The Senate

Standing Committee on Employment, Workplace Relations and Education

Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 [Provisions]

November 2006

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Chapter 1

Government Senators' Report

Introduction

1.1 The Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006 was introduced into the House of Representatives on 2 November 2006. On 8 November 2006, the Senate referred the provisions of the bill to the committee for inquiry and report by 30 November 2006.

Conduct of the Inquiry

1.2 Notice of the inquiry was posted on the committee's website and advertised nationally and in the *NT News*. The committee also contacted relevant organisations nominated by committee members to notify them of the inquiry and to request submissions. The committee received sixty-three submissions of which around fifty were proforma submissions. A list of those who made submissions is at Appendix 1.

1.3 The committee conducted a public hearing in Canberra on Monday 27 November 2006. A list of the witnesses who gave evidence is at Appendix 2.

1.4 The committee thanks all those who contributed to the inquiry.

Overview

1.5 On 14 July 2004, the Prime Minister announced that the government would abandon the establishment of a national low level waste repository facility near Woomera in South Australia due to the effective failure of the states and territories to cooperate with the government in finding a national solution for the safe and secure disposal of low level radioactive waste.[1] In July 2005 the Minister for Education, Science and Training announced that a facility for the storage of radioactive waste from Commonwealth agencies would be located in the Northern Territory.[2]

1.6 As noted in the committee's previous report Australia produces, by international standards, small amounts of low level and short-lived intermediate level waste resulting from medical, industrial and research use of radioactive materials

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1 The Hon. John Howard, MP, Prime Minster, 'Radioactive Waste Management', Media Release, 14 July 2004.

2 The Hon. Brendan Nelson, MP, Minister for Education, Science and Training, 'Responsible Management of Radioactive Waste in Australia', Media Release 1157/05, 15 July 2005.

which is currently stored in a large number of locations around the country, including hospital basements and universities. [3]

1.7 Since the introduction of the principal act in 2005 the government has undertaken discussions with the Northern Land Council (NLC) which has indicated that there may be interest, amongst Aboriginal groups in its region, in nominating land on the condition that certain additional areas of particular sensitivity for these indigenous groups are addressed.[4]

Provisions of the bill

1.8 There are two elements to the amendments proposed in this legislation:

- to provide for the return of nominated Aboriginal land to a land trust (or the body from which it was acquired), and for the return of rights and interests in Aboriginal land that were acquired for providing all-weather access to the site for the facility; and
- to bring the site nomination process into line with the site selection process by also removing access to previous procedures and/or judicial review.[5]

1.9 The committee dealt mainly with the amendments to sections 3B and 3D concerning site nomination rules and the entitlement to previous procedures relating to a site nomination.

1.10 Clause 1 of Schedule 1 amends the *Administrative Decisions (Judicial Review) Act 1977* ('ADJR Act') to include the decision to nominate a site as part of the class of decisions to which the ADJR Act can not apply. Clauses 3 and 5 provide for the nomination of a site, by either a chief minister or land council, to remain valid even if it fails to comply with the site nomination rules as outlined in the principal act under section 3B. Clause 4 amends the land nomination process to remove any entitlement to previous procedures in relation to a site nomination.

1.11 Clause 2 inserts a new definition of Land Trust to correspond with the definition under the Aboriginal *Land Rights Act (Northern Territory) 1976* ('ALRA)'.

1.12 Clause 6 provides for the return of nominated indigenous land and indemnity of the land trusts by the Commonwealth through:

- New sections 14A, 14B, 14C and 14D, provide for volunteered indigenous land to be returned to the traditional owners at the absolute discretion of the minister, once the site is no longer required and has been released from regulatory control. None of these sections cover the return of non-Aboriginal

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3 Government Senators' Report, in Senate Employment, Workplace Relations and Education Committee, *Commonwealth Radioactive Waste Management Bill 2005*, November 2005, p. 5

4 ibid.

