

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Commonwealth Radioactive Waste Management Bill 2005

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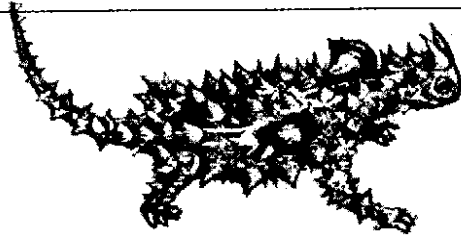
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17 November, 2005

The Chair - Senator Judith Troeth
Senate Employment, Workplace Relations and Education Committee

Submission to the Inquiry into Commonwealth Radioactive Waste Management Bill, 2005

Dear Senators,

Thank you for the opportunity to provide comment to this Committee. The Arid Lands Environment Centre (ALEC) is a community based 'not for profit' association that investigates, networks, informs, advocates and acts on environmental and sustainable development issues applicable to the arid zone and desert communities. With 25 years history in central Australia, we are the nation's leading proponents of healthy futures for arid lands and people.

We are concerned that the proposed legislation (*Commonwealth Radioactive Waste Management Act 2005*) establishes a dangerous precedent in the service of bad policy.

Bad policy

The Commonwealth has made numerous attempts to resolve the issue of radioactive waste management over the past three decades. The fact that have failed to achieve what the International Atomic Energy Agency refers to as "community consent and a reasonable degree of 'social license'" *should* mean that the Government has to think more deeply, work harder, and communicate better. Instead, the Government declared its resolve on July 15th 2005 as if community consent and social license are meaningless notions.

This would be bad enough, coming from what is supposed to be a representative democracy, but to make matters worse, the Government nominated three sites that aren't even identified as being geologically or environmentally appropriate for the proposed facility. You would have thought that if the Government were determined to "give the public what they *need* regardless of what they think they want", at least they could have gone to the trouble of actually choosing appropriate sites. But the fact remains that the three sites named in the proposed legislation were not chosen for their merit as waste repositories. They are politically expedient choices. So in effect, the proposed legislation is designed to facilitate the development of a substandard site. That's no way to run a nuclear program.

The addition of amendments to allow the proposal of alternative sites simply complicates matters. Obviously, site selection must be based on unwavering commitment to public safety, environmental risk minimisation, and security. The proposed legislation is not concerned with any of these factors. Indeed, its effect is to remove any obligation to ensure that an appropriate site is identified.

Dangerous precedent

The proposed legislation removes critical protection to the public afforded by existing legislation. Specifically, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*; and the *Environment Protection and Biodiversity Conservation Act 1999* are extinguished. These well-tested and well-understood instruments are the result of years of debate and consideration by the public and their representatives. The whole point of these protections is to defend against activities that threaten the values we cherish in our society, as expressed in a clear mandate from our society.

By voting for the *Commonwealth Radioactive Waste Management Act 2005*, you are in effect saying "Yes, we agree with the intent of those protection acts, but, just this once, we will allow an exception". Thus you are establishing a precedent, inviting death by a thousand cuts. This is precisely the sort of situation you're supposed to be guarding against. With one stroke, you are proposing to remove these laws from the field of operation in what is surely one of Australia's most high-profile waste management issues.

And it doesn't stop with savaging environmental and cultural protections: according to section 6(2)0, any other 'inconvenient' law can also be neutralised. What sort of precedent are you eager to set here? How can you honestly go back to the public and say "Have faith in the legislative process: playing by the rules is good for everyone." The rule of law applies to everyone...except the majority party? Might makes right?

You are voting to remove legal protection from a situation where the public should be shown--beyond doubt--that the operation of law is to their benefit. Instead, it appears that the same Government who so frequently argues in support of the rule of law, is resorting to dead-handed exemptions when the going gets tough.

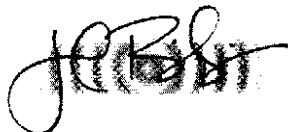
Slow down: get it right

This entire exercise has become so politically charged that now you are being asked to approve of legislation whose specific aim is to remove public and environmental safeguards so that you can develop a dump in one of three bad sites. Surely there are better ways to handle this affair? What's the hurry?

- The supply of radiopharmaceuticals is not an issue: the HIFAR reactor can be safely operated for several more years to supply exotic radioisotopes, and alternative supply arrangements can be carefully tested and verified in that time.
- Handling the returning intermediate level waste is not a problem because it can be stored temporarily at Lucas Heights until a proper site and facility can be developed.
- Delaying the launch of OPAL shouldn't be a problem, because after all, no one wants a reactor to be licensed on the grounds of "well, it was the best we could do at the time...sorry for any inconvenience that might arise." You will gain votes by going slow, and lose votes for being "expeditious". Oh, and the public will be better served by caution as well.

The Government has not made a compelling case for the urgency of this legislation. We ask that you do the right thing and return it to the Senate with a recommendation to NOT APPROVE.

Best regards,



John Brisbin, Coordinator

(as authorised by the Management Committee, Arid Lands Environment Centre, Inc.)