



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

STANDING COMMITTEE ON ENVIRONMENT,
COMMUNICATIONS AND THE ARTS

Reference: Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008

TUESDAY, 18 NOVEMBER 2008

ALICE SPRINGS

BY AUTHORITY OF THE SENATE

INTERNET

Hansard transcripts of public hearings are made available on the internet when authorised by the committee.

The internet address is:

<http://www.aph.gov.au/hansard>

To search the parliamentary database, go to:

<http://parlinfoweb.aph.gov.au>

**SENATE STANDING COMMITTEE ON
ENVIRONMENT, COMMUNICATIONS AND THE ARTS**

Tuesday, 18 November 2008

Members: Senator McEwen (*Chair*), Senators Boswell, Birmingham, Ludlam, Lundy, Pratt, Troeth and Wortley

Participating members: Senators Abetz, Adams, Arbib, Barnett, Bernardi, Bilyk, Mark Bishop, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Ellison, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ian Macdonald, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Moore, Nash, O'Brien, Payne, Polley, Ronaldson, Ryan, Scullion, Siewert, Stephens, Sterle, Troeth, Trood and Xenophon

Senators in attendance: Senators Birmingham, McEwen, Pratt and Ludlam

Terms of reference for the inquiry:

To inquire into and report on Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008:

WITNESSES

**JACKSON, Miss Donna, Co-chair, Australian Nuclear Free Alliance; and Coordinator, Top End
Aboriginal Conservation Alliance..... 2**

**LEEDER, Dr Diana, Executive Director, Natural Resource Management, Department of Natural
Resources, Environment the Arts and Sport, Northern Territory government..... 14**

ROSEWARNE, Mr Clive, NT Branch Executive Member, Public Health Association of Australia 7

TYLER, Dr Hilary, Medical Association for Prevention of War 7

WOOD, Mr Gerry, Member, Legislative Assembly, Northern Territory 17

Committee met at 8.05 am

CHAIR (Senator McEwen)—Good morning, everybody. I declare open this public hearing of the Senate Standing Committee on Environment, Communications and the Arts in relation to its inquiry into the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008. The committee's proceedings today will follow the program as circulated. These are public proceedings. The committee may also agree to a request to have evidence heard in camera or may determine that certain evidence should be heard in camera.

I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to the committee. If a witness objects to answering a question, the witness should state the ground upon which the objection is to be taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may, of course, also be made at any other time. A witness called to answer a question for the first time should state their full name and the capacity in which they appear, and witnesses should speak clearly and into the microphones to assist Hansard to record proceedings. Mobile phones should be switched off.

[8.06 am]

JACKSON, Miss Donna, Co-chair, Australian Nuclear Free Alliance; and Coordinator, Top End Aboriginal Conservation Alliance

CHAIR—With those formalities over, I again welcome everyone here today, and I welcome Miss Donna Jackson from the Top End Aboriginal Conservation Alliance. Thank you for coming along to talk to us today, Ms Jackson. The committee has received your submission as submission No. 23. Do you wish to make any amendments or alterations to your submission?

Ms Jackson—No, thanks. I am a little bit confused: I wrote the letter to the Northern Land Council on the Top End Aboriginal Conservation Alliance letterhead, but my official submission to the Senate committee is the one from the Australian Nuclear Free Alliance. I am quite happy to speak on TEACA or both, but I wanted to clarify that.

CHAIR—That is fine. You are free to speak on both. Would you like to make an opening statement?

Ms Jackson—Yes, thank you.

CHAIR—Please do so.

Ms Jackson—I wanted, first of all, to thank you all for allowing me to speak today and also to acknowledge the traditional owners of Alice Springs for letting us have this conference here, and the traditional owners who have travelled here from Muckaty Station and other areas to defend their country as well. Some of them cannot be here today. They had to go back.

My role in this is that, even though I come from Darwin and I have Larrakia heritage there, I am concerned about some of the consultations that have occurred. Having dealt with the Northern Land Council myself over a number of years on Larrakia issues, I was a bit alarmed to hear that other people's wishes were being treated with similar contempt. Whilst the Northern Land Council has assisted us over the years in different ways, I have found it to be lacking in support if we say no to something. If there is something we do not want to happen on our country, we seem to get very little support from the land council. That is also why I initiated the Top End Aboriginal Conservation Alliance—as an independent voice for people on country.

The other issues that led me to get involved were hearing from one of the Muckaty traditional owners that Mr Levy had threatened her with legal action if she continued to speak out. I thought it was totally unacceptable that a lawyer in his position would make that sort of threat to a traditional owner who was totally within her rights to be speaking for her country. So, aside from the social and environmental concerns, I was also quite angry to hear that certain TOs were being bullied and were finding it difficult to have their voices heard. Fortunately, the Arid Lands Environment Centre and the Environment Centre, Northern Territory have been very supportive of TEACA and of the TOs in defending their country.

The other issue with the conduct of the land council, and I think it was mentioned yesterday, is that no minutes are given to people when we attend meetings with the land council. If the land council has a meeting with my family in Darwin, the Browne family, there might be three of us who agree with something and two who do not, but we do not get to see the minutes of those meetings, so we do not know how the meeting is reported back up the chain to the hierarchy, and that concerns me. The Larrakia Nation Governing Committee, which I sit on, recently passed a motion to insist that in future the land council give us minutes from all of our meetings.

The other reason I am here is for ANFA, the Australian Nuclear Free Alliance, whose submission I put in to the Senate committee. It is a newly formed committee, but the group has been meeting for a number of years, starting with the issue of the Jabiluka uranium mine. That is probably it for my opening statement, thank you.

CHAIR—Thanks very much, Ms Jackson. Senator Ludlam.

Senator LUDLAM—Thank you, Chair. Good morning, Ms Jackson.

Ms Jackson—Good morning.

Senator LUDLAM—Thanks very much for coming down and giving some evidence this morning. You touched briefly in your opening statement on your experience working with the Northern Land Council. Can you give us some examples of how you have seen that process from TEACA's point of view or the Larrakia Nation's point of view?

Ms Jackson—Yes, certainly. A recent example would be the Inpex gas plant in Darwin. The Larrakia Nation Governing Committee made public statements that we were not supportive of the gas plant. I spoke yesterday with Mr Hill, for whom I have respect, and he assured me that the land council was not involved in those discussions. However, when I spoke to government and Inpex people, I learned that the land council directed them to the Larrakia Development Corporation, which is a commercial structure of our people that has started to run amok and go off in its own direction and make decisions without reference back to the Larrakia Nation Governing Committee. Over the years I have written to the land council a number of times about inappropriate developments—marinas planned for our country when we won our land claim on the Cox Peninsula—and pretty much without fail they do not respond to those sorts of requests for assistance. We end up having to do those sorts of campaigns ourselves without any support from the land council—or, if there is support, it is just a couple of lines in an email.

The other thing is that at meetings called by the land council quite often Mr Levy is in the habit of giving us legal advice on a piece of paper with no letterhead and no signature. The advice could have come from anyone and it could relate to anything. I think it is unprofessional to give traditional owners legal advice on a piece of paper without a letterhead and a signature. It only occurred to me later why he was doing that.

Senator LUDLAM—In reference perhaps to the nuclear waste dump or to projects for which you have said it is very difficult to get support from the land council if you are trying to stop a particular development from going ahead, from your point of view, what would it look like if these sorts of consent processes were done properly?

Ms Jackson—For a start, there should be minutes from meetings. There should be a cooling-off period. Our people often have heaps of stuff on our agendas and we are really busy. If we are called in for a meeting and the land council tells us there is this or that happening, sometimes people are talked into signing there and then, and when we go away and think about it we realise it probably was not the best thing to do to sign that piece of paper—but there is no cooling-off period; there is no going back and saying, ‘Oh, that was a mistake.’ Another instance is that our family disagreed with the mineral extraction deed put to us by the land council. The benefits to us and the non-rehabilitation of our country and lack of protection for our archaeological sites were pretty poor, so we strongly disagreed. The land council then sent someone around to my dad, who is quite ill. On that occasion he got out of bed and signed the piece of paper without realising, so we are now locked into five years of mineral extraction without any benefit. It is those sorts of tactics that I think should be looked at carefully.

