



THE RADIOACTIVE WASTE MANAGEMENT ACT *– a dangerous hangover from the days of dictatorship –* **WHY IT SHOULD BE REPEALED**

This is a call to wipe the Radioactive Waste Act from the statute books, along with the accompanying bovine excretions and other bull.

Both the Commonwealth Radioactive Waste Management Act 2005 and the Commonwealth Radioactive Waste Management Legislation Amendment Act 2006 are products of the de facto dictatorship imposed after a dishonest scare campaign during the 2004 elections, which delivered a landslide victory to the Howard-led Coalition.

Between 2004 and 2007, the Howard Government used its dominance of the Senate to ram a raft of oppressive and unjust measures through Federal Parliament. These include:

- “Anti-terror” laws (2005)
- The Industrial Relations (“Work Choices”) laws (2005)
- Commonwealth Radioactive Waste Management Act (2005)
- Commonwealth Radioactive Waste Management Legislation Amendment Act (2006)
- The Northern Territory Land Rights Amendment Act (2006)
- The Northern Territory “Emergency Response” Act (2007)

The Howard Government achieved its objectives by overriding fundamental human rights and principles of justice. Progressive laws passed over more than three decades of parliament sittings were suspended or sent to the scrap heap. Australia’s international human rights obligations were treated as ephemeral, to be negated by the stroke of a pen. Such was the conduct of the Howard Government in its last term of office, as it wallowed in a drunken orgy of unfettered power, that by the time his term was up, a disgusted Australian public resoundingly threw Howard and his government out.

The time has come to reverse the toxic and destructive legacy of those final years of dictatorship – before more damage is done. This includes the repeal of both the Radioactive Waste Act and the Northern Territory “Emergency Response” (NTER) Act. A critique of the NTER Act (“*INFAMY OF THE INTERVENTION*”) is attached.

The Radioactive Waste Management Act contains a raft of measures which are repugnant to democracy and human rights:

- (1) Overrides Northern Territory laws prohibiting transport and storage of nuclear waste
- (2) Prevents the operation of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 during investigation of potential radioactive waste dump sites
- (3) Excludes the operation of the Native Title Act 1993
- (4) Suspends operation of the Administrative Decisions (Judicial Review) Act 1977

- (5) Overrides the Northern Territory Aboriginal Land Rights Act 1976 – and allows for Aboriginal land to be nominated for a radioactive waste dump without the consent of the Aboriginal people who belong to that land.

This last provision – which allows a Land Council to nominate a piece of Aboriginal land for a radioactive waste dump – is a Machiavellian move to cause division and dissension within Aboriginal communities. Using the amended legislation, the Northern Land Council nominated Muckaty, 120 kilometres north of Tennant Creek, as a possible site for the proposed waste dump. The site was added to the short-list of potential sites in September 2007, after the Howard Government rammed the controversial Northern Territory “Emergency Response” Legislation through parliament on the pretext that it was to protect Aboriginal children.

It is hard to imagine how the use of Aboriginal land at Muckaty for a radioactive waste site is good for the children who live there. Strong and vocal opposition by traditional Aboriginal owners from the Muckaty Land Trust to the use of their land as a radioactive waste dump has been ignored. The worry, grief, and sense of powerlessness, as people are steamrolled by this legislation to the point where it threatens their sacred land, are beyond words. As one woman elder from Muckaty told an international conference of Indigenous Peoples recently held in Melbourne: *

“We weren’t consulted. The NLC (Northern Land Council) suggested that site ... The wrong people are speaking for the land. Other people are going onto our country – we call them the *white ghosts* ... They don’t want to talk to us or listen to us.

“We don’t want the nuclear waste dump. We have asked the NLC to talk to *all* of the traditional owners. We are in the region covered by the NLC but they’re not listening to us ... they are saying that we are not the ones to talk.

“... There are only two people of the Ngapa clan who said ‘yes’ to the nuclear waste dump. These are the only people the NLC listens to. Why? The NLC is only listening to two people, when there are more than 100 members of the Muckaty community out there.”

A TRAIL OF TEARS AND BROKEN PROMISES

The country now known as the “Commonwealth of Australia” still enjoys an international reputation as an open democracy where human rights and the rule of law are respected. Faced with the results of a gross manipulation of the democratic process, we might ask: Why are “we” agreeing to allow Australia to be used as a radioactive waste dump? – *or did we?* The timing – and nature – of promises made and broken by both major parties provide an example of how poisonous and unpopular laws are introduced and retained while maintaining an appearance of democracy.

