

Submission to Senate Employment, Workplace Relations and Education Committee  
Inquiry into Commonwealth Radioactive Waste Management Legislation Amendment  
Bill 2006

Senate Employment, Workplace Relations and Education Committee Department of the Senate  
PO Box 6100 Parliament House Canberra ACT 2600 eet.sen@aph.gov.au

Name: Anne Goddard

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To the Senate Employment, Workplace Relations and Education Committee:

I am writing to express serious concerns and strong opposition to the Amendments proposed to the Commonwealth Radioactive Waste Management Legislation by the Minister for Science, Education and Training on November 2, 2006.

The Northern Territory Government, Territory residents and traditional owners, are clearly opposed to the Commonwealth Radioactive Waste Management Act (CRWMA). Unfortunately, despite this serious and complete opposition of constituents and their elected representatives this legislation was passed on December 2005.

This has effectively forced a Commonwealth radioactive waste facility onto the Northern Territory. Three Commonwealth Department of Defence sites were then earmarked for assessment for suitability to host the facility.

The passing of this legislation is clearly not in line with honest and fair "representation" of the wishes of the people of the Northern Territory.

An amendment to the CRWMA was also passed at this time, allowing for land to be nominated for assessment by the Chief Minister or a Land Council. This amendment included provisions that the process of nomination by a Land Council demonstrated evidence of:

- consultation with traditional owners
- that the traditional owners understand the nomination
- that they have consented as a group
- that any community or group that may be affected has been consulted and had adequate opportunity to express its view

Communities and Groups that may be affected have not been adequately consulted:

For example, even though I am not a Northern Territory resident, I do not wish to see a radioactive waste dump on Australian soils. I am a resident

and taxpayer of Australia, and I do not wish to have a nuclear waste dump on our soils. The dangers of accidents are too great, they exist! Due to the length of time radioactive waste must be kept "safe" (thousands of years) there is currently no known (or proven) method of "safe storage" for radioactive waste. Considering the damage that has been done by this industry to date on our soils, how then can ANY government (or company) guarantee a safe future for storage of such hazardous waste.

Who will consult with my great grand children? Who will consult with their great, great grandchildren? Who will consult with yours?

What guarantees for safety will be given to future generations of Australians, let alone our own generation and the residents of the Northern Territory?

These are very serious questions and these questions need to be answered in an OPEN and HONEST way before ANY decision is made on behalf of future generations.

Responsible decision making (by our currently elected representatives) MUST take the wellbeing of future generations into consideration.

Less than one year after the CRWMA was passed, the Government is attempting to further weaken community input into radioactive waste management, with proposed amendments clearly stating that if the above conditions are not met this does not affect the validity of a nomination. The implications of this are extraordinary, as it reduces the former rules of nomination to guidelines, allowing Land Councils to nominate land for a Commonwealth dump irrespective of traditional owners' opposition and concerns, contrary to their usual, statutory obligations under the Land Rights Act.

This amendment will remove the right for traditional owners to decide what activities occur on their homelands. Many groups have been involved in long and complicated processes to have their land returned, a fact acknowledged by the Minister in the second reading of the bill. It is shameful that this legislation would immediately remove these long fought for rights.

Under section 3D of the CRWMA, no person is entitled to procedural fairness in relation to the Minister's approval of nomination. The proposed amendment extends this provision to include the nomination process for waste dump sites, thus preventing any legal claims and challenges from traditional owners or other interested parties. The Amendments also apply to the Administrative Decisions (Judicial Review) Act 1977, for the Minister's stated purpose of "preventing politically motivated challenges to a land council nomination".

This will effectively place the process of attaining land for a nuclear waste dump outside the ambit of judicial review and is clearly demonstrative of the dishonest and un-honorable standards and tactics being employed by the Federal Government to secure a site for its radioactive waste. It clearly shows that they will proceed with their insidious plans for nuclear expansion in Australia by any means possible. They are not even considering the best interests of their people.

This blatant disregard for the opinions of affected communities is reprehensible.

The stated purpose of the bill is clearly untrue and shallow: "to allow for the eventual return of nominated land".

The return of land would be at the discretion of ARPANSA, (Australian Radiation Protection and Nuclear Safety Agency) the relevant Minister and the land council that nominated the site, there is no guarantee that land acquired for the facility would ever be returned.

Should the land ever be returned, what guarantees will be put into place to ensure that the land is safe to inhabit?

Who will foot the bill for accidents and clean up operations?

How many years will those guarantees remain in place?

History has shown us clearly that there will be LITTLE TO NO compensation for victims of nuclear waste contamination. Many people have ALREADY died waiting for compensation from nuclear exposure via Maralinga tests. The site is STILL CONTAMINATED despite very expensive attempts at clean up.

Further, given the nature of the facility being proposed, there are some serious questions that must be raised as to what sort of condition the surrounding land would be in for many generations.

The Minister states in her speech for the second reading of the Bill that the Commonwealth "will not be returning a dirty or polluted site". This means that if there is contamination of the environment from the facility, the land will remain under the regulatory control of ARPANSA and will not be released back to traditional owners.

As the dump will be used for storage of long lived isotopes, it is very clear and certain that any site nominated and used for such storage will never be able to be completely decontaminated in our life times.

It is extremely disconcerting that this amendment, if passed, will allow for land to be nominated for use as Commonwealth radioactive waste facility without consent of traditional owners. The Minister acknowledges that "Aboriginal people in the Northern Territory fought hard for the right to own their land". Why then, is the Minister proposing legislation that will allow for these rights to again be overridden?

The existing Commonwealth Radioactive Waste Management Act 2005 (CRWMA) undermines environmental, public safety and Aboriginal heritage protections.

The proposed amendments to the Act would further disadvantage Indigenous people by removing the need for community consultation, informed traditional owner consent, procedural fairness and administrative review from any potential dump site that might be nominated by an NT Land Council, particularly the Northern Land Council.

Such an approach is dishonest and unjust, particularly acknowledging the importance of community consultation and consent in successful decision making regarding radioactive waste management.

These amendments are not based on a measured or responsible approach to the long term management of Australia's radioactive waste and do not enjoy scientific, procedural or community credibility or license. No existing legislation should be "overwritten" or overridden to force a Commonwealth radioactive waste facility in Australia.

The process of returning land to traditional owners must not be subject to conditions which will include the forced acquisition of land to pollute and "make uninhabitable" in the first instance. These amendments set a dangerous precursor for further undermining of indigenous rights and self determination and should be strongly opposed by the Committee.

I recommend that these amendments are strongly opposed by the Committee.

Anne Goddard

<http://globalclimatechangeaction.org>