

Australian Student Environment Network (ASEN) - Submission to Senate Inquiry into National Radioactive Waste Management Bill 2010 (NRWM)

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Prepared by Hannah Walters from ASEN

*Opening Statement*

**The Australian Student Environment Network (ASEN) would like to express its support for the Muckaty Traditional Owners who oppose a nuclear waste dump on their traditional lands. We also voice our disgust at Martin Ferguson's brash and racist legislation that imposes a Waste Dump at Muckaty Station in the Northern Territory.**

**The *National Radioactive Waste Management Bill 2010* is being promoted as a positive step away from the lingering Howard government mentality, but we believe it to be a racist and environmentally damaging piece of legislation which merely takes us further backward.**

**ASEN supports the inherent and 40,00 year old land rights of all Aboriginal people and believes it is a basic human right to have access to traditional lands that are free of radioactive waste. The Rudd Government has an international obligation to act responsibly towards Australia's Indigenous Peoples. The proposed legislation is in direct conflict with the United Nations Declaration of the Rights of Indigenous Peoples, which reads,**

**“ States shall take effective measures to ensure that no storage or disposal of hazardous waste shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent. [UN Declaration on the Rights of Indigenous Peoples. Article 29, Part 2<sup>i</sup>]”**

**We call upon the Senate Committee to recognise this and the Federal Parliament to dismiss the NRWM bill as it stands. A national approach to radioactive waste must be based upon the free, prior and informed consent of Aboriginal Traditional Owners.**

*Who we are*

The Australian Student Environment Movement (ASEN) is a national network of students who care about our environment and our future. ASEN represents hundreds of young people from university campuses all across Australia. ASEN was

created by young people as a means to take an active part in creating a cleaner, more sustainable and just future for generations to come. ASEN believes in a nuclear-free future for all Aboriginal and non-Aboriginal peoples in Australia. ASEN does not support the expansion of the nuclear industry. We need to keep uranium in the ground so we never even have to face the issue of dealing with its radioactive waste.

### *Why we don't want a nuclear waste dump at Muckaty Station*

- **Nuclear waste is a long-term problem:** The full, long-term effects of the radioactive waste that is to be repositied needs to be made public.
- **At the moment there are many unanswered questions:** what are the half-lives of low/intermediate/high level waste that is earmarked for Muckaty? What will the land be like when returned to traditional owners in 300 years time? What are the potential contamination effects on the water table and water cycle? There are Aboriginal peoples who currently continue to live of the land, eating bush- tucker and wildlife. What is the potential for a build-up of radioactive particles in the food chain? It is **blatant discrimination** because Aboriginal peoples will feel the majority of the effects of this toxic waste.
- **Radioactive racism:** The Muckaty site, known to be subject to seismic activity and geological instability, is far away from adequate monitoring facilities. It is glaringly obvious that Muckaty is favourable to Minster Ferguson purely because the people it affects have been- and continue to be - systematically oppressed and considered an easy target by the Labor Government.
- **The government is not listening to the people who will be affected. The site nomination is highly contested - Muckaty traditional owners say no<sup>ii</sup>:** Despite the government's utmost efforts to divide the community in order to impose this toxic curse on their lands, traditional owners are standing strong against the dump. In May 2009 Minister Ferguson received a letter opposing the nomination of Muckaty Station signed by 57 Traditional Owners from the Muckaty area (including 25 people from the Ngapa family group, the peoples that the Minster claims support the dump).
- **The NRWM Bill 2010 is no better than the Commonwealth Radioactive Waste Management Act 2005 (CRWMA) legislation that it is replacing.** A 2008 Senate Committee stated that the CRWMA "*abandons the Commonwealth's commitment to basing the process on the best science, in favour of basing it on choosing a location with the least legal capacity to dispute the outcome.*" This is the same situation that Minister Ferguson is adopting. We do not support NRWM legislation that still allows the imposition of a radioactive dump without consultation with or the consent of Traditional Owners.

