

## **The Federation of Australian Scientific and Technological Societies (FASTS)**

Submission to

### **Senate Employment, Workplace Relations and Education Legislation Committee**

### **Australian Nuclear Science and Technology Organisation Amendment Bill 2006**

#### **Introduction**

The Federation of Australian Scientific and Technological Societies (FASTS) is the peak representative body for 60,000 Australian scientists and technologists.

FASTS supports the three main provisions of the Bill to broaden the scope of the functions of the *Australian Nuclear Science and Technology Organisation Act 1987* to permit ANSTO to condition, manage and store radioactive materials and radioactive waste;

- a) for other Commonwealth agencies or contractors;
- b) at the request of a law enforcement agency or Commonwealth, State or Territory agencies responsible for disasters or emergencies; and
- c) from its own spent nuclear fuel that has been or will be sent overseas for reprocessing and return to ANSTO.

FASTS submits there are two additional issues the Committee should consider with a view to possible amendments to;

- a) clarify that ANSTO may also condition, manage and store radioactive materials and waste for State and Territory organisations and other licenced entities including private firms; and
- b) services provided by ANSTO to the Commonwealth, States and Territories and their entities, law enforcement agencies and disaster or emergency services should be on the basis of full cost recovery.

#### **Broadening the scope of ANSTO**

One of the reasons why Governments invest in public sector research is to build and sustain high-level scientific capacities and capabilities as a form of insurance against risk and uncertainty. It therefore follows that an important policy principle of publicly funded science should be that the knowledge and expertise of organisations such as ANSTO is not unnecessarily constrained and is available to serve the public good.

Therefore, FASTS submits it is prudent and rational that the scope of ANSTO's legislated functions be broadened so other Commonwealth agencies or law enforcement agencies and Commonwealth, State or Territory emergency or disaster agencies can access its considerable expertise handling radioactive materials and waste.

### **Radioactive waste**

FASTS supports the development of a national radioactive waste facility for the proper storage and eventual disposal of radioactive waste.<sup>1</sup>

FASTS notes (and supports) a consequence of the Bill is it will enable ANSTO to take a substantial management and operational role of the proposed radioactive waste facility which is due to commence operations in 2011.<sup>2</sup>

### **ANSTO's defence role**

Consistent with our comments above concerning national investment in high level scientific capabilities of public sector research, FASTS believes it is appropriate that law enforcement, emergency and disaster agencies may access ANSTO's expertise and facilities including terrorist events using radioactive materials.

The current Act does not preclude ANSTO providing advice to such agencies (Refer (5(1)(e) and (f) of the *ANSTO Act 1987*) but may constrain them using ANSTO facilities. Moreover, FASTS recognises formalising this expanded role in legislation is consistent with the *United Nations Convention for the Suppression of Acts of Nuclear Terrorism* which requires signatory nations to have an agency capable of handling radioactive materials in a terrorism event.

### **Further broadening of the scope of ANSTO's functions**

FASTS submits it does not make a great deal of policy sense to enable ANSTO to condition or manage Commonwealth waste prior to placement in the proposed waste facility but to not extend that capacity to State and Territory Governments, their agencies or other licenced entities including private firms that have radioactive materials or waste.

FASTS notes 95% of the radioactive waste in Australia is the responsibility of the Commonwealth. Nevertheless, that should not preclude non-Commonwealth entities who have responsibility for the balance of Australia's radioactive materials accessing ANSTO's expertise and facilities.

FASTS further notes that ANSTO has the capacity under the current Act to provide expertise to States, Territories, research institutions or firms providing such materials are not bought to ANSTO's Lucas Heights facility.

FASTS believes there may be circumstances whereby conditioning of radioactive waste may best be carried out at Lucas Heights prior to consignment to an appropriate Commonwealth, State or Territory storage and disposal facility.

FASTS believes Australia is best served by having one state-of-the-art radioactive waste facility.

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<sup>1</sup> Refer FASTS Submission to *Senate EWRE Legislation Committee* inquiry into the *Commonwealth Radioactive Waste Management Bill 2005* and Professor Snow Barlow, *Nuclear debate must focus on Waste*, op-ed, *The Canberra Times*, September 26, 2005 (both available from <http://www.fast.org/Fsite/News/Archive.htm>)

<sup>2</sup> Providing a proposed site in the Northern Territory meets stringent environmental impact assessment and other relevant seismic and ground water criteria.

By permitting non-Commonwealth entities to access ANSTO's expertise and facilities on the same basis as Commonwealth agencies is not only a rational use of Australia's pre-eminent nuclear and radioactive materials agency, but ensures there are no technical and scientific impediments should some or all States and Territories seek to enter into arrangements with the Commonwealth to consolidate all radioactive waste in the one facility.

**Recommendation: That the functions of ANSTO be amended so that ANSTO may condition, manage and store radioactive materials and waste generated, processed or controlled by States, Territories and other licenced entities including private firms (provided that storage is for the purposes of conditioning prior to transfer to a proper waste management facility).**

### **ANSTO services to be on a full cost recovery basis**

The Bill does not specify what relationship ANSTO will have with other Commonwealth agencies and contractors in terms of the status of services it may provide (no charge, full cost recovery or fully commercial).

Section 5(3)(b) of the ANSTO ACT (1987) requires ANSTO to have regard for the Government's commercialisation objectives for public sector agencies.

FASTS submits it is appropriate that ANSTO should provide its expertise and facilities to the Commonwealth, States and Territories and their agencies on a full cost recovery basis. This means ANSTO will not be financially penalised through broadening its functions but also, it is reasonable that Governments and their agencies can access the expertise and facilities of a publicly funded agency without a commercial premium being charged above costs.

What arrangements ANSTO makes with private firms in such circumstances is a commercial matter for the ANSTO Board and management and there is no need to specify that in the legislation.

***Recommendation:* That ANSTO services for the conditioning, management and storing of radioactive materials and waste possessed or controlled by the Commonwealth, State and Territory or their entities or for Commonwealth, State and Territory law enforcement agencies or disaster/emergency services be provided on a full cost recovery basis.**