



Response to the Tentative Findings
of the Nuclear Fuel Cycle Royal Commission

Submission by
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Introduction

SA Unions is the peak trade union council for South Australia. Through its affiliated organisations, it represents approximately 160,000 union members in all industries and sectors.

We represent a number of unions whose members currently work directly in or associated with the exploration, extraction or milling of materials containing radioactive materials.

We strive for a just South Australia with safe and fair working conditions and a strong, sustainable economy that supports families, communities and the environment and creates a strong future for all.¹

Our views on the major challenges facing South Australia are outlined in the policy document *Building our Future*.

A number of our goals are relevant to the way we look at the tentative findings of the Royal Commission. This is what we want people to associate with South Australia:

- a strong and sustainable economy balanced with the need for a sustainable environment;
- Fair, safe working conditions and decent wages for all;
- A fair share of the wealth created by the exploitation of our natural resources;
- Secure, long-term jobs;
- A strong education and training system and a more highly skilled workforce so people are prepared for the jobs of the future;
- A place in which Aboriginal people share the economic opportunities and jobs in our community and their ownership and on-going relationship with their land and the importance of their culture is respected;
- A State in which corporations are required to be good corporate citizens, operate in the interests of all South Australians and give back to the community;
- Infrastructure investment that builds our economy and supports our community;
- A focus on developing skills and creating jobs for local people, not importing skills through temporary visa arrangements;
- Fair treatment of workers from other countries;
- A place which allows people to have a balance between life and work;
- A valued public sector providing high quality services.

¹ Building our Future: An Agenda for South Australia – SA Unions 2013

Ensuring the health and safety of people at work is a major focus for the union movement. Our vision is that nobody should go to work and be hurt or be killed and our aim is that work injuries are reduced and that deaths should be rare.

The activities, processes and enterprises contemplated by the Nuclear Fuel Cycle Royal Commission in its tentative findings are of keen interest to South Australian Unions.

We are concerned to ensure that the highest levels of protection are afforded to workers who deal with hazardous materials that cause illness and death many years after an initial exposure. Unions have campaigned for the highest level of regulation (and in some scenarios prohibition) of these hazardous processes and materials.

Summary

SA Unions welcomes the opportunity to contribute a response to the tentative findings of the Nuclear Fuel Cycle Royal Commission. While our submission deals in part with the Tentative Findings *at large*, we specifically refer to the tentative finding 62 – 102 that consider materials changes in the states current participation in the nuclear fuel cycle. We also refer to tentative findings 103 – 115 and 116 – 124.

We note the troubling absence of an examination of the health and safety implications for workers in the nuclear fuel cycle.

We submit the Royal Commission must focus and further examine a number of areas in its final report:

- Worker and community safety;
- How the rights interests and voices of traditional owners and regional communities will be heard and protected;
- The environmental and social impact that a move to nuclear storage would have on South Australia's renewable energy future and how that will effect the transition from fossil and non-renewable fuels (including a just transition for the workers in these industries);
- The potential for reputational damage to other key industries and areas of economic activity in South Australia as a result of any increased participation in the nuclear fuel cycle;
- The long term economic and social security of the South Australian community that can be unlocked through a state wealth fund, and the appropriate regulatory framework to ensure the economic dividends from such a fund are returned equitably to all embers of the community;

Enduring concerns

Historically the labour movement has opposed expanding activity in industries associated with the nuclear fuel cycle.

Originally much opposition arose from concerns with nuclear proliferation and a desire to avert the horrific consequences of nuclear warfare.

We have a particular legacy in this State of the British nuclear test programme at Maralinga. Concern about the damage to the Aboriginal population and lands from nuclear testing still exists after 50 years and extensive remediation work.

Opposition to mining uranium has centred on concerns about safety and environmental damage. Despite safeguards there are still leaks from tailings dams and mining is, at peak safety performance, an inherently dangerous activity.

The use of nuclear energy as an electricity source has also been opposed principally on a safety and environmental basis, and the emergence of cleaner and cheaper alternative low carbon fuel sources.

In addition to safety considerations, opposition to the storage of intermediate nuclear waste materials has been based in part on the possible risks of transporting those materials to storage facilities but also on the reputational damage that may arise if a particular area or the state known as a nuclear ‘waste dump’.

Storage and disposal of used nuclear fuel

The Royal Commission concludes in its tentative findings that storage and disposal of used nuclear fuel in South Australia is likely to deliver substantial economic benefits to the South Australian community.

The Royal Commission says an integrated storage and disposal facility that would accept nuclear waste from around the world would be commercially viable and could be operational in the late 2020s.

The tentative findings propose a multi-billion-dollar income stream and job creation said to be associated with constructing and maintaining a storage facility. The predictions are based

on commissioned research by [Jacobs MCM](#) (Quantitative cost analysis and business case of radioactive waste storage and disposal facilities in South Australia).

The Royal Commission also notes that community consent is an essential component of any new or additional activity, and that this community consent would include consent based decision making acknowledging the interests of regional, remote and Aboriginal Communities.

