

SUBMISSION TO THE SENATE INQUIRY INTO THE COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT REPEAL BILL 2008

From 1998 to 2004 I had occasion to learn much about the proposed radioactive national waste dump that the former Federal Government was planning to impose on the district designated Billa Kalina in central northern Southern Australia near where I was living. Unsurprisingly this involved learning much about the inherent dangers of attempting to locate such a facility hundreds of kilometres from expert supervision, in an unlined shallow dump.

As the procedure of establishing a radio active waste dump was obviously an environmental and safety matter there was a process that had to be followed in the interests of the environment, human safety issues, the rights of the Aboriginal traditional owners and the Australian democratic process. In fact I learnt that there were many processes/checks and balances which such a danger fraught proposal had to process through in this democratic nation.

It was during the various proceedings partly due to adherence to due process – including the EIS, the legislated consultation process involved in this and other aspects of due process - and latterly partly afforded by the State Government opposing the dump on behalf of its citizens, that the Commonwealth Department of Education, Science and Training, the main proponent for the dump was reprimanded for lax planning, for vague specifications at various official processes. It was publicly clear that the whole project was greatly flawed. It became very clear that in today's dangerous world it is essential to store nuclear waste, particularly extraordinarily, almost incomprehensibly long term nuclear waste where it can be supervised closely by experts.

Because of this scrutiny afforded by due process was the final choice for the dump – after a decade of investigation formally exposed. Incredibly the site chosen after a decade of investigation by the experts involved exposed to 'operational hazards' associated with missiles/rockets (!) as it was within the Long Range Weapons Area, actually quite close to the firing site.

It is these processes,safeguards and the rights and legislated powers

1. of the Australian State and its citizens (given the long opposition of the citizens of South Australia and eventually of its Government on their behalf)
2. and lesser power of the Territories of Australia and its citizens
3. and the rights of the Aboriginal Traditional Owners (preserved under the Aboriginal and Torres Strait Islander Protection act 1984 and the Native Title Act of 1993)

that the former Federal Government sought to dismiss in overcoming all due democratic process by enacting the Commonwealth Radioactive Waste Management Act (CRWMA) 2005. This completely arbitrary 'procedure' was made even more blatant by the suspension of the Judicial Review Act

Significantly this enactment occurred shortly after the then Federal Government, breaking an election promise, announced in 2005 that three Department of Defence sites in the NT had been short listed for assessment. As this overrode the express wish of the NT Government and was done with no consultation with the traditional owners and the communities living in these areas, the CRWMA as above had to hurriedly be enacted.

A 4th site was later nominated by the Northern Land Council despite no consultation on their part and in dubious process as the actual traditional owners of the Muckaty Land Trust understandably opposed and continue to oppose this. The site was accepted in 2007.

The 8 ' scientifically chosen' 'broad regions' previously identified in 1994 after a two year study were based on 7 radiological protection selection criteria and 5 'non-radiological' factors. NONE OF THE 4 PRESENTLY PROPOSED SITES WERE IN THESE REGIONS METHODICALLY CHOSEN ON THIS SCIENTIFIC BASIS.

The then Labor Opposition were entirely aware of the undemocratic nature, the abrogation of the rights of Australian citizens, complete disregard for human safety and the interests of the environment as outlined above by this whole procedure of the CRWMA and the actual suspension of the Judicial Review.

As would be expected many Members spoke out strongly for the democratic rights of those who had just

'lost' them under the simple process of just changing the rules. Incredibly in the 21st Century there was no protection now afforded for the environment while the Northern Territory, its government and peoples were made completely powerless.

Senator Carr, the Shadow Minister for Industry, Innovation, Science and Research's strong response on behalf of the then Opposition is worth quoting. *'Today's announcement is yet the next chapter in a decade-long saga of lies and mismanagement that has become Howard's waste dump. The Howard Government has tried to impose its waste dump at numerous sites around the country; settling on the Northern Territory because of its ability to steamroll the Territory's rights and impose the dump against its will. After forcing the legislation through Federal Parliament, the Science Minister now has full Ministerial discretion over the siting of a nuclear waste facility in the Northern Territory. Labor believes that Howard's bullyboy tactics in the Northern Territory are no way to select a nuclear waste dump. **Labor is committed to repealing the Commonwealth Radioactive Waste Management Act and establishing a consensual approach of site selection. Labor's processes will look to agreed scientific grounds for determining suitability. Community consultation will be central to our approach.**'* (my emphasis)

At the Australian Labor Party national conference in April last year, was passed the decision to repeal the CRWMA 2005 and prior to the election in November a number of senior Ministers and Senators publicly pledged its repeal and ways of reinstating procedural fairness, consultation and community agreement. This was an clear election promise by the then Government which electors rightly expect to happen as a priority.

In these dangerous times we have the vital responsibility to ensure that the world's most hazardous material must be afforded every due process possible. Plutonium-239 alone has a half life of 24,065 years.

I submit to Members of the Senate Standing Committee that the repeal of the CRWMA 2005 is a necessary and vital step both for our democracy and of course for our environment and health and well being and above all safety, of Australian citizens.

Michele Madigan