

## History of Australia's Nuclear Prohibition - That day in December '98



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20 years ago today Australia prohibited the construction of nuclear power. Here is the story of how the Australian Senate amended a nuclear safety Bill to make it illegal to build a nuclear power plant. It's now time to lift the ban and repeal these prohibitions.

This is a part of the narrative leading up to the Environment Protection and Biodiversity Conservation Act review that takes place next year. This is a once in 10 year review to get section 140A repealed from that Act. Legal advice is that 140A repeal will allow nuclear to be built. The ARPANSA legislation is something that can be amended later. A repeal of the prohibition will signal that Australia is open for business, and investments are likely.

### **“What we could have done in 20 years”.**

In that twenty years Australia's greenhouse gas emissions have increased by 81 million tonnes of carbon dioxide. Greenhouse gases have a cumulative impact on the environment, so while this increase appears small, the wider impact is greater.

During the nuclear reactor boom in the 1960's and 1970's Australia was a relatively small country of between 10 and 14 million people and our energy

needs could be met by developing abundant coal and gas deposits in each state for electricity generation. There was a proposal to build one reactor at Jervis Bay in New South Wales but with a changing of government this plan was scrapped based on the cheap sources of coal and gas in the region and fiscal constraints.

In this time there have been five coal fired power plants constructed in Australia. Callide C, Kogan Creek, Millmerran, Tarong North, and Bluewaters. This is 3.3GW of coal fired generation that in a single year emits 15.5 million tonnes of CO<sub>2</sub>.

Kogan Creek and Bluewaters were the last of these five to be built, in 2007 and 2009 respectively. If these were competitively tendered nuclear plants, as the UAE contracted in 2007, we could have avoided 5.5 million tonnes of CO<sub>2</sub> annually. Twenty years may not seem like a long time, but in 15 years the UAE will have built 5.6GW of new nuclear. That is 5.6GW of avoided coal, oil and gas plant emissions.

## **Why a prohibition on nuclear power reactors in Australia?**

The answer lies in the historical context of electricity production in Australia and the anti-nuclear movement within the Australian Senate during the 1990's.

In 1998 the Australian parliament debated, and voted on legislation to centralise the task of radiation protection and safety to an independent regulatory body. Before this legislation there were two regulatory agencies, the Australian Radiation Laboratory and the Nuclear Safety Bureau, which upon the passing of the Bills would become the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) governed by the *Australian Radiation Protection and Nuclear Safety Act 1998 (Cth)* (hereafter ARPANS Act).

It is in this piece of legislation intended to create a regulatory environment where radioactive materials and devices are safely managed that the outright prohibition of nuclear power occurs. It also occurs in section 140A of the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* that was enacted the following year.

Section 10 of the ARPANS Act 1998 states:

10. Prohibition on certain nuclear installations

(1) Nothing in this Act is to be taken to authorise the construction or operation of any of the following nuclear installations:

(a) a nuclear fuel fabrication plant;

(b) a nuclear power plant;

(c) an enrichment plant;

(d) a reprocessing facility;

(2) The CEO must not issue a licence under section 32 in respect of any facility mentioned in subsection (1)

### **How did we get to this absolute prohibition?**

During the process of the ARPANS Bill moving through the Federal Parliament in 1998. First two key contextual elements must be noted about this time in Australian political history:

1. There is a strong undercurrent of anti-nuclear activity in Australia and as such to pronounce support for nuclear matters attracts unwarranted negativity. Thus it is perceived to be a poison chalice in Australian politics.

2. During the 1990's Australia was taking note of the French Nuclear testing in the Pacific, the Rainbow Warrior incident, the process of siting a nuclear waste repository for our localised medical and industrial nuclear waste, and the leaking of a project to site spent fuel and disposed nuclear weapon material in Australia by Pangea Resources. A detailed history can be found in [Brightneworld.org](http://Brightneworld.org).

The ARPANS Bill entered parliament on the 8th of April 1998 with the intention to amalgamate the Australian Radiation Laboratory (ARL) and the Nuclear Safety Bureau (NSB) into one body, now known as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and to introduce regulatory controls for all radiation and nuclear safety activities.

The Bill passed through the House of Representatives on the 12th of November 1998 after a break in sitting occurred due to a Federal election in October of that year. The debate in the House of Representatives mainly focused on the replacement of the Lucas Heights reactor and its perceived implications.

The Senate at this time was in the same situation it is presently in, where minority parties have the balance of power. The Australian Democrats and Greens parties had this balance of power and both shared anti-nuclear

policies. It was this balance of power and policy that facilitated the introduction of an amendment by the Greens party to prohibit outright nuclear power.

The Greens amendment was voted on with no formal division (a record of ayes and noes) and was passed on voice vote alone. In other words, no Senator put their name on record for, or against, the amendment. Usually this occurs when all the political parties have agreed not to divide on certain matters, and there aren't two voice votes in opposition to trigger a division. Just 10 Senators out of 76 were present. Three were there to vote for the prohibition (Greens and Australian Democrats and the rest just accepted it without any opposition.

Australia prohibited nuclear power based on the ideological position of two minority parties and a misperceived stigma.

Eight years later in 2006 nuclear power came back into the political landscape before the 2007 election. In November of 2006 the Australian government published the following report from the Standing Committee on Industry and Resources:

“Australia’s uranium – Greenhouse friendly fuel for an energy hungry world.”

It is especially heavy on common sense, pragmatism, and objectivity through weighing up all the submissions and witness testimonies to derive recommendations for the establishment of a nuclear industry in Australia which was not acted upon by the Labour Government. The Global Financial Crisis had hit.

In 2015, the South Australian Government undertook a Royal Commission into the Nuclear Fuel Cycle. The Royal Commission was a longer process than the above committee, involved far reaching testimonies from 132 expert witnesses over 37 days, visited international nuclear projects and countries, received 250 submissions, commissioned technical reports on economics and safety, and informed a larger set of work to educate the public on Nuclear matters. The Royal Commission recommended (No. 8):

*To pursue removal at the federal level of existing prohibitions on nuclear power generation to allow it to contribute to a low-carbon electricity system, if required.*

If only we had this level of detail on *that* day in December '98!

For a detailed chronology of the process that banned nuclear in Australia go to [www.brightnewworld.org](http://www.brightnewworld.org) and click on the blogs to read a detailed summary.

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