

Comments to the Senate Employment, Workplace Relations and Education Committee Inquiry

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
eesen@aph.gov.au

Name: Donna Jackson

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To the Senate Employment, Workplace Relations and Education Committee:

I am writing to express 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.

In December 2005, despite opposition from the Northern Territory Government, Territory residents and traditional owners, the Commonwealth Radioactive Waste Management Act (CRWMA) was passed, overriding NT legislation and effectively forcing a Commonwealth radioactive waste facility on the Territory. Three Commonwealth Department of Defense sites were then earmarked for assessment for suitability to host the facility.

Public accountability and international human rights:

Clearly the Commonwealth is aware of the opposition by the general public and traditional owners, to the siting of nuclear waste dump on ALRA lands, and expansion of the nuclear industry in general. The flimsy processes to date have demonstrated a misuse of Commonwealth powers, and once again shown that PM John Howard and his government cannot be trusted with majority control of the Australian parliament. Their actions confirm the fact that most Australians do not want our continent turned into an international nuke waste dumping site. There are many countries around the world who are seeking a long term storage site for their nuclear waste, many of us see the high potential for a 'flood' of waste coming into Australia. We are in a time of drought and will no doubt face similar droughts in the near future. Potential contamination of our artesian basin and ground water via a nuclear waste dump, &/or, expanded uranium mining/processing seems ludicrous, when the health and vitality of our freshwater catchments are under threat. The United Nations Charter, pronounces the right of every child to 'clean drinking water', once again the Howard government

has ignored this charter and left itself open to legal challenges. The Traditional Owners of the proposed nuclear waste dump sites, are vocally opposed to it, the NLC cannot speak for those people on the ground, and should be more aware of the implications of its actions. The Central Land Council has shown its courage and commitment to the Traditional Owners, by opposing the dump and supporting the rights of its constituents to say no.

Risks to public health & via transportation and waste storage 'off site':

A recently released Menzies School of Health report demonstrates a 90% increase in cancers for the TO's of the Kakadu region, specifically those residing at or near Jabiru. The reports authors are quick to point out that there is no evidence of direct connections to the nearby Ranger Uranium mine, however, the general public will certainly be sceptical of any assertions to the contrary. We all know the potential toxic outfall of the whole nuclear process, and the total reluctance of various states to go down the nuclear power path. Perhaps this is why the only port in Australia that allows shipment of nuclear materials is in Darwin, where the Northern Territory Government is susceptible to Commonwealth intervention. If the Commonwealth is so certain of the safety of this material, and the support of the wider community to expand the industry, why don't the other states open their ports to allow its transportation? Why are all the current operating uranium mines in the NT & SA? The safest nuclear waste storage option, recommended by various international experts, is to store it at the site of processing (i.e Lucas Heights), thus removing the inherent risks of transporting it across oceans and along highways. It also removes the potential for any strike actions by the various workers, whose health is put at risk from having to handle the materials.

Return of nominated land

The stated purpose of the bill is to allow for the eventual return of nominated land if the Commonwealth radioactive waste facility was built there as a result of a nomination. If the facility design includes shallow burial for low level waste, this will remain permanently on site. Given that there is no plan for the storage of long-lived intermediate level waste beyond the "temporary" site being proposed, and that the return of land would be at the discretion of ARPANSA, 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. Further, given the nature of the facility being proposed, there is question as to what condition the land would be in. 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 (Australian Radiation Protection and Nuclear Safety Agency) and will not be released back to traditional owners. As the dump will be used for storage of long lived isotopes, it will certain the site will never be completely decontaminated.

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?

Recommendation:

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 inconsistent with the international trend of 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.

While the provision to return land to traditional owners is to be encouraged, return of potentially contaminated land is totally shameful, and should not even be contemplated by anyone with a conscience. Nuclear power is not the answer to climate change, expansion of this industry will create a devastating legacy for many hundreds of years to come. If we do not act now to halt this disturbing trend, our generation will be forever remembered as the one who missed the opportunity to stop the ongoing mismanagement of our planet, and its dwindling natural & cultural resources.

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

Sincerely

[Donna Jackson](#)

23rd November 2006