



AUSTRALIAN NUCLEAR ASSOCIATION INC

PO Box 472, Engadine, NSW 2233
ABN 70 788 504911

Submission to Standing Committee on Community Affairs

on

Australian Radiation Protection and Nuclear Safety Amendment Bill 2015

Summary

The Australian Nuclear Association:

1. **supports** the proposed amendments to the *Australian Radiation Protection and Nuclear Safety Act 1998* (the ARPANS Act),
2. **recommends repeal** of Section 10 (Prohibition on certain nuclear installations) which states that the CEO **must not issue** a licence in respect a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant or a reprocessing plant, and
3. **recommends amending** Section 13 to include nuclear reactors for producing electricity in the definitions of nuclear installations that ARPANSA can regulate.

1. ARPANS Act 1998, Section 10

Section 10:

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 of the facilities mentioned in subsection (1).*

Section 10 was put into the ARPANS legislation to make a political statement in 1998, now 17 years later it is time that this prohibition was removed. ARPANSA has been operating for many years; it has an established regulatory track record including regulating and issuing licences for the construction and operation of the new OPAL reactor. Section 10 is an unnecessary prohibition in an Act to establish a scheme for licensing all Commonwealth entities using radiation including nuclear installations.

Public opinion has moved on since 1998, particularly regarding the need for the generation of electricity with minimal emissions of carbon dioxide. There is therefore a growing acceptance of the need to consider the option of nuclear power generation and associated nuclear fuel cycle activities in Australia.

The South Australian Royal Commission is considering opportunities for expanding involvement in nuclear fuel cycle facilities. If any of the facilities listed in Section 10 (a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant or a reprocessing facility) is proposed then ARPANSA as the Commonwealth regulator of nuclear facilities would be the appropriate regulator. There is no other Commonwealth regulator who can deal with these facilities. ARPANSA should not be prohibited by legislation from regulating such a nuclear installation if there is Commonwealth involvement.

Section 10 is, in any case, an unnecessary repeat of requirements covered by in Sections 13 under definitions of installations for which the ARPANSA CEO can issue licences.

2. ARPANS Act 1998, Section 13

Section 13 (Definitions) include:

nuclear installation means any of the following:

- (a) *a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and sub-critical assemblies);*
- (b) *a plant for preparing or storing fuel for use in a nuclear reactor as described in paragraph (a);*
- (c) *a nuclear waste storage or disposal facility with an activity that is greater than the activity level prescribed by regulations made for the purposes of this section;*
- (d) *a facility for production of radioisotopes with an activity that is greater than the activity level prescribed by regulations made for the purposes of this section.*

Section 13 in the ARPANS Act 1998 defines the types of “nuclear installations” that ARPANSA can regulate. These include nuclear reactors for research or production of nuclear materials for industrial or medical use but do not include nuclear reactors for the production of electricity.

Around the world, nuclear power is a major generator of low carbon emission electricity. Should nuclear power plants be proposed as part of Australia’s future electricity system, ARPANSA would be the appropriate regulator.

ANA recommends that definition (a) in the definitions of nuclear installations be amended to

a nuclear reactor (including critical and sub-critical assemblies);

by deleting the words “*for research or production of nuclear materials for industrial or medical use*”

ANA strongly recommends that:

1. Section 10 (Prohibition on certain nuclear installations) be repealed, and
2. Section 13 be amended to include a nuclear power reactor in the definition of nuclear installations

Australian Nuclear Association (ANA)

The Australian Nuclear Association (ANA) is an independent incorporated scientific institution made up of individuals drawn from the professions, business, government and universities, with an interest in nuclear scientific and technical topics. The ANA provides a forum for presentation, exchange and dissemination of information on the peaceful uses of nuclear science and technology through the holding of regular technical meetings and national and international conferences.