In terms of the Muckaty Station nomination, as you have probably seen from my letters, a number of letters were written to the full council. I think they explained a bit yesterday how it works, but basically there are several representatives from each region within the Northern Land Council area. The people who sit on that full council are all very good people, and I fully respect them. When I asked several of them about this issue specifically and about the letter that was written by the TOs from the Tennant Creek area, I was told that the then chairman, Mr Daly, did not table that letter, but held it up, said, ‘This is rubbish,’ and threw it to one side. No-one got to see that letter. We were attempting to get to the good people on the full council to let them know that there were people who were not happy and to give them both sides of the story. The council members whom I asked said they were convinced by senior people at the land council that every proper traditional owner had been spoken to and all had given their consent. So, given that information, the full council voted and accepted the nomination.

Senator LUDLAM—Convinced by whom?

Ms Jackson—I am not entirely sure. I believe it was the lawyers. I do not think it was the executive, because a number of the executive members are also opposed to the situation. I guess it was the lawyers, but I was not there. That was just how it was explained to me: that they were assured by senior people at the land council that all the right people had been spoken to and that is why they made that decision.

Senator LUDLAM—Can you tell us a little bit about the role played by the Australian Nuclear Free Alliance, of which you are the co-chair and have made the submission on behalf of?

Ms Jackson—I am quite new to the alliance. A lot of really good, hardworking people, Aboriginal and non-Aboriginal, have kept that going over the years since Jabiluka. Basically, it is a coming together of Aboriginal and non-Aboriginal activists and people concerned about the environment to look more closely at the expanding uranium industry and also the nuclear waste dump. Through ANFA—the Australian Nuclear Free Alliance—they assisted TOs in South Australia to prevent the waste dump from going there and are certainly supportive of TOs in the Northern Territory to prevent the waste dump coming here as well.

Senator LUDLAM—I noticed in the submission from the Top End Aboriginal Conservation Alliance some of the different language groups that are listed from all over central and southern Australia.

Ms Jackson—That is right.

Senator LUDLAM—What interests would you say Aboriginal people have who might be thousands of kilometres away from Muckaty? Why is the concern so widespread?

Ms Jackson—Certainly Larrakia has a strong concern that should we have a nuclear waste dump anywhere in Australia, but particularly in the Northern Territory, it is quite likely that ships carrying international nuclear waste that are apparently in various places around the world waiting for somewhere to dump would start heading towards our harbour to start unloading that nuclear waste and send it down the track by the train. Also just to show some solidarity with people who are not being listened to or heard. I would just add that one of the first statements President-elect Barack Obama made was that he will take Yucca Mountain, a proposed nuclear waste site in the States, off the list. So if President-elect Obama can see the folly in trying to force nuclear waste on indigenous people then perhaps our ministers could see similarly.

Senator LUDLAM—So your concern is that we might start with a national radioactive waste dump and end up with an international one?

Ms Jackson—Yes, and Yucca Mountain actually puts more pressure on us in terms of where that waste is going to go. When I first heard about the nuclear waste dump I saw a vision in my mind of these ships sailing towards Darwin harbour with their cargo that they cannot dump anywhere else. It is a big concern for us. Some uranium coming out of Ranger already goes through our harbour. We have an inadequate emergency response. In fact, Dr Nitschke, who is now famous for euthanasia, initially was a whistleblower of the NT government when he exposed the inadequate preparations Darwin had for any nuclear accident. He was a doctor at the hospital at the time and realised that if something happened his staff and he would probably be on the front line. We were not aware at the time that we had an American nuclear powered sub in our harbour. He blew the whistle and was sacked and has since gone on to do euthanasia. I think some attempts were made to have a response, but our harbour does not flush very much. It sort of just washes in and out. So, if there was a spill in our harbour, it would be absolutely devastating to everything and it would be almost impossible to get the uranium out of the water.

Senator LUDLAM—Thank you very much for your comments this morning.

CHAIR—Ms Jackson, how does the alliance believe Australia should treat its nuclear waste?

Ms Jackson—The best advice at the moment is to keep it where it is at Lucas Heights. Despite the previous government's categorising of our waste as low- and intermediate-level, I understand in other places in the world it is regarded as high-level waste. It is spent fuel rods from the reactor containing high-level waste plutonium. Transporting that around is dangerous in itself, and the best advice is to store it onsite.

Senator BIRMINGHAM—Ms Jackson, thanks for your time today. What discussions have you had about the repeal of the act with the government or representatives of the government since its election?

Ms Jackson—The NT government or the federal government?

Senator BIRMINGHAM—The federal government.

Ms Jackson—Only writing this submission, I guess. I was part of the speaking tour that Natalie Wasley spoke about yesterday. We met with various senators and ministers from all sides of politics on our speaking tour. So there was that first point of contact, but since then it is just this submission.

Senator BIRMINGHAM—What is your understanding of the promise that the Labor Party took to the last election?

Ms Jackson—When we were in Parliament House in Canberra on the speaking tour, we sat in with Mr Snowdon. There was a representative from Mr Garrett's office there and Senator Kim Carr. They were all in opposition at the time. They basically gave us an undertaking that if they were elected they would repeal the CRWMA immediately. We went away from the meeting feeling quite happy that the Labor Party had promised to repeal the act.

Senator BIRMINGHAM—And what is your feeling in regard to the government's lack of action so far?

Ms Jackson—It is quite disappointing. I know we are not talking about the intervention, but both those issues are impacting hugely on our people, and the expansion of uranium mining in the Northern Territory, or in Australia, is having a big impact on our people. As Marlene Bennett said yesterday, it is like throwing a

bone at a pack of dogs and it is causing people to fight over potential benefits. It causes lots of fights between families.

Senator BIRMINGHAM—Can I just go back to the Northern Land Council briefly just to help me to understand better its structure and how representative it is or otherwise. You spoke fairly positively of the members of the full council who represent the different communities and groupings within the council's area. Does the full council elect in some way or appoint the executive that oversees the operations of the council?

Ms Jackson—Yes. The full council members are elected on a regional basis, and then they elect an executive. So it is not the constituents who elect the executives; it is the full council itself that has already been nominated by the constituents.

Senator BIRMINGHAM—Where do you think it all breaks down? You are obviously fairly critical of the end output of the council. If it is good people going into the full council, where does it go wrong with the output to the community?

Ms Jackson—I have sat on the Larrakia Nation Governing Committee for eight or so years, and it is partly just overwhelming information presentation. There is one thing after the other and by the time you get to agenda item 25 you are falling asleep in the chair and not really taking enough notice of the issues. If you are being told that the right people have been spoken to and there is no question then I guess you take that decision and make your statement.

Senator PRATT—Thank you, Chair. Thank you, Ms Jackson. In your submission you say it is unacceptable to put nuclear waste on Aboriginal land threatening the health of the environment, water and the people. I know there is a fair bit of information available about the impacts of nuclear waste, but I really want to ask you to unpack that statement a little bit for us in terms of the perceived impacts and what evidence you base that on.

Ms Jackson—I have seen a couple of diagrams of how they plan to store the waste. As Mitch mentioned yesterday, it is layers of dirt and gravel and drums. I am not sure that any iron or steel drum can last several thousand years. If you could get at a drum to look at its condition, you would probably find that it was breaking down and leaking under the ground unseen. The other issue is the lack of security. When questioned about how the waste dump would be secured, they initially said there would be no-one there, and then they said they would have one security officer there. So if terrorist groups were looking to exploit a vulnerable set-up, then there would be one security guard sitting on the waste dump.

