



# MONITOR.

*Monitoring the mining industry in Australia, Asia and the Pacific*

## SPECIAL 1968 CABINET ARCHIVES EDITION

# NUCLEAR WASTE DISPOSAL NOT "PROVEN" SAYS AAEC

Cabinet documents from 1968 reveal that the Department of National Development (DND) and the Australian Atomic Energy Commission (AAEC) argued that although the technology for the disposal of nuclear wastes was not "proven" Australia should proceed to develop nuclear power stations.

The AAEC and DND August 1968 submission to Cabinet proposed that the Commonwealth Government should take responsibility for the disposal of the "large quantities" of radioactive wastes from any Australian nuclear power plants. The AAEC suggested the States should be informed "of the problems likely to be involved in the disposal of radio-active wastes" and the benefits of national control.

The Minister for National Development, David Fairburn, suggested Cabinet should authorise him to initiate discussions with State Governments on how to manage the development of nuclear power including the storage of nuclear wastes.

In the submission, released by the National Archives of Australia, the DND and AAEC acknowledged that "although it is now technically feasible to build facilities for the solidification and burial of this material (radioactive wastes), the process is still not fully developed and proven".

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The AAEC and DND did not consider the lack of a proven disposal technology for wastes a barrier to the development of nuclear power plants in Australia. Nor did they consider disposal or decommissioning costs in their cost estimates of building a nuclear power plant.

In arguing against reliance on overseas reprocessing facilities the AAEC stated that the difficulties in one shipment alone from the Lucas Heights reactor had resulted in a "loss to the Commonwealth of several hundred thousand pounds".

The AAEC argued that since they already provided facilities for the "disposal of high level radioactive waste" at their Lucas Heights reactor it should be under their control. Treasury was less enthusiastic that this be a Commonwealth responsibility and argued that "it might be left open whether it is the Commonwealth or the States that undertake these functions".

The revelations are likely to rekindle the controversy over a proposal to develop a global nuclear waste dump in central South Australia. A video promoting the dump, prepared by Pangea Resources, was leaked to Friends of the Earth in the UK. Leading scientists still consider high level waste disposal an unproven technology.

## FIRST TIME FARCE, SECOND TIME TRAGEDY

In 1968 the Federal Government legislated for the Gove bauxite and alumina project despite opposition from the Yolgnu people. Cabinet documents reveal that within months the Government recognised that the project was doing little for the benefit of the Yolgnu. In 1970 the Yolgnu took the first ever legal action for land rights against both Nabalco and the Commonwealth Government.

In 1999 the Federal Government, in re-

sponse to lobbying from the mining industry, is pushing to weaken Aboriginal Heritage Protection Act while State Governments work to extinguish native title across vast tracts of the Australia.

In 1968 Cabinet was also discussing a proposal to build Australia's first nuclear power plant using Australian uranium. Cabinet was advised that plutonium from the project, 160 kg per year, could be earmarked for Australian nuclear weapons

production. Cabinet was also concerned that the nuclear non-proliferation treaty would preclude the development of nuclear weapons by Australia.

In 1999 the Federal Government is promoting Australia's involvement in the nuclear fuel cycle by increasing uranium production and the development of a new nuclear reactor in the suburbs of Sydney. Australia is also being targeted as the site for a possible global nuclear waste dump.

# PUSH FOR AUSTRALIAN NUCLEAR POWER

In 1968 the Federal Government moved closer to the development of a nuclear power industry, and left the possibility open for the subsequent manufacture of Australian nuclear weapons.

A series of Cabinet submissions prepared by the Australian Atomic Energy Commission, Treasury and the Department of National Development in 1968 and endorsed by the Treasurer William MacMahon and the Minister for National Development, David Fairburn, recommended the development of nuclear power.

The Cabinet agreed in principle to the development of a nuclear power policy, based on the use of Australian uranium, although the Cabinet submission acknowledged that *"a serious incident could endanger the health and safety of people outside the State responsible"* for the reactor.

The focus on 'national interest' considerations in the development of a nuclear power program indicates that a significant factor was to retain the option of developing a nuclear weapons capability.

The Cabinet agreed that discussions with

the States about the development of Australia's nuclear power program should include mechanisms for reserving for the Commonwealth *"such materials as it might require for defence purposes"*.

The 1968 Cabinet discussions on development of nuclear reactors have further relevance thirty years later as the current

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Government considers a replacement reactor at Lucas Heights. The public justification for a new reactor is thinly based on medical uses. The release in thirty years of the current Cabinet's considerations may reveal more substantial but less justifiable defence and international diplomacy reasons.

The key sticking points between the various Commonwealth agencies involved in

formulating the 1968 proposal were whether the Commonwealth would fund the first reactor; whether there would be 'one reactor type only' used throughout Australia; and if the reactor would use 'natural' uranium or 'enriched fuel'. The advantage of 'natural' was that Australia had its own supplies of uranium.

