

Social Responsibilities Committee

Committee of the Synod of the Anglican Diocese of Melbourne.

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SUBMISSION

**Senate Standing Committee on Environment, Communications and the Arts inquiry
into the *Commonwealth Radioactive Waste Management (Repeal and
Consequential Amendment) Bill 2008***

Social Responsibilities Committee
Committee of Synod
Anglican Diocese of Melbourne

12 March, 2010

Dear Committee,

Thank you for the opportunity to make a submission to the Senate Inquiry into the *Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008*.

The Social Responsibilities Committee, a committee of the Synod of the Anglican Diocese of Melbourne writes to voice our concern that the proposed legislation conflicts with the Christian imperatives to care for creation; to stand alongside the oppressed; and to maintain right relationships within our communities.

The Committee supports the repeal of the *Commonwealth Radioactive Waste Management Act 2005*, and lends qualified support to the selection and establishment of a facility for managing, at a single site, radioactive material arising from medical, industrial and research activities in Australia.

Care for Creation:

Christians view caring for God's creation as a moral and religious responsibility. All humanity is called to be stewards of the Earth, to care for our planet with intelligence and reverence. Several elements of the proposed legislation are inconsistent with this belief.

Environmental Interests

Of particular concern is Section 12 of the Bill which eliminates environmental interests (specifically the *Environment Protection and Biodiversity Conservation Act 1999*) from the site selection process.

The Committee is aware that Muckaty Station was the sixth site chosen (following two in South Australia and three in the Northern Territory). It behoves the Government to demonstrate that this site was chosen based upon independent and objective scientific advice. Whilst site choices

must be negotiated with those living and working near the waste management site and along major transport routes, such decisions should also take into account safety concerns.

Transport Concerns

The Committee recognises that when high quality equipment is utilised in transporting radioactive materials, according to well-established and understood procedures, the risk to public health and the environment can be minimised. However the Committee also recognises that this risk is multiplied when transporting radioactive materials over a longer distance. In order to mitigate such risks, clear and rigorous processes must be identified prior to transport, as well as funded over the long term, with the assurance of ongoing high quality equipment.

Disposal

Recent Australian political debate has predominantly focused on site selection for storing radioactive waste materials. Equal attention must, however, be given to ensuring the safe and efficient disposal of such waste (where radioactivity may be sufficiently diluted to the point of comparability with naturally occurring background radiation). In the case of long-lived radioactive waste, proper shielding from the biosphere in an appropriately stable site is also required. Safety mechanisms for the disposal of radioactive materials ought to be addressed in the proposed legislation.

Preferential Option for the Poor and Oppressed

The challenge to stand alongside those who are marginalised or disempowered is central to Christian social teaching concerning the fundamental dignity of every human being. The Committee is concerned that the proposed legislation will not adequately protect the interests of individual land owners and Indigenous communities. Of particular concern is Section 12, which eliminates Aboriginal interests (the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*) and Section 13, which eliminates the property rights of any individual who owns land in the region of the facility or along its transport routes.

Ministerial Powers and Electoral Accountability

The Committee is concerned that this Bill places a disproportionate amount of power in the hands of the Minister in assessing whether or not the Muckaty Station site is to be established. No information is given as to how this assessment will be carried out and the proposed legislation makes it clear that local residents have no right to appeal Ministerial decisions.

There is a significant power imbalance between the Federal Government and remote Indigenous communities on this issue. It is imperative to address this imbalance and to ensure transparency of negotiations, including remuneration, to these remote communities. Public scrutiny of negotiations must be possible, alongside the recognition of the Indigenous people's rights of self-determination.

Muckaty Site Controversy

We note that the nomination of the Muckaty Station site by the Northern Land Council was highly controversial and continues to be strongly contested by many Traditional Owners. In April 2008, the Northern Territory Labor Conference passed a unanimous resolution which called on the Federal Government to exclude Muckaty on the grounds that the nomination "was not made with the full and informed consent of all Traditional Owners and affected people and as such does not comply with the Aboriginal Land Rights Act". In May 2009, 25 Ngapa Traditional Owners and 32 Traditional Owners from other Muckaty community groups wrote to Resources Minister Martin

Ferguson opposing the facility.

Right Relationships

Christians believe that each person has a need to be reconciled with God. Humanity's reconciliation with God is dependent upon our reconciliation with one another and all creation. In today's world this imperative extends beyond individuals and challenges us to maintain right relationships between communities as well as between levels of government.

Substantial concerns remain as to how the proposed legislation will interact with State and Territory legislation. Section 11 of the proposed legislation overrides State or Territory laws that would limit site selection. Given the requirement to ensure radioactive waste storage is managed as safely as possible over such a long period, the Federal Government is obliged to negotiate extensively with affected communities, rather than declare a site with little State or Territory input. Under the proposed legislation, once a site is chosen it will be assessed under Commonwealth environmental legislation, which contains few mechanisms for providing checks and balances on such projects. .

Conclusion

Despite the challenges listed above, the Committee recognises that this issue cannot be sidelined any longer. There is a necessity to finalise selection of a waste management site; to announce a construction schedule; and to have a fully operational facility by 2015 (when contractors in France and the United Kingdom are expected to start returning reprocessed radioactive waste to Australia).

The *Commonwealth Radioactive Waste Management Act 2005* must be repealed in a way that: maintains care for creation; preserves a preferential option for the poor and oppressed; and maintains right relationships between individuals and between levels of government.

Thank you for your time in considering our submission.

Sincerely

Canon Dr Ray Cleary AM
Chair
Social Responsibilities Committee
Synod, Anglican Diocese of Melbourne