

March 17, 2016

To the South Australian Nuclear Fuel Cycle Royal Commission,

You have been selected as commissioners because of your “expertise” in “nuclear industry and science”; “society and environmental sustainability”; “socio-economic modelling”; and “regulation and safeguards”. These are, to be sure, important types of expertise into the nuclear fuel cycle. But there are others.

As I stated in my letter to you dated July 28, 2015: “The absence of any reflection on the normative and moral dimensions [by the Commission] ... is of grave concern.”

For instance, your interim findings report looks to Sweden and Finland for technical solutions to the risk of nuclear waste deferral, however you do not acknowledge the historical composition of those countries’ advisory panels which greatly differs from your own.

In Sweden, a professional philosopher or ethicist has been appointed to the Swedish National Council for Nuclear Waste since it was established in 1992. Representation of the Council is by no means complete in its coverage, but it is admirably comprehensive and inclusive of a good many forms of knowledge.

What you are deciding upon has the potential to impact the next 30,000 or more generations of Australians, as well as the local ecosystem and global biosphere on which all life depends. This raises not merely moral dilemmas, but exceptionally complex ones. For this you need specialist knowledge not presently held by the Royal Commission’s membership.

I propose that this shortcoming be remedied before you issue your final report. For, as I stated in my letter to you dated July 28, 2015:

“Questions of values and morals should be fundamental to what it is you assessing. To do so is to import into your discussions a significant number of complex issues that have been addressed elsewhere, albeit with nothing like moral consensus between thinkers working in the same intellectual and cultural traditions. What moral obligations do this current generation owe future generations when we are operating on timescales of 100,000 years? Is a discount method applied to favour present generations over future ones as some consequentialists would argue for? And indeed, on what basis might such consequentialist arguments be privileged over rule-based moral decision-making tools? How might indigenous perspectives towards the non-human world and place be accounted for and respected by such a Royal Commission? How might conflicts between indigenous landowners and the Australian state be reconciled?

To be sure, there are numerous such ethical questions relevant to the work of the Royal Commission, and relatedly a number of ethical

principles that may be reached by the time you deliver your final report. Further work will need to be done to determine how to reconcile or adjudicate conflicts between those principles, and how to bring those principles into practice where further conflicts arise with the technical considerations that you remain so preoccupied with.

I note, and concede, that such normative and moral dimensions were absent from the Royal Commission's original Terms of Reference, although nor are they explicitly deemed irrelevant when mention is made of "risks and opportunities".

I can see nowhere in your report of interim findings where you have either satisfactorily addressed or dismissed the concerns I raised in my letter to you dated, July 28, 2016.

Again, I would welcome the opportunity to speak to the Commission at any time before it delivers its final report.

Go well,

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