



AUSTRALIAN NUCLEAR SCIENCE & TECHNOLOGY ORGANISATION AMENDMENT BILL 2006

Second Reading

5 September 2006

[Ms GRIERSON](#) (Newcastle) (8.43 p.m.)—I have risen to speak on the [Australian Nuclear Science and Technology Organisation Amendment Bill 2006](#) and to support Labor's second reading amendment, which condemns the Government:

- (1) its extreme and arrogant imposition of a nuclear waste dump on the Northern Territory;
- (2) breaking a specific promise made before the last election to not locate a waste dump in the Northern Territory;
- (3) its heavy-handed disregard for the legal and other rights of Northern Territorians and other communities, by overriding any existing or future State or Territory law or regulation that prohibits or interferes with the selection of Commonwealth land as a site, the establishment of a waste dump, and the transportation of waste across Australia;
- (4) destroying any recourse to procedural fairness provisions for anyone wishing to challenge the Minister's decision to impose a waste dump on the Northern Territory;
- (5) establishing a hand-picked committee of inquiry into the economics of nuclear power in Australia, while disregarding the economic case for all alternatives sources of energy; and
- (6) keeping secret all plans for the siting of nuclear power stations and related nuclear waste dumps".

This amendment deserves to be highlighted given the track record of the Howard government—a government that certainly has form when it comes to misleading Australians on nuclear waste and nuclear energy. Who can forget those fighting words from the government's representative in the Northern Territory, the member for Solomon, who last year claimed that the Country Liberal Party did not support even a low- and medium-level nuclear waste dump in the Territory? During an ABC interview on 7 June 2005, the member for Solomon said:

There's not going to be a national nuclear waste facility in the Northern Territory ... That was the commitment undertaken in the lead-up to the

federal election and I haven't heard anything apart from that view expressed since that election.

Let us fast-forward three months; the Howard government now has an apparent change of heart and the member for Solomon, perhaps exhausted by all those policy backflips post election, falls immediately into line, becoming the loyal servant of his big coalition brothers in Canberra. Apparently no longer opposed to the imposition of a nuclear waste dump on the Northern Territory, the member for Solomon is reborn as a passionate advocate for the benefits to all Territorians of housing Australia's nuclear waste.

So the member for Solomon, along with all the coalition members, obediently voted in this House to impose a nuclear waste dump on the Northern Territory. This was despite that fact that it was against the wishes of the very same Territorians who voted for the member for Solomon at the last election when he assured them, 'There's not going to be a national nuclear waste dump in the Northern Territory,' and despite the government's own advisory committee and scientists, who said that the Northern Territory was not a suitable site for a waste dump. But, true to form, the government rammed the Commonwealth Radioactive Waste Management Bill through the parliament last December, allowing them to build a nuclear waste dump in the Northern Territory whether Territorians like it or not.

The then minister for education and science, Brendan Nelson, was granted the power to choose from one of three sites in the Northern Territory: Fishers Ridge near Katherine, Mount Everard and Harts Range near Alice Springs. The minister does not have to now consider any environmental or heritage protection laws or worry about the decision being reviewed by the courts for procedural fairness. Apparently we no longer need to be fair in this country. Territorians must be wondering what they did to deserve so much attention from the Howard government, but overriding Territory laws is a well-established party trick for this government so there are no surprises there.

Having established the Northern Territory as Australia's dumping ground for nuclear waste—despite community opposition—the Prime Minister is now touting nuclear power as an option for Australia, in a desperate bid to be seen to be doing something about climate change. This is an issue he has ignored for the last 10 years. Two years ago the Howard government's own energy white paper stated:

The Australian Government is not contemplating the use of nuclear energy in Australia.

Well, two years and a visit to George W later, we have another policy backflip. The Prime Minister now says that nuclear power is inevitable and he wants a 'full-blooded' debate about nuclear energy in Australia. But how serious is the Prime Minister if he cannot confide in the Australian people to let us in on his plans for nuclear power and if he steadfastly refuses to

provide details of where he plans to locate future nuclear power stations? Every time a direct question on this issue is asked of him or his government they run a mile.