In terms of people, I think the amount of stress put on various environmental groups and contemplating the waste dump and especially on traditional owners was pretty evident yesterday when I observed the traditional owners weeping in the back of the room after they had made their submissions. It really is nefarious and bordering on evil that rich, non-indigenous societies create toxic, long-lasting pollutants and then turn to indigenous people in the world to dump it on their country. I am not sure if anyone is familiar with what happened at Wounded Knee with well-known activist John Trudell and others. It was made into a movie, *Thunderheart*, the subject of which was a nuclear waste pile at the back of the community. Several people lost their lives trying to expose and defend their country. I myself woke up at four o'clock this morning tossing and turning with a knot in my stomach because of the stress.

Senator PRATT—Other groups, such as some of the Ngapa people at Muckaty, we have been told are convinced that the protection measures likely to be put in place should such a site be chosen would be adequate. How difficult is it for non-scientists to weigh up and deliberate on these issues?

Ms Jackson—If various scientists and ministers, such as Minister Martin Ferguson, would show their respect and take the time to sit down and talk with people on the ground, they might discover that, yes, there is a lot of opposition. To be fair to Amy and her family, I feel some sorrow for them. If you read some of her media statements, you will see that the first thing she mentions is that now we will get some schools and roads and basic services. So people who are already underprivileged and suffering and almost desperate for some services are being offered nuclear waste dumps to get the services that they require.

Senator PRATT—Lastly, Ms Jackson, we have had some discussion in the past couple of days about the Northern Land Council. You mentioned minutes and the importance when people are both for and against of having that kind of documentation. These things are not necessarily decided by majority, and I am trying to get my head around the politics of who should be listened to when there are such divisive issues in play.

Ms Jackson—I can only go back to what I said earlier. Members of the full council were convinced that all the right people had been spoken to. I honestly believe that if those individual full council members were here

listening to the traditional owners, who do have rights to speak for that country, a number of them would change their position. They have been told that the right people have been spoken to but, as I said, they have massive agendas, so they move on to the next item. Did I answer all of that question?

Senator PRATT—Yes.

Ms Jackson—Just quickly, if I can jump in with one more statement, the other thing about Tennant Creek is that it is highly prone to tremors. Not long after Mr John Daly, the then chairman, was on television announcing the waste dump nomination for Muckaty Station a strong earth tremor was felt right near Muckaty Station. So this constant harking back to it is all about the science and Tennant Creek is the best place is quite astounding. If you go to the Australian geological website and look at the dots on the map for earthquake and tremor-prone areas, you will see that the whole area of Tennant Creek is a big blotch of red, which means it is highly prone to seismic activity.

CHAIR—Thanks, Ms Jackson. Just one last question from me. This bill that we are considering today is to repeal the Commonwealth Radioactive Waste Management Act, and if it was successful in the parliament there would be no act. What is the view of the alliance about replacement legislation, or are you happy, if the act was repealed, to live with the other legislation, territory and federal, that governs these issues?

Ms Jackson—I had not had a huge amount to do with that prior to this and was quite stunned to find that various other acts were put to the side for this one to stand. The NT government is clearly against a nuclear waste dump in the Northern Territory, and the Environmental Protection and Biodiversity Conservation Act was suspended to allow the passage of this act. Both alliances that I represent ideally would like to see the CRWMA completely thrown out and, if there is to be any further discussion, that it be open and transparent and properly consultative, and also that those doing the consultations do not rely solely on the Northern Land Council to ascertain whether traditional owners want these sorts of things on their country.

CHAIR—As there are no further questions, thank you very much for your submission and for taking the time to appear before the committee this morning. We appreciate it very much.

Ms Jackson—Thank you, Senator.

[8.34 am]

ROSEWARNE, Mr Clive, NT Branch Executive Member, Public Health Association of Australia

TYLER, Dr Hilary, Medical Association for Prevention of War

CHAIR—I welcome Dr Hilary Tyler from the Medical Association for Prevention of War Northern Territory Branch and Mr Clive Rosewarne from the Public Health Association of Australia. Thank you both for coming along to talk to us today. The committee has received the submission from the Medical Association for Prevention of War as submission No. 33. We also have a submission from the Public Health Association of Australia but we do not have the number to hand just at the moment. Do either or both of you wish to make any amendments or alterations to the submissions that you have put in to the committee?

Dr Tyler—No.

Mr Rosewarne—No.

CHAIR—Thank you. Would either or both of you like to make a brief opening statement?

Dr Tyler—I think we both would like to.

CHAIR—Sure. Dr Tyler.

Dr Tyler—Thank you for inviting MAPW to this Senate inquiry. MAPW is the Medical Association for Prevention of War. It is a national body affiliated with the International Physicians for the Prevention of Nuclear War, which won the Nobel Peace Prize in 1985. We lobby on a lot of different issues with respect to war and with respect to nuclear war, and it is in that relationship that we have an interest in uranium mining, the nuclear chain and the problem of nuclear waste. The act clearly needs to be repealed, so I just want to make a few short comments about radioactive waste in general, about best practice for radioactive waste management and some specifics about the CRWMA that we feel particularly problematic.

It is quite clear that radioactive waste is a special sort of waste. It is radioactive for tens of thousands of years, and there is no safe dose. I think it is quite clear from global research that even very small doses of ionising radiation over a long period of time have risks of cancer and birth defects. We clearly need very special measures to look after the waste once it has been produced. We need risk minimisation, and we certainly do not need any unnecessary risks.

Putting nuclear waste in flood-prone areas such as Fishers Ridge or in earthquake zones such as Muckaty is surely problematic, and we are clearly here talking about Australia's highest level of waste. So, in talking about best practice management, MAPW would say that keeping it near or at the site of production is the best way to go. The experts are already there, systems are already in place, emergency response capability will not be overwhelmed if there is an accident, and the risks of transportation are minimised, because clearly transporting waste thousands of kilometres to Central Australia is an unnecessary risk with potentially huge consequences. However, just as important is community consent, and we have talked a lot about that over the past couple of days. It is internationally recognised that community consent for a radioactive waste dump is essential. In 2002, the IAEA talked about that. In 2006, the UK Committee on Radioactive Waste Management said:

There is a growing recognition that it is not ethically acceptable for a society to impose a radioactive waste facility on an unwilling community.

The process of finding a national radioactive waste facility has been fraught with problems of community consultation and consent. The specific thing with respect to the CRWMA that MAPW and others find particularly problematic is that it overrides native title rights, it overrides the 1999 Environmental Protection and Biodiversity Conservation Act and there is no right to procedural fairness. It is interesting to point out that, amazingly, none of the following situations affects the validity of a nomination: failure to consult with traditional owners; Aboriginal owners not understanding the nature and effect of the nomination; failure of traditional Aboriginal owners as a group to consent to nomination; or failure by the land council to consult with any Aboriginal group that may be affected. The nomination would be still regarded as valid, and I would put it to you that that is unacceptable.

If the Senate inquiry believes that the management of radioactive waste is important, and if people believe that waste should be placed somewhere safe with environmental safety, consideration of land rights, community consultation and due process, then clearly the CRWMA needs to be repealed, because all of these

things are protected in Australian law for all Australians, and for it to be overridden is quite problematic. Also, when in opposition, the Labor Party at its national party forum promised to repeal the act.

MAPW recommends that the act be repealed, that there be a full independent inquiry into the management of radioactive waste, that there be no imposition on an unwilling community, and that the problem of waste be included in any discussion on nuclear power. Thank you.

CHAIR—Thank you, Dr Tyler.

Mr Rosewarne—Thank you, Senators, for the chance to give this oral presentation. I would like to endorse the points that Hilary has made and emphasise a couple of them in particular. The issue of transport is one which is of great concern to the Public Health Association. The concept of increasing risk from exposure to radiation is one of the cornerstones of dealing with low-level or high-level radiation. Increased potential exposure increases the risk. Transporting this material across the country increases the risk, and we think it is unacceptable to all members of a community through which that material will be transported, not only those in the Northern Territory but throughout the rest of Australia. It raises issues of risk management, particularly in the Northern Territory. Recently Alice Springs had quite a strong storm that severely pressed its emergency services. If our emergency services cannot deal with a high-level storm lasting 20 minutes to half an hour, I am not sure that they have either the training or the capability to deal with a nuclear spill. It is doubly problematic up here because whilst you might get good staff at one stage and be able to train them up, there is an incredibly high staff turnover in the Northern Territory in all professions. It is difficult to imagine that at all times our emergency services would have the full capability to deal with a nuclear spill that we could look at in this scenario. Professional positions are constantly empty in the Northern Territory. I cannot see us being on top of that situation.

