exclusion periods on your activities and interests.

- a. A number of our exploration licences overlap both the GREEN ZONE and AMBER 2 ZONE. Sometimes, we are asked to keep out of green zone areas even though the green zone is NOT closing, when they are close to amber zone areas that are closing ... even though they are not in the amber zone ... and should be open ... creating delays to our exploration programs and imposing unnecessary costs and denial of access to our tenements, which are costing us funds to run. One such case is at our Aurora Tank Gold Deposit which sits within EL 6470: the current drilling and deposit itself is within the GREEN ZONE.
- b. The closure zones have been impacting on Marmota's exploration programs, creating delays to our exploration programs and imposing costs in operating tenements which we do not have access to during the closure periods. Or worse, potentially we have to start drilling, then send the driller away, and either stop the program, or incur all the mobilisation costs of bringing the driller and our team back on site after the closure period ends.

- c. Sometimes, closures (and particularly the issues raised in point 1a) have been communicated with very little notice, again imposing costs on us.

2. *Management: What processes and practices are currently working well, and which could be streamlined or updated to reduce red tape?*

- a. We have recently completed Notification of a Variation in Permit (W010) which included 2 different subsidiaries and 2 joint ventures. We received multiple conflicting information from 3 different WPA officers for the information required for the Resource Exploration Permit (W001) and the process was too confusing for the WPA Personnel who may not be familiar with mineral Joint Ventures and exploration tenement holdings. This caused a number of emails, calls and back forward to explain the structure of joint ventures and subsidiaries, which is generally a simple structure for a junior explorer such as Marmota.
- b. The current Approved Person Status (W003) and Escorted Persons (W004) forms are difficult for contractors and personnel to complete. In some cases, personnel and contractors are unsure which sections to complete which results in delays in the personnel to complete or multiple attempts by Marmota as a company to fix before are able to send onto Woomera. Even when submitted, Woomera may then require further information. Generally, we work with remote workers such as DRILL COMPANIES where access to computers, printers, scanners and regular internet can become a problematic in completing such forms and causing multiple attempts to correct which results in delays in gathering all the required paperwork.
- c. Access Request (W007) forms. We have had issues over the years with access request forms being emailed to Woomera enquiries but not received. We have been informed that this due to the incoming emails being blocked, leading to delays in review and approval of the access requests, and subsequent personnel movement into the WPA.
- d. Timeframes for Approvals. In the past we have had problems with long delays in approved persons applications being processed, often beyond the stated timeline. We are pleased to note that this issue seems to have been resolved and hope that the timely turnaround of applications continues.

Regards,



Aaron Brown (Director of Exploration) on behalf of Marmota Limited and its wholly owned subsidiaries Marmosa Pty Ltd and Half Moon Pty Ltd.

Submission Woomera Prohibited Area Review

Email: woomera.review@defence.gov.au

From Michele Madigan

I forward my submission as a person who has been involved with Aboriginal Peoples in South Australia for several decades including with the people of Yalata and Oak Valley in the Maralinga Lands and peoples in Coober Pedy all adversely affected by the nuclear industry. Because of this involvement with the people themselves and the knowledge thus obtained including written research I have been involved in supporting various Aboriginal groups from 1998 to 2023 in campaigns in their concerns re radioactive waste

1 – Respecting the Declaration of the Rights of Indigenous Peoples. I quote from the Defence Department document: The Woomera Prohibited Area (WPA) encompasses the traditional lands of six Aboriginal groups. Maralinga Tjarutja (MT) and Anangu Pitjantjatjara Yankunytjatjara (APY) hold almost 30 per cent of the land in the west of the WPA as freehold title granted under South Australian legislation. Four other groups – Antakirinja Matu-Yankunytjatjara (AMY), Arabana, Gawler Ranges and Kokatha – hold native title over areas in the WPA...

Aboriginal people continue their traditions by accessing the WPA for traditional ceremonies, hunting, heritage site protection, and cultural activities. A number of Aboriginal groups have been actively involved in commercial activity in and around the WPA, including in the resources and tourism sectors. Today, the traditional custodians of the WPA mostly live in cities, small towns and settlements around South Australia. They continue to have strong links to their land, an interest in preserving their history and culture in the WPA, and growing an economic and employment base for their communities.'

The Defence Department simply cannot quote such knowledges in words as above in their document and at the same time continue to disregard the United Nations Declaration on the Rights of Indigenous Peoples Article 29 provision of Indigenous People's Rights to "Free, Prior and Informed Consent" over storage or disposal of hazardous materials on their lands.

This needs consultation to happen BEFORE the Woomera Prohibited Area (WPA) is declared for any further developments than already exist. This effect needs to come as a result of this Woomera Independent Review

2. South Australia, the lands, waters and citizens of succeeding generations has already had to endure the destruction of the British nuclear tests both in Emu and further south in the what has come to be known as the Maralinga lands through the Australian government bowing to an ally's desire to test of all things nuclear tests of the 1950s and 1960s including the so called minor trials which involved plutonium. Despite assurances to the contrary successive 'cleanups' have been largely unsuccessful.

As well from 1998 to 2023 South Australia has been the key target in 4 out of 5 attempts by the federal government to impose/ establish a federal nuclear waste dump for low level and intermediate long lived waste. None have been successful, the latest being the proposed imposition on Kimba defeated by the Barnjarla Traditional Owners with the firm backing of many of the Kimba and Eyre Peninsula farmers and many South Australians

From 1998- 2004 indeed the federal government made unsuccessful efforts to impose the same level dump on various locations – Billa Kalina, Arcoona Station/Woomera region in SA's with 80% of the State's population against this in a concerted campaign which included the SA government's legislation banning such.

This is the Nuclear Waste Storage (Prohibition) Act 2000). "The Objects of this Act are to protect the health, safety and welfare of the people of SouthAustralia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State." The South Australian Government already has legislation in place to prohibit

the federal government from dumping nuclear waste in our state.South Australians, Many South Australian are concerned that we are facing a future where high-level radiation exposure will be an ever-present danger.

If the present Labor Government is absolutely intent on a high level nuclear waste dump It is time to direct attention elsewhere in the nation.

Other jurisdictions in the commonwealth of Australia need to take their turn.

- 3- The need for transparency. Federal Labor must fully and clearly state the AUKUS nuclear wastes to be stored in Australia. I see that The ALP National Platform (2021, Uranium p.96-98) makes a commitment to oppose overseas waste: *Labor will: 8. d. Remain strongly opposed to the importation and storage of nuclear waste that is sourced from overseas in Australia.*I offer to the Review just one out of many historic precedents on the lack of transparency by Australian federal governments re this vexed question of nuclear waste, including high level waste:

On the 17th June 1953, Professor L. H. Martin Scientific Advisor to the Defence Department wrote to the Rt Hon the Prime Minister in correspondence previously classified Top Secret. Regarding the site of the Emu Fields within the Woomera Prohibited Area:

...'On the basis of the information made available by Sir William Penney we are able to assure you that the isolation of the site of the redacted (Totem) trials precludes any possible damage to habitation or living beings by the "shock" wave, thermal radiation, gamma rays and neutrons.'

Further: '...It is possible for us to assure you that the time of firing will be chosen so that any risk to health due to radioactive contamination, or in fact of any human beings, is impossible.'

The consoling last paragraph immediately follows: 'To sum up, on the basis of the information before us, we are able to assure you, Sir, that no habitations or living beings will suffer injury to health from the effects of the atomic explosions proposed for the (redacted word clearly seen Totem) trials.'

History clearly belies every aspect.

In our modern times, August 2024 in a quote attributed to Defence Minister Marles regarding the Woomera Prohibited Area via media release:

“The *National Defence Strategy* made clear that in response to our strategic circumstances, we must accelerate capability development and acquisition, including long range strike, and investment in emerging technologies for the ADF ... Further-

“The Albanese Government is committed to ensuring these arrangements are in the interests of all users, including local indigenous communities and the economic and cultural opportunities in the region.”

3A- Almost seven decades later it is discouraging to note the similar kind of optimism in the assurance that conflicting use – of destruction versus preservation – of the longest surviving culture in the world, **not to mention the pastoral industry, tourism and safety Australian citizens of the region and elsewhere is a right to** in what government leaders would name as a democracy. I trust that the Woomera Review will call out these conflicting aims and offer concrete suggestions as to how any consequent call out of ‘national interest’ will genuinely be balanced by a non override in practice of Aboriginal and citizen interests

5. Preoccupation with war and warlike language. On assuming government the Labor government including through its Foreign Minister seemed to be making some diplomatic ground in our region compared with sometimes violent language of several of the previous governmental ministers.

However since then It is quite disturbing to witness on occasion the seeming eagerness of the Defence Minister to revert to such- the urgent language and the naming of long range strikes, seemingly not in an experimental mode as in the past but in actual warfare:cf ‘Our strategic environment has shifted dramatically and we must ensure that we can develop, test and evaluate these capabilities in a fit for purpose environment.’

The rather more veiled language means the same thing as the more direct language of the now Opposition. The intention seems the same – to draw our nation into another war in subject to Australia’s allied. This is surely not why many, perhaps most, Australians voted in a Labor government and why as citizens we are being subjected to

6. In a relevant point It is extremely disturbing that while the government is keen to list other achievements for the good of all its citizens – the overwhelming attention seems to be on jobs for warfare-

as at 5 SEPTEMBER 2024 media release: ‘The Albanese Government is further accelerating Australia’s long-range strike capability through the acquisition of the Joint Strike Missile (JSM) from 2025.

The Government and Norwegian company Kongsberg Defence & Aerospace have signed a \$142 million contract to deliver the JSM for use by the Australian Defence Force...

Kongsberg’s new South Australian facility will have the capacity to employ up to 150 workers and will assemble launchers for the Naval Strike Missile (NSM) using mostly Australian-manufactured components, creating 20 new local jobs.’

Here is further evidence of a disregard by government especially the case when it is recognised that, because of the rising cost of living, large numbers of Australian families are falling into poverty. Too many Australian children are going to bed hungry. At the same time there is an acute housing shortage with record numbers of people homeless and charitable organisations that support the impoverished and homeless are stretched beyond capacity. Therefore many Australian citizens decry the enormous expenditure as a reflection

of misguided priorities and doubtful realisations. It is hardly enough for government members to look sympathetic voicing platitudes – ‘we know some are doing it tough’ while the substantial funding and seemingly government interest goes

7. Makes the Woomera region a target for terrorism and war attacks to join in further in an increasing alienation of Australian soil and loss of sovereignty. It opens up SA to join the places listed below as a key target for terrorist and war attacks. cf Gareth Evans: ‘The price now being demanded by the US for giving us access to its nuclear propulsion technology is, it is now becoming ever more clear, extraordinarily high. Not only the now open-ended expansion of Tindal as a US B52 base; not only the conversion of Stirling into a major base for a US Indian Ocean fleet, making Perth now join Pine Gap and the North West Cape – and increasingly likely, Tindal – as a nuclear target...’

