



Uranium: The fuel that must not be named

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The lengths to which some policy makers go in a democratic society to ensure that other points of view aren't even allowed a look-in, is as unbelievable as it is offensive.

This practice is common in mainstream debates such as climate change (the science is settled), and freedom of speech (if you disagree with me you're a racist), but the debate on uranium mining, nuclear power and waste processing is another great example.

Proposed new legislation to discourage parliamentarians in South Australia from advocating a nuclear waste facility is a case in point.

While South Australia's Weatherill Government has deservedly copped criticism for its renewables policies and back-of-the-envelope bank tax, it deserves credit for its recent attempts to get some sort of nuclear energy industry off the ground in South Australia.

In particular, It established a [Nuclear Fuel Cycle Royal Commission](#) to look at "the potential for



increasing South Australia's participation in the nuclear fuel cycle" and actively considered (while not formally supporting) the establishment of a nuclear waste storage facility.

When its so-called Citizen's Jury [came out against](#) the idea, the government persisted, even after the State Opposition decided to [oppose it](#) before it was apparently [abandoned](#) in June 2017.

However, many people don't realise that the South Australian Government had to change the law [just to ask](#) the public if it wanted a nuclear waste storage facility.

Section 13 of South Australia's *Nuclear Waste Storage Facility (Prohibition) Act 2000*, brought in by the former Liberal Government, stated that:

"Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State."

In March 2016, prior to the Royal Commission's Final Report being handed down, the Weatherill Government attempted to have this section [removed](#) but the South Australian Greens [objected](#), and the legislation was instead [amended](#) to add that the previous clause:

"...does not prohibit the appropriation, expenditure or advancement to a person of public money for the purpose of encouraging or financing community consultation or debate on the desirability or otherwise of constructing or operating a nuclear waste storage facility in this State."

Now, even though they 'won' the debate under the amended law, the South Australian Greens have [introduced new legislation](#) into the Parliament to repeal this extra clause so that there is once more a legal question hanging over government advocacy for a change in policy.

In fact, this Act of Parliament should be removed in its entirety.

While it is of course appropriate that procedures are in place to safely manage radioactive material, it is incomprehensible that in the 21st century, state and federal laws make it a crime to talk about, look for or develop what over 30 countries consider to be a commercial energy product [and](#) 55 countries use for research.

Two separate pieces of Commonwealth legislation (the [Environment Protection and Biodiversity Conservation Act](#) (EPBCA) and the [Australian Radiation Protection and Nuclear Safety Act](#)) specifically prohibit nuclear fuel fabrication, power, enrichment and reprocessing facilities.

The EPBCA also includes a [special section](#) for approvals of uranium mines and nuclear facilities, ominously titled "Protection of the environment from nuclear actions."

State legislation has banned uranium mining in [New South Wales](#) since 1986 and a ban on mining was re-introduced via regulation in [Queensland](#) in 2015, though nonsensically both states claim to



allow companies to explore for uranium.

The newly elected government in Western Australia last month implemented its election promise to also [ban](#) new uranium mines and in [Victoria](#) a 34-year old Act of Parliament prohibits even exploration.

And for any company lucky enough to find a commercial uranium resource, establish a mine and secure an overseas market, it must still obtain the Federal Resources Minister's [permission](#) to export, and deal with the fact that only South Australia and the Northern Territory [allow](#) the use of local ports.

In the wake of the Finkel Review, if policy makers insist on weighing up how best to guarantee a reliable source of electricity that also helps Australia to achieve self-imposed emissions reduction targets, it makes no sense that the law of the land does everything it can to lock out the only energy fuel source that could do both.

If uranium mining and processing or nuclear power turn out to be uncommercial in Australia or unable to compete with gas, coal and other fuels, then the resources won't be developed and the infrastructure not built.

But the legal system should not be used as a tool to suppress debate, delay the development of new sources of energy, and prevent the creation of new markets.

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