* Latin American Solidarity Network Conference, Melbourne, October 23-26, 2008

Before the 2004 election:

Promise: Senator Campbell, then Minister for Environment in the Federal Government and member of the ruling Coalition, provides an “absolute categorical assurance” that a radioactive dump will not be imposed on the Northern Territory.

After the 2004 election:

Action: The Commonwealth Radioactive Waste Management Act (2005) and the Commonwealth Radioactive Waste Management Legislation Amendment Act (2006)

Before the 2007 election:

Promise: In April 2007, the Australian Labor Party national conference passes its National Platform, Chapter five of which states that a Federal Labor Government will:

- repeal the Commonwealth Radioactive Waste Management Act
- establish a process for identifying suitable sites that is scientific, transparent, accountable, fair and allows access to appeal mechanisms
- ensure full community consultation in radioactive waste decision-making processes
- not proceed with any of the current sites identified by the Howard Government in the Northern Territory

Several senators and Members of the House of Representatives released media statements prior to the election, pledging repeal of the Radioactive Waste Management Act and describing it as “draconian”, “sordid” and “profoundly shameful”.

After the 2007 election:

Action: On June 9, 2008, the new Minister for Resources, Martin Ferguson is reported in the Melbourne “Age” calling for the “fast tracking” of a selection process to locate a radioactive waste dump. He indicated that the site would likely be in the Northern Territory and declined to rule out the use of the Radioactive Waste Management Act to force such a dump on the Territory.

THE PRESENT SITUATION:

The four sites previously short-listed by the Howard Government are still under consideration. No move has been made by the incoming Labor Government to repeal this toxic legislation, which would make guinea pigs of the Australians who would be subject to radiation as a result of putting a radioactive waste dump on Australian soil. The problem of long term storage of spent radioactive nuclear fuel and byproducts of nuclear weapons manufacture remains unresolved. Why should Australia be treated as a global public lavatory by countries, most notably the US and the UK, who cannot manage their radioactive waste problem?

The history of the use of Australia as an exploitable resource for nuclear powers goes back more than fifty years, when the Coalition government led by Sir Robert Menzies allowed the UK to do its nuclear testing at Maralinga on Aboriginal land. Aboriginal people suffered and died as a result, the ghostly legacy of an invader government that treated Indigenous People as expendable. At the time of the nuclear bomb testing at Maralinga, dissent was stifled by the Cold War hysteria that swept the western world.

During the current decade, laws which deny people in Australia their civil rights were introduced to the public as “anti-terror” measures and rushed through Parliament on the back of a wave of hysteria following the 2002 Bali bombing. These laws are still in place, and displace normal legal safeguards against wrongful convictions. Government “mistakes”, such as occurred in the wrongful arrest and detention of Dr Haneef, are treated as if they were unfortunate aberrations – rather than as symptoms of a deeper problem. This forms part of a mosaic of repressive legislative measures introduced during the Howard era.

These pestilential statutes need to be removed, one by one. Repeal of the Radioactive Waste Management Act is a priority because of the negative impacts of such a waste dump on the environment, the water tables, the life and health of the people who live in the lands affected – and all Australians.

Aboriginal people continue to resist the use of the land to which they belong being used for a radioactive waste dump, but there is not one Aboriginal person in the Federal Parliament to speak up for his or her people.

Since the people who now run the Government belong to the bunch of newly arrived boat people (ie. since 1788), it’s time they listened to the Aboriginal people who know how to care for the land. Aboriginal communities have lived in harmony with the land and each other for many millennia – long before some white man stuck a British flag in the ground and began the invasion that continues to this day.

Talk of “reconciliation” is nonsense while Aboriginal land continues to be targeted by the invader government as a potential a radioactive waste dump. Many Aboriginal people have spoken out against the imposition of a nuclear waste dump on their traditional lands. Time and space does not allow for all of them to be quoted here. The following quote from Mitch of the Engawala Aboriginal Community is illustrative:

“If this nuclear waste was so safe, why can’t they keep it at the Lucas Heights nuclear plant in Sydney, where it is produced and where the nuclear experts work? We stand strong in our own culture as Indigenous People, and want the land and the water to be protected for all children, black and white. We have enough issues of our own to deal with without having to deal with the nuclear waste.”

**REPEAL OF THE COMMONWEALTH RADIOACTIVE WASTE
MANAGEMENT LEGISLATION IS IN THE INTERESTS OF ALL
AUSTRALIANS, BOTH BLACK AND WHITE.**

Waratah Rose Gillespie