8 Hence no doubt the trigger for this Inquiry - what happens when a nuclear-powered submarine is decommissioned? This waste will be. What plans have been established to dispose of this waste?

No country in the world including the AUKUS partners have yet successfully dealt with their high level radioactive waste which needs to be shielded from human and other contact for an impossible to fathom 100,000 years. Finland indeed is an exception having built its deep underground depository at enormous cost but it needs to be said after years of careful community consultation. ‘Remote’ it is to be remembered is only remote from those who live elsewhere.

8. It is of utmost concern to me that our nation is at risk at also becoming the dumping ground for high level waste from other countries – that is for the UK and /or US submarine navies. Both the UK and the US have generated decades of high nuclear waste which have yet to be housed satisfactorily. I welcome the very recent announcement by the Defence Minister (August 9th 2024) that Australia will not accept this. However, as Dave Sweeney of the Australian Conservation Foundation rightly points out, the above possibility has been confirmed previously by a Senate Inquiry and also by the Department of Defence. In fact there is legislation now before the Australian parliament which would make it possible. This legislation has not yet been passed. I agree strongly that it is up to the Minister ‘to close the loophole,’ by ensuring the legislation, which will make it impossible for us to take foreign nuclear waste products, is passed.

As Dave Sweeney further warns in his interview on August 9th with ABC Channel 24: Minister Marles needs to take this opportunity to act by changing the legislation to ensure that Australia will not become a dumping ground for high level international nuclear waste. It is already of such concern that the AUKUS deal is set to involve Australia with its own high-level radio-active waste with a shelf-life of at least 100,000 years. **This is a key concern directly connected to this present inquiry regarding the Woomera Protection Area and upon which I trust the Independent leader of the Inquiry will make strong recommendation**

9. Finally – the extremely important concern of underground water contamination. SA is the driest state in the driest continent and so artesian/underground water safety is of the essence.

Conclusion It is to be hoped that Australian government take notice of the independent inquiry it has commissioned and to which a number of its citizens including myself are taking the time and effort to make submissions to. It is the hope of many Australian citizens – those who know about this inquiry and the vast majority who do not- that the wellbeing of the nation’s land, waters, citizens and ‘all sentient beings’ that the usual ‘national interest ‘ clause will not override the actual interest of all except those intent on the promotion of which the Independent Commissioner has been appointed to examine.

Thank you for receiving my submission

Michele Madigan





**Review of the Woomera Prohibited
Area Coexistence Framework
Nova Systems Submission**

6 September 2024

A Submission to the Review of the Woomera Prohibited Area Coexistence Framework by Nova Systems.

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Summary

Australia's changed strategic circumstances requires an accelerated approach to Australian Defence Force (ADF) capability generation, sustainment, and operational preparedness.

The Woomera Protected Area (WPA) hosts the nation's premier Defence Test and Evaluation (T&E) facility. This critical facility is essential to the objective of rapid capability uplift of ADF capabilities, particularly the focus on rapid fielding of Minimum Viable Capabilities (MVC). WPA is likewise a direct enabler of Australia's contribution to Pillar Two of the common AUKUS security framework with the United Kingdom and United States.

More is needed from WPA by Defence and defence industry between 2024 and 2030. Longer term ADF and AUKUS needs will increasingly elevate those needs over the period 2030-2040. New approaches are required to allow increased rates of usage in support of defence capability test and evaluation as soon as possible.

This submission identifies the current Coexistence Framework as representing a pre-established enabler of increased defence industry usage of Woomera in support of the ADF and the AUKUS alliance.

This forward leaning and highly relevant framework can directly enable increased range usage where Defence and the Commonwealth elect to:

- Progress the WPA Coexistence Framework first through a focus on integrating forward access and use arrangements with Defence's own strategic planning for enhanced, whole of enterprise T&E requirements.
- Advance a WPA range evolution roadmap as a fundamental building block of the forward Coexistence Framework.
- Progress forward planning and usage approvals for the WPA on the basis of a dynamic, whole of range perspective, and enable this with a whole of range geospatial digital twin.
- Create new range complexes within WPA to support expanded Defence and defence industry T&E activities.
- Develop and implement a whole of WPA electromagnetic spectrum mapping and management system.
- Allow defence industry to meaningfully engage in, and shape, the enhanced capabilities of WPA to meet Defence T&E needs. This includes capacity for industry to invest in T&E capabilities and infrastructure within WPA and operate this commercially for users which include allied nations.

Test and Evaluation as a Cornerstone of Australia's Defence Strategy

Australia's Defence Strategic Review (DSR) of 2023 identifies the pursuit of Minimum Viable Capability (MVC) as a significant enabler of rapid capability generation to underpin Australia's response to changed security conditions across the Indo-Pacific region. As a concept, MVC seeks to ensure that the Australian Defence Force (ADF) can achieve a threshold capability effect quickly, rather than waiting for the perfect solution. This approach allows the ADF to respond more rapidly to emerging threats and adapt to changing strategic environments.

The key aspects of MVC include:

- Delivering essential capabilities that meet immediate defence needs.
- Allowing for further development and enhancement over time.
- Incorporating all fundamental inputs of capability, including materiel and sustainment components.

This strategy is part of a broader shift towards prioritising readiness, speed to capability, and the ability to integrate new technologies swiftly. By focusing on MVC, Australia aims to maintain a robust and flexible Defence posture, capable of addressing current and future security challenges swiftly and effectively.

Test and Evaluation (T&E) plays a pivotal role in ensuring the effectiveness, safety, and reliability of Defence capabilities, and is therefore a direct enabler of its ability to advance MVC in the shortest possible time. T&E's role across the ADF and the Department of Defence (DoD) is multi-faceted. At a fundamental level it enables capability risk management by providing objective evidence to support risk-based decisions, ensuring that new technologies, concepts, and capabilities are safe and operationally viable before they are deployed, and then across the full in-service lifecycle. This process helps to identify and mitigate potential risks early, reducing the likelihood of costly failures or operational issues. Throughout the entire life cycle of a system, from concept and acquisition to in-service use and disposal, T&E confirms whether risks are contained within acceptable boundaries. This continuous assessment ensures that the capabilities remain effective and reliable under various conditions. T&E is not a once-off requirement or process.

The Defence Industry Development Strategy (DIDS) of 2024, and, in particular, its associated Sovereign Defence Industrial Priority Number Seven (SDIP7), T&E, Certification and Systems Assurance (T&ECSA), identifies that achieving MVC in the shortest possible time requires a significant uplift in sovereign T&E capability and capacity in the broad. It identifies the need to focus on testing early during the development process to rectify any deficiencies before they manifest themselves in production. SDIP 7 also calls for defence

industry's innovative use of currently available T&E infrastructure, to the greatest extent possible, to test, assure, and where necessary certify, enhanced capabilities. To effectively support Defence in this mission, defence industry must have a greater level of access to existing T&E infrastructure.

This industry call-to-action is clearly articulated by the DIDS as a near-term Defence objective. It reflects the vital role industry plays in ensuring Defence T&E enterprise capability and infrastructure is sufficient and relevant to the technologies and products it delivers, and its ability to enable MVC in the shortest possible time.

The DIDS policy framework, as focussed by SDIP 7, therefore represents fundamental guidance to the current review of the WPA Coexistence Framework. Meeting SDIP7 objectives necessitates active thinking as to how this policy objective will be met in a constructive and forward-leaning approach.

The Woomera Prohibited Area: A Sovereign Security Asset

The WPA is a vast and significant military testing range located in South Australia, approximately 450 kilometres northwest of Adelaide. Spanning around 122,000 square kilometres, it is one of the largest land-based test ranges in the Western world.

The WPA plays a crucial and multifaceted role in ADF T&E. At a high level these can be characterised as:

- Providing a secure testing environment. The WPA provides a secure and controlled environment for the ADF to conduct tests on advanced military technologies and systems. Its vast and remote location ensures testing can be carried out safely, with minimal risk to civilian populations.
- Enabling testing of advanced systems and capabilities. The WPA is used to test a wide range of defence systems, including missiles, rockets, and other advanced weaponry. This includes both current technologies and emerging capabilities that are critical for maintaining and enhancing Australia's defence readiness.
- Enabling space and advanced aerospace testing. In addition to traditional military testing, the WPA is a significant site for space and advanced aerospace capability trials. This includes testing of satellites, space launch vehicles, and other aerospace technologies. The WPA's unique environment makes it ideal for these high-tech evaluations.
- Enabling collaboration and innovation. The WPA facilitates collaboration between the ADF, defence industry, and academic institutions. This collaborative environment fosters innovation and ensures that the ADF can leverage the latest technological advancements to maintain a competitive edge.

The WPA is considered a significant national security asset and is integral to the ADF's capability development. It supports the development and testing of capabilities that are essential for Australia's national defence strategy. This includes long-range strike capabilities and other advanced systems that are crucial for responding to contemporary strategic challenges.

Coexistence in the Woomera Prohibited Area

Due to its isolation, and its vastness, the WPA is a sought-after and well-utilised facility even when considering its application as a military test asset alone. The "Coexistence Framework", which consists of the Woomera Prohibited Area Rule 2014 and a Memorandum of Understanding between the Commonwealth of Australia, South Australian Government, and the WPA Advisory Board, aims to ensure that Defence activities can proceed without undue interference while allowing other stakeholders to access and use the land. This framework includes specific access zones and exclusion periods to manage the different uses of the area. For example, certain zones may be restricted during Defence operations but open for other activities at different times.

