



Ms Maggie Eibisch
Regulatory Burdens – Primary Sector
Productivity Commission
PO Box 80
Belconnen ACT 2616

2 October 2007

Dear Ms Eibisch

Annual Review of Regulatory Burdens on Business – Primary Sector: Draft Report

I write to comment on the draft report concerning the Annual Review of Regulatory Burdens and, in particular, in regard to the parts of the draft dealing with uranium mining.

The Australian Uranium Association generally endorses the draft recommendations concerning uranium specific regulation at pages 129 to 134. The Association has two comments on draft response 4.2.

While the response refers to the 'risks involved in uranium mining', the Association's submission referred to the 'physical properties of uranium that account for its treatment under national environmental legislation'. Our submission sought an assessment of those physical properties rather than the broader topic of the risks involved in uranium mining and we re-iterate that.

Second, the final report and response should make clear that the assessment process should involve a science-based assessment of the most up-to-date existing data. This does not require a submission-based process but rather an analysis by persons with the necessary scientific expertise; hence the suggestion that the Chief Scientist should lead the work.

We understand that the Commission would be assisted by specific proposals to address recommendations the Commission makes. In that regard, we draw attention to draft response 4.3. In our view, the legislation required to be addressed by this response is Regulation 9 of the *Customs (Prohibited Exports) Regulations* which, in sub-regulations 3E and 3EA, provide for conditions to be imposed on the holders of the permissions available under the Regulation.

This amendment was made in August 2000 to enable the Commonwealth Minister for Industry, Tourism and Resources to impose conditions on uranium exports. The amendment was made in response to Recommendation 9 in the 1999 Majority Report of the Senate Inquiry into the Jabiluka Uranium Mine Project that Commonwealth environmental conditions 'should also be made the explicit conditions of the issue of export licences by the Commonwealth'.

The Commission's intent, as indicated in draft response 4.3, could be realised by amending this regulation to make clear that it did not contain a power to impose environmental conditions.

Yours sincerely

Michael Angwin
Executive Director