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Fox with a nuclear bite

URANIUM: IT'S YES! shouted the Melbourne *Sun* on Friday 29 October. "The Fox uranium inquiry yesterday gave its go-ahead for uranium mining in Australia." The *Age*, though more restrained, agreed: URANIUM: CAUTIOUS YES. Its opening lead said: "The Ranger uranium commission yesterday gave a conditional go-ahead to Australian uranium mining and exports." The *Sydney Morning Herald* declared WAY OPEN TO URANIUM SALE: "The Fox Commission has given qualified approval to the development of Australia's \$25 000 million uranium reserves." Other newspapers, radio and TV concurred. They were alluding to the Ranger Uranium Environmental Inquiry First Report, which had been published on the afternoon of Thursday, 28 October. Anyone actually reading the 207 pages of the report is, however, likely to find the communal consensus of the Australian media somewhat singular - to say the least. According to reliable sources, among those who found the initial interpretation of the report surprising were Graeme Kelleher, Professor Charles Kerr, and Mr Justice Russell Fox - the Ranger Inquiry Commissioners themselves.

The Commission was set up on 16 July, 1975, by the Whitlam government. The presiding Commissioner was Mr Justice Fox of the Supreme Court in Canberra; with him were Kelleher, a civil engineer from the Department of the Environment, and Professor Kerr, professor of preventive and social medicine at Sydney University. In pursuance of the Environment Protection (Impact of Proposals) Act 1974, the Fox Commission was charged to inquire into the environmental implications of the development of uranium deposits in the Northern Territory of Australia. The act defines environment to include "all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings". The Fox Commission took the act fully at its word. It heard evidence for more than a year, from the Australian Atomic Energy Commission, from the mining companies, from environmental organisations, from overseas experts, and - in one epic expedition - from the aborigines of the Northern Territory, under whose sacred land much of the uranium lies. Witnesses of every shade of opinion united in agreeing that Mr Justice Fox and his colleagues were magisterially fair in their collection of evidence and in their dealings with the multitude of participants in the hearings.

The Commission's work encountered additional complications. On 11 November, 1975, in a hotly controversial move, the Governor-General dismissed the Whitlam government. The general election which followed gave a massive majority to the new government led by Malcolm Fraser, generally considered to be much more inclined to proceed with uranium mining and export. In the ensuing upheavals, the Australian Railways Union in early 1976 imposed a ban on handling shipments to or from the Mary Kathleen mine in Queensland, Australia's only functioning uranium mine, newly opened after a ten-year shutdown. The union declared that the ban would stay until after the Fox Commission had reported.

Not until three days before the publication of the report did anyone know precisely when it would appear. Even the timing of publication was chosen with thought - 4.45 pm, after the Australian stock exchanges were closed. At the appointed time there were over 200 people crammed into a room which could accommodate only 100 or so with comfort. The three commissioners took their places, and Mr Justice Fox presented the report, reading out its principal findings and recommendations. These are prefaced with a warning: "These findings and recommendations are to be read and understood in the context of the report as a whole and with particular reference to the sections of the report which they are respectively discussed." Nevertheless, the first two findings seem to have set the tone for media reaction:

"(1) The hazards of mining and milling uranium, if those activities are properly regulated and controlled, are not such as to justify a decision not to develop Australian uranium mines; (2) the hazards involved in the ordinary operations of nuclear power reactors, if those operations are properly regulated and controlled, are not such as to justify a decision not to mine and sell Australian uranium."

Neither of these findings can be strictly interpreted as a recommendation to mine and export; they merely assert that the circumstances stated give no reason not to. Then comes the third finding:

"(3) The nuclear power industry is unintentionally contributing to an increased risk of nuclear war. This is the most serious hazard associated with the industry. Complete evaluation of the extent of the risk and assessment of what course should be followed to reduce it involve matters of national security and international relations which are beyond the ambit of the inquiry. We suggest that the questions involved are of such importance that they be resolved by Parliament. In chapters 15 and 16 we have gone as far as the terms of reference and the evidence permit in examining the courses open and in making suggestions."

