



Speech by

Hon. Geoff Wilson

MEMBER FOR FERNY GROVE

Hansard Tuesday, 20 February 2007

NUCLEAR FACILITIES PROHIBITION BILL

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Mines and Energy) (5.13 pm), in reply: It is a pleasure to make some closing remarks in this second reading debate on this very important piece of legislation. I want to cover a number of areas. I want to make some general remarks about the bill, then address the federal government and state government precedents for this bill, comment upon some of the excellent contributions made by government members and Independent members, and then finally address a number of points raised—purporting to be arguments against the bill but not so—by the opposition.

I thank honourable members for participating in this debate. Against the Commonwealth government's growing advocacy for nuclear power, the Nuclear Facilities Prohibition Bill will ensure that nuclear power is not progressed in this state. The Queensland government remains concerned that the potential release of toxic radioactive materials from the uranium fuel cycle poses unacceptable risks to human health and the environment. Consequently, the bill will prohibit uranium conversion and enrichment, nuclear fuel fabrication, nuclear electricity generation and spent fuel storage and disposal in this state. By progressing this bill, the Beattie government is ensuring that the health, safety and welfare of all Queenslanders will be protected.

Honourable members will be aware of the Commonwealth government's assertions that nuclear energy is a viable response to reducing stationary energy emissions and addressing climate change. This is spurious logic. Firstly, it implies that nuclear energy is safe and that the expertise to roll it out is readily available in Australia. Secondly, it is actually contrary to the Commonwealth's existing statutory position, and I will address the detail of that shortly.

The Queensland government has a more realistic approach—significant investment in clean coal technologies that will build on Australia's experience and expertise. Whilst there is inadequate evidence to support nuclear power as safe and cost effective, greenhouse gas abatement measures and clean coal technologies are expected to be both cost effective and supportive of the state's whole economy. The consequences of operational failure or potential terrorist attack on nuclear facilities are also of concern to the Queensland government. Until acceptable security and institutional measures which guarantee health and safety are established, the Queensland government will remain committed to the prohibition of nuclear facilities.

While the Commonwealth could enact legislation contrary to these state based powers, which itself would be a total reversal of its position at present at a legislative level, such action would require amendment of the existing Commonwealth legislation. Section 140A of the Commonwealth Environment Protection and Biodiversity Conservation Act states that the Commonwealth environment minister—

... must not approve an action consisting of or involving 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.

This Commonwealth prohibition was enacted by the Howard government in 1999. Further, the Commonwealth's Australian Radiation Protection and Nuclear Safety Act, passed by the Howard government in 1998, prohibits enrichment and nuclear fuel fabrication plants, nuclear power stations and reprocessing facilities.

In effect, the Queensland parliament is being asked to affirm the position of the Commonwealth. Should the Commonwealth government take steps to amend its legislation, the Nuclear Facilities Prohibition Bill requires me to seek the views of the people of Queensland on this matter. The circumstances which motivate some countries to adopt nuclear power are not present in Queensland. While some countries incur a high cost to import conventional energy commodities, Queensland has abundant energy resources, such as gas and clean coal technology, to meet its future energy needs.

It would appear from the position that has been put by two members of the opposition—and only two members of the opposition participated in this debate, which is one of the most important debates, I dare suggest, that will take place in the parliament this year, if not over the next five to 10 years—that those opposite seem to be oblivious to the fact that this legislation is actually based upon quite sound legislative precedent. It is based upon the Nuclear Activities (Prohibition) Act 1983 of Victoria. Secondly, it is based upon the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 of New South Wales. Yes, it is true that in 1983 and 1986 there were Labor governments in office in Victoria and New South Wales respectively when those pieces of legislation were passed. However, in addition to those precedents—in one case a 24-year-old precedent—we do have another illustration of the common sense of this legislation, and that is the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth. There are key provisions in that act which are simply replicated in this legislation. As I said earlier, that legislation was passed by the Howard government in 1999.

I direct the attention of the House to comments made on 29 June 1999 by the Howard government's minister at that time. In his second reading speech, he spoke in support of this important federal legislation. Dr Stone was the parliamentary secretary to the Minister for the Environment and Heritage. She drew the attention of the House to the particular significance of the bill, which had been developed over a number of years as part of the COAG federal-state negotiation process, which had occurred from 1996 to 1999. She said that the legislation revision then before the House was foreshadowed back in 1996 when the environment election policy statement for the Howard government, prior to that election, was released stating that it would introduce legislation saving and investing in our natural heritage. In those 1996 statements she identified that major legislative reform was foreshadowed for the environmental law area.

She went on to say that since the coalition had been elected in 1996, the federal government had worked cooperatively with all of the states. Members will remember that New South Wales and Victoria had no nuclear facilities bans in place at that time. The federal government worked closely with those two states and the other states to develop the legislation that was before the federal parliament and it did that with great success. Dr Stone said that both federal and state governments had sought to identify better means of delivering efficient and effective environmental management for Australia as a whole, that would effectively balance the needs of the environment and the needs of industry.