How does this Prime Minister expect us to have a nuclear debate without his stating where he thinks the nuclear reactors should be located and where the nuclear waste should be sited? Will there be a nuclear reactor in Port Stephens, in the electorate of Paterson, as reported on the front page of the *Newcastle Herald* on 24 May this year? According to one think tank, Port Stephens would be an ideal location for a nuclear reactor. On the same day that the Treasurer, as Acting Prime Minister, and the Foreign Affairs Minister, Alexander Downer, threw their support behind the construction of a nuclear reactor in Australia, the member for Paterson, under local pressure, yelled very loudly: 'Not in my backyard.' This is the same member for Paterson who says he is a supporter of nuclear energy—just so long as no-one tries to build a power plant in his electorate! Of course, it is fine to dump a nuclear power plant on someone else's community, and the member for Paterson will no doubt vote for any such future legislation just like he supported dumping a nuclear waste facility on the people of the Northern Territory last year.

There would not be a community in Australia that does not have the same concerns that the member for Paterson raised in his response to the nomination of Port Stephens as an ideal site. If not Port Stephens, then where does the member for Paterson suggest that the government should build those nuclear power stations? He is, after all, the Parliamentary Secretary to the Minister for Industry, Tourism and Resources, so he must have some thoughts on the matter. Perhaps he would like to share those thoughts with the people of Australia. The member for Paterson, like all members of the Howard government who do not want nuclear plants in their communities, should have the courage to stand up and say no to the Prime Minister. But, after seeing the way the member for Tangney—a strong advocate of nuclear energy—was recently decommissioned by the Liberal Party preselectors for stating that he would welcome a nuclear power plant in his electorate in Perth, I doubt we will be seeing much comment from coalition members on this issue. Actually, only eight members from the government are even speaking on this legislation, and I am sure that they will toe the party line. I look forward with interest to hearing the speech of the member for Tangney later in this debate; 'Too late,' he will cry.

My position, and that of the Labor Party, is clear. There will be no nuclear power plants in Australia under a Beazley Labor government. We all know that the Prime Minister's call for a full-blooded debate on nuclear energy is just code for: 'We are determined to have nuclear power in Australia.' But nuclear power is not appropriate for Australia. The economics simply do not stack up, and certainly the public are not at the point where they would support it. The Prime Minister continues to talk up this phoney debate on nuclear power for Australia because he really does want to go down that path. But if the Prime Minister is serious about debating nuclear power he

should come clean with the Australian people and tell us all which towns and which suburbs will house those nuclear reactors and where the high-level nuclear waste dumps will be located.

We now know that nine years ago the Howard government secretly short-listed 14 sites for nuclear reactors without any community consultation. According to the cabinet submission, community consultation was simply too risky because the release of this information would alarm communities. Don't ever forget that little saying: 'Who can you trust?' Well, not much trust there! The experts in this area, the Australian Nuclear Science and Technology Organisation, ANSTO, have stated that four or five nuclear power plants would be needed near east coast cities to make the nuclear industry viable. East coast cities? Sounds a bit like the electorate of Paterson.

The Prime Minister ought to come clean about where he thinks these four or five nuclear power plants should be located. Then we could have an open and honest debate with the Australian people. Instead, we have a Prime Minister who opts to simply appoint a six-member task force to undertake a review of uranium mining and nuclear energy in Australia. The task force is of course hand-picked by the Prime Minister and is headed by the former Telstra boss and nuclear physicist Dr Ziggy Switkowski. Curiously, this task force will apparently examine every stage of the uranium cycle except how many nuclear power stations might be needed and where they would be built. So the Australian people will be none the wiser on these important questions when the task force produces its draft report for public consideration in November 2006. That report will have no scientific evidence or opinion regarding locations.

Given that the final report is due to be completed by the end of 2006, the period for public consideration will be very brief indeed, particularly as we have an election in 2007. How many Australians will be able to wade their way through the detailed scientific reports with ease? Very few, I suspect. If this is the Howard government's idea of public consultation, the government members should hang their heads in shame.

It is against this background of the government's incompetence in gaining community consent to establish even a low- and intermediate-level nuclear waste dump and their stubborn refusal to come clean with the Australian people about their plans for nuclear power or to provide details of any proposed sites for future nuclear power stations and waste dumps that we are being asked to consider the Australian Nuclear Science and Technology Organisation Amendment Bill.

ANSTO is Australia's national nuclear research and development organisation and the centre of Australian nuclear expertise. It is responsible for delivering specialised advice and scientific services and products to government, industry, academia and other research organisations. Its current nuclear infrastructure includes Australia's only nuclear reactor, HIFAR, which is based

at Lucas Heights. It also includes particle accelerators, radiopharmaceutical production facilities and a range of other unique research facilities. The HIFAR reactor is used to produce radioactive products for use in medicine and industry. A replacement, OPAL, the open pool Australian light-water reactor, is in its final stages of construction. ANSTO also operates the national medical cyclotron, an accelerator facility used to produce certain short-lived radioisotopes for nuclear medicine procedures. It is located in the grounds of the Royal Prince Alfred Hospital in Camperdown. ANSTO also manages Australian synchrotron facilities at a number of overseas locations.