The Australian Atomic Energy Commission (AAEC) argued that the Commonwealth should develop a 500 MV 'natural uranium heavy water' nuclear power reactor as a joint project with either New South Wales or Victoria. Such a reactor would produce 160 kg of fissile plutonium per year.

The AAEC felt that this would facilitate the development of a national approach to the nuclear industry in Australia, which in turn would *"allow complete control of fissile materials relevant to defence"*, the ability to accumulate plutonium, and the development of a nuclear power plant manufacturing base in Australia.

Treasury however argued that *the "Commonwealth is not justified in deciding now what the best reactor system is; and that*

## FALLOUT COULD "DAMAGE INDONESIA OR NZ"

Cabinet documents from 1968 reveal that Commonwealth agencies considered how to provide for legal liability for accidents from nuclear power stations in Australia, which they acknowledged could result in fallout as far away as Indonesia and New Zealand.

A working group of Commonwealth agencies was established to determine how to handle civil liability for nuclear damage. It included the Australian Atomic Energy Commission, Treasury, Attorney-Generals Department, Prime Ministers Department, Commonwealth Insurance Commissioner and the National Department of National Development.

The working group report, submitted to Cabinet by the Minister for National Development, David Fairburn, noted that an accident from a reactor or the transport of nuclear fuel *"could cause very extensive damage to life and property over large areas"*. The report noted that *"although the probability of such accidents is low their possibility cannot be ignored"*.

The report recognised that *"Australian nuclear incidents could conceivably cause damage in (say) New Zealand or Indonesia or (vice versa)"*.

The working group recommended that legislation to deal with liability for nuclear

damage *"would be highly desirable"*. The report canvassed the possibility that State and Federal governments should be prepared to cover any costs beyond that covered by electricity utilities' insurance in order to ensure that nuclear power was not rendered uneconomic by high insurance premiums.

Cabinet decided in February 1969 that the Minister for National Development should be authorised to elicit the view of the State authorities on the issue of civil liability but *"without being drawn as to the Commonwealth's views"*.



# NUCLEAR POWER

## PUSH FOR AUST. NUCLEAR POWER

*State authorities will make the best judgement on this matter in their own interests in due course”.*

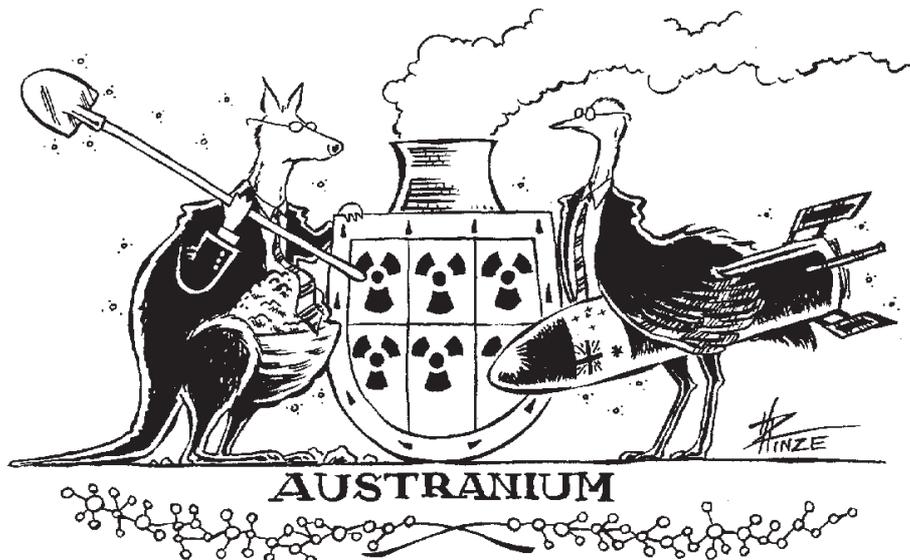
The AAEC however maintained that when the time came for a decision on reactor types that in addition to an economic analysis of various reactor types the broader ‘national interest’ should be considered, including:

- the possible utilisation of plutonium in fast-breeder reactors;
- a nuclear manufacturing base;
- an independent ‘nuclear’ fuel source in Australian uranium; and
- defence implications as the industry could “confer a nuclear weapon” potential.

It was also suggested that the Commonwealth would have to ensure safeguards on nuclear material if Australia were to ever become a signatory to the Nuclear Non-Proliferation Treaty, which was then under consideration.

Essentially the view put by the AAEC was supported by Cabinet, although Cabinet did not endorse a particular ‘reactor type’ simply agreeing that it would be desirable for the same type of reactor to be used.

The Cabinet also deferred making a decision on its involvement in the construction of a reactor. It was felt that these and other issues should be considered after



initial discussions with the States. The Minister for National Development was also requested to investigate the require-

The AAEC argued that the ‘national interest’ should be considered in developing the nuclear industry as it “could confer a nuclear weapon” potential to Australia.

ments for nuclear power in the Territories — the Northern Territory and the ACT, including Jervis Bay.