The second issue I would like to follow up relates to the overriding of people's rights, and I think there are two aspects of that which have a health impact. Firstly, there is the issue of people being put under considerable stress by this process. Yesterday when the NLC was giving its presentation I believe you heard the distress of the public gallery with regard to their submission. People's rights, people's beliefs, people's validity are being questioned, and that is highly stressful to people. That stress has a direct health impact on the immune system, and that causes ill health. That is a microcosm of what we are seeing in a broader picture here. The continual erosion of people's rights and the continual attack on their validity to exercise their rights and on their feelings as members of the Australian public, as citizens, has health impacts. I have talked about the physiological health impact, but there is also a health impact when you look at the social determinants of health. When people feel disempowered they have worse health. That has been shown in the Whitehall studies of Marmot and Wilkinson in the United Kingdom. It is continually shown around the world in all studies of the social determinants of health. Populations that feel disempowered have worse health. That is a clear fact. The contributing factors are complex, and I now go to those.

A population that cannot feel trust in its government is not going to engage in government programs. Prior to this last election people were told 'Vote for us and we will repeal this legislation'. Large numbers of Aboriginal people and other Northern Territorian voters put their trust in the government to do that. That trust has been severely tested for 12 months now. If people do not have trust in government, then how do they trust government programs? On the one hand, the current government is talking about closing the life expectancy gap and the gap in other health indicators. You cannot do that at the same time as undermining people's health. This legislation does that. Whatever take people have on the NT interventions, the previous government aimed basically to address social issues. That claim is completely undermined by this legislation, which is telling people: 'You have no rights; the rights that you had will be taken away in order for us to impose waste that no-one else in the country apparently wants.' It goes back to the position that if you are serious about talking to the community, engaging with the community and engaging in the community's health, a consistent message has to come from all levels of government, and it is quite clearly not in the interests of people's health to be dealt with in this manner. It is also not in the interests of their health just to have this material dumped in their community.

I would go back and say that the best practice for Australia to deal with the waste that it has is: stop adding to the waste pile and store the waste where you can watch it. We are talking about tens of thousands of years. How long have we been in Australia with a recorded history of the environmental devastation that is going on? What level of confidence can we have in future governments honouring their commitment not to take overseas waste when at the moment we are having trouble with the honouring of a 12-month promise? Putting the waste at Muckaty or anywhere else in the Northern Territory is a bit analogous to saying, 'I have this really

important document that I must keep; I'll chuck it in the spare room.' In 20 years time, after the kids have been through the room and everything else has been thrown in the room, I will be looking for that document. Do I really expect to find it in good condition? We have this incredibly important product called radioactive waste and we are going to put it out of sight, out of mind, and we will forget about it. And, once the royalty moneys have been spent on getting the government services which should have been there in the first place, those people will be forgotten about as well. Thank you.

CHAIR—Thank you very much, Dr Tyler and Mr Rosewarne. We will now go to questions. Senator Birmingham.

Senator BIRMINGHAM—Thanks, Chair. Thank you both very much for your time and your submissions and presentation this morning. Do you support the development of non-weapons-based nuclear science or the use of radioactive medical treatments or those types of things?

Dr Tyler—If you are talking about radioactive medicine, I think it is useful to talk about the quantities that are used. If you are talking about cancer treatment and the radiotherapy that uses radioisotopes, to supply the whole of Australia with cancer treatment you would need less than 100 grams of uranium per year. That is clearly a very small amount, which creates a very small amount of waste which can easily be stored at Lucas Heights. The MAPW national body has issued *A new clear direction*, a pamphlet dealing with radioisotopes and options for importing them. What one has to think about is having a nuclear research reactor in Sydney and the radioactive waste and problems associated with that for the radioisotopes is worth it when many countries do import their radioisotopes—and that would clearly be feasible for Australia. Does that answer your question? The quantities are very small, and most cancer treatment does not use radioisotopes.

Senator BIRMINGHAM—It certainly went to radioactive treatments and so on. But, on nuclear science more generally, do you think Australia should be playing a role in nuclear science?

Dr Tyler—Such as what?

Senator BIRMINGHAM—Well, such as, I guess, much of the work that is undertaken at Lucas Heights.

Dr Tyler—That is uranium enrichment and radioisotopes. I am not sure what else is done there.

Senator BIRMINGHAM—I am not totally sure myself, to be honest, but certainly, in terms of nuclear science R&D, Australia does play a role in some scientific work that is undertaken in that area. Do you think we should be doing any of that or not?

Dr Tyler—The risks and benefits have to be weighed up, don't they? The problems of long-life radioactive waste, which remains extremely dangerous for thousands and thousands of years, have to be weighed up against the perceived benefits of whatever nuclear science you are talking about, and it seems to me on balance and from all the cases I can think of that the risks are huge.

Senator BIRMINGHAM—In your submission and I think in both your presentations you talk about best-practice storage being at or near site. On what research are you basing those statements?

Mr Rosewarne—International evidence suggests that the best process for storage of nuclear waste is to keep it near its source. In Australia, with such a small reactor producing the majority of the material, it would make sense to keep it near its source for the reasons I gave before of transport risks. It also makes sense because the technology and knowledge required to successfully store that material will be in large industrial centres. It will not be part of the future economy of the Northern Territory to constantly maintain that sort of information base or skills base; it will happen in centralised industrial areas.

But I would like to come back to what you were saying before about whether Australia has a role in nuclear science. Australia is a very tiny player in world terms and historically got involved only because of Cold War politics. I do not think there is any longer a logical reason for Australia to run a nuclear reactor. The possible logic that was there no longer exists, and all we are really doing is maintaining a highly dangerous facility, producing highly dangerous material for no valid reason, that does not add to the Australian economy or to Australian wellbeing. We do not need that reactor.

Senator BIRMINGHAM—You were somewhat critical of the time that has passed since the change of government, 12 months now, with regard to action on the repeal of the act under discussion. Has either of your organisations had any discussions with government in that 12-month period?

Dr Tyler—MAPW at the national level continues to lobby the government. We and the Northern Territory branch wrote to every minister after the new caucus was announced about these and other issues, and that is

the main thing. We followed the Senate questions in February of this year, where the response from Minister Ferguson's office was, 'These matters are still under consideration.' That is all that has come out so far.

Mr Rosewarne—PHAA and a number of other organisations co-signed a letter to the Prime Minister asking for clarification and received the same unsatisfactory answer: 'These are still under consideration.' What seems to be occurring now is a Howard-Ferguson model of nuclear waste dumps in the Northern Territory. What needs to be done to break this nexus is to repeal the legislation and have a new inquiry that is clear and transparent to look at how to deal with the waste—because this is not coming out of the blue. We had an extensive inquiry through the nineties trying to find sites. It found 22 sites around the country. None of them were in the Northern Territory—none of these four here. This is just defence department expediency to try to find somewhere to get rid of something, and people in the Northern Territory at all levels are quite clearly saying that they do not want it. I think we need to have a new inquiry to look at how to deal with the waste—and, of course, our submission is that it be dealt with on-site. But we are not just annoyed about the 12-month delay by this government; to be fair, or to apportion blame equally, we are also unhappy with the previous government's behaviour on this matter as well.

Senator BIRMINGHAM—Just to be clear, you received responses to the correspondence that both your organisations have sent or co-sent?

Dr Tyler—We have had acknowledgement of letters sent.

Mr Rosewarne—To our national office, yes.

Senator BIRMINGHAM—But at this stage you have been provided with no indication of timing for action or any clear-cut commitment as to when the government will make decisions?

