

Additional Comments - Senator Scott Ludlam

This inquiry was initiated to investigate whether or not the *Commonwealth Radioactive Waste Management Act 2005* should be repealed.

After exposing the extraordinarily coercive nature of the legislation, its deficiencies and consequences, the Committee has recommended that this discriminatory and flawed legislation be repealed in the first few Parliamentary sitting weeks of 2009.

The Committee has also outlined an entirely new approach to finding a solution to this complex and long standing problem, a process founded on rigorous consultation, voluntary consent, environmental credibility, and which utilises best practice models tested internationally.

Given such a strong case is made in the report for the repeal of the Commonwealth Radioactive Waste Management Act 2005 (CRWMA), the Greens would have preferred for the Committee to recommend that it be repealed immediately. The Greens see no need to bind the repeal to the simultaneous introduction of replacement legislation. The absence of the CRWMA would not impact, preclude or undermine the process of establishing the scientific, transparent, accountable and fair process promised by the government. The repeal should occur immediately, to remove the unconscionable stress which has been placed on Northern Territory communities, with replacement legislation following as soon as possible subsequent to the repeal.

Australia has never had the debate about the most appropriate management strategy for the very long-lived radioactive wastes produced in nuclear reactors. Instead, we have been through several dead-end variations of the debate on which remote community should host a radioactive waste dump. The fact is that the case has never been made that remote dumping is the most appropriate strategy for radioactive waste management; it has become the default position of an industry and its political advocates seeking to rid itself of an intractable headache.

Evidence presented to the committee on the wisdom of remote dumping of long-lived radioactive wastes took a contradictory character. On the one hand, remote sites were promoted by some witnesses because of the unique risks associated with radioactive waste:

Senator LUDLAM- ...is it the case that we are looking for the stable geology and distance from groundwater sources [because] there is no form of engineered containment that can hold this material for the time periods that are required?

Mr McIntosh—For low-level waste, it is not such an issue.

Senator LUDLAM—Yes, but for the long-lived, intermediate or high-level waste, it is?

Mr McIntosh—Yes.¹

...

Dr Harries—One does not want a population centre to overgrow the area. It is all part of the safety aspect.

Senator PRATT—Is that because there are particular risk factors attached to it? What is the safety argument?

Dr Harries—The safety argument is that one does a safety case for a facility like this, and one looks at different potential things that might go wrong. If things go wrong, then you want to be able to control it.

Senator PRATT—Okay. What kinds of things are you talking about when you talk about micro level?

Dr Harries—I guess there is failure of the concrete, failure of the material, failure of the containment, the weather conditions, and some factor you have not thought about.²

Essentially, the case was put that the material is safe enough to generate in Sydney but so hazardous in the long term that it should be taken as far from population centres as possible in order that eventual contamination not threaten too many people.

This is consistent with the approach taken by the Pangea consortium who sought to establish a high level commercial dump for international radioactive waste. In recognition that no form of engineered barrier could conceivably contain this thermally hot, corrosive, chemically toxic and radioactive material for tens of thousands of years, the Pangea group sought remote sites with simple stratified geology, as far from population centres as possible.

The acknowledgement that the inevitable failure of engineered storage was part of the rationale for seeking a remote site is captured in Pangea's promotional video:
<http://www.anawa.org.au/waste/pangea.html>

The 'out of sight, out of mind' approach which accepts the creation of radioactive sacrifice zones is naturally fiercely contested by host communities, which has led to a history – in Australia and overseas – of failed attempts to force radioactive waste dumps on unwilling communities.

¹ McINTOSH, Mr Steven, Senior Adviser, Government Liaison, Australian Nuclear Science and Technology Organisation

² HARRIES, Dr John, Past President, Australian Nuclear Association

The following exchange demonstrates the logical conclusion of such an approach: if people everywhere will resist any attempt to impose a waste dump in their backyard, sooner or later the Government will overrule one community or another and use more coercive means to achieve this policy objective.