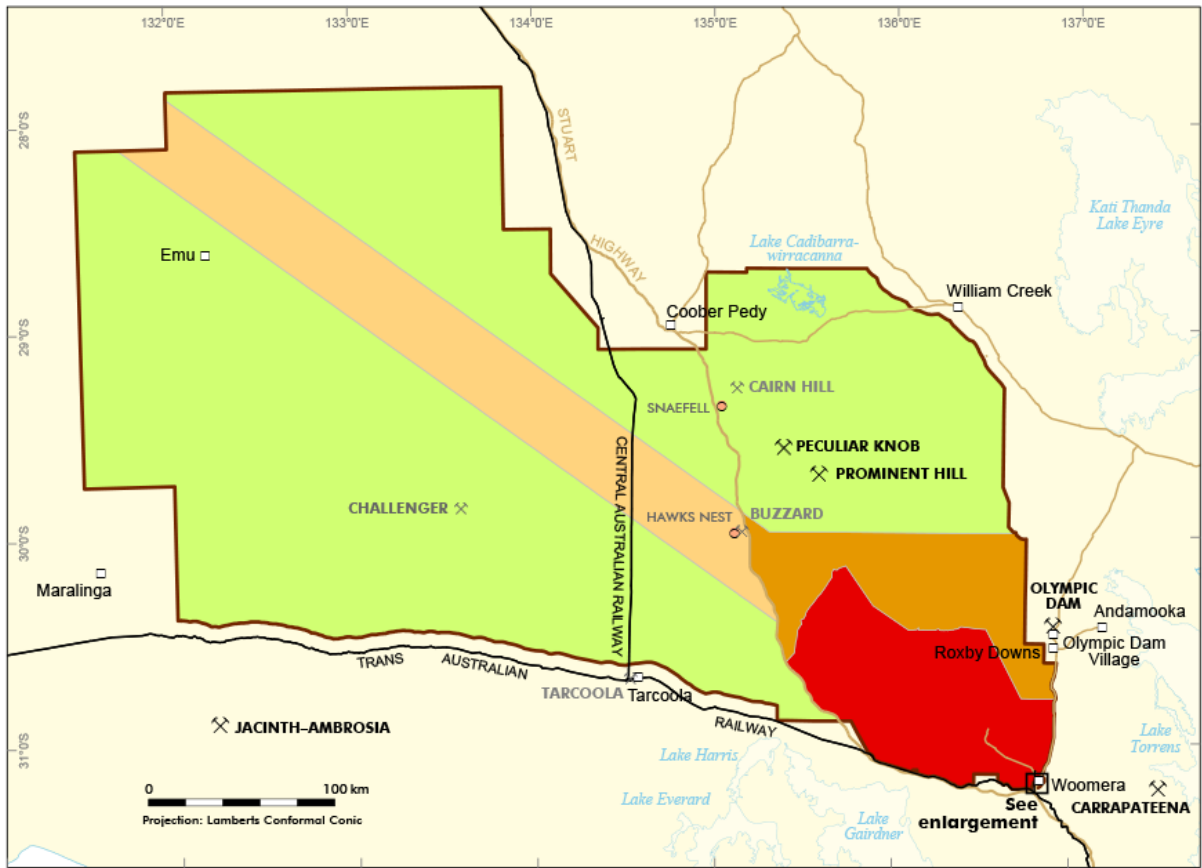
The Framework represents a Defence and Commonwealth policy commitment to commercial usage of the range. This framework:







- Provides the mechanisms by which applications will be considered and approved.
- Defines the enabling mechanisms for commercial access, and
- Sets out the requisite control and security mechanisms required to protect ADF and Commonwealth interests.

Various non-Defence activities already coexist in the WPA under this framework, including pastoralism, mining, Aboriginal cultural heritage, tourism, and scientific research.

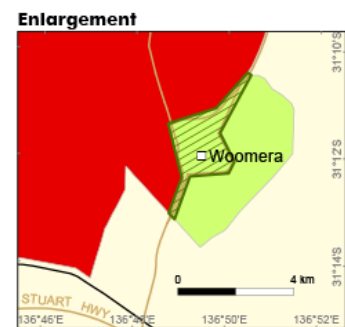
Despite being divided into four separate zones, each with specific access levels and exclusion periods, the WPA can often be inaccessible to the wider defence industry due to long backlogs of large, long-running test programs. In some cases, these programs require the use of the full WPA footprint, however in most cases, large expanses of the WPA remain underutilised, with opportunities for multiple parallel test activities to occur.

The current approach to supporting such parallel test activities is managed case by case, rather than from an integrated, whole of WPA perspective. Optimising the efficient use of this sovereign strategic asset, and maximising Defence's and defence industry's access to the facility serves to mitigate Australia's T&E capability and capacity shortfall and meet Australia's strategic need for MVC in the shortest possible time.



-  Woomera Prohibited Area (WPA)
- WPA access zones**
-  Defence Continuous Use Zone (Red Zone)
12 months exclusive Defence access
-  Defence Periodic Use Zone 1 (Amber Zone 1)
140 days exclusive Defence access
-  Defence Periodic Use Zone 2 (Amber Zone 2 (corridor))
70 days exclusive Defence access
-  Defence Infrequent Use Zone (Green Zone)
Up to 56 days exclusive Defence access
-  Woomera Village Standing Permission Area

- Current as at March 2023
- Major mines and development projects**
-  Major mine
 -  Approved mine or mine under care and maintenance
 -  Mineral development project in WPA



Source: <https://www.defence.gov.au/bases-locations/sa/woomera/about/maps>

Expansion of Defence Industry Access to the Woomera Prohibited Area Under the Coexistence Framework

The 2018 Review of the WPA Coexistence Framework foreshadowed increased Defence use requirements as a result of ongoing ADF capability uplift plans. In response, that review proposed an enhanced WPA management environment which leveraged a combination of ‘grid’ analysis, particularly of the Green Zone, and a common range management digital platform. This approach sought to increase the granularity of awareness of how particular parts of the range were already being utilised, and better understand potential forward use cases. As proposed, the digital platform would host usage data and provide a mechanism for enhanced communications with all range users.

The 2018 review also highlighted the continuing need for non-Defence users of the range to accept that the range is first and foremost a military T&E environment, and all other use cases secondary even if commercially significant. That emphasis on defence T&E was supported by acknowledgement that technical equipment deployed within the range area may have an impact on Defence and defence industry activities, and that non-Defence usage may have security implications.

The findings of the 2018 Review remain valid in the broad. However, to meet current and forward Defence and defence industry T&E needs, key steps are now required.

First, the current review of the WPA Coexistence Framework must first focus on integrating forward access and use arrangements with Defence's own strategic planning for enhanced, whole of enterprise T&E requirements, as first reflected in the 2021 Defence T&E Strategy.

Second, as a planning principle, forward planning and usage approvals for the Woomera Protected Area should be based on a dynamic, whole of range perspective, rather than a case-by-case model.

Case-by-case management deals with a specific circumstance rather than an integrated assessment. Compounding case by case decisions and authorisations can directly result in the effective close out of range areas for significant time periods.

A capacity to assess whole of range impacts requires whole of range planning and management tools and systems. There is an immediate need for a highly detailed geospatial twin of the WPA, implemented on a progressive basis which begins in the Red Zone, then advances into the southeastern Green Zone, followed by the northeastern Green Zone and Amber Zone. A geospatial digital twin would in turn provide the foundation layer for a whole of range digital management platform.

Third, a specific WPA range evolution roadmap is required as a fundamental building block of the forward Coexistence Framework.

The WPA is a unique asset in western military terms, but more is needed from it. The scale down of the range and its capabilities from the 1960s onwards has resulted in a limited set of facilities and focal areas. There is now a need to identify and reserve internal areas where new range complexes can be developed in the immediate as well as longer terms.

Predicated on the SDIP7 objective of enhanced defence industry access to ADF ranges, and reflecting both ADF capability plans and AUKUS Pillar Two collaborative activities, these new WPA range complexes should include multiple areas dedicated to electromagnetic spectrum operations, through air cyber operations, counter remote and autonomous weapon system operations, and directed energy weapon operations.

A comprehensive geospatial twin of WPA will allow for highly detailed whole of range assessments to identify candidate sites for such complexes relative to the current and anticipated future technical capabilities of such systems. The geospatial digital twin would

likewise inform and enhance decision making relative to the environmental attributes each new range complex would display and present, and the planning and location of enabling, support and access infrastructure.

Fourth, a whole of WPA electromagnetic spectrum mapping and management system is required.

Defence systems are inherently dependent on access to and control of vast segments of spectrum. Electronic warfare, cyber and directed energy systems inherently shape and impact electromagnetic spectrum in specific ways to achieve effects. Defence systems T&E is inherently data intensive, and access and control of the electromagnetic environment is a critical factor.

A whole of WPA electromagnetic spectrum mapping and management system would commence with a whole of range survey, then implementation of standing, real time monitoring nodes for the existing Red Zone, and then any new range complexes within the Green Zone. Integrated with a whole of WPA geospatial digital twin, this capability would facilitate rapid identification of cross-range electromagnetic spectrum impacts and issues, allow for meaningful whole of range electromagnetic spectrum application choices by Defence and defence industry, implementation of designated silent zones, guide and inform non-Defence users at an early stage as to the consistency and appropriateness of their technical equipment selections on primary WPA range operations. Such a system would also directly contribute to WPA security by allowing for location and identification of unexpected spectrum usage events.

Fifth, a formalised process is required to allow defence industry to meaningfully engage in, and shape, the enhanced capabilities of WPA to meet Defence T&E needs.

The existing Defence standing contract for management of WPA is due to expire in June 2026. Rather than again contract for a single provider around a singular range hub model, there is a strong opportunity for Defence to increase the overall level of industry participation in supporting its overarching T&E needs by application of new models for defence industry access to, and investment in WPA, this including increased usage by AUKUS, allied and western alliance security partners.

Opportunities for greater access, and usage of WPA will enable defence industry to amortise their investments in T&E tools and range infrastructure over an increased number of commercial activities. Linked with the opening-up of multiple new range complexes within the WPA, such an approach would directly enable the Government's SDIP7 objectives.

Annex: About Nova Systems

Nova Systems is a 100% Australian owned and controlled engineering services and technology solutions company, partnering with our clients to keep our nation and people safe and secure. We deliver specialist systems engineering advisory and management services alongside advanced digital technology, software, and systems integration solutions.

There are few recent complex major projects of national safety and security we haven't been involved with. Team Nova is the only 100% Australian-owned and controlled Major Service Provider (MSP) to Defence's Capability Acquisition and Sustainment Group (CASG).

For more than two decades we have been a sovereign leader in T&E partnering with industry and academia to contribute to Australia's sovereignty, security, and safety. Nova Systems was founded on delivering these critical capabilities to the ADF.

We are proud of our economic contribution to Australia and the local jobs we have created. We are committed to building a sustainable and enduring sovereign defence industrial capability based here in Australia, under Australian control. As a sovereign leader, we uniquely understand how to grow, strengthen, and sustain Defence T&E capability as a critical enabler of the full spectrum of ADF capability.

We are the sovereign smarts behind the solution.



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Spinifex | Country

Woomera Prohibited Area submission 2 September 2024

Organisation:

Paupiyala Tjarutja Aboriginal Corporation

On behalf of Ilkurlka roadhouse

Introduction

Ilkurlka is managed by Paupiyala Tjarutja Aboriginal Corporation which is based in Tjuntjuntjara.

The reason for the existence of Ilkurlka is that it sits in the heart of the Spinifex native title area. As such, its location is in a culturally significant area and its establishment reflects the aspirations of the community.

From a traveller's perspective, Ilkurlka provides the only service point between Coober Pedy and Laverton and between Tjuntjuntjara and the northern communities. As well as a fuel resupply point Ilkurlka functions as a safety and emergency location. An airstrip is maintained and can be used for medivacs and each year about half a dozen rescues are performed, generally in conjunction with the Blackstone police located about 350km to the north. An RFDS emergency medical chest is on site and in conjunction with a phone consultation with the RFDS doctor medication and first aid treatment can be given pending a possible medivac by plane.

Ilkurlka was set up in part with the compensation money received after the nuclear testing. The roadhouse is owned by the Spinifex people in Tjuntjuntjara – these people were adversely impacted by the nuclear testing program in the same way as the people of Maralinga Tjarutja were.

