

**Supplementary
Submission
No 1a**

**INQUIRY INTO URANIUM MINING AND NUCLEAR
FACILITIES (PROHIBITIONS) REPEAL BILL 2019**

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Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019

Submission No 2 - Mr Barrie Hill

I refer to item 2(b) listed on the terms of reference documents for this inquiry

2(b) “the committee commission the newDemocracy Foundation to facilitate community input into the bill, such as a citizens panel or jury, to complement the traditional forms of evidence gathering by committees, such as seeking submissions and taking oral evidence, and _____”

My submission on this aspect of the inquiry is that the use of such a device as a citizens panel or jury to gauge a matter of great community contention and underlying technical complexity should be approached with great care even if it is offered free. Given previous failures of similar processes in this country and others my recommendation is that other alternatives should be considered if the parliament requires additional information and support in making a decision on the bill currently under consideration and a citizens panel or jury only be considered as a last resort if all else fails.

This submission is based on over 20 years experience introducing change programs into Australian workplaces mainly to support enhanced thinking skills, innovation, and staff personal development. Some key learnings;

All adults are resistant to change at one level or another and about 40% of the population actively or passively resist all change. For the remainder who are prepared to change, acceptance periods range from a few days of re-education to three years of hard work. For some, unlearning old habits and outdated world-views is really difficult even when supported by good evidence and external help. There are many community examples relating to substance abuse, racial attitudes, gender attitudes, etc, which illustrate this human situation.

Criminal juries are mostly effective because a majority of citizens understand the process and have some understanding of the issues. This understanding is gained by broad exposure over many years to the whole spectrum of legal matters either directly or indirectly through religious teaching, schools, literature, movies, radio, television, news media and sometimes personal experience. In general the information is not

sensationalised or if so can be easily weighed against a myriad of similar circumstances. Criminal juries are co-opted directly and very carefully screened. In the legal system the whole process is managed by experts following clear rules which have been established, tested, revised, and proven over centuries.

In the case of controversial matters affecting the community the research evidence tells us that our views outside those of direct personal practical knowledge are mostly formed by a sensational media and are generally two decades out of date. Attitudes to poverty are a case in point and the research is well documented. The media continue to sensationalise past nuclear accidents for a wide range of reasons but very rarely provide any educational material on the advances that have been made over time as a result of such accidents. Recent programs on aircraft crash investigations have not caused many people to stop flying because the accident information is usually well balanced by reference to the general advances that have been made over time.

The current citizens jury process requires that a group of randomly selected citizens are provided with a relatively short briefing on a part time basis and then asked to come to some conclusion or make some recommendation. In the case of South Korea and the question of proceeding with an already existing nuclear power plant construction program the exercise seemed to work reasonably well. I would maintain only because the citizens have lived with nuclear-power and seen its benefits for up to 50 years. The subject is familiar and observable. The experience from Japan is that citizens juries can be used to bring on legal proceedings but the ultimate conviction success rate is only seven percent compared with over ninety percent when the decisions are made by experts. The Fukushima trial of TEPCO executives is a recent example. Experts 10 citizens jury 0.

The people of Australia have been deprived of factual information on nuclear power for a long time partly because of the existing legislated bans, and have been subject to a very wide range of negativity through the education system and the media. Many faithfully believe renewable energy is a viable alternative but have no understanding of the engineering or cost. It is not realistic to think that a balanced outcome will be arrived at, on what is essentially an extremely complex matter, after a few weeks of part time education and no opportunity to see any practical examples for themselves. The bottom line is that the parliament is elected by the citizens to consider and make difficult decisions impacting the community. We know there is nothing simple in this process and parliamentarians themselves may have serious problems changing world views or questioning party dictates in the light of confronting or conflicting evidence. The current abortion debate in NSW is a case in point.

Inquiries such as this example are a useful way to collect information from the community and question those with expert knowledge or strongly held views. If members of parliament have difficulty when the subject is well outside their own personal practical knowledge because of say scientific or engineering complexity then the best support that is available would be through the scientific or engineering consulting community and not a poorly informed citizens panel or jury. The South Australian Royal Commission into the nuclear fuel cycle used external consulting help in most cases to good effect. Even with this option care needs to be exercised to ensure consultants have the appropriate experienced staff and processes. Ultimately the parliament has been elected to be the citizens jury on all difficult issues and should not abrogate that responsibility or hide behind other concepts as occurred in the South Australian citizens jury example considering used nuclear fuel storage.

My suggestion is that a potential citizens jury for the matter under consideration has in a way already elected itself. Those who might become involved have already taken the time and effort through the submissions that they have already made. All have demonstrated at least some understanding of the subject in one way or another and sufficient commitment to make their views known.

One alternate option that the inquiry members may consider is to select the six most relevant submissions supporting the legislation change and the six most relevant submissions opposing the legislation change and organise a closed debate between those twelve persons continuing until the matter is resolved, with only the inquiry members and other interested parliamentarians observing as they wish. Such a process would probably need half a day for each group to collate their ideas, and a skilled neutral facilitator to keep the debate on track until a conclusion is reached or the participants are exhausted.

There may be other short term options but long term the whole issue of the introduction of nuclear power into Australia will probably need to be settled by some form of community wide plebiscite and only after a much better informed public debate has taken place. A pre-requisite would be the removal of current prohibitive legislation so that appropriate factual information covering all facets of the subject can be established and disseminated in an open manner.

Reference

Factfulness - Dr Hans Rosling, 2018 Sceptre