5 Department of Education, Science and Training, *Submission 51*, p. 5

land as the Commonwealth may deal with post-facility issues for non-Aboriginal land under existing provisions of the *Lands Acquisition Act 1989*.[6]

- New section 14H indemnifies the Land Trust(s) against any claims for damages arising from use of the land for a facility. It is identical in effect to the indemnity already granted to the Northern Territory Government under existing section 16A.
- New section 14J will allow regulations to be made to modify the Act to deal with transitional matters arising from the making of a declaration under section 14B or 14C, such as changes to the ALRA.

Site nomination process

1.13 Most of the submissions received by the committee were concerned with the provisions eliminating the obligation for site nominations to comply with the rules in section 3B and the removal of access to previous procedures and judicial review under the ADJR Act. Several submissions suggested that the removal of the need for community consultation and informed traditional owner consent would subsequently enable land councils, specifically the Northern Land Council (NLC), to nominate land within their boundaries irrespective of the traditional owners' consent.

1.14 The Central Land Council (CLC) submitted that the main purpose of the bill is to subvert proper process and remove the need to comply with procedures for consultation and would, in effect, deny traditional owners the basic entitlement to accountable and transparent process.[7]

1.15 The committee majority does not believe this to be the case. While the bill removes the legal obligation for a nomination to comply with the site nomination rules, the Minister has made assurances that a nomination would only be accepted if it produced evidence of consultation with traditional owners and their informed consent to the site nomination.[8] The Department of Education, Science and Training (DEST) have also advised the committee that the purpose of the bill is not to revoke traditional owners' rights or eliminate the need for consultation.

1.16 The difficulty faced by the government under the current provisions of the act, is that appeals processes are being used vexatiously to delay decisions that are required to be made quickly in the public interest. The government has never intended that its legislation to identify waste storage sites should be hostage to protracted legal proceedings. Current provisions in the act are intended to encourage consultation and education, yet it appears that some groups see these as allowing for a kind of

6 Department of Education, Science and Training, *Submission 5*, p. 3

7 Mr David Ross, *Committee Hansard*, 27 November 2006, p. 4

8 The Hon. Julie Bishop MP, Minister for Education, Science and Training, 'Second Reading Speech', Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006, *House of Representatives Hansard*, 2 November 2006, p. 1

permanent veto on the implementation of the waste management policy. DEST has already been made aware of a number of organisations that would attempt to challenge to a nomination process for the sole purpose of delaying the approval indefinitely.[9]

1.17 The committee also notes the NLC's position regarding spurious or politically motivated challenges.

> The balance that has always been drawn by the land rights act is that after those comprehensive processes…the grant of the mining lease and now a waste facility are valid. If that were not the case, you would have the alternative that happens under the Native Title Act…of inordinate and great delay. This is to the detriment of developers and the traditional owners of the land.[10]

1.18 The NLC also provides examples of delays which could have been averted had such measures been in place:

- the Bradshaw defence agreement was delayed for almost a year by spurious objections by three junior members of an 800 person group;
- the Cox Peninsula water easement agreement near Darwin was delayed for almost a year by a spurious objection by one member of a 1 200 person group;
- the Mary River National Park agreement has been delayed for almost two years since execution, pending completion of the objection process before the Tribunal (which has not yet been completed).

1.19 The NLC further noted that the proposed amendments to the land nomination process are not without precedent and that those objecting to this bill have made no suggestion to alter the ALRA at any time since its enactment in 1976. The NLC states that:

> This approach is consistent with the scheme of the *Land Rights Act*, which for over 30 years has provided that a lease of Aboriginal land or certain mining leases cannot be invalidated on the basis of lack of compliance by a Land Council with consultation requirements.[11]

1.20 The committee notes that the NLC has not yet undertaken any consultations regarding a site nomination for the reason that no such nomination has yet been made. If such a nomination were to be submitted to DEST the committee believes that the NLC would be obliged to undertake all consultations necessary.