The community has always recognised that Ilkurlka was a social enterprise rather than a commercial one. By siting Ilkurlka on a tourist route the expectation was that this traffic would subsidise the costs of running Ilkurlka. Ilkurlka has a short tourist season from April to September. Any closures in the Woomera Prohibited Area during this time severely diminishes traffic and revenue as can be seen from the spreadsheet which we have sent.

Ilkurlka relies on revenue in this period to maintain some sort of viability. As a direct result of these closures Ilkurlka has had to run at a larger than expected loss. These losses require a subsidy from Paupiyala Tjarutja Aboriginal Corporation to cover the financial impacts caused by closures of the Anne Beadell Highway in Amber Zone 2 during April to September.

The community members of Tjuntjuntjara are directly and adversely impacted by the Department's actions. The increased subsidy required from Paupiyala Tjarutja Aboriginal Corporation to cover

periods of road closures is covered by discretionary spending which results in other programs receiving less funding (for example: youth, sport, family and community advocacy).

As a direct result of road closures by WPACO during the height of our tourist season, Ilkurlka and the community have been unable to develop the 4x4 tourist market using road access to Ilkurlka along the Anne Beadell Highway. This has resulted in a loss of economic and employment opportunities for the community. It has been difficult to set up a cultural tourism market when closures preclude tourism activity.

Going forward, we note that in the 2018 Coexistence in the Woomera Prohibited Area report it was recommended that a review of the Woomera closure system would be made. One of the anticipated outcomes was the use of a graticular system of closures rather than the current zone system which is in place. This would minimise or eliminate closures of the Anne Beadell Highway which would in turn avoid further losses.

To date, there appears to have been no progression in advancing this option. This has been frustrating.

Recommendations from the 2018 Coexistence in the Woomera Prohibited Area report

Pages 41 and 42

The requirement to exclude people from an entire zone, rather than just part of it, can result in unnecessary inconvenience.

The Review has consulted WPA users on a proposal for a grid-based approach to managing the green zone. It is the largest portion of the WPA at 92,276 square kilometres or 86 per cent of the range. Under this proposal the existing amber corridor (amber zone 2) would be folded into an even larger green zone which would then be managed as a series of 15-nautical-mile grid squares. Defence would then exclude people from only those squares that were required for a test, rather than the entire area.

Responses to a concept paper on the grid-based green zone proposal were overwhelmingly positive. Among the benefits identified were the ability to more frequently avoid closing roads such as the Anne Beadell Highway, resulting in fewer disruptions to tourist traffic (an issue raised specifically with the Review).

Specific comments

Restrictions on non-defence use of the WPA only affect Ilkurlka insofar as amber zone 2 closures are concerned (green zone closures are infrequent).

Ilkurlka only receives tourists along the Anne Beadell Highway from April to September. All closures announced during this period have a dramatic impact on economic sustainability to the community and indigenous training and employment. This also applies to closures which are cancelled at short notice as tourists decide on travel plans at least one month in advance.

Existing access arrangements for amber zone 2 could be improved by:

1. avoiding all closures between April and September (tourist season)
2. or the use of a graticular system of closures which avoids the need for the closure of the whole zone when only a portion of that zone is required for defence purposes
3. or by removing a short section of the Anne Beadell Highway from amber zone 2

4. or by creating a standing permission for the Anne Beadell Highway where it passes through amber zone 2 (but retaining existing access arrangements outside this section)
5. or by providing escorts to those non-defence users traversing a short section of the Anne Beadell Highway as it passes through amber zone 2.

Ilkurlka has incurred significant losses during announced closures of amber zone 2 between April and September whether or not these closures have been rescinded or not. Documentation is supplied as an attachment to this submission.

We note with alarm that Amber Zone 2 is forecast for closure in June 2025, the peak of our tourist season. If this closure proceeds, we are likely to lose around \$40,000 of turnover or about 15% of tourist revenue.

Long term planning and development are difficult whilst the current system of closures of a short stretch of the Anne Beadell Highway in amber zone 2 occurs during the period between April and September. Traffic flow is massively disrupted during announced closure periods.

Often preannounced closure periods are rescinded but at short notice (see attached documentation). We find that tourists plan at least one month in advance so a rescinded closure often has the same impact as a closure which actually goes ahead.

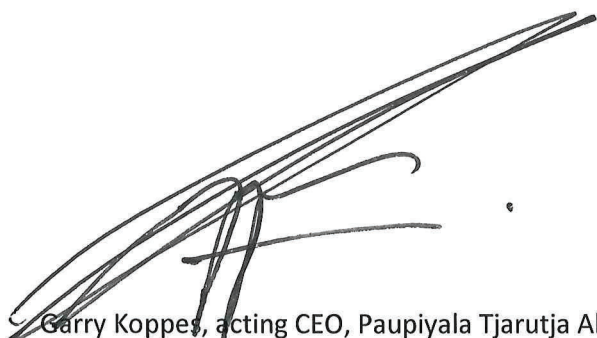
We believe that this problem would be diminished and would have little impact on Defence activities if a move was made to a graticular system of exclusion zones (as forecast at a meeting between traditional owners and the Department of Defence in Tjuntjuntjara in February 2016).

Another option would be to remove a short section of the Anne Beadell Highway from amber zone 2 possibly by way creating a standing permission for this section.

We note also that prior to one meeting in February 2016 with WPACO (held at the request of Pila Nguru and Paupiyala Tjarutja) there had been no consultation whatsoever regarding the operation of the Woomera Prohibited Area and nor has there been since then. This contrasts with the consultations held on a regular basis with Maralinga Tjarutja.

This seems unjust as all Aboriginal organisations concerned share a similar history with regards to defence activities starting from the time of the nuclear testing in the fifties.

We hope that you will view this submission favourably.

A handwritten signature in black ink, appearing to read 'Garry Koppes', is written over a horizontal line. The signature is stylized and somewhat cursive.

Garry Koppes, acting CEO, Paupiyala Tjarutja Aboriginal Corporation

Attachments:

Pages 4 to 6:

WPACO closures financial impacts on Ilkurlka

Page 7, 8:

2017 Request for compensation of financial losses to Paupiyala Tjarutja Aboriginal Corporation

Page 9:

Laverton shire support letter

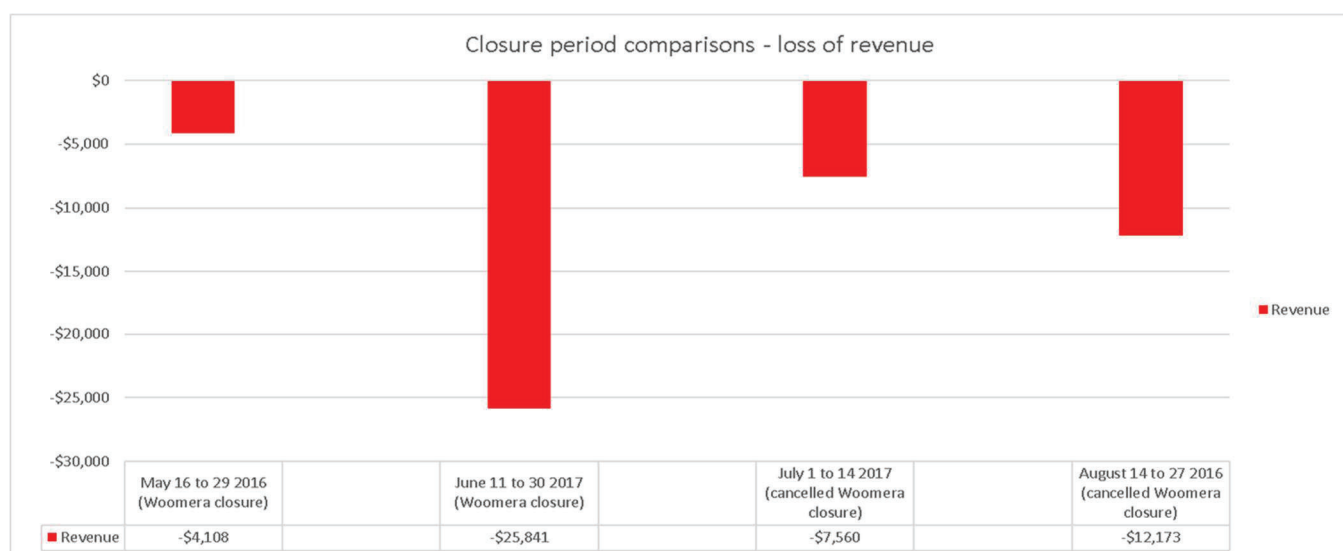
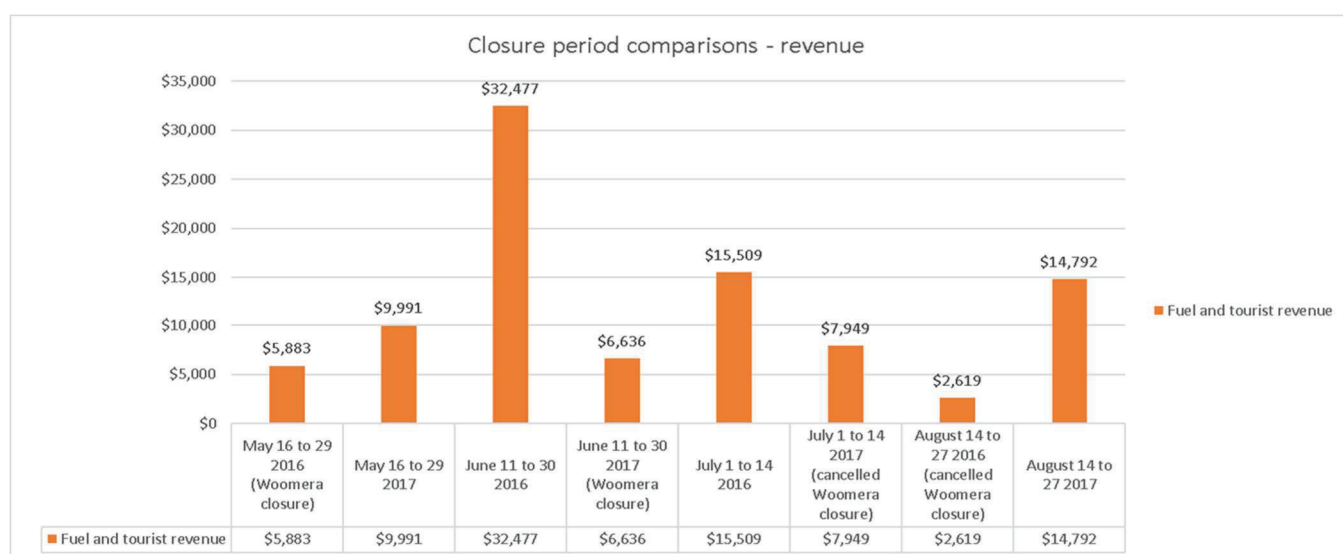
Pages 10 to 13:

