



Medical Association for Prevention of War (Australia)

National Office: PO Box 1379, Carlton, VIC 3065
phone: 03 8344 1637 fax: 03 8344 1638
e-mail: mapw@mapw.org.au w: www.mapw.org.au

Incorporation number: A0018205V
ABN: 15 779 883 661
National Council and Branch details: www.mapw.org.au

Dr Bill Williams
MAPW Vice President
C/- MAPW National Office
PO Box 1379
Carlton VIC 3053

24 November 2006

Committee Secretary
Senate Employment, Workplace and Education Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

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

Members of the Medical Association for Prevention of War (Australia) express our serious concern and opposition to the proposed amendments to the Commonwealth Radioactive Waste Management Legislation currently under consideration by the Committee.

When the Commonwealth Radioactive Waste Management Act was passed in December 2005, MAPW expressed our concern in both a written submission and public hearing about the imposition of a nuclear waste facility on unwilling communities, stating clearly that radioactive waste management necessitates particular scrutiny because of its long-term threat to human health.

Further we expressed our concerns about the need for best practice radioactive waste management, which would at the minimum include waste minimisation, minimisation of transport, secure, monitored above-ground storage and community acceptance.

According to international best practice models of the management of radioactive waste, community acceptance does not mean simply "consultation" but rather informed consent of all communities that will be affected. The imposition of a nuclear waste facility on an unwilling community would be world's worst practice.

The explanatory memorandum to the Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006, states that the purpose of the bill is to provide for the return of nominated Aboriginal land. This is clearly misleading, as amendments to subsections 3B(2), and section 3D clearly state that a Land Council no longer has to comply with subsection 3B, and also that procedural fairness does not relate to such nominations.

Section 3B in the 2005 Bill contains rules about nominations such as assurances that there will be no interference with sacred sites, that consent has been obtained by all persons holding interests in the land, and, if the land has been nominated by a land council, that there is evidence that the council



Australian affiliate of International Physicians for the Prevention of Nuclear War (IPPNW)

has consulted with traditional Aboriginal owners of the land, and that these Aboriginal owners understand the nature and effect of the proposed nomination. The effect of these amendments effectively mean that Land Councils themselves, as well as the Minister, are no longer bound by these conditions. The Minister's approval of a site was absolved from these constraints by the original bill.

The only result of this part of the amendment is thus to render nominations of sites free from the need for consultation and consent from traditional owners. This is clearly unacceptable, and a further eroding of Aboriginal rights.

While the provision to return land to traditional owners is to be encouraged, the fact that this process is not guaranteed and is subject to conditions, including potentially forced acquisition of land, means that these amendments set a dangerous precedent for further undermining of indigenous rights and self determination and should be strongly opposed by the Committee.

The state of health and well-being for indigenous Australians is already a national and indeed international disgrace. The proposed amendments have far-reaching implications for the ability of traditional communities to regain a degree of self-determination, without which the major problems confronting their communities are likely to continue. The further disempowerment of Aboriginal traditional owners will have serious negative impacts on psychosocial health and levels of disease and community dysfunction. Paradoxically, both of these are issues which the Commonwealth government is attempting to address via large expenditures on other programs.

Radioactive waste management issues affect not only indigenous communities of course, but all those communities in the regions chosen for transport routes and dump sites. The transport of nuclear materials, even waste which could be intercepted by terrorists for use in a "dirty bomb", is a hazardous process with significant security implications. Full consultation with residents, police and emergency services, health services, and environmental protection bodies (government and non-government) is essential before any route and sites are confirmed. Such consultation is rendered even more critical by the longevity of radioactive waste, which lasts many thousands of years. All future generations of Australians will have to live with the legacy of decisions we make in relation to the radioactive waste we create.

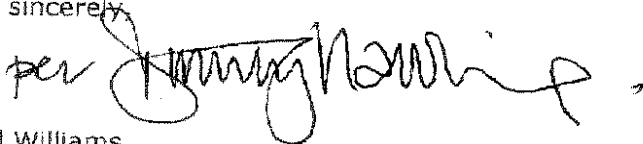
The principle of "community acceptance" is a core feature of international 'best-practice', as illustrated in the following account of Sweden's advanced nuclear waste program:

*"The special character of the nuclear waste issue will by necessity lead to a need for local understanding and support for the project in order to be able to construct and operate a repository ... It was judged necessary to create a participatory and voluntary process in order to achieve such understanding ... **Dialogue and transparency is essential for a fair and successful decision process.** This can be as much of an important and difficult task as the questions concerning geology and technology."* Claes Thegerström, President of SKB, the Swedish Nuclear Fuel and Waste Management Co.

The approach of Canada and Sweden to radioactive waste management has lessons for countries such as Australia. Whilst their programs share the universal lack of a satisfactory disposal method for radioactive waste, their emphasis on community acceptance of the chosen management plan is far superior to Australia's "fast-track" approach, which has been characterized by deception and authoritarianism.

We urge the Committee to reject these amendments and to recommend a process whereby affected communities are fully involved in any decisions made in relation to Australia's radioactive waste management. We attach for your reference the submission put to your committee last year when it was considering the adoption of the Radioactive Waste Management Bill.

Yours sincerely,



Dr Bill Williams

Vice President of the Medical Association for Prevention of War (Australia)