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9 Ms Jessie Borthwick, *Committee Hansard*, 27 November 2006, p. 26

10 Mr Ron Levy, *Committee Hansard*, 27 November 2006, p. 17

11 *Submission 57*, p. 4

Legal obligations of land councils

1.21 Many of the submissions in opposition to the bill expressed concern that these amendments would legally allow land councils to nominate any land within their jurisdiction irrespective of traditional owners' opposition and concerns, contrary to their statutory obligations under the ALRA.[12] The CLC have also supported this position, asserting that:

> These amendments would necessarily repeal the consultation provisions under sections 23 and 77A of the Land Rights Act and sections 203BC and 251B of the Native Title Act to the extent they apply to site nomination.[13]

1.22 The assertions have been contradicted by the NLC's principal legal officer. When asked if a land council could lawfully nominate land without the consent of the traditional owners, the NLC replied categorically:

> It is unlawful for a land council to nominate land as a waste facility unless it first has the consent of traditional owners.[14]

1.23 Several submissions have also been critical of the consultation process undertaken by the NLC so far and have questioned the likelihood of the NLC undertaking wide-ranging consultations. The committee therefore sought further clarification from the NLC about whether there has indeed been a site nomination and thus a subsequent consultation process. The NLC responded that as there has been no proposal to nominate a site:

> There is no need to go out and consult with the traditional owners. As long as there is no proposal on the table, there is nothing to consult about.[15]

1.24 NLC has subsequently shown that it is capable of discharging its legal obligation to consult on similar issues which cross land council borders. This ability was evidenced by recent consultations in connection with the Bootoo Creek manganese mine. This was a site very close to Muckaty Station which has generated considerable interest. The NLC advised the committee that they had held a further two meetings in Tennant Creek, in the CLC area, and about two meetings on site for other traditional owners, who were brought from Tennant Creek, Elliott and various other areas. The NLC concluded:

> It does not matter where the traditional owners live; it is where the land is. We will go outside of our area to hold meetings with those people so that they are consulted.[16]

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12 Environment Centre of Northern Territory, *Submission 55*, p. 2

13 *Submission 56*, p. 2

14 Mr Ron Levy, *Committee Hansard*, 27 November 2006, p. 16

15 Mr John Daly, *Committee Hansard*, 27 November 2006, p. 14

16 Mr Mark Foy, *Committee Hansard*, 27 November 2006, p. 19

1.25 The committee also sought specific examples of the ability of the NLC to consult indigenous people on contentious issues that have affected traditional owners. The NLC cited examples of their first decision after the ALRA was passed 1976 regarding the Ranger uranium mine and the Bradshaw defence facility, stating that the Northern Land Council has easily one of the greatest track records in dealing with these difficult processes.[17]

Return of nominated land

1.26 Many of the submissions expressed concern that the provision for the return of land was merely a smokescreen for the true intention of the bill. Mr Elliot McAdam MLA noted that the return of a site was unlikely because of the radioactive waste.[18]

1.27 Further to this, the Central Land Council (CLC) submitted that the consultations they have undertaken within their boundaries found that all the traditional owners agreed that they would not ever want the land returned after it has been used for a radioactive waste facility.[19]

1.28 However, the NLC have informed DEST and the committee that some interested indigenous groups within their boundaries have strongly supported the principle of the return of land and that without such provisions traditional owners would not be willing to consider nominating land. The NLC further stated that the bill is likely to allay the concerns of traditional owners, giving them considerable confidence that any land used for a waste facility will subsequently be restored as Aboriginal land.[20]

1.29 The committee accepts the importance of this principle, as well as the practical measures to clear up former waste sites. The recent Switkowski review confirmed that safe disposal of low-level and short-lived intermediate-level-waste has been demonstrated at many sites throughout the world and already in Australia at the disposal facilities at Mount Walton East in Western Australian and Esk in Queensland.[21]

17 Mr Norman Fry, *Committee Hansard*, 27 November 2006, p. 16

18 *Submission 30*, p. 1

19 *Submission 56*, p. 3

20 *Submission 57*, p. 3

21 Department of Prime Minister and Cabinet, *Uranium Mining, Processing and Nuclear Energy – Opportunities for Australia?*, November 2006, p. 51 & p. 59

Conclusions and recommendations

1.30 It is widely acknowledged that Australia needs a radioactive waste management facility and that this facility must pass strict, time consuming, regulatory processes for completion before reprocessed fuel rods are returned from France in 2011.

