



The environment's legal team since 1992

Protecting the public interest - evening the odds

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EDO(SA) Comment upon the Nuclear Fuel Cycle Royal Commission

Draft Terms of Reference (“TOR”) - 13 March 2015

The Environmental Defenders Office (SA) Inc. (“EDO(SA)”) is a community legal centre with over twenty years of experience specialising in public interest environmental and planning law. EDO(SA) provides legal advice and representation, undertakes law reform and policy work and provides community legal education.

In addition to our comments (dated 12 February 2015 - attached) made in regard to what should be included in the draft TOR, we make the following comments upon the draft TOR:

1. The draft TOR fail to address specifically and expressly the following critical matter emphasised in the EDO(SA) submission, dated 12 February 2015:

The adequacy of current South Australian and Commonwealth legislation and regulation to properly regulate nuclear activity,¹ including the proper identification and regulation/management of the environmental and social impacts of nuclear activity.

Without a best practice legislative and regulatory regime: (a) the risks associated with nuclear activity cannot be adequately identified, assessed and managed; and (b) the South Australian and Australian communities will not have confidence that the industry is subject to appropriate scrutiny.

2. The draft TOR provide the Royal Commission with a discretion (“*where appropriate*”) to consider the impacts of each of the activities, dot pointed in the draft TOR, upon the economy the environment and the community (including regional, remote and aboriginal communities).

As each of the activities dot pointed in the draft TOR **will** have an impact upon “*the economy, the environment and the community (including regional, remote and aboriginal communities)*”, the Royal Commission, under the TOR should be **obligated** to consider their impact upon the economy the environment and the community (including regional, remote and aboriginal communities).

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¹ “nuclear activity” includes “the mining, enrichment, energy and storage phases (including transportation) for the peaceful and safe use of nuclear materials and fuel”.



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12 February 2015

The Royal Commission Terms of Reference should include the following:

1. The adequacy of current South Australian and Commonwealth legislation and regulation in regard to the mining, enrichment, energy and storage phases (including transportation) for the peaceful and safe use of nuclear materials and fuel, having specific regard to:
 - a) Community consultation about and engagement in government and industry decision making;
 - b) Community access to government and industry information;
 - c) Transparency and accountability of government and industry decision making;
 - d) Compliance with Australia's international obligations;
 - e) Enforcement of international obligations and domestic legislative environmental and health standards and safeguards by government and community members;
 - f) The provision of adequate resourcing for community consultation, engagement and enforcement (including training and education).
2. Investigation of the legislative and regulatory approaches of other Australian state and territory and overseas jurisdictions to the mining, enrichment, energy and storage phases (including transportation) for the peaceful and safe use of nuclear materials and fuel.

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