She talked about the 1997 Council of Australian Governments Agreement that was reached on those issues. On page 7,814, she stated that the bill before the House implemented that COAG agreement. She said that the Commonwealth's role was confined to those areas identified as being of national environmental significance. She then listed a number of them, concluding with 'nuclear actions by the Commonwealth or Commonwealth agencies'.

That shows how important the federal Howard government believed its federal legislation was in 1999. It believed that it was of national significance to protect the environment throughout Australia. One of the key provisions of that legislation was to ban nuclear facilities of the type that I enumerated earlier, setting at a federal level the mark for where the country should be at. It also reflected what had already happened in 1983 in Victoria and in 1986 in New South Wales.

Just in case there is any doubt about that in the minds of opposition members today, the 1999 legislation complemented the 1998 legislation of the Howard government. Section 10 of the Australian Radiation Protection and Nuclear Safety Act 1998 prohibits nuclear installations such as nuclear fuel fabrication plants, nuclear power plants, enrichment plants and reprocessing facilities. It creates a positive prohibition against any official under that legislation issuing a licence for any of those facilities.

Opposition members here should have no doubt that the course that they have chosen is actually in conflict with the position of the federal government—their own party. It is one thing for us to be out of step with the federal government. However, opposition members are entirely out of step with their own parties

because, since 1998 and 1999, the federal government has enacted and promoted legislation that bans nuclear facilities.

I draw attention to the fact that previously the opposition—although not so much today because I do not think this was raised today—has publicly said that we have no capacity to legislate to this effect and that the federal government can, should it so choose, override this legislation. Under both our state constitution—as with other state constitutions—and the federal constitution there are separate legislative capacities for the respective governments to legislate in the fashion in which we are doing today, as the federal government has already done and as the other two states did so long ago.

Firstly, there is no inherent contradiction between the positions and, secondly, there is an obvious role being played by this legislation which complements the federal legislation that has already activated the federal constitutional head of power to ban nuclear facilities throughout Australia. There are no inconsistencies and, in fact, once passed this legislation will complement the federal government act that has been operating since 1998 in one case and 1999 in the other case.

It needs to be remembered that we represent all of Queensland and that there is good reason for us to be concerned about what the federal government may do in the future contrary to its legislated position. The Switkowski report identifies where it can be reasonably anticipated the federal government will go. Two reports have tried to make practical sense of the Switkowski report, which has been presented to the Prime Minister, and identify the possible implications for Queensland. In 2006 its own consulting group did a study, as averted to by others earlier today. That study identified that, if one tried to apply to Queensland what is put forward in the report to the Prime Minister and tried to make some practical sense of what nuclear power would mean for Queensland, one would have to look at nuclear power stations in Townsville, Collinsville, Mackay, Broadsound and Rockhampton. That is the claim of one report and people may think that that is an exception and we should not pay too much attention to it.

However, another report tries to make practical sense of what the Prime Minister's proposals on nuclear power stations might mean for Australia and, in particular, Queensland. That is the report by the Australia Institute dated 30 January 2007. That report identified that potential Queensland sites for nuclear power stations are Townsville, Mackay, Rockhampton, Gladstone, Bundaberg, the Sunshine Coast and Bribie Island.

Mr Seeney: What rubbish!

Mr WILSON: I take the interjection of the Leader of the Opposition—

Mr Seeney: Good, put it in *Hansard*. It's rubbish.

Mr WILSON:—who has been noticeably absent from the debate. He did not participate in the debate and has just arrived for this part of the debate. We are grateful for his late attendance. I want to be sure that the rest of Queensland has a record of the Leader of the Opposition's position, which is that it is rubbish that a nuclear power station could be placed in any one of those places in Queensland.

It cannot be in any of those places, according to the Leader of the Opposition. If Howard goes ahead with nuclear power in Australia we are left with two other alternatives: one, that there be no nuclear power stations in Queensland or, alternatively, that any nuclear power stations in Queensland would be anywhere other than the places nominated by the Leader of the Opposition as being places where it would be rubbish to assert that there would be any nuclear power station. I am delighted that that is now on the record.

While I am addressing that, I acknowledge the contribution of the member for Ipswich, who I think took the analytical scalpel to the contribution of the Leader of the Liberal Party, particularly where he asserted that there is no way there would be a nuclear power station on the Sunshine Coast. He did not put forward any argument for why there could not be, but was merely asserting that of course there would not be. Therefore, we are left to conclude that it would be self-evident that there would not be; that the evidence is there without it being put forward to prove the case. I think what he is doing is reciting the position that the member for Maroochydore took in the debate on the motion on 7 June 2006. She said—

I also want to put on record that I have never been accused of being quiet before. I was on the record with Mark McArdle, before the state government was, saying that there is no way we would have a nuclear plant on the Sunshine Coast.

