



The Uniting Church in Australia
Synod of South Australia

Submission to the Senate Economics Legislation Committee – RE: Inquiry into National Radioactive Waste Management Amendment (Site Specification, Community Fund and Other Measures) Bill 2020

On behalf of the Uniting Church in South Australia, we make this submission to express our views regarding the National Radioactive Waste Management Amendment Bill. The Uniting Church in South Australia stands proudly in covenantal relationship with the Uniting Aboriginal Islander Christian Congress (UAICC). The UAICC have expressed distress for the National Radioactive Waste Management Act to specify a site near Kimba for a nuclear waste facility. Our paramount concern is the lack of consultation by the federal government with the Barngarla people, the Traditional Owners of the site.

The explanatory memorandum of the Bill states, “The Commonwealth engaged extensively with communities and undertook an evidence-based approach to gathering and analysing the available information about each of the shortlisted sites to consider various aspects of site suitability and identify key risks.” The notion that the Commonwealth engaged extensively with the community regarding the facility in Kimba is not adequate truth telling. The federal government excluded Barngarla Traditional Owners from a ‘community ballot’ in 2019. The Barngarla Determination Aboriginal Corporation initiated a separate, confidential postal survey of Traditional Owners, conducted by Australian Election Company. This resulted in 100% of respondents voting ‘no’ to the proposed nuclear facility. The Uniting Church in South Australia stands against the oppression of First People. We urge the Commonwealth to truly engage with the Barngarla people and hear their voices.

The longstanding relationship between the Uniting Church in South Australia and the UAICC has been life giving. Uniting Church personnel have learnt to see beyond earthly possessions. Likewise, to truly respect the relationship between First People and their Country. We lament the historical wrongs done to First People such as the dispossession of land. We stand in solidarity with First People against stopping such inequalities. We urge the Commonwealth to empower First People by listening to their voices.

We recommend that:

1. The Senate Economics Legislation Committee should recommend the withdrawal or rejection of the National Radioactive Waste Management Amendment Bill 2020 (in which case a number of following recommendations are redundant) and repeal of the National Radioactive Waste Management Amendment Act.
2. The Committee should recommend repeal of the NRWM Act 2012 Section 12(1)(c) & 13(1), and of the Bill's sections 34GA(1)(c) and 34GB(1), as unacceptable draconian overrides of existing State and Commonwealth legal protections for Indigenous people's heritage and traditions.

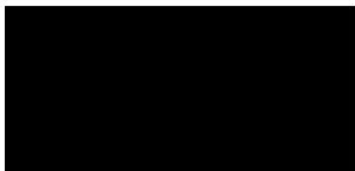
3. The Committee should undertake a review of the potential impacts of the existing Act, the proposed amendments, and the proposed nuclear waste facility, on Aboriginal rights, interests and traditions. This should include consideration of the impacts of the government potentially issuing a Regulation to override the SA Aboriginal Heritage Act 1988, so as to legally impose the nuclear waste facility over State law.

4. The Committee should assess the compatibility of the Act, the Bill and the proposed nuclear waste facility with the UN Declaration on the Rights of Indigenous Peoples, in particular the principle of free, prior and informed consent.

5. The Committee should recommend that the federal government adopt the proposal from then SA Premier Jay Weatherill in 2017 that traditional owners should have a right of veto over any proposed nuclear waste facility on their lands. Mr. Weatherill's letter noted that "Aboriginal people's history with the nuclear industry demonstrates a need for significant healing" and it noted the SA Labor Government's policy that a right of veto would apply to any comparable state initiative.

6. The Committee should recommend withdrawal or rejection of the Bill on the grounds that the government's own benchmark for broad community support has not been met (43.8% support among eligible voters in the combined ballots).

7. The Committee should recommend that the Bill is withdrawn, and the federal government's nuclear waste agenda put on hold, until such time as public opinion among other relevant stakeholders is determined (including state-wide opinion in SA; and opinion along potential transport corridors).



Bronte Wilson

Moderator



Tarlee Leondaris

Covenanting Officer