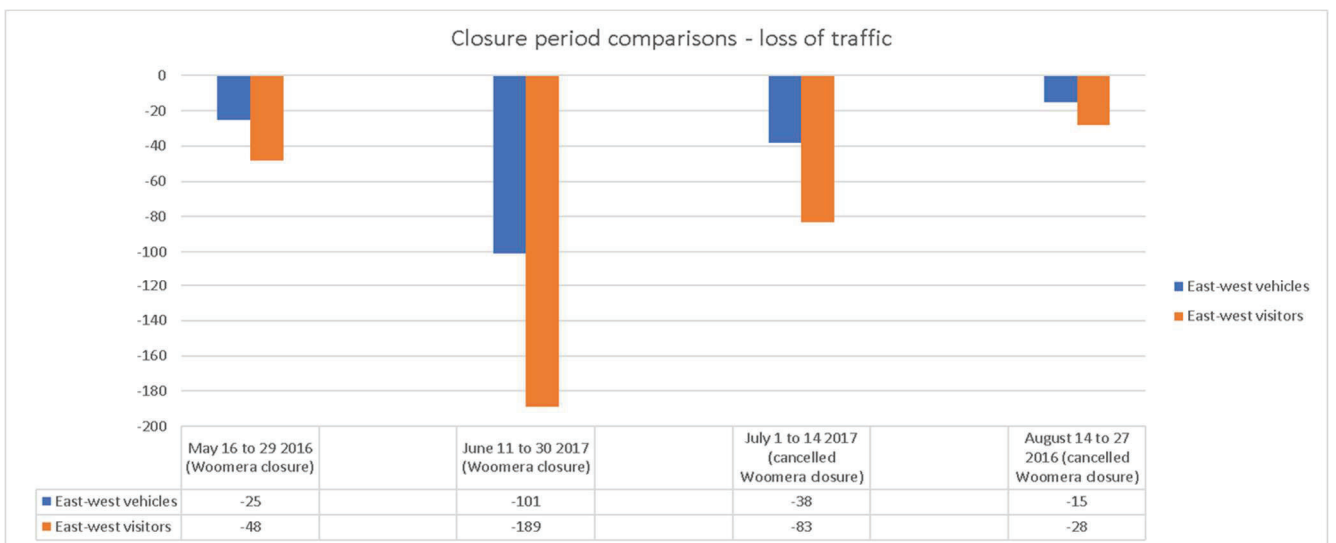
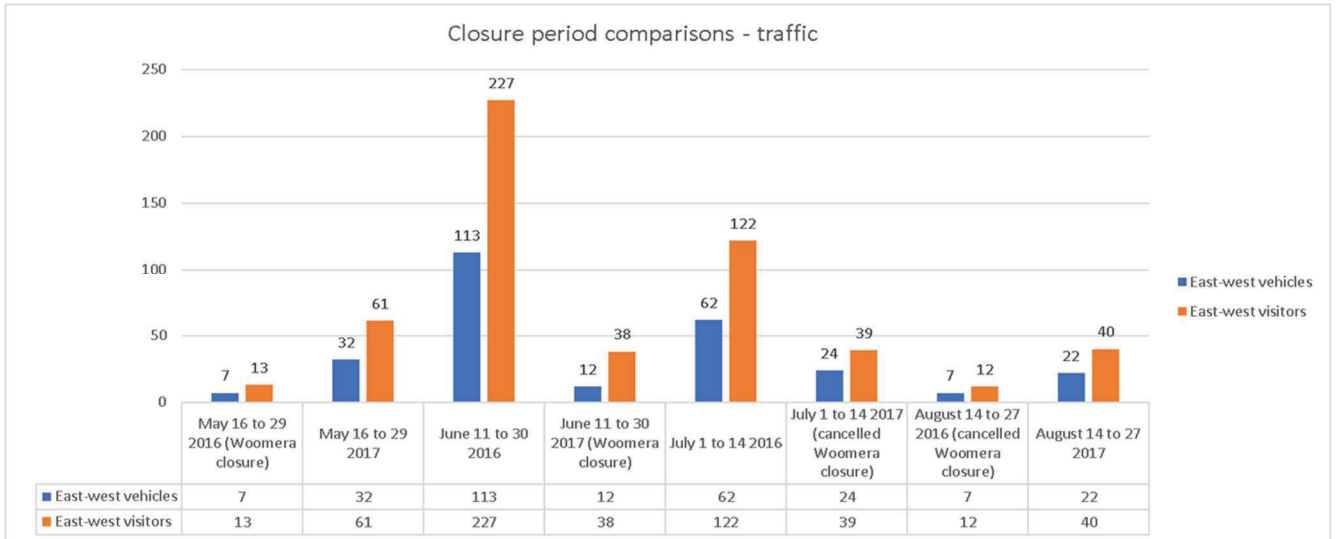
Record of meeting in Tjuntjuntjara 22 February 2017 with Department of Defence

Woomera Amber Zone 2 closures							
Date from	Date to	Closure days	Cancelation date	Days notice of cancelation	Notes		Total days
13/05/2013	2/06/2013	21			Peak season	High impact	21
12/08/2013	25/08/2013	14	15/07/2013	28	Peak season	Low impact	
28/10/2013	10/11/2013	14	19/09/2013	39			
3/03/2014	23/03/2014	21	4/02/2014	27			
19/05/2014	8/06/2014	21	28/03/2014	52	Peak season	No impact	70
17/11/2014	30/11/2014	14					
2/03/2015	15/03/2015	14	17/12/2014	75			
18/05/2015	28/06/2015	42	20/02/2015	87	Peak season	No impact	70
20/07/2015	2/08/2015	14	18/06/2015	32	Peak season	Low impact	
2/11/2015	29/11/2015	28	13/10/2015	20			
29/02/2016	13/03/2016	14	9/03/2016	-9			
16/05/2016	29/05/2016	14			Peak season	High impact	70
14/08/2016	27/08/2016	14	19/07/2016	26	Peak season	High impact	
30/10/2016	19/11/2016	21	23/09/2016	37			
26/02/2017	11/03/2017	14	6/12/2016	82			
11/06/2017	30/06/2017	20			Peak season	High impact	69
1/07/2017	14/07/2017	14	1/07/2017	0	Peak season	High impact	
12/11/2017	9/12/2017	28	4/10/2017	39			
3/06/2018	30/06/2018	28	10/05/2018	24	Peak season	Low impact	70
1/10/2018	10/11/2018	41					
1/04/2019	29/04/2019	29	5/02/2019	55	Start of season	No impact	70
2/09/2019	29/09/2019	28			Peak season	High impact	
26/11/2019	9/12/2019	14	19/11/2019	7			
3/03/2020	30/03/2020	28			Start of season	COVID19 - no impact caused by closure	70
20/07/2020	16/08/2020	28	19/05/2020	62	Peak season	COVID19 - no impact caused by closure	
19/11/2020	9/12/2020	21	6/11/2020	13		Closure period changed 3 to 9/12/20	
22/03/2021	11/04/2021	21	16/02/2021	34	Start of season	No impact	70
3/07/2021	16/07/2021	14	8/06/2021	25	Peak season	Low impact	
4/10/2021	7/11/2021	35			End of season		
21/03/2022	10/04/2022	21	4/03/2022	17	Start of season	High impact	70
16/10/2022	5/11/2022	21			End of season		
20/02/2023	12/03/2023	21	31/01/2023	20	Start of season	Likely cancellation flagged 27/01/23	
3/06/2023	30/06/2023	28	26/05/2023	8	Peak season	High impact	70
13/11/2023	17/12/2023	35	3/11/2023	10		Likely cancellation flagged 20/10/23	
6/05/2024	9/06/2024	35			Peak season	Road closures because of March rainfall	70
21/11/2024	18/12/2024	28					
17/02/2025	2/03/2025	14					
3/06/2025	30/06/2025	28			Peak season	Likely to be high impact	70

Impacts of Anne Beadell Highway closures in amber zone 2 on Ilkurlka revenue and traffic

Closure periods comparisons 2016 and 2017									
Period	Notes	East-west vehicles	East-west visitors	Fuel sales	Tourist item sales	Sales totals	Gain/loss East west vehicles	East-west visitors	Sales totals
May 16 to 29 2016 (Woomera closure)	Closure	7	13	\$5,205	\$678	\$5,883	-25	-48	-\$4,108
May 16 to 29 2017		32	61	\$7,830	\$2,161	\$9,991			
June 11 to 30 2016		113	227	\$27,789	\$4,688	\$32,477			
June 11 to 30 2017 (Woomera closure)	Closure	12	38	\$2,391	\$4,245	\$6,636	-101	-189	-\$25,841
July 1 to 14 2016		62	122	\$12,507	\$3,002	\$15,509			
July 1 to 14 2017 (cancelled Woomera closure)	Closure lifted July 1, 2017	24	39	\$6,624	\$1,325	\$7,949	-38	-83	-\$7,560
August 14 to 27 2016 (cancelled Woomera closure)	Closure lifted July 19, 2016	7	12	\$1,834	\$785	\$2,619	-15	-28	-\$12,173
August 14 to 27 2017		22	40	\$11,992	\$2,800	\$14,792			
Differences		-179	-348	-\$44,064	-\$5,618	-\$49,682			







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Spinifex | Country

13 December 2017

Request for compensation of financial losses to Paupiyala Tjarutja and Pila Nguru Aboriginal Corporations caused by the closures of the Anne Beadell Highway by the Department of Defence

Please find attached historical figures (financial and visitor numbers) for Ilkurlka as requested at the meeting between Pila Nguru and Paupiyala Tjarutja Aboriginal Corporations and the Airforce Compliance Monitoring Flight in Tjuntjuntjara on 22 February 2017.

We wish to lodge a claim for financial compensation of the losses which will be caused to Ilkurlka by the Department of Defence in June and July this year. We are aware that a compensation scheme exists for organisations suffering adverse impacts and that this covers South Australia only. It is our belief that this arrangement is based on an historical anomaly which failed to consider the on-going impacts felt by the people of Tjuntjuntjara who are deprived of significant income when defence activities occur during the tourist season.

We wish to gain an initial response from the Department of Defence by the end of the month as a decision must be made in April concerning the future viability of Ilkurlka in view of the large financial losses which will be incurred by the activities of the Department of Defence.

Financial data is limited prior to July 2012 and no categorized data is available prior to January 2015. The reason for this relates to a changed management structure which took effect from July 2015.

