

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Re: Senate Enquiry into the National Radioactive Waste Management Bill 2010

Committee Members,

The Bill in question was born out of political expediency; a particularly problematic approach when the matter pertains to both Australian Constitutional law and the law of Aboriginal peoples. As such, it is my hope that as you undertake committee activities over coming months, you will keep the expression "*proper-way*" in mind.

In a Territorian "intercultural" context, these two English words have been adopted by local peoples to be used when dealing with issues of great significance and when attempting to convey a feeling or sense of gravitas to all concerned parties, especially in regard to process and the resulting validity of outcomes.

For example, the following is a "*proper-way recommendation*":

- ***The Senate Enquiry needs to come to an appropriate regional centre such as Tennant Creek to ensure that the voices of affected community members and Traditional Custodians are heard.***

It is essential that committee members provide an appropriate opportunity for those who are socially restricted from participating as equals in the mechanisms of Australia's law making custom, to share their views on this proposed new law and its consequence.

An adequate conceptual understanding of the Aboriginal worldview has not been demonstrated in the narrative of the Radioactive Waste Management issue unto this point. Fair and just legislation is preceded by respect for different knowledge/cultural systems but of this there is no evidence.

The Northern Land Council's (NLCs) role in the processes leading up to the nomination of the Muckaty site as a radioactive waste dump, should not be considered due diligence in the aforementioned context.

Further, the current Resource Minister, in defiance of an order of the Senate, has been unable or unwilling to produce or allow the inspection of documents relating to the contract that led to the nomination of the only currently "volunteered" site, Muckaty.

Finally, Part 2, Division 1, Section 4, Sub-section 4 of the Bill in effect gives complete discretionary power to the Minister to disregard the [limited] rights protections provided for in Sub-section 2.

This is certainly not 'proper way' and underscores why it is so important that the Senate Enquiry comes to an appropriate regional centre such as Tennant Creek.

The voices of Traditional Custodians and the community deserve to be heard. Let this not be another verse in Australia's saddest song-line, "The Great Australian Silence".

Sincerely,

Edan Baxter