Dr Tyler—I had assumed that the government would keep its promise and repeal the act, so I am not sure. I am not aware of when that is going to happen.

Mr Rosewarne—No, there was not that sort of indication of detail; that is correct.

Senator BIRMINGHAM—Thank you. Thanks, Chair.

CHAIR—Thank you. Senator Ludlam.

Senator LUDLAM—Thank you, Chair. Dr Tyler, in your opening statement you commented that there was no safe dose of radiation, yet the uranium mining industry is based on the fact that there is a safe dose and that workers who would be dealing with the radioactive waste, whether it be transported or whatever happens to it eventually, can take a certain dosage every year. So how do you reconcile those statements? Is there something wrong with radiation protection in Australia?

Dr Tyler—What has been regarded historically as a safe dose of radiation or the acceptable highest dose has become less and less as more information has become available. The latest world consensus, expert opinion is that there is no safe dose of radiation; there is no threshold beyond which harm will not occur. This is clearly borne out by several studies in which very small doses of ionising radiation have been shown to cause harm. One of the studies—although it was not just to do with a waste dump—looked at a number of nuclear power reactors in England, Germany and other places and clearly showed that if as a child you lived within 10 kilometres of a nuclear power station you have an increased risk of contracting leukaemia. That is clear. The interesting thing when that information was just coming out was that all these nuclear industry experts kept saying, 'It cannot be due to the radiation, because it is so low,' but actually it is due to the radiation and it is due to being near a nuclear power station. It is proof yet again that very, very low doses of radiation have huge effects.

The other point to make is that radioactive substances are around for tens and tens of thousands of years and the effects are cumulative. Even if the effect of one small contamination could be regarded as very, very small, the incidence of exposure, accidents and contamination of land have a cumulative effect, and over thousands of years this becomes hugely problematic for the land, the people and everything living around that land.

Mr Rosewarne—Can I just add something to that. Just in terms of the language we are using, we should be drawing a distinction between the concept of a safe dose and an acceptable-risk dose. The dosages that are set are not stated as safe doses; they are an acceptable risk when you have increased exposure to radiation. They only look at issues of increased chances of cancers and increased chances of genetic abnormalities. They have, as Dr Tyler said, consistently been going down over decades, but they are not ever stated as a safe dose. We have to be really careful when we are talking about public health that we do not give a misconception that this is a safe dose. It is a dose set by the nuclear industry at an international level, by both professional users of

nuclear materials and the industry itself, saying: 'This is what we think is an acceptable trade-off. To have the activity which we are having, we think it is all right that we will have a certain risk of cancers, and within that risk we will position the exposure rate as being one level for workers and a lower rate for the general public, because they are not actually on site being monitored.' So I think that is really important. There is no safe level, and the levels to which people are exposed are not safe. They would probably have to keep going down, as they are in the rest of the world. In Germany and the USA, for example, they are lower than they are in Australia.

Senator LUDLAM—From a medical point of view, what would be the consequences for the medical profession, the provision of radioisotopes and so on, if the Lucas Heights reactor were to be decommissioned and shut down, given that it was actually shut down for the better part of last year?

Dr Tyler—There would be no effect. It is clear that when Lucas Heights has been closed for months on end there has been no effect on people receiving medical treatment. There are nuclear reactors in Canada and South Africa which can easily supply more than enough radioisotopes to supply the whole world with medical treatment. They export and we import. So it is quite clear that we do not need Lucas Heights at all.

Mr Rosewarne—In fact, it probably is worse than that. Having Lucas Heights is probably stopping research and development in Australia in terms of other technologies. It becomes the easy way out to have Lucas Heights. It is a bit like the arguments for renewable energy: if you have lots of coal and you have an industry lobbying for it then it really gets in the way of having a sensible government policy supporting renewable energy. The same thing happens here with diagnostic or treatment medicines. The longer Lucas Heights exists, let alone if it has an expanded program, it gets in the way of us doing the sensible thing, which is looking at other options.

Senator LUDLAM—We should have had you in on the feed-in-tariff inquiry! Just to go back to some of the comments that you made before about world's best practice being to contain the waste close to the point of production, where it can be monitored and so on, would you be able to provide the committee—not right now but on notice—some references to materials that give some evidence that that is considered a reliable option?

Mr Rosewarne—Yes, I will endeavour to find the references for you.

Senator LUDLAM—That would be great. Just some starting points for the committee, I think, would be really helpful. I gather the traditional owners, particularly up at Muckaty, were told that they were going to see a rubbish dump. We hear a fair bit about gloves and overcoats and contaminated bits and pieces, but we do not hear a great deal about spent fuel and the fact that the reactor building itself would eventually need to be, presumably, cut up and carted away. From your point of view, what are the most dangerous categories of waste that we should be paying attention to and what should become of the 30 or 40 or more small, low-level areas of containment around the country? We hear, for example, about waste stored in hospitals in filing cabinets and so on. What are the categories of waste that we are really concerned about here?

Dr Tyler—We are concerned about all radioactive waste. I suppose, talking about it in a relative sense, the spent fuel rods from Lucas Heights which are in the high-level radioactive waste categorisation in any other country are particularly problematic.

Mr Rosewarne—Lucas Heights is obviously the major concern. It has got the highest level waste. The decommissioning of that site is going to be a major issue. How to do that is beyond my knowledge, which is why I think we need to have a new inquiry looking at how to deal with these matters in a sensible manner—not lumping it all in one place, not putting all the different types together but also doing a thorough inventory of how existing institutions are dealing with what they have and looking on a jurisdiction-by-jurisdiction level how to manage that. Some of the states obviously have their own systems in place. After the Commonwealth's original failed attempt to get a site in South Australia, many state governments said that they would have to look at doing their own plans. I think that is the sort of detail an inquiry needs to look at, but the long term of Lucas Heights is the major problem.

Senator LUDLAM—Thank you.

CHAIR—Can I just clarify about Lucas Heights. You said in your evidence that Lucas Heights should go. What would you do with the waste that is already stored at Lucas Heights?

Mr Rosewarne—That is why I think there needs to be another inquiry—to look at how best to manage that waste close to its source.

CHAIR—So you are not suggesting decommissioning or getting rid of Lucas Heights until some other alternative method of storing the waste that is already there has been agreed on?

Mr Rosewarne—No. I think you could decommission it as a reactor, and you need to manage the existing waste. You have to do one anyway before you get round to doing the other. There is an existing waste pile there that needs to be dealt with. As I said, the process of decommissioning nuclear reactors is beyond me.

CHAIR—No, that is fine. All right. So we will just deal with the waste that is there. Are you saying that we leave the waste that is there until an alternative facility is developed?

Mr Rosewarne—It has already been sort of stated by the ARPANSA CEO, John Loy, that it is possible to store the waste there.

CHAIR—That is all right. I am just clarifying that it is your position that you want to leave the waste at Lucas Heights.

Dr Tyler—I would just like to make one point. I suppose one of the issues that the UK committee on radioactive waste management made was that it is clear that we have radioactive waste, and that clearly needs to be managed appropriately. But what we do not need is to make more.

CHAIR—Yes, we got that point.

Senator PRATT—Mr Rosewarne, you mentioned some of the latest research from places like the UK in relation to the social determinants of health. I wonder if you might expand a little further on that point in the context of the divisive nature of these debates and what we know to be the already disadvantaged health status of people in remote communities?

Mr Rosewarne—Certainly. For many years there has been research around the world on what is loosely described as the social determinants of health, and people have been concentrating quite often on factors of relative inequalities of income, of access to services—such as access to health services, quality education and so on. A study of British public servants was undertaken in the United Kingdom by two professors, Michael Marmot and Richard Wilkinson. How their study was different was that they were looking within a structure, within a first world country, at the relative different positions of power within the public service. The general expectation had been that people at the top of the public service pile would exhibit heart disease and other factors of high stress and high decision making. Their study showed that it actually was not those people, but the further down the chain you went, you got this effect of disempowerment which had a negative health effect. One of the worst gaps in those indicators was between the top rung of the public service and the second rung. The explanation is that people at the top actually had the power to make decisions. The people on the next rung down had to implement those decisions, and they did not have the power to question them or do anything about them, so it was that relative level of disempowerment, or what is being called the ‘control factor’. The level of control that people have in their lives is a very key determinant of their health outcome. That is driven usually by effects to the immune system—by stress actually lowering their immune system or undermining the effectiveness of their immune system, more correctly.