We believe that the data presented shows clearly that June and July are by far our busiest months for tourism and likely account for 40% of our income for the year. This income is generated from high value tourists. Last year was the first time we started to promote Ilkurlka and we had plans to do this again in 2017. From the figures presented, tourists will travel in June or July but are less likely to travel outside this period – there is a build-up in April and May with a decline in August and September. This has several implications:

1. There is only a short window of opportunity in June and July to generate significant income
2. If tourists cannot traverse the length of the Anne Beadell Highway in June and July, then they will quite simply not travel at all
3. The publicity campaign carried out in 2016 was very successful in generating income in June and July, even though winter rains during those months likely did impact adversely on visitor numbers
4. Promotion of Ilkurlka has been placed on hold given that three weeks in June and a period in July will be closed off to Ilkurlka insofar as tourist revenue is concerned. There is little point in wasting limited resources on promoting Ilkurlka outside the peak season timeframe as there is unlikely to be an impact on tourist numbers
5. This will impact on local employment (there was to have been a continuation of the Vocational Education and Training program at Ilkurlka for Anangu tour guides)
6. There will also be an impact on the Spinifex Arts Project in terms of reduced sales of artwork produced by community members in Tjuntjuntjara (which will harm their income)
7. Paupiyala Tjarutja and Pila Nguru Aboriginal Corporations will be faced with the problem of sourcing around \$40K to \$60K to cover lost income at Ilkurlka caused by the Woomera Prohibited Area closures. If this money cannot be found, then the future of Ilkurlka will have to be reconsidered
8. If the Department of Defence does effectively force the closure of Ilkurlka there will be no safety or supply point for tourists travelling on the Anne Beadell Highway or members of the community travelling on the Business Road from Tjuntjuntjara to the northern communities. This is likely to result in fatalities given that rescues are done routinely from Ilkurlka
9. Land management activities will be curtailed with a resulting loss of employment
10. Aboriginal people will be unable to maintain a connection to country if Ilkurlka is closed

We note the support which has been given by the department to Maralinga Tjarutja for a tourism venture and would hope that you would see fit to give support to Ilkurlka given the close ties and shared histories of the traditional owners in Oak Valley and Tjuntjuntjara.

At the meeting held in Tjuntjuntjara we were surprised that the cultural and historical ties between the people of Maralinga Tjarutja and Pila Nguru had not been recognised previously especially given that the displacement of people caused by nuclear testing affects people in both Oak Valley and Tjuntjuntjara.

We urge the Department of Defence to act promptly by rescinding the closures of the Anne Beadell Highway in June and July this year. This would need to be done immediately if there is to be minimised impact on tourism (tourists generally plan two to three months in advance).

If the department is unwilling to cancel the impending closures with immediate effect, then we request that a claim for compensation be considered based on the forecast loss in earnings caused by the closure of the Anne Beadell Highway in June and July this year.

Letter from the Shire of Laverton to the Woomera Prohibited Area Coordination Office (February 2017)



SHIRE OF
LAVERTON

SHIRE OF LAVERTON

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The Shire notes that you are planning a closure of Amber Zone 2 from 1 1 June to 30 June 2017. We also note that you have not yet released details of proposed closures after 30 June 2017.

This closure will have the effect of curtailing completely all tourist traffic between Coober Pedy and Laverton. According to figures supplied by Ilkurlka Roadhouse, last June saw 150 tourist vehicles and 300 tourists traveling on the Anne Beadell last June. In addition, the Shire's tourism centre in Laverton, the Great Beyond Visitor's Centre, reported that during the 2015/16 year, 10% of those tourists who visited the Great Beyond travelled to Laverton via the Anne Beadell Highway.

The loss of this trade at the height of the tourist season is severe: these tourists are consumers of accommodation, fuel, groceries and sundry services. They also add to the tourism industry in Laverton.

We are also advised by Ilkurlka (an indigenous business operating in the Shire of Laverton) that June and July are by far the busiest months of the tourist season and that without the income generated in June the viability of that business is threatened.

We are aware that some tour groups are considering the use of the Anne Beadell Highway this season. Ilkurlka has been advised that one or two tour groups may have to cancel their plans as a consequence of the proposed closures.

We believe that the Anne Beadell Highway offers an important tourism revenue stream and that this only occurs during the winter months which is more conducive to travelling in these regions. We also note that the Department of Defence has frequently cancelled winter closures of Amber Zone 2 but has not done so until the last minute. Given that tourists make their plans several months in advance the reversal of these closures at a late stage still has a great impact on tourism in our region.

We urge the Department of Defence to consult with all stakeholders involved with tourism along the Anne Beadell Highway prior to closing Amber Zone 2 during winter months.

Please do not hesitate to contact me should you wish to discuss this further.

Yours sincerely

Steven Deckert, Chief Executive Officer



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Record of meeting in Tjuntjuntjara 22 February 2017

Attending:

Ethan Hanson (Paupiyala Tjarutja chairperson, Pila Nguru land management)

Ian Baird (Pila Nguru general manager)

Neil Smithies (Paupiyala Tjarutja CEO)

Philip Merry (manager, Ilkurlka)

Squadron Leader Darren Shorter (Officer in Charge Compliance Management Flight)

Mr Trevor Seebohm (Access Administration and Compliance Officer Woomera Test Range)

WOFF Allan Nobrega (Compliance Monitoring Team)

CPL Shane Robbie (Compliance Monitoring Team)

CPL Adele McCallum (Compliance Monitoring Team)

CPL Ernest Warrior (Compliance Monitoring Team)

Discussion:

The Compliance Management Flight (CMF) manages non-Defence access into the WPA in conjunction with the Woomera Prohibited Area Coordination Office (WPACO). The CMF supports trials by providing of security effects. CMF monitors and enforces compliance with access conditions in accordance with the statutory authority. The WPA is governed by the Defence Act 1903 (Cth), the Woomera Prohibited Area Rule 2014 (Cth) and Defence Force Regulations 1952 (Cth). Any changes to the Rule require the agreement of both Ministers of Defence and Industry. A Rule review is scheduled for 2018.

The Compliance Team is part of Woomera Test Range Air Warfare Centre. WPACO is part of strategic policy Air Force Headquarters. The Advisory Board is the vessel for Non-Defence stakeholder submissions.

The Woomera team considers it important to work with local communities which are connected with traditional lands associated with the WPA. Tjuntjuntjara has not been previously engaged by the team and the team are here to open lines of communication so as to better understand the challengers and potential impacts that the community faces when the Anne Beadell is closed in support of Defence activities.

Tjuntjuntjara has been seen in a different light to Oak Valley and the CMF team were unsure of the ties between Tjuntjuntjara and the South Australian side. The close link between the traditional owners living in Tjuntjuntjara and the Maralinga testing area was explained and it was noted that the Piling Trust was set up as compensation not only for Maralinga Tjarutja but also for Pila Nguru.

The department had previously been unaware of the wider impacts of closures on Pila Nguru and tourism in Laverton (support letter attached).

Ilkurlka was established in 2003/04 by funding from the Maralinga Piling Trust (which is apportioned to both South Australia and Western Australia). It is part of the link to the northern lands and tourism is being developed there. At one point, it was going to be the main community.

Ilkurlka is the only supply point along both the Anne Beadell Highway and the Business Road from Tjuntjuntjara to the northern lands. It hosts land management activities and community cultural events. It is the only rescue point in the area and conducts rescues on a regular basis and RFDS medivacs as required from its airstrip.

Culturally Ilkurlka is very important and it is also used for land management. Ilkurlka roadhouse provides the only income – closures of the Anne Beadell highway mean a loss of income. Ilkurlka runs at a loss which needs compensation. Currently Paupiyala Tjarutja makes up that loss whilst Pila Nguru owns the infrastructure.

Ilkurlka plays a part in seasonal tourism (high-value spend, support for jobs and training, tours, the Spinifex Arts Project). Tourism is sharply seasonal with June and July being the busiest months. Figures from last year show marked impacts on tourist numbers of the closures of the Anne Beadell Highway during the season.

However, as the data only shows the impact for one year, the CMF considers that it is insufficient to support any historical trend analysis. The data needs to be captured over a longer period, and then cross referenced with notified closure, actual closure and cancelled closure periods to be able to provide sufficient fidelity on the business impacts experienced.

The Defence department provides sufficient notice of closures but where these are later lifted there is usually only very short notice. Most tourists plan their trip several months in advance so Ilkurlka loses their business. CMF requests that this needs to be part of the broader analysis as referenced above.

The compliance team stated that it is not possible to give greater notice of closure cancellations and this year an announcement is imminent on a closure of Amber Zone 2 in July as well as the existing announced closure in June.

This will adversely impact Ilkurlka as June and July are the two peak months for tourism. Average spends per person were given: \$147 per person for tourism, \$67 per person for community. Tourists provide 70% of turnover and make up about 50% of visitor numbers primarily because tourists make fuel and arts purchases whilst community members typically buy groceries.

The Department of Defence will analyse the historical Ilkurlka data when it is presented by CMF and CMF will initiate a discussion with the department but cannot promise any compensation.

The financial deficit incurred by Ilkurlka is met by Paupiyala Tjarutja which is an entirely grant-funded organisation. To date Ilkurlka is carrying a deficit of \$41K which may blow out to \$100K by the end of the financial year depending on tourist activity in the coming winter peak season. Efforts are being made to turn the financial situation around by encouraging tourism.

There are two scenarios: close Ilkurlka, but this is not a realistic option. The community will not accept this and there are vital reasons to keep Ilkurlka open: culture, health and safety, airstrip, fuel and supplies for travellers. The other scenario is to fund the deficit but this will impact on the financial abilities of the community.

There has been mention of army assistance for the community under the AACAP program in the past with respect to community roads and building programs but this is not within the remit of the compliance team. SQNLDR Shorter mentioned that he had been made aware of discussions regarding Air Force engineering capabilities with respect to possibly supporting remote communities, however due to the operational tempo the possibility was not progressed. However, he would raise the issue with the relevant chain of command to ascertain the status of the concept.

There is no external funding available to maintain the Business Road.

There have been discussions regarding the grading of part of the Anne Beadell highway in South Australia. Some funding was provided by SA Government to Maralinga Tjarutja with a small amount of works completed ad hoc. However regardless of condition of the highway, Defence maintains authority to affect closures in support of testing activities as required.

Standing permissions for the Anne Beadell Highway within the WPA have been considered and some consultation conducted. To make the Anne Beadell a standing permission would potentially provide less notice to travellers and would likely impact safety of persons in the area. Standing permissions for the Anne Beadell were opposed in the past by Maralinga Tjarutja.

The current permit system allows Defence to monitor and control access and provide important safety and security input to trials activities. Any changes to Standing Permissions would require non-Defence Stakeholder engagement and ministerial agreement. Changing the Anne Beadell would not necessarily be practical in this case as tourists may be held at checkpoints for protracted periods with little or no notice.

Advance notice of closures are promulgated under the Woomera Prohibited Rule 2014, Green Zone as it relates to tourists and other users and is provided no later than 21 days, with Amber Zones promulgated by last day of March for the next financial year.

The current Zone Management system was discussed and trials planning nuances explained in general terms. It was highlighted that the current system is problematic as it requires notification of an entire zone.

A review of the current arrangements will be held in 2018 and submissions will be sought from stakeholders. A possible solution would be set up the zone management regime on a grid-based system based whereby specific grids squares could be identified for closure rather than complete zones coupled with modified notification regimes. This could potentially provide greater certainty to non-Defence users of the WPA and specifically the Anne Beadell Highway. This may be something that could be examined during the 2018 review if there was sufficient Industry and non-Defence Stakeholder support.

Action items:

Darren Shorter to advise Chain of Command of the discussion points above and seek further guidance so as to further engage Tjuntjuntjara, in particular with regards to possible compensation based on an analysis of historical trading figures.

