Date Introduced: 10 April 1978
House: House of Representatives
Presented by: The Honourable Ray Groom, M.P.,
Minister for Environment, Housing
and Community Development

**Short Digest of Bill**

**Purpose**

To provide for the implementation of codes of practice which will effectively control nuclear activities throughout Australia in the interests of health, safety and the environment.

**Background**

In the Ministerial Statements "Australian Uranium Policy" of 25 August 1977 the Prime Minister announced the Government's decision that there should be further development of uranium under strictly controlled conditions. A number of important points were made including:

(a) Acceptance of the Ranger Uranium Environmental Inquiry's recommendations for proper regulation and control.

(b) Implementation of a uniform code covering the mining and milling of uranium.

(c) Adoption of strict environmental controls.

The general position which has been reached concerning controls which will be required may be seen in the following extract from the 1976/77 Report of the Australian Atomic Energy Commission:

"The Ranger Uranium Environmental Inquiry identified a number of "hazards, dangers and problems of and associated with the production of nuclear energy" and recommended that the Commonwealth Government explore immediately what steps it could take to assist in resolving these problems. Principal among these problems is the management, including the ultimate disposal, of radioactive wastes.

The Commission for some time has been carrying out research into certain aspects of the management of radioactive wastes, particularly those arising in the mining and milling of uranium. (See Chapter 5)."
In addition, officers of the Commission are participating in a number of international committees, expert groups and panels established by the OECD Nuclear Energy Agency and the IAEA to study radioactive wastes and to provide guidelines for their proper management.

The First Ranger Report discussed the various hazards associated with uranium, and the need for control and protection measures. From the point of view of mining, milling, and export the Report covered:

(a) Radiation from radon gas, dust and emissions from high grade ores. A recommendation is made that the Department of Health Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores be incorporated in legislation.

(b) Yellowcake production and controls to ensure monitoring of radon and dust levels, and to ensure that workers do not receive excessive radiation doses.

(c) Transport of yellowcake. This should be carried out in accordance with the International Atomic Energy Agency's "Regulations for the Safe Transport of Radioactive Materials" in order to ensure safety for the driver and members of the public.

(d) Tailings associated with yellowcake production. These contain all the radioactive decay products of the uranium in the original ore. This radioactivity will persist for a great period of time. For example in the case of thorium, one of the decay products, the hazard will remain for 100,000 years. It is therefore essential that a system of management be adopted which will give long term protection.

(e) Hazards from heavy metals released during mining and milling. Special measures are required at each mine because of differing situations.

The Ranger Report went far beyond mining, milling and export in its discussion of hazards to embrace uranium enrichment, nuclear fuel production, power reactor operations, accidents, storage of spent fuel, transport of spent fuel, reprocessing, and waste disposal.

The Bill will enable the development of codes of practice covering all aspects of nuclear activities as the need arises.

Main Provisions

Clause 3 states the object of the Bill. This is to make
provision for protecting health and safety, and the environment, from nuclear activities.

Clause 4 gives a very wide definition of nuclear activities—from mining to production of nuclear energy, and includes other operations which are connected, associated or incidental.

Clause 7 requires that proposed codes of practice for regulating or controlling nuclear activities be furnished to appropriate State Ministers and the appropriate Minister of the Northern Territory. Public comment may also be sought. The Ministers are to be given an opportunity to consult with the Federal Minister.

Clause 8 provides for approval, variation and revocation of codes by the Governor-General, but only after the opportunity for consultation. The clause covers matters which may be dealt with in codes including:

- Standards, practices and procedures.
- Prohibited activities.
- Licensing.
- Giving of directions.
- Exemptions.
- Health, safety and training of workers.

The clause makes it clear that codes will not deal with matters covered by the Agreement for the Application of Safeguards in connexion with the Nuclear Non-Proliferation Treaty.

Clause 9 requires that codes be tabled in Parliament and be subject to disallowance within 15 sitting days.

Part IV of the Bill provides for implementing codes of practice in the States and Territories through regulations as necessary. In particular the following aspects are covered.

Clause 10 allows Commonwealth places (i.e. a place acquired by the Commonwealth for public purposes and over which it has, according to section 52 of the Constitution, exclusive jurisdiction) to be dealt with separately, where this is necessary. Regulations may indicate that provisions of State law do or do not apply.

Clause 11 enables regulations to be made to give full effect to a code if State law does not do so. However, clause 12 limits the nature of regulations to matters within Commonwealth power under the Constitution.

Clause 13 gives the Governor-General a wide power to deal
with situations resulting from nuclear activity likely to harm people or the environment. He may, by order, authorize a Minister to take whatever action he considers necessary to control and eliminate hazards associated with the situation. Orders under this clause are limited to matters within Commonwealth power. They continue in force only for 3 months but may be extended for a further 3 months. They are also subject to Parliamentary disallowance.

Clause 14 allows regulations to be made and prescribes maximum penalties for breaches as follows:

Summary conviction - $2,000 fine or imprisonment for 1 year, or both.

Conviction otherwise - $50,000 fine or imprisonment for 5 years or both.

Defence, Science and Technology Group

LEGISLATIVE RESEARCH SERVICE

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