That is the factor that we have operating very strongly in Aboriginal communities around Australia, but particularly in remote communities or in communities which have been traditionally disadvantaged since white settlement, and that have continued to be ignored and had their rights ridden roughshod over. We see that all the time in the community, and the effects are multivariant. They include the ones I talked about in terms of the ability to engage in programs and services that are pre-existing, but they also have effects on mental health, people’s sense of wellbeing and their sense of place. When you have legislation and inquiries going on that are questioning even people’s belief in themselves, if you like, their right to country, the things that they have always been brought up to know and have been passed on for generations, to then in a sterile environment hear someone say, ‘Yes, they have no rights’—I was trying to think last night of how I could draw an analogy of that, and I just could not.

Senator PRATT—How do you think that these issues, in terms of health impacts, weigh up against the purported impacts of the potential nuclear risk that may or may not sit among one of these communities in the future? Clearly the debate itself and respect for those communities is part of the whole health debate that we should be considering in relation to these issues—is that what you are saying?

Mr Rosewarne—Yes. I think it is not only process but also the practicality of what we are asking people to deal with. For example, it would be hard to imagine how you would feel as a community to be told, ‘We are going to give you this nuclear waste that no-one else in the country wants, and we are going to give it to you

because we can and you have no rights.' I do not think that would actually be an empowering position to start negotiating what sort of compensation you are going to get for your lands.

Senator PRATT—So it would not matter how safe the waste was; it would still have those divisive health impacts?

Mr Rosewarne—That factor sort of stands on its own, yes. That is the point.

Senator PRATT—Thank you.

CHAIR—If there are no further questions, thank you very much Dr Tyler and Mr Rosewarne both for your submissions on behalf of your organisations and also for taking the time to appear before the committee this morning. We appreciate it very much.

Dr Tyler—Thank you.

Mr Rosewarne—Thank you.

[9.12 am]

LEEDER, Dr Diana, Executive Director, Natural Resource Management, Department of Natural Resources, Environment the Arts and Sport, Northern Territory government

CHAIR—Good morning, Dr Leeder. Thank you very much for joining us this morning. I note that the senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy, and shall be given a reasonable opportunity to refer questions asked of them to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis for the claim. Dr Leeder, I note that your evidence is being recorded by the media, presumably for broadcast; is it okay with you that that happens?

Dr Leeder—Yes, that is fine.

CHAIR—The committee has received the Northern Territory government submission as submission No. 81; do you wish to make any amendments or alterations to your submission?

Dr Leeder—No amendments or alterations.

CHAIR—Do you wish to make a brief opening statement before we go to questions?

Dr Leeder—Yes, thank you, I would like that opportunity. I would like the opportunity to provide an overview of the Northern Territory government position. The Northern Territory government contends that the provisions in the Commonwealth's Radioactive Waste Management Act 2005 that override existing laws made by the democratically elected Legislative Assembly of the Northern Territory prohibiting the transport and storage of radioactive waste are a serious erosion of the democratic rights of Territorians and are contrary to the concept of self-government, create legal uncertainty in regard to the application of Northern Territory laws, and are contrary to the principles of good governance. The unfettered capacity of the Commonwealth's Radioactive Waste Management Act to override any law of the Northern Territory that would operate to regulate or impose conditions on the selection of a site or the construction of a radioactive waste management facility in the Northern Territory create uncertainty in the application and the extent of the application of existing Northern Territory laws and the application of future laws. It is highly undesirable that there should be uncertainty in the application of the laws of a jurisdiction.

Further, the Commonwealth's Radioactive Waste Management Act eliminates procedural fairness to Territorians as it allows the selection of a site for a radioactive waste management facility to be made without any consultation or right of review, or the informed consent of traditional owners of land upon which it may be located. In summary, the Northern Territory government maintains its strong objection to: the Commonwealth Radioactive Waste Management Act's capacity to override Northern Territory laws and impose a radioactive waste management facility on Territorians; the abandonment of a process of site selection on the basis of the best available scientific advice and rigorous comparison with other more suitable sites; the removal of the usual consultative processes, transparent review and scrutiny; the ability to declare a site for a radioactive waste management facility without having to consult with traditional owners; and the imposition of waste from the rest of Australia on Territorians, not based on arguments of national good and potential consequences.

The Northern Territory government maintains that the location of a radioactive waste management facility should be based upon independent and objective scientific advice on the most appropriate site or sites, wherever in Australia that site may be. In addition, the Northern Territory government maintains that there should be an open and transparent consultative process which has consideration for issues such as Indigenous rights, environmental and local concerns and transport and security implications before any decision is made on the establishment of a radioactive waste management facility.

CHAIR—Thank you very much for your statement, Dr Leeder.

Senator LUDLAM—Thanks, Dr Leeder. It is good to have you here this morning. Can you describe for us briefly what communication you have had with the new federal government since the election last November on this issue?

Dr Leeder—I am afraid I am not in a position to be able to comment on that.

Senator LUDLAM—Okay. So you cannot tell us what dialogue the NT government as a whole has had with the Commonwealth on this issue?

Dr Leeder—No, unfortunately I cannot.

Senator LUDLAM—Can you tell us what difference you think it has made being a territory rather than a state? Do you think that has played a role in the NT being chosen over perhaps one of the other states?

Dr Leeder—I think the ability of the Commonwealth to override Northern Territory legislation puts Northern Territory residents in a position where decisions can be made that override those made by their democratically elected representatives.

Senator LUDLAM—Okay, so you do believe that it has played a part in decision making at a Commonwealth level?

Dr Leeder—Yes.

Senator LUDLAM—If the Commonwealth government at the moment were to repeal the Radioactive Waste Management Act and the legal status quo were to be restored, there is legislation in the Territory prohibiting the dumping of radioactive waste in the Territory as there is in Western Australia and South Australia. What would your proposal be to the Commonwealth government post the repeal? What is the Territory's position on what should happen to the nation's radioactive waste?

Dr Leeder—I am sorry, I am not in a position to answer that.

Senator LUDLAM—Does the NT government have a policy on what should become of Commonwealth waste?

Dr Leeder—The Northern Territory government has its own legislation that actually prohibits the transport and storage of radioactive waste, so that would cover that position.

Senator LUDLAM—Does the Northern Territory government have its own inventory of waste at hospitals or from engineering uses and so on?

Dr Leeder—I would not like to answer that, not because I am avoiding it but just because it is not the area in which I work, so I do not have the information. I am happy to provide that later if that would be of assistance.

Senator LUDLAM—I would appreciate that. Perhaps you could just give us an outline of where you are going to be able to make comment so that I am not continually taking us off on tangents.

Dr Leeder—I am probably only able to make comment on the points that are made in the Northern Territory government's submission, but not on anything that goes wider than that. It is not my area of expertise, and I would not like to make uninformed comment.

Senator LUDLAM—Okay. I am just wondering whether you would perhaps be able to take on notice and provide us with the NT government's position on what should happen—if there is a position, and perhaps there is not—to the Commonwealth radioactive waste. There is potentially a bit of a contradiction; on the one hand you have said it should not be in the Northern Territory and you are opposed to the dumping of waste in the NT, but also that there should be a process that is independent, objective, scientific and so on. Whatever we might think of remote dumps, that could end up targeting a site in the NT.

Dr Leeder—I take on notice your question.

Senator LUDLAM—Okay, I would appreciate that. I will probably leave it there for the moment. Thanks for your comments.