Phil Merry to collate historical monthly income figures for Ilkurlka and assess the correlation between notified and cancelled closure periods to accurately assess impact to the Ilkurlka operations as a basis for submission to Advisory Board regarding questions of compensation for loss of income resulting from closure of the Anne Beadell highway by Defence.

Neil Smithies CEO will consider raising a submission to the Advisory Board regarding alternative views to zone management for the 2018 review.

Trevor Seebohm to provide JOSS POC as provided to MT during the recent flood event.

CMF will provide contact details for the advisory board.

Documents presented at meeting

Woomera meeting agenda

Tjuntjuntjara 22 February 2017

- 1. Welcome to country**
- 2. Introduction by WPACO (Trevor Seebohm)**
 - a. Roles and responsibilities**
 - b. Employment opportunities**
- 3. Ilkurlka and the community (Ian Baird)**
 - a. The history of Ilkurlka and the Maralinga Piling Trust**
 - b. Cultural continuity and community aspirations**
 - c. Land management**
- 4. Ilkurlka's current role (Phil Merry)**
 - a. Tourism**
 - b. Community travel**
 - c. Rescue**
 - d. Employment and training**
- 5. Issues facing the community in running Ilkurlka (Neil Smithies)**
 - a. Subsidy required by PTAC to keep Ilkurlka open in line with community desires**
 - b. Economic prospects for 2017**
- 6. Ways forward (all)**

To: The Secretary
Woomera 'Prohibited' Area Review
Public Submission by Sarah Isaacs.

The Public Interest and Indigenous Rights in SA would be compromised by the imposition of AUKUS military high-level nuclear waste & nuclear weapons usable fissile material on the Woomera Area

I wish to draw your attention to the potentially severe negative impacts resulting from dumping high-level nuclear waste & nuclear weapons usable fissile material in the Woomera Area in South Australia (SA):

- on both human and environmental health
- Indigenous Rights and
- democratic processes.

For the reasons outlined below, I ask you to advise that the Woomera area is not suitable as a site for dumping nuclear waste – and to recommend the annulment of the AUKUS treaty.

Negative Impacts on both Human and Environmental Health

If the Woomera area were to be designated as a dump site, both the transport and dumping of the US origin military high-level nuclear wastes would present an unprecedented, untenable threat to the health, safety and welfare of Australians and the environment.

If accepted by Australia, the decommissioning of the second-hand Virginia US nuclear powered submarines would produce both high-level radioactive waste and weapons grade highly-enriched uranium.¹

High-Level radioactive waste is highly toxic long-term and must be contained for over 10 000 years to minimise any risk to health and the environment. If the Romans had been foolish enough to produce nuclear waste, we would still be looking after it!

It is worth noting that, despite operating naval nuclear reactors for many decades, neither the US nor UK have solutions for managing high-level radioactive waste. Perhaps this is one of the attractions of the AUKUS deal to these countries, i.e. the opportunity to dispose of some of their high-level radioactive waste on the other side of the world.

This Review must seek a full explanation of how Defence Minister Marles would be able to manage the globally unprecedented task of siting and perpetual storage & disposal of intractable US origin high-level nuclear wastes from second-hand US Virginia N-Subs.

Just last year, half the country stopped when a highly radioactive device the size of a tic tac somehow fell off a truck in Western Australia. News reports² claim that the incident came as a shock to experts who said that handling of radioactive materials like Caesium-137 is highly regulated with strict protocols for its transport, storage and disposal.

Great on paper but not always in practice perhaps? It seems highly dubious that Australia can handle the nuclear waste of nuclear powered submarines when one small radioactive capsule

1 <https://www.mapw.org.au/updated-naval-nuclear-safety-brief/>

2 <https://edition.cnn.com/2023/02/01/australia/australia-radioactive-capsule-found-intl-hnk/index.html>

couldn't be safely contained and managed.³

Proposed regulatory arrangements may generate risks to public health and safety. The proposed Australian Naval Nuclear Power Safety Regulator will report to the Defence Minister, not the Health Minister as is the case for existing nuclear safety regulation. This means the Minister responsible for operating naval nuclear reactors is also responsible for their regulation.

Insufficient independence of a regulator is known to be a factor in nuclear and radiation incidents, and does not comply with International Atomic Energy Agency (IAEA) governance standards. In the UK, where a similar regulatory arrangement exists, internal and secret reports have documented “a failure of safety culture”, as reported by the Medical Association for the Prevention of War in March of this year in their briefing paper **Naval Nuclear Power: Key Health Issues**.⁴

- **Negative Impacts on Indigenous Rights**

According to the Australian Government defence website⁵, 'The Woomera Prohibited Area (WPA) encompasses the traditional lands of six Aboriginal groups. Maralinga Tjarutja (MT) and Anangu Pitjantjatjara Yankunytjatjara (APY) hold almost 30 per cent of the land in the west of the WPA as freehold title granted under South Australian legislation. Four other groups – Antakirinja Matu-Yankunytjatjara (AMY), Arabana, Gawler Ranges and Kokatha – hold native title over areas in the WPA.

'The history of these people and their deep ties to the land in the WPA date back over many thousands of years. The WPA contains sites of enduring significance to Aboriginal people, including stone arrangements associated with traditional ceremony and ritual, rock art sites, ceremonial sites, cultural sites manifested in topographical features such as watercourses, and archaeological sites that show how people lived in and used their environment.

'Aboriginal people continue their traditions by accessing the WPA for traditional ceremonies, hunting, heritage site protection, and cultural activities. A number of Aboriginal groups have been actively involved in commercial activity in and around the WPA, including in the resources and tourism sectors. Today, the traditional custodians of the WPA mostly live in cities, small towns and settlements around South Australia. They continue to have strong links to their land, an interest in preserving their history and culture in the WPA, and growing an economic and employment base for their communities.'

These Indigenous Peoples must be consulted and they have a UN recognised Human Right to Say No to AUKUS N-wastes. The Woomera Area Review must act in accordance with the Recommendations of a Federal Inquiry Report (Nov 2023) into the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), stating:

“the Commonwealth Government ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people be consistent with the Articles outlined in the UNDRIP”.

3 [greenpeace.org.au/news/greenpeace-statement-on-AUKUS-nuclear-subs/](https://www.greenpeace.org.au/news/greenpeace-statement-on-AUKUS-nuclear-subs/)

4 <https://www.mapw.org.au/updated-naval-nuclear-safety-brief/>

5 <https://www.defence.gov.au/bases-locations/sa/woomera/about/aboriginal-cultural-heritage>

This Review must seek a commitment from the Federal Labor Government to respect and comply with the United Nations Declaration on the Rights of Indigenous Peoples Article 29 provision of Indigenous Peoples Rights to “Free, Prior and Informed Consent”, as a Right to Say No, over storage or disposal of hazardous materials on their lands.⁶

- **Negative Impacts on Democratic processes.**

Lack of Transparency

Why has there been no serious public consultation about the decision to have nuclear powered submarines? The high level security and lack of transparency needed to protect the nuclear facilities and dump sites undermines democracy.

According to David Noonan, an independent environment campaigner's briefing paper **Civil Society faces imposition of an AUKUS military High Level nuclear waste dump**, putting a nuclear waste dump in Woomera would conflict with both SA State Acts and also the ALP national Platform.

Conflict with State Acts

Imposing nuclear waste storage in South Australia(SA) would also involve Defence over-ride of two State Acts:

- the SA Environment Protection Act 1993 and
- the SA Aboriginal Heritage Act 1988.⁷

Conflict with ALP National Platform Commitment to oppose Overseas Waste

The Woomera Area Review must recognise the AUKUS Agreement’s proposed importation of US origin military High-Level nuclear wastes, sourced in 10–12-year-old US Navy nuclear reactors in second hand US Virginia Class N-Subs, will require perpetual storage in Australia:

The Review should call on Minister Marles to explain the incompatibility between the AUKUS Agreement’s transfer of second-hand US Virginia Class N-Sub nuclear wastes to Australia, effective importation of nuclear wastes sourced from the US, and the pre AUKUS Federal Labor Policy commitment in the ALP National Platform (2021, Uranium p.96-98) to oppose overseas waste.⁸

The vast sums of money needed for AUKUS and for caring for high-level nuclear waste for millennia come from taxpayer money that would be better used to help address the serious social and health problems our country faces, such as the crises in homelessness, domestic violence, climate change and biodiversity loss.

For all these reasons , I ask you to advise that the Woomera area is not suitable as a site for dumping high-level nuclear waste & nuclear weapons usable fissile material – and to recommend the annulment of the AUKUS treaty.

Sarah Isaacs 6 September 2024

⁶ Civil Society faces imposition of an AUKUS military High Level nuclear waste dump Updated Briefing by David Noonan, Independent Environment Campaigner 22 August 2024

⁷ Civil Society faces imposition of an AUKUS military High Level nuclear waste dump Updated Briefing by David Noonan, Independent Environment Campaigner 22 August 2024

⁸ Civil Society faces imposition of an AUKUS military High Level nuclear waste dump Updated Briefing by David Noonan, Independent Environment Campaigner 22 August 2024

20 September 2024

Review of the Woomera Prohibited Area Coexistence Framework
C/- Strategic Policy
R1-1-A098
PO Box 7901
Canberra BC ACT 2610

Via email: woomera.review@defence.gov.au

Commercial-In-Confidence

2024 Review of the Woomera Prohibited Area Coexistence Framework

The South Australian Chamber of Mines & Energy (SACOME) is the leading industry association representing resource and energy companies with interests in the South Australian resources sector, including minerals, energy, extractives and petroleum.

SACOME welcomes the opportunity to make this submission to the Department of Defence's review of the Woomera Prohibited Area (WPA) Coexistence Framework, recognising that a significant number of its member companies undertake activity in the WPA via the Coexistence Framework.

Consistent with its 2018 submission to the WPA Coexistence Framework Review, SACOME strongly supports the Coexistence Framework and welcomes Defence's commitment to continued coexistence with other stakeholders.

SACOME acknowledges that the 2024 Coexistence Framework Review follows major reforms to regulatory frameworks governing the operation of the Australian Defence Force prompted by signing of the tri-lateral AUKUS pact between Australia, the United States of America and Great Britain.

We recognise that these reforms reflect a changing geopolitical and military-strategic environment which will likely see an increase in use of the WPA for the foreseeable future, meaning greater use by Defence and its allies of the WPA for testing purposes and associated operational impacts for non-Defence users.

We further acknowledge this is likely to result in a higher level of scrutiny attached to access by non-Defence users and equipment being brought into the WPA.

As a general statement of policy, SACOME submits that balancing Defence's national security interests with South Australia's economic objectives should continue to be a central principle of the Coexistence Framework.

We further submit that these economic objectives are underpinned by the economic contribution made by the State's resources sector which amounted to \$10.7 billion in direct and indirect spending across the South Australian economy in 2021-22.