1.31 The basis of opposition to this bill lies in the refusal of many people to accept the responsibility for the storage of nuclear waste. Questions of due process and appeal rights are minor and subsidiary issues. They arise from fear or ignorance of scientific developments, and the necessity to confront energy challenges that lie ahead for future generations. This is not to discount the importance of safe management of waste it is more a case of addressing an important national need.

1.32 In the face of the continued refusal on the part of state and territory governments to cooperate in selecting a site for a radioactive waste management facility there was no other course of action open to the government but to proceed with this legislation.

Recommendation

The committee recommends that the bill be passed.

Senator the Hon. Judith Troeth
Chairman

Chapter 2

Opposition, Australian Democrats and Greens Report

2.1 Senators in these non-government parties oppose the Commonwealth Radioactive Waste Management Amendment Bill 2006 (CRWM Amendment Bill). Their principal objection is to the purpose of the bill, which is to remove the rights of traditional owners to appeal against the arbitrary decisions of land councils and the Minister in regard to the use of land for the storage of nuclear waste. The bill amends current provisions in the act which make it mandatory for land councils to consult and receive consent from traditional owners about the intended uses of their land. This is justified on the grounds that consultation processes, and any subsequent appeals, would result in delay to site declaration. According to the bill, appeals that are 'politically motivated', are undeserving of the usual right to judicial review.

2.2 Opposition and Democrats and Greens Party senators also object to the haste with which this legislation has been brought before the Parliament, and the inadequate time given to the committee to conduct its inquiry. The Opposition members of the committee made similar objections a year ago when it dealt in haste with the original bill. On neither occasion has the committee had the opportunity to visit the Northern Territory to gauge local opinion or to inform itself about the complex issues beneath the government's policy gloss.

2.3 This haste would be less of a problem if the government was prepared to be more transparent in its consultation and policy-making processes. The very opposite approach has been evident from the paucity of information offered by the Science Group in the Department of Education, Science and Training (DEST). It was capricious of the government to first refer the bill to the committee, and thereafter deny its members the opportunity of exploring the policy origins and ramifications of the bill. It was disingenuous of the Science Group officials who fronted the committee to maintain that details of their meetings with land councils and traditional owners could not be disclosed on the grounds that they were 'commercial-in-confidence'. The committee was given no reason for how this could be so. It presumably relates to a financial transaction of some kind but there is no provision for this in the bill and officers denied that they were empowered to discuss financial considerations for site nominations.

Background to the amendment

2.4 As the Opposition noted in its previous report on the 2005 bill, the Government abandoned its previously bipartisan approach to selecting a site for a nuclear waste dump. The pursuit of scientific rigour gave way to political expediency. The difficulty of negotiating a suitable site in South Australia led to what was clearly an easier option, constitutionally, of selecting three former defence sites in the Northern Territory.

2.5 Amendments to the bill made after the committee reported allowed land councils and the Chief Minister of the Northern Territory to nominate sites for assessment as a radioactive waste dump on land which they controlled.. It is noteworthy that the Commonwealth Radioactive Waste Management Act, as amended during its passage, restored the statutory right provisions similar to those applying under the Lands Rights Act.

2.6 It is widely believed that Muckaty station is the site most likely to be nominated by the Northern Land Council. Muckaty station is north of Tennant Creek and within the NLC boundary. A Muckaty nomination is considered likely because it is more suitable as a waste site than the former defence sites in that it is close to the railway line, with a spur constructed for use by a local mine and it is a more stable area geologically, being distant from surface or underground water.

2.7 The committee was assured that no nomination had yet been made and DEST would not confirm reported sightings of DEST officers and anthropologists at Muckaty Station.