## *Recommendations*

- **The Federal Parliament needs to put Aboriginal rights at the centre of the agenda.** Sorry means you don't do it again. Forcing a waste dump on remote Aboriginal land, which currently supports subsistence living and the continuation of Aboriginal cultures, is a form of oppression and continued colonisation that dehumanises and displaces the first peoples of this continent.
- **Human rights not dump sites:** No-one should be coerced into trading their land rights for basic human rights (in Muckaty Station situation, it was for \$12 million). Housing, access to bilingual education, appropriate and local health care services and clean water should be provided to all people in Australia unconditionally and definitely not in exchange for land that is part of their cultural identity.
- **Public Hearings in Tennant Creek, Darwin and Alice Springs:** The Government *must* hear what the local Indigenous and non-indigenous people have to say by going to where they live and holding multiple public hearings open to all.
- **More information and thorough scientific assessment:** For an informed consultation process to be honoured, full details about the nuclear waste and its effects (on environment, health, future generations) must be widely distributed and available in the many different Aboriginal languages of central Australia.
- **Extend the consultation period:** This legislation should not be rushed through parliament this year (2010). Communities need time to be heard, discuss and comprehend the complexities of a possible nuclear dump in their backyard.
- **The Committee must travel to Muckaty:** The Senate Inquiry Committee must pay respects to the Traditional Owners at the frontline. The Committee has a duty to receive the evidence, that is local opinion and protest, directly from the mouths of the people who will live near the proposed waste dump at Muckaty Station and whose families will be effected by the radioactivity in the environment for thousands of years to come.
- **Remove *all* sites considered under the Howard era:** start fresh. Respect Labours election promise of repealing the racist Commonwealth Radioactive Waste Management Act 2005 and all sites listed under that.

## *Urgent changes to the Bill*

- **Respect Territory, environment and Aboriginal Land Rights Act legislation** - there is no "fairness" (as Martin Ferguson calls it) in federal legislation that overrides all relevant territory and other protective commonwealth legislation regarding environment, Aboriginal heritage and nuclear transport/storage. The proposed bill also removes private property rights of affected individuals.

- **No dump on any remote, traditional lands in Australia.**
  - All options for storing hazardous waste need to be considered. If nuclear waste produced in Australia has to be stored, keep it close to the point of production (i.e. at the OPAL nuclear reactor, the medical facilities etc), existing nuclear expertise and infrastructure. Nuclear waste should be transported as little as possible to minimise risks.
  - The Lucas Heights Australian Nuclear Science and Technology Organisation facility (ANSTO, Sydney) meets these criteria perfectly, whereas Muckaty Station (3100km by road from Sydney) is NOT suitable. We see that there is currently an inquiry (until April 1 2010) into a \$62.5 million proposed Centre for Accelerator Science and extensions to other facilities at ANSTO Lucas Heights (Reference: Parliament of Australia Media Release March 9 2010, Parliamentary Standing Committee on Public Works). This development money should go towards improved and appropriate radioactive waste storage facilities at Lucas Heights.
- **We demand new legislation that;**
  - Includes mechanisms for appeal once site is selected
  - Requires the details of the nuclear waste to be repositied and subsequent waste transport routes to be made public and open for comment by Traditional Owners (Aboriginal individuals and groups), private property holders and concerned members of public.
  - Does not give the Federal Resources Minister the discretion to single-handedly approve Muckaty as dump site
  - Enforces open, transparent and accountable nomination, consultation and site evaluation processes

**Once again, we call upon the Senate Committee to recognise these concerns and for the Federal Parliament to dismiss the NRWM bill as it stands. A national approach to radioactive waste must foremost be based upon the free, prior and informed consent of Aboriginal Traditional Owners.**

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<sup>i</sup> <http://www.un.org/esa/socdev/unpfii/en/drip.html> Accessed 12 March 2010. United Nations Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly on 13 September 2007. Australia officially adopted this Declaration on 3 April 2009.

<sup>ii</sup> <http://beyonduclearinitiative.wordpress.com/articles/> Articles and audio that provide direct quotes and references to Muckaty Traditional owners saying no to a waste dump at Muckaty Station.