

Thank you for the opportunity to make a supplementary submission in response to that of the Medical Association for the Prevention of War regarding the application of the EPBC Act to uranium mining.

The AUA submitted in its submission-in-chief that there was no justification for singling out uranium projects for special environmental assessment under the Environment Protection and Biodiversity Conservation Act on the grounds of the mild radioactivity – or to use the MAPW’s preferred phrase, low dose radiation – associated with uranium mining.

The AUA’s position is not just one of principle: the current assessment and approval processes for uranium projects involve duplication, delays and unnecessary costs, as our submission sought to illustrate.

There is nothing in the MAPW submission that justifies its claim that the uranium industry should continue to be subject to special treatment under the EPBC Act.

The MAPW claims that

- ...‘it is appropriate for uranium mining to be considered a ‘nuclear action’ as specified by the EPBC Act as the radioactivity derives specifically from the nuclear decay process’.
- ‘Without Federal oversight and reporting (protection of non-human biota) is highly unlikely to happen in any consistent, coherent or comparable manner.’
- ‘Given the clear human health and environmental risks of even low dose radiation exposure, it is entirely appropriate that uranium mining and milling remain within the definition of “nuclear actions” in the EPBC Act.’

The MAPW merely asserts these claims. It presents no data or evidence that it is ‘appropriate’ to retain uranium mining and milling in the definition of ‘nuclear actions’ or to support or justify its claim that ‘Federal oversight’ is necessary.

The MAPW bases its claims solely on the low radiation associated with uranium mining. Its argument is, in effect, that the low radioactivity associated with uranium mining justifies the discriminatory treatment of the uranium industry under the EPBC Act.

As the AUA pointed out in its submission, this is the only claim ever offered for the inclusion of the uranium mining and milling in the EPBC Act. The MAPW’s submission is not a justification of the current EPBC Act treatment of uranium. The MAPW fails to substantiate its claim that low radiation of itself is a justification for its position.

It is the country’s framework of radiation protection that establishes the principles and practices for managing the low radiation associated with uranium mining. The framework is set by the codes developed by ARPANSA, on behalf of the Commonwealth, cooperatively with the States and Territories; and by the radiation protection laws of the States and Territories in accordance with those codes.

The management of radiation will almost certainly be a consideration in the assessment of a uranium project whether assessed under State or Commonwealth environmental assessment laws. But such a possibility does not justify the claim that such an assessment can only be satisfactorily carried out by the Commonwealth acting in accordance with the uranium provisions of the EPBC Act; or that such provisions are necessary to the management of low dose radiation.

We note that, should the EPBC Act be altered to remove uranium mining and milling from the definition of 'nuclear actions', a uranium project may still have to satisfy the Commonwealth environment minister, via the prior step by which it is decided whether the Act's assessment processes will be applied, that the EPBC Act should not apply to that project.

Finally, we draw the Commission's attention to the fact that ARPANSA's publication, *Environmental protection: development of an Australian approach for assessing effects of ionising radiation on non-human species*, on which MAPW relies, is a technical report; it is neither a policy document nor a regulatory instrument. It carries little weight as a support for the MAPW claims.

The AUA submits that the MAPW has made no case and, indeed, illustrates the fundamental flaw in the argument for the current treatment of uranium under the EPBC Act.

Thank you.

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