Senator BIRMINGHAM—Dr Leeder, thanks for your time. Are you aware if the Chief Minister or your minister or any minister has written to the Prime Minister or any of the ministers in the new government pursuing the repeal of the act in question?

Dr Leeder—I am not aware of that, no.

Senator BIRMINGHAM—Are you aware of any other form of communication, if it has been raised at ministerial council meetings or at any other such fora?

Dr Leeder—Not that I am aware of.

Senator BIRMINGHAM—Do you think you might be able to take on notice for us those questions and find out from your minister's office if they are willing to provide such information to the committee?

Dr Leeder—I am happy to take that on notice.

Senator BIRMINGHAM—Were you involved at all at the time of the drafting of the Nuclear Waste Transport, Storage and Disposal (Prohibition) Act 2004?

Dr Leeder—No, I was not.

Senator BIRMINGHAM—So I assume you are not then in a position to tell us why the Territory chose to pursue that act if it was also the belief of the Territory government that nuclear waste should be stored in the most appropriate scientifically secure location?

Dr Leeder—No, I am not able to make any comment on that.

Senator BIRMINGHAM—Can I maybe stray then and try somewhere else: we have heard a lot of criticism of the operation of the Northern Land Council from many witnesses. Have issues regarding the decision-making process of the council been taken up with the government by organisations?

Dr Leeder—Not that I am aware of. But that is not to say that they have not; it is just that that is not my particular area of knowledge.

CHAIR—Are you able to say whether or not the Northern Territory government was consulted prior to the introduction of the Commonwealth Radioactive Waste Management Bill into the federal parliament in 2005 and/or when the amendments to that act were introduced in 2006?

Dr Leeder—No, I am not able to.

Senator PRATT—Point 12 in your submission talks about procedural fairness to Territorians, and point 14 talks about not needing to consult with traditional owners. I want to follow up with respect to traditional owners, because clearly there are some sites already nominated as part of this act. Clearly the Northern Territory government would consider that the existing act has already impeded the rights of those communities who have been impacted by the nomination of those sites.

Dr Leeder—That is correct.

Senator PRATT—Further to that, the submission notes that there is a lack of procedural fairness and of appeal, and in that sense, whilst there has been a nomination from the Muckaty region which purports to have consent, in a wider sense that has clearly been contested by other communities as to whether that consent is legitimate, saying that particular nomination is also without that procedural fairness. Is that recognised by the Northern Territory government as being procedurally unfair also?

Dr Leeder—Yes.

Senator BIRMINGHAM—Following on from questions by Senator Ludlam and me, can I ask you also to take on notice whether you could provide a response that reconciles the statements in paragraph 10 of the Territory's submission with paragraph 15 of the Territory's submission where on the one hand you are speaking of the Territory's ban on the storage of nuclear waste but on the other hand the government is speaking on its belief that the best and most thorough scientific approach should be applied?

Dr Leeder—I am happy to provide additional information out of session to that.

CHAIR—Thank you. As there are no further questions, thank you very much, Dr Leeder, for the submission from the NT government and for taking the time to appear before the committee this morning. We appreciate your attendance.

Dr Leeder—Thank you.

[9.29 am]

WOOD, Mr Gerry, Member, Legislative Assembly, Northern Territory

Evidence was taken via teleconference—

CHAIR—Mr Wood, can you hear me?

Mr Wood—I can.

CHAIR—I am Senator Anne McEwen, the chair of the committee, and with me today we have Senators Scott Ludlam, Louise Pratt and Simon Birmingham. Thank you very much for taking the time to appear before the committee today by telephone conference, Mr Wood. Perhaps you could explain for the committee your position? You are a member of the Legislative Assembly of the Northern Territory; is that correct?

Mr Wood—That is right. I am now the only Independent member. We had two recently, and now we have only one. I am the Independent member for Nelson in the Northern Territory parliament.

CHAIR—Which area of the Territory does your electorate cover?

Mr Wood—The rural area of Darwin, or part of that area to the south and to the east.

CHAIR—The rural areas of Darwin, so that is Palmerston, down that way?

Mr Wood—No, not Palmerston; just north of Humpty Doo, Howard Springs, that area up to the Vernon Islands, Gunn Point and Glyde Point.

CHAIR—Does your electorate cover any of the nominated or proposed sites?

Mr Wood—No, it did not, but I have had an interest in this issue since it came to the fore a couple of years ago in the NT parliament.

CHAIR—Would you like to make a brief opening statement?

Mr Wood—I would. Basically I realise that this is a difficult issue, especially now that we have a Labor government in the federal parliament. We seem to be unable as a country to find a solution to an issue that has been dogging us for years, and that is we need to find a repository for radioactive waste, mainly from Lucas Heights research station, and from other parts of Australia. We have the sad situation where all the states are saying, 'Not in my backyard.' My feeling is that there are times when we have to throw our parochial biases away and make decisions for the country. Even though I do not particularly like the Northern Territory laws being overridden by the Commonwealth, I do feel that we need to make a decision as a country as to where this radioactive waste should be stored. I would prefer that the Northern Territory government could actually sit down with the Commonwealth government and, if no other state will do it, perhaps look at a site where both the Commonwealth and the Territory could agree on a place where this material could be stored. I have no doubt that it can be stored safely.

Unfortunately, I feel that most of the objections are based more on the fact that people are opposed to nuclear anything rather than trying to find a solution to something that exists; that is, we do have a nuclear reactor in Lucas Heights, and it is an important research facility for the whole of the country. It is something I very much support, because it is supporting not only medicine but also industry, the environment and it simply supports research into molecular science, which is something in which Australia should be a leader. I am basically saying that I am not happy with the radioactive waste management bill overriding the Territory, but I would accept that, if that were the only way we can get this country to sort out the mess that we have got into about where we should put the waste, I would probably support the repeal if the Northern Territory government or at least another government said it was willing to sit down and work out a response as to where we can store this material in what is a pretty big country. If we cannot find a site, I think we are not really trying.

CHAIR—Thank you, Mr Wood. Senator Ludlam has some questions for you.

Senator LUDLAM—Thanks for joining us, Mr Wood. We just heard evidence from the Australian Public Health Association and from Dr Hilary Tyler from the Medical Association for Prevention of War calling into question the need for a remote dump at all. They put the case that perhaps this material, to reduce the transport hazards among other things, is best left at the place where it is being produced, where it is close to centres of nuclear expertise. What do you think of that idea?

Mr Wood—If that can be shown to be the right approach, I think that is something that the Commonwealth government has to reassess. All of the information that I was given by ANSTO was that basically we needed a repository, not only for Lucas Heights waste, most of which is low radioactivity material, but also we have a small amount of intermediate waste that has to come back from France. Now, we need to store that somewhere. Whether that could be stored on site is a question that would have to be looked at carefully. I have no hesitation in saying that the particular materials that we have can be stored safely. They can be transported safely, because they are in a solid form and not a liquid form. We have also the issue of radioactive waste soil that is at Woomera, the material that was left over from the Fishermen's Bend site, and I presume that we do have material from other places as well. I would be happy if someone said that the material could be stored at a particular site closer to its origin, and we can use that as a national waste repository. I do not have an argument with that either.

People can say that that is what they want, but is it not the case that all of the states and territories, all of the governments that up until recently were Labor governments, had said 'not in my backyard'? So my gripe or my reasoning behind supporting the bill was simply: when do we actually act as a country? This is an Australian issue, a national issue. All of the other states have decided to tell the Commonwealth government, 'Go away; we don't want the waste,' so we have never been able to have a decent debate on where it should go—what is the best place? So the Territory was basically the only place it could go, because the Commonwealth had the power to put it there. That is possibly not the ideal situation, but doesn't it really reflect the fact that as a nation we do not have the maturity to work through these problems and come up with a solution? Governments see the politics of it as the prime reason they make a decision, rather than what is good for the nation, and I think that is why we are in this mess that we are in now.

