

26 March 2020

To: Senate Standing Committee on Economic Legislation

Submission in respect of the Senate inquiry into the National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020 [provisions].

I, Karina Lester make this submission on behalf of concerned members of the the Yankunytjatjara Native Title Aboriginal Corporation RNTBC (YNTAC) (SCD2006/001), the De Rose Hill – Ilpalka Aboriginal Corporation RNTBC (DRHIAC) (SCD2005/001), the Tjayiwara Unmuru Aboriginal Corporation RNTBC (TUAC) (SCD2013/001), and the First Nations of South Australia Aboriginal Corporation (FNSAAC).

At this stage, the aforesaid concerned members are opposed to the National Radioactive Waste Management National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020. This is on the basis that there has been no engagement or consultation with the aforementioned concerned members, or the organisations of which they are a part.

While we acknowledge that the specified site for the radioactive waste management facility lies in the Barngarla Native Title Determination Area, this land has significance for a wider group of Aboriginal people, including members of YNTAC, DRHIAC, TUAC and FNSAAC. The proposed use of the specified site is thus a matter of significance for Aboriginal people from across South Australia, whose non-native title rights and interests would be affected by the construction and operation of a radioactive waste management facility at this site.

We particularly wish to raise concern about the way section 34GB the Bill overrides the application of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHPA) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBCA), in relation to the activities authorised under section 34G of the Bill. Many of the activities contemplated by section 34G have the potential to be highly destructive to Aboriginal sites and objects which would otherwise be protected by ATSIHPA. These activities also have the potential to cause serious environmental damage of the kind that would otherwise be prevented by the EPBCA. Parliament should not allow the introduction into legislation of provisions that undermine the fundamental objects and functionality of essential legislation like the ATSIHPA and the EPBCA.

We ask that opportunities be created for negotiation with Aboriginal people in relation to the proposed activities at the specified site. If the project is to go ahead, proper compensation needs

to be negotiated for damage to the heritage and environment of our ancestors. Should our ancient rights and interests be overridden, we will take appropriate action in in court to ensure justice for our people and their environment.

We would welcome the opportunity to discuss further this submission if requested. Please feel free to contact me by email at: [REDACTED] in this regard.

Yours sincerely,

Karina Lester

Director: Yankunytjatjara Native Title Aboriginal Corporation

Tjayiwara Unmuru Aboriginal Corporation

Member: De Rose Hill – Ilpalka Aboriginal Corporation

First Nations of South Australia Aboriginal Corporation

Lodged on behalf of Karina Lester by:

Osker Linde

Deputy Principal Legal Officer

South Australian Native Title Services