A rigorous examination of the financial case is required

In its final Report, to realise the tentative findings of community consent and consent-based decision making, the Royal Commission must explore more thoroughly the assumptions that underpin the research and modelling.

We note that Jacobs MCM consult extensively in the nuclear industry and may be considered to have an interest in its expansion and continuation, and any *prima facie* view formed by the community in this regard would severely undermine the integrity of the final recommendations and the persuasiveness of the argument in the broader community.

In particular does the Royal Commission accept, as widely concluded by a wide variety of experts and empirical data, that the nuclear industry is already in decline and will be uncompetitive when compared with other energy generating sources by 2030?

As cheaper and more readily available alternatives to nuclear electricity generation develop how confident is the Royal Commission in assumptions that emerging countries, yet to adopt nuclear power stations, will do so? How confident is the Commission that those countries would be likely to pay the premium prices for storage and disposal that are assumed in the consultant's report?

The Royal Commission must also properly and more thoroughly test the viability of increased participation, based on assumptions and projections that viability of the project may hinge on radioactive material being stored 'temporarily' in above ground facilities for over one hundred years.

Notwithstanding South Australia's strength in geopolitical positioning, is the Royal Commission confident that other countries or other states would not emerge as potential competitors to a South Australian facility? How would that affect financial viability?

Has the Royal Commission considered how such a major revenue source would be treated by the Commonwealth Grants Commission?

The State Wealth Fund

The Royal Commission makes tentative findings that to deliver long-term benefit to the future generations of South Australians who bear the risk associated with the storage of nuclear waste, a state wealth fund should be established to equitably share profits amongst the community.

Few state or sovereign wealth funds exist within the Australian jurisdiction. A thorough examination by the Royal Commission into this (in addition to testing the financial case as we have submitted) would be required for the community to contemplate the risk and benefit analysis of any final findings of the Royal Commission.

SA Unions submits any consideration of a state wealth fund (in the context of an expanded nuclear industry or otherwise) must principally and fundamentally exist to return economic dividends to the community to build the social and economic wellbeing of future generations. A strict and inclusive regulatory framework should exist to ensure genuine assurance to the community that this sole purpose will prevail.

Rights of Traditional Owners

The Royal Commission finds that both social consent and community consent must be obtained for any new nuclear activity to commence in South Australia (tentative finding 103) and the Royal Commission notes the scepticism and cynicism of Aboriginal people and their "unwillingness to contemplate any further nuclear activities" (tentative findings 110 to 115).

We also note the acknowledgement by the Royal Commission of the deep connection Aboriginal people have with their land, the strong basis by which this connection to land and country influences the decision of Aboriginal South Australians in respect to projects and nuclear activities.

In part the Royal Commission has considered a decision making process involving Aboriginal people (tentative finding 115) however the Royal Commission must consider that traditional owners of the land on which a storage facility may be proposed should ultimately have a right to decline that activity on their land.

Health and Safety of workers and communities

The Royal Commission canvasses the radiation risks (116 – 124) the security risks (125 – 132) and transport issues (133 – 138).

Operation of the proposed storage facility would involve transportation of intermediate and high level radioactive waste materials on far greater scale than we have experienced to date. These materials from around the world would be moved over long distances by multiple forms of transport (road, rail, sea) and require significant changes to domestic and international law.

We are concerned about radiation exposure and radiation release to the environment. We wish to see the Royal Commission explore the precautions and protection measures required at each stage of the transportation chain and storage process that will ensure no increased risk of cancer.

The safety of workers and the community, in any industrial or workplace consideration, should be the paramount consideration.

SA Unions is deeply concerned by the absence of consideration of the health and safety of workers and the community in the tentative finding of the Royal Commission.

Specifically, we are concerned by the lack of inquiry and findings relating to:

- The geographical location of any proposed storage site and the ability for the safety or industry regulator to effectively discharge its responsibility;
- The availability and geographic location of any expanded workforce and the likelihood or possibility of the use of ‘fly-in-fly-out’ workers;
- The need to improve or strengthen existing health and safety laws to contemplate the long term storage of intermediate and high level radioactive waste.

The Royal Commission also must examine the likelihood of an acute event occurring and what sort of contingency plans would need to be put in place to protect workers and the public from radiation exposure and prevent/mitigate release of radioactivity into the environment. Beyond geological or climatic events we are concerned at the possibility of human error such as the recent events in the United States of America.

Conclusion

The tentative findings of the Royal Commissions clearly articulates the potential economic benefit the nuclear industry would see by having access to a disposal facility that would accept their waste material. The industry overall may benefit further if more countries develop and adopt nuclear power generation over renewable energy as a result of their waste disposal predicament being resolved.

The well-being or otherwise of the nuclear industry is not the business of the trade union movement. Protecting the interests of working people and their communities is our prevailing purpose.

A compelling case would need to be made to locate a storage facility in South Australia.

The nature of a state wealth fund, how it would be administered and dispersed has yet to be articulated.

The economic assumptions must be tested.

The health and safety of workers and communities has not been examined.

Environmental safeguards must stack up and the interests and wishes of regional, remote and aboriginal communities must be protected.