2.8 Labor and other Senators were concerned that DEST was unwilling to provide advice as to the speculation about Muckaty Station having been assessed, citing an agreement with the NLC. A DEST official advised the committee:

> Yes, we agreed to keep confidential any correspondence and discussions with the Northern Land Council prior to any nomination coming forward.[1]

2.9 The response of traditional owners and others associated with Muckaty presented the government with a challenge under the original legislation. Section 3B1 of the Act provides that for land to be nominated for assessment by a land council, there must be demonstrated evidence of consultation with traditional owners; evidence that the traditional owners understand the nomination, and that they have consented as a group; and, that any community or group that may be affected has been consulted and had adequate opportunity to express its view. Failure to follow these procedures would render the nomination void.

2.10 It appears likely that these legislative amendments which the Government says are urgently required, are to overcome the opposition to this nomination by traditional owners of the Mukaty Station site who reside within the adjacent Central Land Council's jurisdiction. It may also be relevant that the DEST contract awarded to Parsons Brinckerhoff to survey nominated sites and to advise on which was most suitable will shortly expire.

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1 Ms Jessie Borthwick, *Committee Hansard,* 27 November 2006, p. 22. A copy of the letter from the NLC to DEST requesting this confidentiality was later made available to the committee.

The Government's 'remedy'

2.11 New sub-clause 3B(2A) says *Failure to comply with subsection (1) does not affect the validity of a nomination*, thus removing the following conditions in the Act for a nomination to be valid:

- consult the traditional owners
- have regard to the interests of traditional owners
- not take action without the consent of traditional owners
- ensure that traditional owners understand any proposal
- ensure any affected Aboriginal community has expressed its views, and
- comply with traditional decision making processes. (Central Land Council submission)

2.12 The committee is advised that such a drafting device is uncommon and normally used in cases where there are exceptions to the rule. Used here it is an invitation to ignore the provisions of the original Act, weakening Indigenous land rights, as the Central Land Council stated in its submission:

> Removing the need to comply with the procedures for consultation laid down in Waste Law 1 is the most problematic for traditional owners because it is these procedures for consultation which allow them to have their say. Not having to comply with them would necessarily *repeal* the consultation provisions under sections 23 and 77A of the Land Rights Act and sections 203BC and 251B of the Native Title Act to the extent they apply to site nomination.[2]

2.13 Opposition and other senators deplore both the substance of the amendment and its clumsy drafting. The committee received no satisfactory explanation from DEST officials about why this drafting convention was used rather than the repeal of clearly superseded paragraphs.

2.14 Senators opposed to the legislation note the strong support given to the legislation by the Northern Land Council, and its submission in favour of new provisions in clause 5 in respect to the non-binding rules of nominations. This stance conflicts with a resolution passed in October 2005 by the full council of the NLC. It approved the NLC's continued discussions with the government on a possible nomination, provided that traditional owners of the site agreed, and that the nominations did not interfere with heritage and sacred sites, environmental protection, or lead to the extinguishment of native title without consent of traditional owners. (we

2 Central Land Council, *Submission 56*, p. 2

need to reference this) The NLC's submission is a repudiation of its full council's resolutions of a year ago.

2.15 In her second reading speech, the Minister asks the Parliament to be reassured saying:

> Current provision of the Act set down a number of criteria that should be met if a land council decided to make a nomination. Importantly, these criteria include that the owners of the land in question have understood the proposal and have consented to the nomination, and that other Aboriginal communities with an interest in the land have also been consulted….I can assure the House that, should a nomination be made, I will only accept it if satisfied that these criteria have been met.[3]

2.16 Opposition and other senators consider that the Minister's intent should be reflected in the legislation and not rely on assurances in the second reading speech.

Consultation over Muckaty

2.17 The committee was assured that the Muckaty Station site had not been nominated, and that no consultation has been conducted. The Chairman of the NLC did however report that the NLC had conducted an educational program of visits to Lucas Heights for Traditional Owners. Evidence was also given to the committee of widespread opposition to a site at Muckaty and of letters to the NLC expressing this opposition. [4]

2.18 The committee heard that invitations from traditional owners to the NLC leaders to talk to them about the Muckaty speculation received no response.[5] Opposition and other senators presume that the reason for this bill lies in the extent of this opposition, and the likely determination of a large proportion of traditional owners to take advantage of the due processes of review that the current act provides.