Mr Smith—The history of discussion about a facility since 1979 shows that all communities have reacted strongly, or there has been activism from communities. South Australia, three or four years ago, was a recent example. At some point a decision has to be made. I understand your argument. I am just saying that there is an obstinate fact here. We have radioactive waste. It is not stored on an optimal basis. We need a national facility or a commonwealth facility to do that. That means hard decisions have to be made.

Senator PRATT—You are arguing that at some point, because there will inevitably be community opposition to such a site, the scientific factors in terms of the demand for a site are going to have to override a community mandate to locate the site.

Mr Smith—Yes.³

A number of witnesses acknowledged that siting of remote dumps had more to do with political considerations than any scientific or technical constraints:

Mr McIntosh—We cannot really comment upon that policy process. We understand, and I know that you say to leave politics aside, but politics frankly was the determining factor.

...

CHAIR—So then why does Australia mainly look at remote sites?

Mr McIntosh—I believe it is for political reasons, Senator.⁴

...

Mr Smith—It would appear to be that politically the pragmatics seem to be that that is the only viable site at the moment that I am aware of for a Commonwealth facility.⁵

³ SMITH, Mr Bradley, Executive Director, Federation of Australian Scientific and Technological Societies

⁴ McINTOSH, Mr Steven, Senior Adviser, Government Liaison, Australian Nuclear Science and Technology Organisation

⁵ SMITH, Mr Bradley, Executive Director, Federation of Australian Scientific and Technological Societies

When questioned on the feasibility of returning the reprocessed spent fuel to the Lucas Heights facility in Sydney, ANSTO acknowledged that there were no technical barriers to doing so.

Senator LUDLAM—.... Can you turn to the question of the spent fuel or the reprocessed material that is to be returned from overseas. What would be the constraints on ANSTO should that material be returned to Lucas Heights rather than to a remote dump? What would you need to provide on-site?

Mr McIntosh—We would have to build a facility similar in nature to the proposed store for the Commonwealth facility.

Senator LUDLAM—Is there anything technical preventing that from occurring, leaving politics to one side?

Mr McIntosh—No.

Senator LUDLAM—Has ANSTO or any other agency ever done a full assessment of what that would look like?

Mr McIntosh—No. There is been a full assessment done of what it would look like at the Commonwealth site, and presumably it would look the same, but we have not done any planning for such an action on-site because we have been told by government—and at the end of the day we are directed by government—that this waste will not be returning to our site. Why would we waste resources planning for something we have been told will not happen?⁶

The Greens do not believe that the nuclear industry – in Australia and around the world – has ever demonstrated that remote dumps are the most appropriate solution for the disposal of radioactive waste. At some time in the future this may become the case – if the industry is able to demonstrate, for example, that the waste can be safely contained for the long time periods in question.

However, for as long as the industry is unable to demonstrate that it has found a safe way of guaranteeing safe isolation of radioactive waste for tens of thousands of years, the Greens believe the material should remain on-site, close to the point of production, where it can be monitored, re-packaged as necessary, and subjected to as little transport and movement as possible.

This option essentially allows for the greatest future flexibility, and does not foreclose potential future management options which may arise as waste management technologies evolve (for example through synroc, nanotechnology, transmutation or some other technique).

⁶ McINTOSH, Mr Steven, Senior Adviser, Government Liaison, Australian Nuclear Science and Technology Organisation

This is not necessarily an argument for the long-term ‘disposal’ of this waste at the Lucas Heights facility either; ANSTO has acknowledged that the feasibility of this option has never been evaluated.

The essential point is that whatever process arises from the current debate over the repeal of the CRWMA, it should not simply repeat the mistakes of the past in proceeding to the foregone conclusion that a remote community will one day host a radioactive waste dump, and that it’s simply a question of whom. A much broader field of options must be assessed, leaving open the possibility that in the light of a properly constituted deliberative process, the decision may be taken to forestall final ‘disposal’ until such time as the industry can prove such a facility will be safe.

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