That is why I am saying—I suppose, from a pragmatic point of view—that I support the Lucas Heights research centre. It is a very important centre for the people of Australia. We know it will have some waste. Surely, if as a nation we think it is great for the nation, we should be able to at least sit down and work out a place to put it. If that means closer to Lucas Heights, so be it; but you are going to have to convince the government of New South Wales to agree to that.

Senator LUDLAM—I put it to you that the Territory is not the only place where the Commonwealth could override territory rights; the ACT would be the other place where that was a possibility! I am not proposing that. But we hear a lot from the industry that this material is perfectly safe, so I do not understand, if it is so safe, why the industry is so keen on carting it as far away from large population centres as it possibly can and leaving it somewhere remote. Can you explain what your understanding is or why you believe a remote dump is the best way to handle this material if it is in fact so safe.

Mr Wood—There is probably a certain amount of politics in that as well—out of sight, out of mind, you might say. When you put it near populated areas, there is a natural inclination for people to say, 'This will be a problem and therefore we would not like it on our doorstep.' The facts are that, if you go to Queensland, their repository for nuclear radioactive waste is situated 11 kilometres from Esk. I have visited the site. It is 100 kilometres from Brisbane. They obviously believed that it was better to put it away from populated areas, perhaps simply because, even though it is perfectly safe, from a political point of view it made a little bit more sense. I have no doubt that you can store materials close to populations but, again, you do not go looking to make a problem for yourself if you can find an answer that will avoid that. In other words, if you can put the materials in a site which will not attract the criticism, you might say, that because it is close to people it could therefore do this and this and this—even though the science might say, if it stored in that manner, it will do no harm at all. If you can find a site which will avoid that debate and still come up with a solution to what you are trying to achieve, that would be an approach that I would think would make a lot of sense.

Senator LUDLAM—We have heard quite a bit of evidence over the last couple of days that, even though the government are trying to find the most remote site that they can, every time they turn up somewhere remote, they find that the area is inhabited by people who have actually given very strong evidence over the last 48 hours that they oppose such a dump quite strenuously. Do you believe that such a facility should go ahead, even against the expressed wishes of the traditional owners of the land?

Mr Wood—There are two things I could say on that: one is that I visited the Muckaty Station site, and there is a very small community that lives within about 20 kilometres of that area. My understanding is that they are the people who gave permission for that site to be listed. I would recommend that you and the committee actually travel to the Muckaty site and you tell me where you see these people. The site is on the edge of the Tanami. My daughter used to work out on the other side of the Tanami, and I have flown over it a number of

times. If you can tell me how many people live out there, then I will accept what you say is reasonable. But I think we have to base things on facts. There are a small number of people that live there. I have been to Muckaty Station. I have spoken to the manager of the cattle lease. I have had a look at the site. It is on the road site that leads from the Bootu Creek mine, which goes to the railhead. There is no-one around that area, except, as I said, for a small number of houses and outstations which are actually just off the main road into the Muckaty Creek cattle station. If you go west from there, Senator, I suspect you would find absolutely no-one. That is not to say that people should not be involved and that is not to say that people should not be part of the decision-making process. But, as for the argument that people are living out there, I do not believe that is true. If you want to say that because people own that land they should be at least part of the negotiations, I would certainly say yes, but that is a different argument.

I was not part of yesterday's discussions, but I do have the media release of the Northern Land Council of 25 May 2007, and I also have a media release from senior Ngapa elder Amy Lauder saying that she is 'a senior elder of the Ngapa clan; my country is on Muckaty Station'. She goes on to say, 'We have made this decision for three reasons'—this is the one where she is talking about allowing the land to be nominated for a possible Commonwealth radioactive waste repository. She says, 'First, we want to create a future for our children, with education, jobs and funds for our outstation at Muckaty Station, and transport; secondly, we have been to Lucas Heights'—and I would ask how many people have been there—and accept that the waste facility will be safe for the environment; and thirdly, our decision will help all people in Australia because all Australians benefit from nuclear medicine which saves lives.' If someone is disputing that that lady did not write that, or that she is not a traditional owner, I am not the person to argue that case. But that is why I went out to that site and that is why I had a look at that. If you have evidence to say otherwise, I am not the person to argue that because I simply was not there yesterday. But I would say that that came from the land council; they are the body that has been elected to make those decisions on behalf of the traditional owners. That bit of evidence was given to me.

Even if Muckaty is not the site, it does not get away from the issue that Australia is a very big country. I think I worked out that a nuclear repository in actual size is something like the equivalent of a soccer field, and it would take, I think, 0.000000001 per cent of this country to hold the entire radioactive waste that we have in this country. It seems to me that the people that oppose having it do so because they oppose all things nuclear in this country and, no matter what I say, they will never agree with what I say—whereas I would say that if we as a country cannot site that small amount of waste in such a huge country then I do not think we are really trying.

Senator LUDLAM—Mr Wood, I think the Commonwealth government is actually trying pretty hard. Your arguments before had overtones, I suppose, of Terra Nullius—that it is just a big, empty country.

Mr Wood—Absolutely not. I do not agree one bit with that, but the country is a country that belongs to the whole nation. We are all Australians, black and white.

Senator LUDLAM—We heard from a number of Australians yesterday who gave quite troubling evidence. I do recommend that you take a look at the transcript of the hearings yesterday. We heard that the nomination of the site by the Northern Land Council was extremely problematic from the point of view of a large number of traditional owners with responsibilities for that area. But I will leave it there; thanks, Mr Wood.

Senator BIRMINGHAM—Mr Wood, thank you for your time today. Firstly, how do you think the Northern Territory government reconciles its support for the development of uranium mining and growth of the nuclear industry at one end of the life cycle and its opposition to dealing with the other end of the life cycle?

Mr Wood—I do not know how they reconcile that. In fact, the Chief Minister said recently when talking about exporting uranium that it was a clean source of energy for the world. But if you then asked him, 'Well, do you want to build a nuclear power plant in the Northern Territory?' he would say, 'Absolutely not.'

It is similar to the argument the Medical Association for the Prevention of War used, that we can get medical isotopes from overseas, which is like saying, 'We don't really care what you have to do with your waste that you produce in producing those isotopes, that is your problem.' So, to me, that also is slightly hypocritical, because if you do not believe in Lucas Heights and therefore you are not willing to accept the waste from Lucas Heights, why should you be saying to some other country: 'We're happy to use the medical isotopes that you produce through your nuclear reactors, and we don't really care what you do with your waste from that particular facility.'

Senator BIRMINGHAM—To your knowledge, did past Territory governments cooperate with the Commonwealth processes under multiple Commonwealth governments to identify the most scientifically appropriate and secure site?

Mr Wood—I think originally there was some agreement because there were a number of sites throughout the Territory that were picked—I think there were some in the Tanami; there were some in the southern part of the Northern Territory—and then I believe the NT government said that it did not really want to belong to the negotiations anymore. That is a different government. I suppose this government has gone along a similar path. Probably that is why I am an Independent. I just think that sometimes parochial politics and sometimes what sounds popular is what politicians look for, whereas it is time we looked at issues as a country and not just one part of the country being our little area that we should be empowered over. We sort of become one-eyed, probably a bit like a few Collingwood supporters, but we really should be looking at what is beneficial for our country. The Commonwealth government being a Labor government who before, in opposition, probably would not have had to worry too much because we had all Labor states saying, ‘Not in my backyard,’ now have to deal with this issue. They said they would repeal this bill, and that might have been a grand thing to say in opposition—but, now, what is the solution? That is where we are at the moment. If you repeal the bill, where will the waste go if most of the states, of which most are Labor, are saying, ‘Not in my backyard’?

Senator BIRMINGHAM—Thanks, Mr Wood.

CHAIR—Thank you. As there are no further questions, thank you very much Mr Wood for taking the time to appear before the committee today. We appreciate it.

Mr Wood—Thank you, Senator.

CHAIR—That concludes today’s proceedings. I would like to thank all witnesses for their informative presentations. Thank you also to Hansard and Broadcasting, and to the secretariat for their assistance today.

Committee adjourned at 9.49 am