Removal of judicial review

2.19 In the second significant amendment - the removal of judicial review - Opposition and other senators deplore the erosion of administrative and judicial safeguards against the arbitrary powers of governments. The current Act removed procedural fairness, giving the minister unfettered discretion over decisions. This bill extends this to exclude the entitlement to the right to judicial review under the *Administrative Decisions (Judicial Review) Act 1989* in relation to site nominations.

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3 The Hon. Julie Bishop MP, Minister for Science, *House of Representatives Hansard*, 2 November 2006, p. 1

4 Mr Elliot McAdam, *Committee Hansard*, 27 November 2006, p. 7

5 ibid. p. 9

2.20 The Minister explained in her second reading speech that this was intended to prevent 'politically motivated' challenges to land council nominations. As the Minister told the House of Representatives, the government will not accept what she describes as 'speculative' legal challenges intended to delay the establishment of waste facilities.[6]

2.21 Officers of DEST were unable to provide the committee with definitions of 'politically motivated' challenges. Further reference is made to this at para.2.25.

2.22 Mr David Ross, Director, Central Land Council said:

> ….it also talks very clearly about the ability of the Commonwealth to do what it wants to do in regard to – I think I mentioned it earlier – what it considers to be politically motivated challenges. I think the real issue here is that Aboriginal people are not interested in the politically motivated challenges; they are interested in their rights and in being consulted about what is to take place or what is not to take place on their land. That is what interests Aboriginal people more than anything else.

2.23 The Human Rights and Equal Opportunities Commission has pointed out that the effects go further than this.

> They prevent legitimate challenges to a nomination based on grounds such as a denial of procedural fairness or other grounds of judicial review such as bias, bad faith, fraud or lack of evidence.[7]

Return of land

2.24 The Government has declared that it will not be returning a dirty or polluted site to a land trust, and so the bill provides that the return will not be made unless the independent regulator has approved the site as safe. As this is not likely to occur for a century or longer, this reassurance is easy to give now. The bill does not make it mandatory for a government to hand back the land, and there is some doubt as to whether these provisions are legally necessary because the land could be handed back under provisions of the Land Rights Act. Opposition and other senators speculate that these provisions may be inserted to protect the Northern Land Council from criticism that it is conceding hard-won rights of traditional ownership.

A note on the evidence of officials

2.25 Opposition, Democrat and Green senators take strong exception to the use by the government of the term 'politically motivated' as a pejorative description of what is a normal exercise of democratic rights through review processes. For this reason they

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6 The Hon. Julie Bishop MP, Minister for Science, *House of Representatives Hansard*, 2 November 2006, p. 1

7 Human Rights and Equal Opportunities Commission, *Submission 63*, p. 9

sought advice from officials on the meaning of this term in the context of the bill. Senators were not impressed by the failure of Science Group officials to explain what the government might mean in its use of this term. If this terminology indicates an important policy motivation, then it ought to be capable of explanation by those officials whose task it is to administer policy. The committee is always careful to avoid putting officials in the position of commenting on policy, but they are expected to be able to explain it. On this matter, and on the matter referred to earlier of the peculiar drafting of sub-clause 3B(2A), which required no more than an explanation of drafting conventions and the citing of precedents, the answers given by officials were evasive and unsatisfactory. Despite the presence of four officials at the table, the quality of information offered was below that which would normally be expected of departmental officials appearing before the committee.

A connection with the impending nuclear energy debate

2.26 This bill raises issues which may well affect people in the major population centres within a few years. Nuclear waste is currently regarded as a remote issue, both in time and distance. But the issues of consultation, judicial review and ministerial discretion will be fought out on a much more crowded centre stage in any forthcoming push for nuclear energy generation. Future governments will have pause to ponder the question of rights of people affected by nearby power plants, and in this case it is unlikely that there will be an opportunity to exploit a convenient political division in order to secure approval for a nuclear building program. Opposition, Democrat and Green senators suggest that mishandling of sensitive issues, as we have seen in this bill, gives little encouragement that anything better could be expected of any future conservative government in developing a nuclear energy program.

