

EXPLANATORY MEMORANDUM

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) BILL 1999 (No. E38)

(Introduced by Dr Geoff Gallop, MLA)

The Bill prohibits the construction of a nuclear waste storage facility. Nuclear waste is defined as unwanted radioactive material derived from the operations of a nuclear reactor, nuclear weapons facility, nuclear reprocessing plant or isotope enrichment plant except for nuclear waste generated in Australia or material that has been used under licence for scientific, industrial or medical purposes in accordance with the provisions of the *Radiation Safety Act 1975*.

- Clause 1 Short title**
Short title of the Bill.
- Clause 2 Commencement**
The Bill commences on Assent.
- Clause 3 Interpretation**
Provides a definition of terms used in the construction of the Bill.
- Clause 4 Objects of Act**
The objects of the Bill are to protect the people and environment of Western Australia by prohibiting a nuclear waste storage facility.
- Clause 5 Relation to other laws**
Provides that the Bill prevails over other Acts excepting the *Radiation Safety Act 1975*.
- Clause 6 Act to bind Crown**
The Bill binds the Crown.
- Clause 7 Prohibition against constructing or operating a nuclear waste storage facility**
Prohibits any person from constructing or operating a nuclear waste storage facility and makes contravention an offence punishable by a fine of up to \$500 000.

Clause 8 **Offence by corporation**

Makes directors of corporations personally liable for contravention of prohibition unless they can show lack of knowledge and lack of influence or use of due diligence.

Clause 9 **No advances for encouraging or financing development, etc. or nuclear waste storage facility**

Provides that no Consolidated Fund and other moneys can be granted or advanced to any person for the purpose of encouraging or financing the development etc of a nuclear waste storage facility.

Clause 10 **Consequential amendments**

Amends the *Nuclear Activities Regulation Act 1978* so as to provide in that Act that the Bill prevails over it.