ENVIRONMENT PROTECTION (SEA DUMPING) AMENDMENT BILL 1985

(Private Senator's Bill)

Date Introduced: 22 May 1985
House: Senate
Presented by: Senator Colin Mason

Short Digest of Bill

Purpose

To prohibit the dumping or incineration of radioactive wastes in Australian waters or from Australian vessels.

Background

The dumping of radioactive waste in Australian waters is governed by the Environment Protection (Sea Dumping) Act 1981 (the Principal Act) which adopts the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter (the London Convention). The London Convention prohibits the dumping of high level radioactive waste while allowing lower level waste to be dumped (Article IV). The International Atomic Energy Agency is designated in the London Convention as the body to define high level radioactive waste and to provide recommendations to be taken into account for the dumping of other radioactive waste. Before any waste can be dumped, both the Principal Act and the London Convention require a permit to be issued. Australia is also a party to the South Pacific Forum which has been considering a Nuclear Weapons Free Zone in the South Pacific for a number of years. As part of this Zone, there is to be a ban on the dumping of radioactive waste in the South Pacific. Some South Pacific countries, in particular Kiribati and Nauru, are working to have the London Convention amended to prohibit the dumping at sea of any radioactive waste.

The United States of America commenced dumping of low and intermediate level waste in the Pacific and Atlantic Oceans in 1946. This program stopped in 1970 and later tests revealed that a number of containers had ruptured and radioactive waste had leaked to the environment. The United Kingdom commenced dumping radioactive waste in the Atlantic
Ocean in 1949. Since 1967 other European nations have joined the United Kingdom in dumping waste in the Atlantic. From 1967 to 1982 these nations continued to dump waste at a site in the north-east Atlantic, approximately 700 kilometres from the Irish coast. The dumpings were carried out under the supervision of the European Nuclear Energy Agency (now the OECD Nuclear Energy Agency) and from 1977 the dumpings conformed to the requirements of the London Convention. Action by the British Seamen's Union prevented any dumping in 1983 and, following a Spanish proposal, a majority of members of the London Convention voted for a two year moratorium on the dumping of radioactive wastes to enable further reviews of the question. This voluntary moratorium will expire in September 1985. Although the United Kingdom is not a member of the London Convention, industrial pressure prevented the 1983 dumping and together with international pressure persuaded it to suspend dumping until the results of its own scientific enquiries were known. There was no dumping in 1984.

In 1979 Japan announced plans to begin dumping low level waste in the North Pacific from 1981. Pressure from Pacific nations and the changing international situation led to the postponement of the plan. The Japanese Government has recently announced that dumping will not commence without the approval of Pacific nations.

The storage and disposal of radioactive wastes in Australia is principally a State function. Generally the waste is very low level and stored by the users, though some disposal into sewers is often allowed. In New South Wales, for example, hospitals and the Australian Atomic Energy Commission are allowed to discharge some low level waste into sewers. A Commonwealth-State Consultative Committee was established to review waste management in Australia. In its report the Management of Radioactive Wastes Arising from the Medical, Industrial and Research Use of Radionuclides, issued on 21 May 1985, the Committee recommended that regulated user disposal, including disposal in sewers, be continued.[1]

Main Provisions

Clause 3 amends section 22 of the Principal Act to prohibit the dumping or incineration at sea of any radioactive waste in Australian waters or by Australian vessels. The clause will also prohibit the loading of radioactive waste for dumping or incineration at sea.

Proposed sub-section 22(6) will make it an offence to breach these prohibitions, with the owner and person in
charge of a vessel found dumping or incinerating at sea each liable to a maximum fine of $50,000 if they are natural persons or $100,000 for corporations.

For further information, if required, contact:

Science, Technology and Environment Group
LEGISLATIVE RESEARCH SERVICE

30 July 1985

Reference