

30 October 2008

Committee Secretary

Senate Standing Committee on Environment, Communications and the Arts Department  
of the Senate

**RE: Submission to Senate Inquiry into Commonwealth Radioactive Waste  
Management (Repeal and Consequential Amendment) Bill 2008**

The Government **MUST** repeal the CRWMA by passing Senator Scott Ludlam's new Bill, the CRWM (Repeal and Consequential Amendment).

The Government must repeal the CRWMA as Traditional Owners, the Central Land Council, the NT Government and people throughout the Northern Territory have voiced strong opposition to the imposition of a waste dump in the Northern Territory.

The Government must repeal the CRWMA because Senators Kim Carr and Trish Crossin gave clear statements before the election on September 27, 2008 that the ALP would repeal the CRWMA if elected. The Rudd Government would not want to be known, like the Howard government came to be known, as a breaker of election promises. The Labour government was voted in on the basis that the electorate would finally again be able to trust their government. Will they be proved wrong? It is important to recall that ALP politicians had referred to the legislation as 'draconian', 'sordid', 'arrogant' and 'profoundly shameful' when it was rammed through by Howard.

It is eleven months since the election and there has been no indication that the Labour Party will follow through on the national Labour Party platform to repeal the CRWMA.

The Labour Government promised Land Rights for Indigenous Australians under Whitlam in 1972. A watered down version of the legislation was passed under the Liberal government that only applied to the Northern Territory despite Justice Woodward's Report that recommended national land rights legislation to compensate indigenous Australia for the horrific injustices of the past and to save Australia's international image as a country that upholds human rights. The Labour Government then promised National Uniform Land rights under Hawke in the 80s, only to turn around and break this promise swiftly after a meeting with then WA Premier Brian Bourke, due to pressure from the minerals industry. Will it be a Labour Government that again dumps its promises to Indigenous Australia, by dumping a radioactive waste dump on the Northern Territory?

The legislation was passed to impose a radioactive waste dump on the Northern Territory *without requiring consultation* with, or consent from, the owners of the land. This is a

clear breach of international human rights standards and is a breach of the principles of democracy. The amendments made in 2006 have allowed the Northern Land Council to nominate Muckaty as an additional site for assessment even though many Traditional Owners and affected people say NO.

That the CRWMA explicitly removes all rights to “procedural fairness” and removes rights of appeal under the Administrative Decisions (Judicial Review) Act recalls to mind the amendments that the Howard government made to Immigration legislation during the US and Australian governments’ assault on Iraq and Afghanistan and consequent arrival of significant numbers of asylum seekers to this country. This suggests that the government condones Indigenous people being, once again, treated as ‘aliens in their own land’, ie. not considered worthy of the processes of justice put in place to regulate the state’s governing of its citizens. Procedural fairness is a fundamental tenant of our legal system, as is the right to appeal legislated under the Administrative Decisions (Judicial Review) Act. These two legal principles ensure that our Government runs the state in accordance with the guidelines laid down by its past and by its people. The principles are in place to ensure mass corruption and abuse *does not* take place.

Furthermore, the CRWMA prevents the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 from having any effect during investigation of potential dump sites, and excludes the Native Title Act 1993 from operating at all. This is shameful, is a clear breach of international human rights standards and makes a mockery of the Rudd Government’s apology for the ‘acts of past governments’.

Public Hearings on the issue MUST be held in Alice Springs and in Darwin so that people affected by the uranium industry have the chance to be heard – if hearings were not to be held in the Northern Territory the process certainly could not be considered as providing an opportunity for public consultation.

Sincerely,

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