

Re: Senate Inquiry into the National Radioactive Waste Management Bill 2010.

In regards to the legal and constitutional elements of the NRW Bill, there are a few concerning clauses I outlined below.

It is clear that the Bill, section 11, aims to take powers away from the States and Territories to oppose the imposition of a National nuclear waste repository by the Federal Government. As history would tell us in the case of the proposed Waste Dump in Woomera SA, the power exerted by the South Australian Government was the element that protected SA from a National radioactive waste repository. It seems obvious that the Federal Government is trying to remove this barrier to the establishment of a permanent waste repository for radioactive material. With this in mind it seems unreasonable to give these excessive powers to the Federal Government at the expense of the State/ Territory autonomy to protect themselves from radioactive waste. Whether or not the Bill is constitutional, it is grossly immoral in stripping states and territories of legitimate rights and placing such inordinate power in the hands of the Minister.

It is concerning that the Bill does not allow for local communities to have the right of appeal to any decision made by the minister. After all we are talking about a Bill that in its current form aims to impose the storage of the most toxic and deadly waste known on this earth, onto communities. The Bill also eliminates property rights of any individual who may be in the path of the repository or its access corridors, section 13.

Section 12 of the Bill eliminates Aboriginal interests (the Aboriginal and Torres Strait Islander Heritage Protection Act 1984) and environmental interests (the Environment Protection and Biodiversity Conservation Act 1999) from the process of choosing a site. In my opinion human health and environmental health and sustainability are the two most vital concerns in relation to such a proposal. If these two important Acts are excluded in the site selection for a radioactive waste repository, which has the potential for serious impacts on both the environmental and Aboriginal communities then I ask of this Senate committee why is it that in Australia we have these Acts at all?

To date all communities that have been nominated for consideration happen to be Indigenous communities in remote areas with very little services and infrastructure. I think it is irresponsible of any Government to offer radioactive waste storage in exchange for much needed funds to provide basic and essential services that other Australians enjoy freely, I believe this approach to site nomination is exploitative of communities weakness' and is divisive.

I also ask of the committee why is that we have not yet discussed in recent inquiries to the merits of different storage options. It seems that the Government proposals have only considered remote dumps, yet the peak Australian nuclear bodies, including ANSTO, the Australian Radiation Protection and Nuclear Safety Agency, the Australian Nuclear Association and Mr Fergusons own department have all conceded that Australia's radioactive waste could remain at Lucas Heights. Following basic environmental thought such as the precautionary principle it makes sense to store the waste close to the point of

production, to minimise transportation and to keep it close to where there is concentrated nuclear expertise and infrastructure, and where it can be monitored.

It seems that any solution to radioactive waste storage in Australia has been based on political opportunism instead of scientific reasoning and environmental principles. I seriously advise that changes in legislation reflect the best interest of the environment and communities by protecting State and Territory powers, enforce proper consultation the right of appeal, property rights and the Bill uphold principles of democracy and procedural fairness.

In light of this I highly recommend that this Committee go to Muckaty Station to meet with Traditional Owners who face the imposition of radioactive waste on their country to discuss matter of consultation, procedural fairness and the divisive nature of the process to nominate Muckaty Station thus far.

Sincerely
Alice Matilda Pepper