Importantly, ANSTO is currently constrained to management and processing of its own waste alone. It does not have the power to process waste from other Commonwealth sources like Defence or CSIRO. The purpose of this bill is to allow ANSTO to handle, manage or store radioactive materials from a broader range of sources and circumstances than it is currently allowed to under the current act.

This bill is designed to extend ANSTO functions to handle radioactive materials in three broad additional scenarios: dealing, where requested by a Commonwealth, state or territory law enforcement or emergency response agency, with radioactive material and waste arising from incidents, including terrorist or criminal acts; participation in the management of radioactive material and waste that is in the possession or under the control of any Commonwealth entity; and, finally, dealing with intermediate level waste that is due to return in 2015 to Australia from France and Scotland at a future date for storage and/or disposal.

Importantly, this bill also reinforces ANSTO's ability to operate the proposed Commonwealth nuclear waste dump should the government decide to transfer overall responsibility to ANSTO—ANSTO is currently licensed to operate a separate storage facility for its own waste only—and ensures that nuclear waste handled by contractors is considered to be Commonwealth waste under the ANSTO Act. The Commonwealth believes that the extension of this immunity to contractors is necessary to limit potential legal action by the Northern Territory government in relation to the siting and operation of the waste dump proposed for in the Northern Territory.

Key issues that relate to this bill include the following. The power to ANSTO, as the expert agency, to assist state and federal authorities in the event of a terrorist attack involving radioactive materials is important and obviously one of the reasons we support this bill. In its current form, the ANSTO Act limits the initial assistance that ANSTO could provide in an emergency to little more than the provision of advice. Currently, ANSTO cannot take possession of any nuclear material in the event of an incident. The bill will also bring Australia into line with standards set out in the United Nations Convention for the Suppression of Acts of Nuclear Terrorism.

The bill also clarifies ANSTO's role in assisting in the management of nuclear waste in Australia and lending its expertise generally to nuclear waste management. As a consequence of this bill, ANSTO will be able to lend its expertise to waste management of all radioactive materials held by the Commonwealth. This will expand its responsibilities greatly. Given that ANSTO will be handling a lot more waste and in light of the recent accidents at the Lucas Heights nuclear reactor which we have raised in the parliament—a stark reminder that things can go wrong—the minister must assure the local community that their health and safety will not be put at risk.

I would have liked to have seen this legislation provide more support for ANSTO in terms of research into the management of waste—after all, it was Australian knowledge and expertise that led to the invention of the synroc process. But unfortunately there is no accompanying guidance in this legislation that gives ANSTO more resources or more research capabilities—just more work.

I would also like to draw to the attention of the House to report 407 of the Joint Committee of Public Accounts and Audit, which was tabled this week. It is actually regarding ARPANSA, the Australian Radiation Protection and Nuclear Safety Agency, which is charged with protecting the health and safety of people and the environment from the harmful effects of radiation. Report 407 was in response to an Audit Office report that found that improvements were required in the management of ARPANSA's regulatory functions and that processes to issue licences and monitor compliance were insufficient. The report recommends a more rigorous process for appointing the CEO, managing the information systems and granting licences.

There is also a very important specific recommendation that ARPANSA provide a quarterly report, not an annual report, to the parliament on licence breaches, including incidents of non-compliance. Incidents such as those that were recently revealed in parliament question time only because Labor brought them to public attention and asked questions of an embarrassed Minister Bishop, who knew nothing of them, highlight the need for more regular reports to parliament on incidents where safety and health are compromised.

Notwithstanding Labor's opposition to the nuclear waste dump in the Northern Territory and our concerns about more waste being held at Lucas Heights, Labor supports the bill's provisions relating to expanding ANSTO's role in dealing with nuclear terrorism incidents, including controlling and storing radioactive material which may involve a dirty bomb.

Overall, the extension of ANSTO's involvement as the nuclear science and research experts in nuclear waste and security management is totally desirable. But, as our second reading amendment makes clear, we will continue to hold this government to account for its heavy-handed imposition

of a nuclear waste dump in the Northern Territory and its refusal to enter into open and honest dialogue with the Australian people.