

Majority Report

1.1 This report represents the views of Government and Opposition senators on the committee.

1.2 The ANSTO Amendment Bill 2006 was referred to the committee on 30 March 2006 for examination and report. The committee received three submissions to its inquiry. As there was no indication given to the committee at the time of its referral that the provisions of the legislation would be contentious, the committee agreed that the bill would be reported solely on the basis of a reading of submissions.

1.3 This amendment to the Australian Nuclear Science and Technology Organisation Act 1987 will allow ANSTO to fully participate in actions that may be required to assist the Commonwealth and its agencies in the management of radioactive materials and waste, beyond those which relate to ANSTO's own operations. ANSTO is the pre-eminent nuclear science research agency. Its expertise is not only required by Commonwealth agencies, but those agencies under state and territory jurisdiction which require assistance and advice on matters relating to public health and safety in the event of accidents involving nuclear materials, and incidents resulting from criminal or terrorist activities.

1.4 There are three main elements to the bill, each of them dealing with provision of specific powers and responsibilities. These are outlined as follows.

Management of Commonwealth radioactive waste

1.5 As the law currently stands, ANSTO is impeded from making its expertise and facilities available to owners of nuclear waste who will be required to dispatch it to the new storage facility in the Northern Territory. There are special requirements for packaging and transporting of the waste, and as a result of the amendment ANSTO will be empowered to advise and assist in these processes.

1.6 In its submission to the inquiry, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) noted that ANSTO is currently unable to make its own storage facilities available to other government agencies. If it was empowered to do so, this would allow ANSTO to handle the complete pre-disposal management of the Commonwealth's holdings of radioactive wastes, thus improving overall radiation protection.¹

1 ARPANSA, *Submission 2*, p.3

Management of radioactive waste at the request of law enforcement and emergency services authorities

1.7 Deficiencies in the current act became apparent when state emergency and law enforcement authorities approached ANSTO for advice and assistance in storage and disposal of nuclear materials that may be taken in the course of law enforcement work. Police forces around the country lack suitable storage facilities for this purpose.

1.8 Nor has ANSTO currently any legal powers under its legislation to advise law enforcement authorities in relation to dealing with 'dirty' bombs, or other materials that may emerge from terrorist or criminal activity. An amendment allowing for this will align Australia with the standards set out in the UN Convention for the Suppression of Acts of Nuclear Terrorism.²

Management of waste following reprocessing of spent nuclear fuel.

1.9 Spent nuclear waste from ANSTO's research reactor is shipped to Britain and France for reprocessing, together with spent fuel from other users. All waste is combined in a single batch, and on its return is allocated to users in proportion to their share in the original mixed batch.

1.10 What is returned and reallocated will contain matter which originally came from different users. ANSTO is concerned that it is not clear that a court would regard returned and reprocessed waste as being waste arising from the operations of its research reactor. The committee accepts that it is important that ANSTO's power to receive and manage these residues is put beyond legal question, given the possibility of legal actions by groups opposed to nuclear activities. A successful legal action would effectively place Australia in breach of commitments given to the governments of Britain and France as to the origin of the waste.³

Conclusion

1.11 The committee regards this bill as important and essential legislation. It will significantly improve levels of protection from radioactive contamination in routine management of waste, and in the event of criminal or terrorist activities involving radioactive materials. The committee notes that the legislation has been supported by the Federation of Australian Scientific and Technological Societies (FASTS), the only non-government body to make a submission to the inquiry.

1.12 The committee also notes that for some time senators interested in the management of the nuclear research program and nuclear waste issues have asked questions of ANSTO and ARPANSA at estimates hearings about their respective roles. The ability of ANSTO to answer technical questions has been limited by the

2 ANSTO, *Submission 4*, p.3

3 *ibid.*, p.4

constraints of its act. While the committee has not focussed on this issue previously, individual senators have noted the administrative fragmentation in the field of nuclear energy research and nuclear waste management. The practical difficulties arising from this problem have now been recognised. The committee is pleased to see this legislation introduced.

Recommendation

The committee recommends that the Senate pass this bill.

Senator Judith Troeth

Chairman

