

Submission to the **THE SECRETARY
SENATE LEGAL AND CONSTITUTIONAL COMMITTEE
Parliament House, Canberra 2600**

Submitted by : **Michel Beuchat**

Issue addressed : **Legislation repealing the Commonwealth Radioactive Waste Management Act**

Date : March 7, 2010

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1. I thank you for the opportunity to provide input to your Committee regarding the above bill to be put before the Parliament very shortly.
 2. The proposed repeal legislation is, if anything, more coercive and predatory than the bill it will replace. For instance,
 - Section 11 of the bill explicitly overrides any state or territory law that would hinder site selection
 - Section 12 then eliminates Aboriginal interests (the Aboriginal and Torres Strait Islander Heritage Protection Act 1984) and green interests (the Environment Protection and Biodiversity Conservation Act 1999) from the process of choosing a site
 - Section 13 eliminates the property rights of any individual unlucky enough to be in the path of the dump or its access corridors.Furthermore, the remaining provisions in the bill vest total discretion in the hands of the Minister to pursue the sole current nomination at Muckaty Station.
 3. As part of the Senate inquiry process, it is essential that the Committee members travel to Muckaty Station in order to pay their respects to the Traditional Owners on the front line of this proposed and controversial development, as it is an obvious requirement of natural justice that they should take evidence from them directly.
 4. It is time that the entire question of nuclear waste generation and storage be thoroughly and rationally examined. Indeed, so far, the radioactive waste management debate in Australia has never looked at options other than remote waste dumps on Aboriginal land and the industry involved in this activity has failed to argue convincingly that a facility in a remote location in the Australian outback is the best place for storing this highly polluting material.
 5. The proposed legislation is part of a worrying trend in this country, where the long established, but so far unprotected, democratic rights of the citizens are significantly curtailed to satisfy the whims of the Executive government, rather than letting the judicial system decide on the validity a piece of legislation. Indeed, in this instance, when it comes to choosing a site, the proposed bill overrides all relevant State and Territory legislations as well as Commonwealth environmental and Aboriginal heritage legislative protections. It also overrides the private property rights of affected individuals with regard to the dump site location or its access route. Once a site is chosen, it will be assessed under Commonwealth environmental legislation which offers almost no mechanism for preventing the project from going ahead. Furthermore, the bill places enormous power in the hands of the Minister to assess whether or not the Muckaty site should go ahead and it gives no information as to how this ministerial assessment will be carried out. And, finally, to add insult to injury, the bill makes it unmistakably clear that local people affected by the decision will have no right of appeal.
 5. It is a sad indictment of our political system if we, as a community and a nation, cannot do better than this. Given the danger inherent in nuclear waste, it stands to reason that it should be moved as little as possible, and that it should be stored close to the point of production and to centres of nuclear expertise and infrastructure.
 6. I trust that your Committee will have the wisdom and the courage to refuse assent to the proposed legislation in its current form and will send its authors back to their drawing board.