



# Gerry McCarthy MLA

Member for Barkly



SERVING THE COMMUNITY - LISTENING TO YOU

Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600



Dear Senators

My letter relates to the national Radioactive Waste Management Bill 2010, “a bill for an act to make provision in relation to the selection of a site for, and the establishment and operation of, a radioactive waste management facility, and for related purposes.”

By way of introduction, I am the MLA for Barkly being elected in 2008 after 30 years as a Teacher in both rural and remote areas of the Barkly Region and therefore having credibility in terms of knowing and making comment on both the people and the country of the region.

In relation to some contemporary history I became involved in the political landscape of the region in the early 80's through a movement of Labor supporters who opposed a planned toxic waste incinerator at the Warrego smelter 50km west of Tennant Creek ironically driven by the Country Liberal Party local member for Barkly who failed to deliver the project and subsequently lost his seat.

However in relation to the Senate inquiry I seek consideration of my submission and would like to de-construct the purpose of the Bill in relation to the Minister's second reading speech highlighting the socio cultural aspects of such legislation negatively impacting on an Australian community by way of a flawed legal and constitutional platform that underpins the legislative framework.

### *'The purpose of the Bill'*

To repeal the Commonwealth Radioactive Waste Management Act 2005 was an honourable move in support of the Northern Territory however to merely 'cut and paste' off the Howard Government legislation that continues to override Northern Territory legislation enacted to oppose the establishment of a nuclear waste facility in prime pastoral country was disappointing and a dismissal of our normal rights of administrative appeal.





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*'Australia has international obligations to properly manage its own radioactive waste'*

I agree and that directly relates to this issue as a matter of national significance and national security therefore making it negligent to base a decision to site Australia's first and most critical nuclear waste management facility on a remote cattle station as determined by a group of Indigenous land owners now in conflict with their larger moiety and tribal groups opposed to a decision viewed as of self interest and at odds with traditional kinship and law relating to shared dreaming tracks across vast areas of Aboriginal land.

The debate on such an important issue for all Australians must be reignited and an open and accountable expression of interest process for a scientific solution should lead the debate. Therefore a Federal Government must focus on a science based process toward determining our nuclear future in stark contrast to a 'quick fix' for nuclear waste management dumped in 'cattle country' servicing the immediate need for ships loaded with nuclear waste steaming toward our shore in 2014!

*'This Bill represents a responsible and long overdue approach for an issue that impacts on all Australians. It provides procedural fairness – a right for people to be heard, as outlined in the Bill, on decisions as to where a facility should be built'*

Never a truer statement however, in practice history shall declare that after the previous Australian Government imposed this type of legislation on the Australian states looking for an easy solution it was consequently rejected on the grounds of national significance, procedural fairness and accountability.

With this new legislation another Australian Government will now attempt to dump the nation's nuclear waste on Aboriginal land in the middle of the Northern Territory because they can, its expedient as a fast track solution and they are championing the rights of an extended family that live at Marlinja, north-east of Elliott who have declared their knowledge and awareness of the global nuclear debate as far superior to that of their senior Indigenous countrymen and in fact of all Australians!

*'The Bill enables the Commonwealth to act in good faith and spirit with respect to the Site Nomination Deed entered into by the Northern land Council, the Muckaty Aboriginal Land Trust and the Commonwealth in 2007'*

This is Minister Ferguson's most salient statement made in the introduction to the second reading speech and sits as the direst legacy of an ill-informed action.

In essence if the decision is based on the testimony of an extended family group living far removed from Muckaty Station then the total dislocation of the Warumungu and Warlmanpa tribal communities of the Barkly that I represent is at stake.



Delivering for  
Territory Families

Gerry McCarthy MLA, Member for Barkly

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Any determination to proceed without direct, open and accountable consultation with the wider contemporary Indigenous community representing the neighbouring clans, moiety and tribal groups of the central Barkly will effectively lead to generational division and conflict among the very people the Minister has set out to support!

Division and conflict among remote Indigenous people in an 'alcohol fuelled environment' leads to bloodshed in the streets of our towns and communities and if you wish to dismiss my language as alarmist then I urge you to visit our region, town and accident & emergency department of our hospital to personally witness the legacy of 'grog fuelled' violence that results from conflict and disputes within the Indigenous community.

The issue of the Muckaty cattle station site is one that will impact on generations of Australians and in terms of the Bill holds an extended Indigenous family group in partnership with the Northern Land Council who also stand to benefit financially from the decision totally accountable to the community and therefore the target of ill-feeling, unrest and the most serious of breaches, that of traditional law.

Senators, I am opposed to Australia's first strategic purpose built nuclear waste facility being located and operated at Muckaty Station. I see the need to listen to our community and open a new process as an expression of interest from all jurisdictions including private landholders to properly determine a site for such a facility.

I support the development of safe and secure processes for the transport and storage of Australia's nuclear waste on a national level with reference to the security of our generation and our future generations.

I thank you for your time and consideration of my submission and urge you to visit Tennant Creek and the Barkly to experience first hand the culture, heritage and history representative of both the Indigenous and non-Indigenous Australians who call it home and I do so on the authority of many constituents who oppose the imposition of this facility on the Barkly.

Yours Sincerely

Gerry McCarthy  
5<sup>th</sup> March 2010



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