

## Submission to the Senate Inquiry into the National Radioactive Waste Management Bill 2010

Dear Committee Secretary, Senate Legal and Constitutional Committee

As a resident of the Northern Territory I have some serious concerns about the new Radioactive Waste Management Bill that has been put to the Federal Parliament. I feel that any hearing should take place in Tennant Creek as this is the closest location and it is only fair and just to give all of the local community the opportunity to talk to the Senate, particularly the numerous traditional owners of the Muckaty site who have been cut out of the process so far.

I also hope that the Senate enquiry addresses the concerns I have below. My first concern is the rhetoric that the site has been voluntarily nominated by all the traditional owners. The land commissioner report states that there are 5 major stories associated with the Muckaty site. All of the custodians have the right to make decision over the whole of the site. According to the land commission report this means that there are between 400-1000 people who have the right to be consulted over any decision on the use of the land. Minister Ferguson himself knows this having received a letter opposing the dump in May 2009 signed by 25 Ngapa Traditional Owners and 32 Traditional Owners from other Muckaty groups.

Surely all of these traditional owners should be consulted with in regards to the nomination of the Muckaty site. A small handpicked minority making the decision on the use of a site with so many stories is very undemocratic, against the very cores of which this country is supposedly based on. The fact that the anthropologists report that says this small clan of the Ngapa Traditional owners can make the decision for the site has yet to be made public responsible is highly problematic. This is hardly transparent and given the land commissioner report numbers above raises questions over how widely this report was and how this small clan came to make a decision over the land trust.

I also have concerns over the voluntarism of the site. Allocating \$12 million for a education and infrastructure in return for the nomination of the site seems co-ercive. Education and infrastructure are rights that all citizens of this country should recieve without having to sign over their land to waste storage. I doubt this would happen anywhere else but within indigenous communities.

To my mind the nomination of Muckaty has so many problems with it that the process should be begun again with all traditional owners present.

I am always alarmed at the coercive nature of the legislation. In opposition Labour stated that the found the Howard Government legislation to be draconian. Yet in power the Rudd Government has released legislation that is as equally draconian and undermines community voices.

Section 11 of the proposed bill overrides any state or territory legislation that is put in place to block the waste dump. For territorians this overrides our elected government able to govern proper.

Section 12 eliminates both Aboriginal interests, by suspending the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and the environmental interests, Environment

Protection and Biodiversity Conservation Act 1999, in choosing the site. This is highly problematic.

Firstly how can a nuclear waste repository not need have environmental considerations taken on board? Under current legislation any nuclear mine application triggers the EPBC Act in its consideration of whether the mine should go ahead or not. And yet this Bill proposes to suspend the storing of waste that will last thousands and thousands of years.

I also have major reservations about all the power of the site nomination and choice being given to the Resources Ministers, without clear guidelines being made transparent. This to my mind only further shrouds the selection process in mystery.

I also feel that the Inquiry and the Government should look more seriously at Lucas Heights, where a lot of this waste is already being stored. In the last Inquiry, 2008, into the Radioactive Waste Management Act the chief scientist from ANSTO said that the choice of a remote dump was political and that the waste could be stored in its current location. If the scientists are saying this why are they being ignored!

Living here in the Territory it feels like this is colonisation all over again.

Yours

Scott Foyster