Cabinet considered the regulatory framework in which a nuclear industry would

operate, and specifically the role of the Commonwealth. It was accepted that there would need to be a licensing authority and that there “is a case for the Commonwealth accepting some responsibility in licensing and regulation” primarily due to the need for uniformity, the specialist skills required and that it would be wasteful for each state to set up its own authority.

Ironically, in December 1998, the Federal Parliament passed the *Australian Radiation Protection and Nuclear Safety Bill* which for the first time provides for the licensing of Commonwealth nuclear facilities, including the existing HIFAR research reactor, even though this was seen as a standard regulatory approach in 1968.

Clare Henderson



## RELUCTANCE ON TREATY LINKED TO AUSTRALIAN NUCLEAR WEAPONS OPTION

Australia’s refusal to fully support the draft Non-Proliferation Treaty in 1968 was based partly on reluctance to rule out developing nuclear weapons.

Other issues raised in the Cabinet submission were whether the Treaty would be effective in meeting its aims and if it would limit Australia’s ability to participate in ‘peaceful’ activities such as uranium mining and nuclear power.

It was noted that these ‘peaceful’ activi-

ties may unavoidably advance a country towards nuclear weapons capability.

The Cabinet submission notes that although Australia had signed the Nuclear Test Ban Treaty in 1963 and supported non-proliferation it had not made any commitment that Australian forces would not be armed with nuclear weapons in the future.

Cabinet decided that it “preferred to hasten slowly and for the present to avoid any

indication of commitment to the present Treaty” although it would express support in principle. Nonetheless Cabinet held the view that the treaty contained matters of “high concern” for Australia”.

In 1998 Australia has again been slow to support stronger measures to facilitate nuclear disarmament, refusing to support the motion “Towards a nuclear-weapons free world: the need for a new agenda” put to the United Nations. Australia chose to abstain.



## ABORIGINAL LAND RIGHTS

# CABINET DOUBTS NABALCO "FULLY APPRECIATE" TERMS

In February 1968 the Commonwealth Government swept aside opposition from the Yolgnu people to legislate for a 42-year mining lease for the development of the Gove bauxite mine and alumina plant. It was a decision that was to lead to the first ever legal case on Aboriginal land rights.

By November 1968, however, the Minister for the Interior, Peter Nixon and the Minister in charge of Aboriginal Affairs, William C Wentworth, made a submission to Cabinet stating that "to date there's been no substantial involvement of Aboriginals with the project. There have been some indications which raised doubt about whether the company fully appreciate what is expected of it in respect of Aboriginal interests".

The Ministers sought the endorsement of

the Cabinet to empower the Ministers to make "clear to the Company the importance the government places on the development of the mineral resources of the reserve actually resulting in real economic and social benefit to the Aboriginal community".

The Cabinet agreed that with the imminent construction activities of the mine and plant that "an approach might be made to the company to establish more firmly the expectations of the government in relation to the welfare of the Aboriginal people in the area".

The Cabinet documents have been released by the National Archives of Australia after being held for 30 years.

In 1970 the Yolgnu launched a legal ac-

tion in the Supreme Court of the Northern Territory against Nabalco and the Commonwealth Government. In 1971 Justice Blackburn ruled that indigenous land laws were incapable of recognition by the Australian common law. The judgement entrenched the concept of *terra nullius*, that Australia was unoccupied land, that was to stand for the next 22 years until overturned by the Mabo case.

Galarwuy Yunupingu, from the Yolgnu, wrote of his father in his 1997 book *Our Land is Our Life*: "I watched my father stand in front of them to stop them clearing the trees and saw him chase away the drivers with an axe. I watched him cry when our sacred waterhole was bulldozed".

Bob Burton



## **MINING MONITOR.**

EDITOR: Bob Burton

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Sub-editing: Fran Murray and Larry O'Loughlin.

Mineral Policy Institute  
Post Office Box 21  
Bondi Junction NSW 2022  
Australia  
Phone 02 9387 5540  
Fax 02 9386 1497  
Email: [mpi@mpi.hydra.org.au](mailto:mpi@mpi.hydra.org.au)  
<http://www.hydra.org.au/mpi/>

**DIRECTOR**  
Geoff Evans

**RESEARCH  
CO-ORDINATOR**  
Sarah Wright

**INFORMATION  
OFFICER**  
Igor O'Neill

**ADMINISTRATORS**  
Marko Erawin  
Libby Ellis

### VIEWING ARCHIVE DOCUMENTS

The National Archives of Australia has released the 1968 Cabinet records which are now available for public research. They may be viewed at the National Archives reading room in Canberra [Queen Victoria Terrace, Parkes]. The reading room is open from 9 a.m. to 4.30 p.m. Monday to Saturday, with 9 p.m. closing on Tuesday. Telephone: 02 6212 3900 Fax: 02 6212 3999 email: [ref@naa.gov.au](mailto:ref@naa.gov.au)

Information about the Cabinet release, a list of the documents and images of some of the documents are available on the archives website at [www.naa.gov.au](http://www.naa.gov.au).



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