

## AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY BILL 1998

### Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

*Senate's amendments—*

(1) Page 4 (after line 21), after clause 9, insert:

**9A 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 31 in respect of any of the facilities mentioned in subsection (1).

(2) Clause 12, page 8 (lines 14 to 22), omit the definition of *nuclear installation*, substitute:

*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.

(3) Clause 14, page 10 (after line 21), after paragraph (e), insert:

- (ea) to monitor the operations of ARPANSA, the Council, the Radiation Health Committee and the Nuclear Safety Committee;
- (eb) to report on the operations of ARPANSA, the Council, the Radiation Health Committee and the Nuclear Safety Committee;

(4) Clause 14, page 10 (after line 21), after paragraph (e), insert:

- (ec) to monitor compliance with Division 1 of Part 5 and make recommendations to the Director of Public Prosecutions;

(5) Clause 19, page 12 (line 21), at the end of the clause, add:

- ; (f) to report to the CEO on matters relating to radiation protection and nuclear safety.

(6) Clause 20, page 13 (after line 2), after sub-clause (3), insert:

- (3A) Before appointing a member, the Minister must consult such consumer groups and such environmental groups as the Minister considers appropriate.

(7) Clause 22, page 13 (line 21), at the end of subclause (1), add:

- ; (d) from time to time, to review national policies, codes and standards in relation to radiation protection to ensure that they continue to substantially reflect world best practice;
- (e) to consult publicly in the development and review of policies, codes and standards in relation to radiation protection.

(8) Clause 23, page 14 (after line 8), after sub-clause (3), insert:

- (3A) Before appointing a member, the CEO must consult such consumer groups and such environmental groups as the CEO considers appropriate.

(9) Clause 25, page 14 (line 27), at the end of subclause (1), add:

- ; (d) to report to the CEO on matters relating to nuclear safety and the safety of controlled facilities.

(10) Clause 26, page 15 (after line 15), after subclause (3), insert:

- (3A) Before appointing a member, the CEO must consult such consumer groups and such environmental groups as the CEO considers appropriate.

(11) Clause 31, page 19 (line 11), at the end of subclause (3), add ", and must also take into account international best practice in relation to radiation protection and nuclear safety".

(12) Clause 32, page 19 (line 19), at the end of subclause (3), add ", and must also take into account international best practice in relation to radiation protection and nuclear safety".

(13) Clause 40, page 23 (after line 16), after subclause (3), insert:

(3A) As soon as possible after giving directions under subsection (2), the CEO must provide a copy of the directions to the Minister.

(3B) The Minister must cause a copy of the directions to be tabled in each House of the Parliament within 15 sitting days of that House after the directions have been given.

(14) Clause 57, page 32 (lines 3 to 6), omit the clause, substitute:

**57 Staff and consultants**

(1) The staff necessary to assist the CEO are to be persons appointed or employed under the *Public Service Act 1922*.

(2) The CEO has all the powers of, or exercisable by, a Secretary under the *Public Service Act 1922*, so far as those powers relate to the branch of the Australian Public Service comprising the staff referred to in subsection (1), as if that branch were a separate Department of the Australian Public Service.

(3) The CEO, on behalf of the Commonwealth, may engage consultants to assist in the performance of any of the CEO's functions.

(15) Clause 58, page 32 (lines 9 and 10), omit "the operations of the CEO during that year.", substitute:

the operations during that year of:

(a) the CEO; and

(b) ARPANSA; and

(c) the Council, the Radiation Health Committee and the Nuclear Safety Committee.

(16) Clause 58, page 32 (after line 12), after subclause (2), insert:

(2A) The report must include details of any breach of licence conditions by a licensee during the financial year, of which the CEO is aware.

(2B) The report must include details of all reports received by the CEO during the financial year under paragraph 19(f) or 25(1)(d).

(17) Clause 59, page 32 (lines 18 and 19), omit "the operations of the CEO during that quarter.", substitute:

the operations during that quarter of:

(a) the CEO; and

(b) ARPANSA; and

(c) the Council, the Radiation Health Committee and the Nuclear Safety Committee.

(18) Clause 59, page 32 (after line 19), after subclause (1), insert:

(1A) The report must include details of directions given by the Minister during the quarter under section 15.

(1B) The report must include details of any breach of licence conditions by a licensee during the quarter, of which the CEO is aware.