Recommendation

Opposition, Australian Democrat and Greens senators recommend that this bill not proceed.

Senator Gavin Marshall **Senator Lyn Allison** **Senator Christine Milne**

Deputy Chair

Appendix 1

List of Submissions

1	Queensland Nuclear-free Alliance Friends of the Earth Brisbane, QLD
2	Rev Tracy Spencer, NT
3	Ms Ange Spencer, NT
4	Mr Frank Bruinstroop, QLD
5	Ms Sue McKinnon, NT
6	Ms Fiona Fergusson
7	Ms Chlorissa Gestier, Vic
8	Mr Steve Phillips, NSW
9	Ms Karrina Betschart, NT
10	Ms Erin Riddell, SA
11	Ms Cassie Wright, NT
12	Australian Student Environment Network, NSW
13	Ms Adele Pedder, NT
14	Ms Susanna Bady, NT
15	Ms Nikki Heywood, NSW
16	Ms Naomi Blackburn, NSW
17	Ms Karine Weiss, NSW
18	Ms Jill Glenny, QLD
19	Ms Caroline Tapp, NT
20	Ms Elizabeth Shield, QLD
21	Mr Tim Anderson, QLD
22	Australian Conservation Foundation, Vic
23	Ms Robyn Aldrick, Vic

24 Environment House, WA

25 Mr Jonathon Katz, Vic

26 Mr Albert Revelo, QLD

27 Katherine Residents Against Nuclear Dump, NT

28 Mr Gerry Dorbecker, Vic

29 Ms Naomi Fisher, QLD

30 Mr Elliot McAdam, NT

31 Ms Alaina Jones, QLD

32 Ms Louise Morris, Vic

33 Ms Stacey Eliza Paterson, NT

34 Galen White, QLD

35 Ms Suzy Bates, NT

36 Ms Lorraine Dixon, NSW

37 Ms Juliet Suich, NSW

38 Ms Mia Pepper, NSW

39 Ms Sue Vader & Mr David Julien, NSW

40 Ms Judith Steele, NT

41 North Coast Climate Action Group, NSW

42 Friends of the Earth Brisbane, QLD

43 Ms Janie Wormworth, NSW

44 Ms Ada Markby, NT

45 Ms Anne Goddard, QLD

46 Ms Marlene Hodder, NT

47 Centre for Sustainable Arid Towns, NT

48 Ms Clare Heaton, NSW

49 No Waste Alliance, NT

50	Ms Donna Jackson, NT
51	Department of Education, Science and Training, ACT
52	Mr Lenny Aronsten, NT
53	Ms Rita Apelt, NT
54	Mr Adam Wolfenden, NSW
55	Environment Centre of the Northern Territory, NT
56	Central Land Council, NT
57	Northern Land Council, NT
58	Medical Association for Prevention of War (Australia), Vic
59	Friends of the Earth, Vic
60	Arid Lands Environment Centre, NT
61	Mr John-Paul Kelly, NSW
62	Ms Carole Bristow, QLD
63	The Human Rights and Equal Opportunity Commission, Vic

Appendix 2

Hearing and witnesses

Parliament House, 27 November 2006

Central Land Council
Mr David Ross, Director

Mr Elliot McAdam, MLA (NT)

Northern Land Council
Mr John Daly, Chairman
Mr Norman Fry, CEO
Mr Ron Levy, Principal Legal Officer
Mr John Sheldon, Senior Project Officer
Mr Mark Foy, Project Officer

Department of Education, Science and Training
Ms Jessie Borthwick, Group Manager, Science group
Mr George Giffing, Principal Legal officer
Mr Robert Hesterman, Action Director, Radioactive Waste Management Section
Ms Julia Evans, Acting Branch Manager, Science and Technology Policy Branch