On the one hand members opposite oppose this legislation which would ban nuclear power stations in Queensland. On the other hand they are falling over themselves to reject the proposition that a nuclear power station could be in any of the places in Queensland named today. As I say, we are left to the conclusion that on the science and logic of the opposition, it cannot be in any of those places as named—so it is the rest of regional Queensland—or, if the opposition has its way, there will not be any nuclear power stations in Queensland. The latter two options are highly less likely than the first.

I want to now address a number of things put forward by a number of speakers, particularly the member for Moggill and the member for Charters Towers. Firstly, I do not want to go over the ground covered I believe so ably by government members in the House tonight. I want to acknowledge the

member for Fitzroy, who stood up for the coal industry. That is what this bill is also doing: standing up for the Queensland coal industry despite the opposition by the members opposite to our position.

I want to acknowledge also the member for Hervey Bay who addressed the question that there is no technology to deal with the waste at the moment. There are 443 nuclear power stations throughout the world in 31 countries and there is no technology for the long-term disposal of waste taking into consideration the safety of humans and the environment. There are two proposed repositories, one in Finland and one in the US. The one in Finland will be available, so it is said, by 2010 and the other some years after that. Even now, after 40 years of generation of nuclear power, there is no settled safe technology for the long-term disposal of the waste.

The member for Pumicestone put the breadth of arguments. Any member of the public reading her speech would acknowledge it as a common-sense provision on this legislation and the question of nuclear power stations.

The member for Charters Towers asserted a number of things including that the bill would achieve nothing, that it is a PR exercise and that it is scaremongering, and some of the hard-hitting, profound points were also later picked up by the member for Moggill.

The member for Moggill became quite elaborate. He was describing the position as a stunt, a scare campaign, an ugly political opportunistic act, dirty politics and cheap politics. He did not address the fact that the Howard government had already legislated federally in 1998 or 1999 to the effect of what we are doing now. He did not address the fact that Victoria in 1983 and New South Wales in 1986 had done likewise. He then went on to say that this legislation stops debate. The real truth of his concern is not that it stops debate but that it focuses and starts debate. That is what the opposition has as its fundamental objection to this legislation.

Despite what the members opposite say, one consequence of this legislation is that it actually helps to generate the debate about nuclear power in Australia because it says quite boldly that there are many other options for Queensland far preferable to nuclear power. It does nothing about stopping debate at all. It actually facilitates the holding of a debate. Also, not only does the passing of the bill through this House generate debate within the community and in here, but the bill itself proposes a mechanism for the conducting of public debate as a prelude to holding a plebiscite to ask Queenslanders what they think about any proposals by the Howard government to put one or more power stations in Queensland.

On the one hand they posture that they are defending the right of Queenslanders to debate and exercise free choice, so they use that argument to oppose this legislation. On the other hand in effect what they are doing by opposing the bill—were they to be successful—is opposing Queenslanders having a legislated right to have a plebiscite on this issue. Whilst speaking on this and thinking of the Leader of the Opposition, who did not participate in the debate but thought it was serious enough only to do so by way of a casual interjection, it occurs to me that he says that there will be no nuclear power stations in Queensland. That is effectively his position: there certainly will not be any in those major regional places.

The report to the Prime Minister says that there will be 25 nuclear power stations within the next 15 to 20 years. It is going to be pretty crowded elsewhere in Australia if there is not at least one or more power stations in Queensland if there are going to be 25 throughout the country. Tasmania is a bit crowded at the moment. It has a fair bit of hydro so they might not want to put a nuclear power station there. South Australia, the Northern Territory, Western Australia, Victoria and New South Wales are going to become pretty crowded with 25 nuclear power stations. It is a bit hard to believe that that is really going to be the outcome.

The member for Moggill also said in support of his argument that we should leave all things on the table. He said that just as we consider and leave on the table wind farm technology for supplying technology to the network, we should also put nuclear power technology on the table—as if they were equivalent technologies in terms of their nature and the way in which they generate electricity.

Wind power is a highly unreliable source of power for baseload power, let alone peaking power. It is at a very limited number of locations throughout Queensland. There are limited places throughout Queensland for wind power. These units generate at most 120 to maybe 200 megawatts at the extreme with many turbines in the air. Nuclear power is only a sensible option if it is being talked about for major baseload electricity generation to supply thousands and thousands of megawatts to the Queensland electricity grid. That is why nuclear power cannot be equated to wind power.

Finally, I want to acknowledge the contributions made by the Independents. As I recall, all of those who spoke indicated their support for this legislation. In relation to the member for Tablelands, I do not necessarily agree with everything that she has said. However, I do appreciate the support of the Independents. I take some comfort from the fact that they are not opposing the legislation because I believe that they are reflecting authentically what is happening in their respective electorates and the disparate areas from which they come. I think that is quite a feature of the support they are providing. The members for Gladstone, Nanango, Tablelands and Nicklin are from different areas.

Mr Wellington: Gladstone, Nanango, Maryborough.

Mr WILSON: And Maryborough. It is quite a reinforcement of the government members' position that this legislation is important to Queensland. I commend the bill to the House.