

16 February 2015

Attorney Generals Department

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To whom it may concern,

Royal Commission – our role in nuclear energy

I am writing to request your consideration and assurances on the following issues regarding the proposed Royal Commission into South Australia's role into nuclear energy.

As the peak environment body in South Australia we welcome involvement in this process.

The SA community's democratic right to decide

We suggest that given the environmental, public health and security risks associated with the nuclear cycle, any expansion of it in SA must be supported by the South Australian community in general, and the communities most directly affected by it in particular (eg, communities residing along transport routes and in proximity to any nuclear reactor, processing facility or waste dump).

The Terms of Reference therefore need to consider whether and how this 'social licence to operate' could be obtained.

Current and historical issues to be considered, as well as future prospects

The Conservation Council of SA notes with concern media comment from the Premier suggesting that the Royal Commission will give little or no consideration to uranium mining and will instead "concentrate on the other elements of the fuel cycle – enriching, power and the storing of nuclear waste".

It is imperative that uranium mining be included in the terms of reference. The integrity of the Royal Commission would be undermined if it does not consider the one and only stage of the nuclear fuel chain which South Australia is currently involved in.

Aspects of the uranium industry requiring investigation include:

- The adequacy (or otherwise) of mine rehabilitation funds and environmental management more generally.
- The ethical aspects of uranium sales to nuclear weapons states, to states refusing to sign or ratify the Comprehensive Test Ban Treaty, and to states

- refusing to sign the Nuclear Non-Proliferation Treaty.
- The adequacy (or otherwise) of nuclear safeguards.
- The current environmental impact of the uranium industry

To be truly unbiased, the Royal Commission should consider the pros and cons of not only expanding but also contracting SA's involvement in the nuclear cycle.

Lessons and legacies from the atomic bomb tests including Maralinga

The Conservation Council also believes that the Royal Commission must be given the power to investigate contaminated legacy sites such as Maralinga, the Port Pirie Uranium Treatment Complex, and Radium Hill. There are unresolved concerns over the status of these sites (in relation to public health and environmental impacts) and the Royal Commission provides an opportunity to finally resolve these issues.

Access to information

A true assessment requires far greater access to information than is frequently provided to the public.

The Royal Commission should examine the nuclear industry's secrecy/transparency including the Freedom-of-Information provisions/exemptions in the Roxby Downs (Indenture Ratification) Act 1982.

The validity of indenture agreements

Since 1982, the Olympic Dam mine has been exempt from a whole host of legal requirements. We question why any industry that is of net benefit to the community should require such exemptions, and welcome the Royal Commission considering whether indentures are an appropriate legal instrument to employ.

Impacts on Aboriginal people and Aboriginal communities.

Indigenous and remote communities are most often at the front line of nuclear industry proposals from uranium mining and exploration to waste storage. Our organisation has seen community members deeply affected by the nuclear industry. We believe it is important that the Terms of Reference include;

- An examination of the past human rights abuses and impacts of the nuclear industry, including the effects of Maralinga bomb test victims
- The physical and mental health impacts of nuclear facilities being imposed on the land of traditional owners against their will
- The moral implications of nuclear facilities being imposed on traditional owners against their will.

Environmental and health impacts

As well as the legacy of health and environmental impacts, the Terms of Reference must fully examine how these would increase under an expansion of SA's nuclear industry.

Environmental impacts must include calculation of full life cycle emissions, whether the activity is mining, processing, storage, transport, construction, decommissioning, waste management or all of these.

Any comparison of energy sources must be done on a life cycle accounting basis, or conclusions can be faulty and misleading.

South Australia is often described as being geologically stable, and yet the Government's plans to massively expand mining for energy and resources may increase occurrences of induced seismicity. The Terms of Reference should include an updated assessment of SA's geologic stability, taking into consideration the expanded mining and resources industry.

Security risks

Proposed expansion into other aspects of the nuclear fuel cycle would inevitably raise proliferation considerations which must be addressed by the Royal Commission (highly enriched uranium / reactor plutonium production / plutonium inventory of high-level nuclear waste). To give one example of a proliferation issue which demands attention, the development of an enrichment industry in Australia would undermine international efforts to limit the spread of enrichment technology, and the development of a national enrichment program would undermine international efforts to put sensitive stages of the nuclear fuel cycle under multinational or international control.

In this regard the Terms of Reference should include;

- Examination of nuclear fuel reprocessing (environmental impacts, public health impacts, proliferation risk associated with plutonium separation and stockpiling.
- A survey and analysis of failures, breeches, incidents and accidents at nuclear power and waste storage facilities around the world.

Who would fund the high level of risk associated with the nuclear cycle

Home insurance policies do not provide cover for incidents associated with the nuclear fuel cycle. Does this mean householders would therefore be exposed to this liability? If so, this would need to be communicated transparently in the course of any request for a social licence to expand SA's involvement in the nuclear cycle.

In the event of a nuclear accident, the SA Government would be exposed to massive clean-up costs and compensation claims. How would this liability impact South Australia's budget?

What public subsidies would be needed to expand SA's role in the nuclear fuel cycle?

All of the above risks and costs need to be included in any assessment of the financial benefit of SA increasing its involvement in the nuclear cycle.

Economic assessments must reveal net benefit/cost

Expansion of SA's nuclear industry is likely to come with a hefty price tag, and all costs – from cradle to grave - must be transparently revealed in any economic assessment.

Likewise, an expanded industry could negatively affect other South Australian industries (eg tourism, agriculture, viticulture, renewable energy), through actual or

perceived loss of our 'clean and green' status, direct competition or reorientation of taxpayer support. These financial impacts and opportunity costs would also need to be taken into account.

Independence and integrity of the Royal Commission process

The appointment of nuclear advocate Kevin Scarce – instead of legal professionals without a stated position on the issue - has already created an impression for some that the Government has a pre-determined agenda. To ensure the independence and integrity of the process, it is vital that the Royal Commission seeks expert advice from a variety of sources, and across the spectrum of opinion.

Special consideration must be given to consulting with those most directly affected by an expansion of SA's nuclear industry: Indigenous communities, communities residing along transport corridors, and the young people who will inherit the ongoing management burden.

Transparency is also vital, and we suggest that all submissions should be made public, while maintaining the confidentiality of individuals where requested.

The community cannot make important and complex decisions unless it has good access to information and time to digest and analyse that information. It is vital that the Royal Commission allows suitable timeframes for this to occur. This implies consultation timeframes measured in weeks, not days.

The Conservation Council SA would welcome an opportunity to meet with the Office of the Attorney-General and/or the Premier to discuss these issues in more detail before the Terms of Reference are finalised.

Yours sincerely,



Craig Wilkins
Chief Executive