(1C) The report must include details of all reports received by the CEO during the quarter under paragraph 19(f) or 25(1)(d).

(1D) The report must include a list of all facilities licensed under Part 5 during the quarter.

(19) Clause 60, page 33 (after line 3), after subclause (1), insert:

(1A) If a serious accident or malfunction occurs at a nuclear installation, the CEO must cause a report about the incident to be tabled in each House of the Parliament no later than 3 sitting days after the incident occurs.

**Dr WOOLDRIDGE** (Casey—Minister for Health and Aged Care) (11.38 p.m.)—I move:

That the amendments be agreed to.

I am pleased to see this ARPANSA legislation returned from the Senate to become law. I believe the amendments agreed to by the Senate will strengthen this legislation. I thank the opposition for working with the government to come to a sensible outcome. The ARPANSA legislation fills a regulatory gap that has been the topic of intense debate. Australia now has a system of regulation for nuclear facilities. I am pleased to note that the coalition has, for the first time, put in place a strong regulatory framework to regulate the Commonwealth's nuclear and radiation activities, including Lucas Heights.

I very much thank the member for Hughes for her interest, her activity and her help in seeing this legislation get through. She has been a strong and effective advocate for her constituents.

**Ms MACKLIN** (Jagajaga) (11.39 p.m.)—

As the minister said, this legislation has had a long history, having been presented in the House twice before in earlier incarnations. I am pleased to say that every time it has come back here it has been improved significantly. The extensive amendments that have been made in the Senate are a demonstration of the valuable work that can be done by Senate committees which take the time and trouble to properly investigate the implications of legislation.

The Community Affairs Legislation Committee held a one-day inquiry into this bill after it passed through the House earlier in the session. This hearing identified many issues that the government had not properly addressed. I am pleased that some active discussion with the government has resulted in a significant number of improvements being accepted.

The three new committees will now have wider representation with a commitment that there will be consultation with consumer and environmental groups. The range of nuclear facilities that can be licensed has been considerably narrowed to include only those types of facilities which are required in Australia to support industrial and medical application of nuclear technologies and the safe use of radiation. Importantly, a list of major facilities has been inserted to clarify that they cannot be established within the ambit of this bill. This includes nuclear power stations, enrichment plants and fuel reprocessing.

There are two matters, however, which I regret the government voted in the Senate to reject. The reasons for doing so are not clear and I would welcome the minister here tonight making a clear statement on his reasons. The first is the question of establishment of commercial waste disposal sites in Australia. Just this week we have discovered that a major consortium has been making soundings about whether a large international waste disposal facility could be established in Australia.

The second issue I would appreciate the minister responding on is the desirability of holding a public inquiry prior to the establishment of a major new nuclear facility. The government has argued that this would normally occur but has refused to write a provision into the bill. Its reasoning seems to be tied to a desire to avoid a debate about the future replacement of the Lucas Heights reactor.

I must say that I cannot see why the government is so shy of putting this matter in the public eye. I would appreciate it if the minister would make a commitment here that, although he has not allowed this matter to be written into the bill, he will support having some form of public inquiry if there is a proposal to build a new nuclear reactor at Lucas Heights or anywhere else, or to approve any new waste disposal facilities. I think he knows as well as I do that the public would demand that such facilities be subject to careful scrutiny and that he should have accepted that if ARPANSA is to properly fulfil its role it should have been given this responsibility.

All that said, Mr Speaker, the opposition welcomes the establishment of the new regulatory authority and looks forward to it being a successful and careful regulator of the nuclear industry in Australia.

**Dr WOOLDRIDGE** (Casey—Minister for Health and Aged Care) (11.43 p.m.)—

Just briefly in answer to the shadow minister, we have a very strong view that the issue of policy should be separate from the issue of regulation. ARPANSA is a regulatory body, not a policy making body. There has been no regulatory body for nuclear facilities in the broader sense, whether it be an X-ray machine or Lucas Heights. I have been happy to take that on in my portfolio.

The issue of whether or not we should have such a facility is an issue for the minister for industry. We have tried to separate those two and we think that it would be quite wrong for the regulatory body to become involved in policy. That is not to say that we support a nuclear reprocessing facility or a nuclear waste facility: we do not. But the regulatory body should not be a policy body. We think that for the regulatory body to be most effective it should be completely separate.

Question resolved in the affirmative.