

NUCLEAR FACILITIES PROHIBITION BILL 2007

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Kim Chance (Leader of the House)**, read a first time.

Second Reading

HON KIM CHANCE (Agricultural - Leader of the House) [5.03 pm]: I move -

That the bill be now read a second time.

The Carpenter government believes in a Western Australia without nuclear power. We do not believe that the solution to this state's energy needs lies with nuclear energy. Our position follows the longstanding policy of the Gallop government that opposed the mining, refining and use of uranium for Western Australia's energy needs.

Recently, the minister visited the site proposed by a former Liberal government to house Western Australia's first nuclear reactor. This reaffirmed how unacceptable the nuclear option is for our state. The state has already passed legislation in the form of the Nuclear Waste Storage and Transportation (Prohibition) Act 1999 to ban storage and transport of nuclear waste. The government has also announced that it will not allow mining of uranium in the state. To date, it has not been necessary to ban nuclear power.

Several members interjected.

The DEPUTY PRESIDENT (Hon George Cash): Order, members!

Hon KIM CHANCE: Thank you, Mr Deputy President. With the state having abundant resources of low-cost coal and gas, the view was that nuclear energy, with its high costs, was unlikely ever to be seen as economically viable. However, a new threat has emerged. The Howard government, in its attempt to play catch-up in the climate change debate, is using nuclear power as its solution to global warming. The federal government's obsession with nuclear power led to the commissioning of a review in 2006 of the potential for nuclear power in Australia. While nuclear power is more expensive than conventional power by between 20 and 50 per cent, there is a real risk that through a carbon pricing system the federal government will seek to expand the use of nuclear power. This support for nuclear power could mean action by the commonwealth government to impose nuclear power on Western Australia. While the Western Australian government accepts the need to reduce emissions from electricity generation, it does not agree that nuclear power is the best option. Nuclear power carries with it very significant issues that have not yet been resolved. The risk of nuclear accidents and the need for secure transport and long-term storage of high-level nuclear waste mean that nuclear power is risky and expensive. It is also unnecessary. Existing renewable generation such as wind and emerging low-emissions technologies - for example, clean coal and geothermal power - mean that we can reduce emissions from electricity generation without incurring the risks of nuclear power. For these reasons, a number of jurisdictions in Australia, such as Queensland, New South Wales and South Australia, have either enacted or are considering legislation to ban the use of nuclear power. It is time for Western Australia to follow suit.

I now turn to the Nuclear Facilities Prohibition Bill 2007. The purpose of this bill is to prohibit the construction and operation of nuclear facilities in Western Australia. Clause 5 of the bill provides that no state laws or authorisations granted under state laws allow the construction or operation of a nuclear facility or other activities prohibited by the bill. Clause 6 makes it an offence to construct or operate a nuclear facility in Western Australia, with a penalty of \$500 000. However, this clause also provides a number of exemptions. The bill will not apply, for instance, to a nuclear-powered vessel or to research or medical activities authorised or covered by the Radiation Safety Act. Should the commonwealth attempt to construct a nuclear facility, clause 6 as a state law may not be effective in preventing it from doing so. Clause 7 therefore makes it an offence to transport materials to be used in the construction or operation of a nuclear facility other than those exempted under clause 6. The penalty for this offence will be \$500 000. It will be a defence to an offence under clause 7 that the transport was carried out in an emergency to prevent danger to human life or irreversible damage to the environment.

In the event that a nuclear facility is constructed in the state, clause 8 provides that it will be an offence for a transmission or distribution system to connect to nuclear generation. In addition to the penalties for committing the offences, should the minister become aware that these offences are occurring or will occur, he or she can seek an injunction to prevent this from happening. Breaching the injunction would be a contempt of court with the potential for additional significant penalties. Finally, in the event that the commonwealth attempts to construct or operate a nuclear facility, the minister must use his or her best endeavours to ensure the issue is put to the people of Western Australia in accordance with the provisions of the Referendum Act 1983.

I commend the bill to the house.

Point of Order

Hon SIMON O'BRIEN: Does standing order 230A apply to the Nuclear Prohibition Bill 2007? If it does, this bill should now stand referred to my committee - the Standing Committee on Uniform Legislation and Statutes Review. I raise this point of order because the sixth paragraph of this quite outrageous etc, etc second reading speech clearly says that a number of jurisdictions in Australia such as Queensland, New South Wales and South Australia, in addition to Western Australia, are all doing this, and that is one of the reasons why this bill has been brought into this place. They are all Labor governments. Maybe there is an intergovernmental agreement -

The DEPUTY PRESIDENT (Hon George Cash): I know it is Thursday afternoon, and I know that it is late -

Hon SIMON O'BRIEN: I am trying to help, Mr Deputy President.

The DEPUTY PRESIDENT: I am going to help you! If standing order 230A applies, the bill will be referred to the committee. However, my close listening to the second reading debate indicates that it is not a 230A bill. However, I will double-check that, to be sure.

Hon Simon O'Brien: I just thought there might be an element of conspiracy between Labor governments!

The DEPUTY PRESIDENT: It is more likely that commonwealth legislation will override it anyway. That bill stands adjourned.

Hon Simon O'Brien: Is that to my committee, Mr Deputy President? I would like to have a look at it.

The DEPUTY PRESIDENT: It is pursuant to standing orders.

Debate adjourned, pursuant to standing orders.