We note that the Scope of the Review (per the Terms of Reference):

(Will) assess the current WPA coexistence framework to determine whether it remains fit for purpose in the current strategic environment.

It will consider national security, economic and cultural perspectives, and make recommendations to balance competing views in the national interest, including to:

- a. inform remaking of the WPA Rule before it sunsets on 1 October 2026; and*
- b. update coexistence governance arrangements.*

We further note the 'Key Tasks' for the Review process set out in section 5 of the Terms of Reference, with the following having particular relevance to the South Australian resources sector:

- c. current and future potential economic value of mineral deposits and other economic activities in the WPA, including potential impacts on employment and government revenues, and use of emerging technologies;*
- d. the extent to which mining and economic activity is compatible with Defence use of the WPA, and any inherent limits to future coexistence, including issues posed by foreign ownership or control; and*
- e. appropriate coexistence governance arrangements, including the ongoing role of the WPA Advisory Board, and the Memorandum of Understanding between the Commonwealth of Australia and South Australian Government.*

We acknowledge that Defence seeks feedback to inform the Review process across four broad themes, namely Access, Management, Communication, and Governance, and SACOME's submission makes comments against these themes accordingly.

SACOME member companies with mineral production tenements, mineral exploration licences or mineral/petroleum exploration licence applications in the WPA are:

- BHP
- Rio Tinto
- Fortescue
- Iluka
- Peak Iron Mines
- Magnetite Mines
- H2EX

Comment against key review themes is informed by consultation with these member companies and provided below.

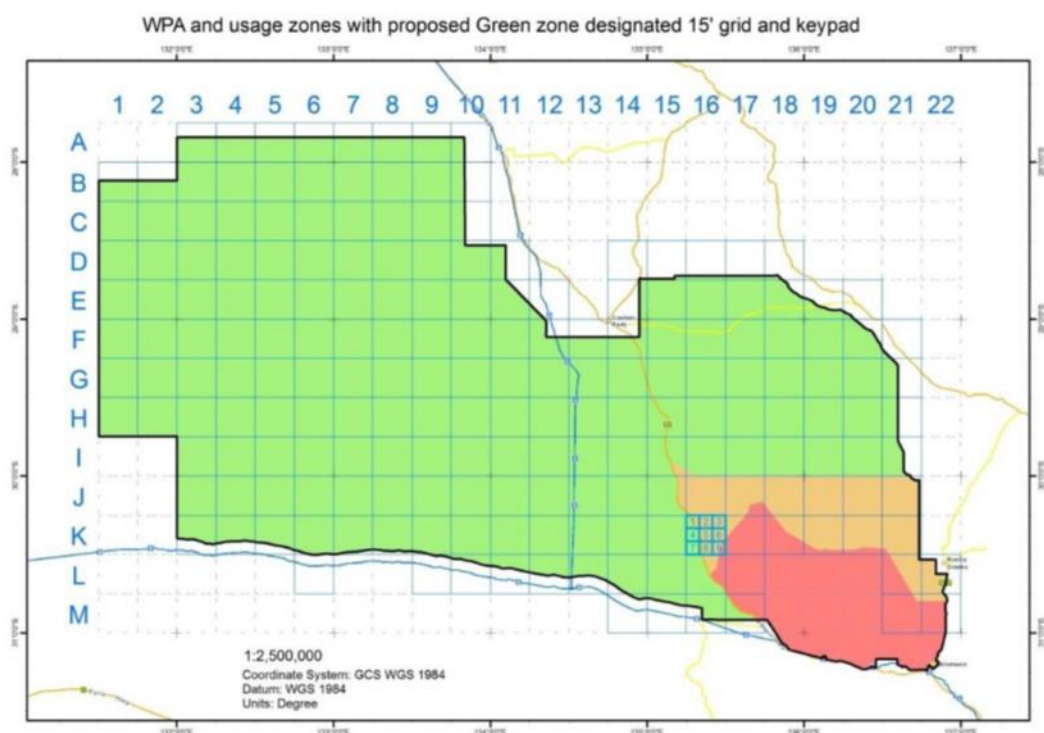
1. Access

1.1 WPA Flexible Green Zone Framework

The *WPA Flexible Green Zone Update* paper released in September 2022 proposed changes to the WPA Flexible Framework, noting the following changes to access zones:

- Absorb Amber Zone 2 into the Green Zone to reduce the impact on WPA stakeholders who have interests located within that zone by 14 days per fiscal year.
- Adopt individual grids across the WPA – set at 15 minutes (15') longitude x 15' latitude.
- Individual grid squares will be allocated 56 days for exclusive Defence use.
- Keypad mechanism to manage the activation of a single grid square to mitigate impacts to WPA stakeholders. It will be applied on a case-by-case basis depending on whether there is an impact to a stakeholder that could be mitigated and whether safety considerations allow for it.

- Addressing concerns about cumulative effect with those who have interests across the WPA, where resource production permit holders hold interests in multiple grid squares, a single day of exclusion in one square would automatically apply to other grid squares.
- Managing cumulative effect will be limited to resource production permit holders due to their ongoing and significant presence in the WPA.



Acknowledging that Defence has indicated it intends to increase its use of the Green Zone, SACOME members have expressed a strong interest in understanding what the future frequency of closure directions are expected to be compared to the existing Green/Amber 1/Amber 2/Red Zone framework.

SACOME respectfully submits that, in moving to the Flexible Green Zone Framework, effort should be made to consolidate areas not critical to Defence requirements so as to best ensure appropriate balance between the operational interests of resources sector stakeholders and those of Defence.

Recognising that a mine comprises both the mine and its enabling logistical infrastructure, operators have expressed a desire to understand the impact of closure

requirements in circumstances where a part of the mine is captured in part of the keypad.

As a general statement of principle, a greater frequency of closure directions is highly likely to impact project profitability given its impact on mine production and the association costs of shutting down and restarting critical equipment

Greater granularity in WPA Zone management is supported, however, SACOME and its member companies seek to better understand how the proposed grid and keypad mechanism is intended to operate with regard to a mine's overall operational footprint.

1.2 Interconnectivity between WPA and non-WPA Operations – Copper South Australia

BHP's acquisition of OZ Minerals (A\$9.6bn), sees BHP Copper South Australia bringing together the globally significant Olympic Dam mine and Carrapateena and Prominent Hill Mines, and a potential fourth mine at Oak Dam, to create multi mine copper province with regionalised smelting and refining at its heart.

At its recent full year results BHP announced plans to increase production from its Copper SA assets, from 322 kilotonnes (kt) of refined copper cathode in FY24 to more than 500ktpa by the early 2030s and up to 650ktpa by the mid-2030s.

This significant increase in Australia's onshore production of refined copper would support the global energy transition and represents a significant opportunity for the national economy and the state of South Australia.

Delivered in two stages, the ambition for Copper SA is to upgrade of surface processing capacity by shifting from single stage to two-stage smelting to enable the first stage of growth to more than 500,000 tonnes of copper cathode (equivalent to 1.1mt – 1.4mt copper concentrate).

The construction of a two-stage smelting process would better suit the mineralogy of Olympic Dam and accommodate a potential expansion of the Olympic Dam Southern Mining Area, along with production growth from the Prominent Hill and Carrapateena mines.

The second stage of growth would involve further expansion of Olympic Dam's smelting and refining capacity to match potential production from a new mine at Oak Dam along

with further production increase at Olympic Dam, taking total output up to 650,000 tonnes of copper cathode (1.7mt concentrate).

Expanded domestic smelting and refinery capacity in South Australia demonstrates the ongoing opportunity for a globally significant ore-to-metal copper province in South Australia producing copper cathode for domestic and international market.

This ambition further reinforces the importance of South Australia's strategic metals capacity. SACOME notes that copper is not listed on the national Critical Minerals or Strategic Materials lists despite its importance to a range of national policy objectives.

SACOME submits that the Coexistence Framework should consider broader connectivity across the region, with the potential for mining operations within the WPA being interconnected to a regional smelting and refining hub outside it.

This interconnectivity highlights the need to consider impacts on mine operations and how they overlay and impact associated operations.

1.3 Deeds of Access

Some member companies have expressed strong support for the continued operation of Deeds of Access which pre-date the *Woomera Prohibited Area Rule 2014*, now the standard framework governing access to the WPA for non-Defence users.

While we acknowledge Defence's preference for all non-Defence users of the WPA to operate under the WPA Rule 2014 given it would standardise the administration of access arrangements, member companies hold the view that Deeds of Access should continue to operate in the WPA alongside the Coexistence Framework.

2. Management & Communication

Feedback from SACOME members has been generally positive with regard to management and communication arrangements under the Coexistence Framework.

2.1 Woomera Prohibited Area Coordination Office

SACOME members have highlighted the importance of WPACO to coexistence arrangements. We submit that the likely increased use of the WPA as a result of recent

Defence reforms further reinforces the importance of WPACO as the key manager of access arrangements in the WPA; and as the 'day-to-day' point of communication between resources sector stakeholders and Defence.

Members have generally advised that Notice of Entry arrangements work well and that they have excellent relationships with the Woomera Prohibited Area Coordination Office (WPACO).

WPACO staff are consistently praised by operators for their excellent communications and the timely nature in which they provide advice to operators about closure periods.

SACOME notes comment made by some operators about the turnover of WPACO staff and its associated impact on understanding of the WPA and its complexities, along with relationship building. The resources sector similarly experiences staff turnover which also impacts continuity of relationships.

SACOME submits that this could be mitigated through structured communications when personnel change occurs, as well as through ongoing quarterly meetings between WPACO/Defence and the resources sector.

2.2 Approved Person Status

Member companies have suggested changes to 'Approved Person' arrangements, noting that personnel accessing sites in the WPA people must have Approved Person status as a condition of access, with this status only applicable to a specific permit.

Operators advise that contractors who are delivering to multiple permit sites held by a company must have Approved Person status for each different permit, meaning that an application must be made to secure approval on a permit by permit basis.

Operators have suggested simplifying administrative arrangements so that once an individual has been granted Approved Person status (noting it is valid for up to two years), that it then applies to all other permits held by that company within the WPA.

This would allow 'Approved Persons' to then access all of an operators permit sites without having to go through the assessment process each time, reducing administration for both operators and Defence.

3. Governance

3.1 Importance of the WPA Advisory Board

Given the increase in Defence activity prompted by the current geopolitical and military strategic environment; and in resources sector activity in and around the WPA, SACOME submits that there is a critical need for governance arrangements as provided via the WPA Advisory Board.

We note the key responsibilities of the WPA Advisory Board are to:

- monitor and report on the balance of national security and economic interests in the WPA
- oversee the implementation of the coexistence policy arrangements
- foster strategic relationships between Defence and non-defence users of the WPA

Both Defence and the resources sector have important roles to play in supporting delivery of national strategic priorities.

SACOME and its member companies submit that the Coexistence Framework must continue to be underpinned by collaborative engagement through this important governance body.

Yours sincerely



Rebecca Knol

Chief Executive Officer

South Australian Chamber of Mines and Energy