Delay as an option

The Commissioners could also with justice have referred to chapters 12, "Safeguards Against Diversion to Weapons-Making", and 13, "Weaknesses of the NPT and of the Safeguards System", which spell out in sobering detail just how "the nuclear industry is unintentionally contributing to an increased risk of nuclear war", and how difficult it is proving in practice to separate civil from military applications of nuclear technology and materials. On pp 180-181 they make their own attitude unambiguously clear: "We are of the view that total renunciation of intention to supply [uranium] is undesirable," but "it seems to us that [various considerations] make delay an option which might reasonably be followed." They suggest that an announcement that Australia proposed to delay making its uranium available might "have an impact leading to more vigorous international action than might otherwise take place", particularly as regards the control of proliferation of nuclear weapons capability.

The concern with which they view this problem can be judged by noting that the longest chapter in the report is chapter 13 above-mentioned. (The only chapter of equal length is chapter 10: 'Hazards of the Nuclear Fuel Cycle'.) After discussing the "weaknesses of the NPT and of the safeguards systems", the commissioners (p 147) grimly conclude that "these defects, taken together, are so serious that existing safeguards may provide only an illusion of protection". They continue: "However, we do not conclude that they render valueless the concept of international safeguards. We believe it is both essential and possible to make safeguards arrangements more effective." In chapter 16 they put forward proposals; they also include in Appendix D a list of possible means to limit proliferation, compiled by the Congressional Research Service of the US Library of Congress.

Finding number 5 says: "Any decision about mining for uranium in the Northern Territory should be postponed until the second report of this Commission is presented.' The second report is not likely to appear before the end of this year, if then. The Commission is clearly taking what steps it can to bring about the delay it recommends.

"(6) A decision to mine and sell uranium should not be made unless the Commonwealth government ensures that the Commonwealth can at any time, on the basis of considerations of the nature discussed in this report, immediately terminate those activities, permanently, indefinitely or for a specified period." The Commission notes (pp 182-183) that this may not in practice be easy to ensure: "One of the arguments which has been used against any mining development is that, once it is started, no government will have the strength to resist the pressures for its continuance and even

its expansion. We believe that this is a serious consideration. If the argument is a sound one, then our proper course is to recommend against commencement."

Furthermore: "(7) Policy respecting Australian uranium exports, for the time being at least, should be based on full recognition of the hazards, dangers and problems of and associated with the production of nuclear energy, and should therefore seek to limit or restrict expansion of that production." Succeeding recommendations declare that no Australian uranium should be supplied to any country not a party to the Non-Proliferation Treaty; that a permanent Uranium Advisory Council should be set up, which (p 183) "should include a number of people who are not expert in nuclear science and technology"; and that other aspects of a coherent domestic and international energy policy should be developed. After 15 numbered headings comes one more, unnumbered: "Our *final recommendation* takes account of what we understand to be the policy of the act under which the inquiry was instituted. It is simply that there should be ample time for public consideration of this report, and for debate upon it. We therefore recommend that no decisions be taken in relation to the foregoing matters until a reasonable time has elapsed and there has been an opportunity for the usual democratic processes to function, including, in this respect, parliamentary debate."

There is a postscript to the Fox Report, which draws attention to the Sixth Report of the UK Royal Commission on Environmental Pollution *Nuclear Power and the Environment*, under the chairmanship of Sir Brian Flowers. The two reports have a great deal in common. They are level-headed, methodical, and unhysterical. They contain a wealth of information, carefully marshalled and lucidly readable. Each uses language with meticulous precision; neither should be taken at second-hand. At the very least it must be hoped that the Australian media will go back to the Fox Report for a longer, less cursory look. URANIUM: IT'S YES? Well, maybe.