

Coalition Senators - Additional Comments/Dissenting Report

Introduction

1.1 This inquiry highlights the Australian Labor Party's preference for platitudes and 'spin' over substance.

1.2 During the 2007 election campaign, Labor promised to repeal this legislation if elected to Government. It is now more than a year since the election, and Labor has not only failed to deliver on its promise but has also put politics ahead of the national interest by further delaying the establishment of a Commonwealth radioactive waste storage facility.

1.3 Labor's promise to repeal the *Commonwealth Radioactive Waste Management Act 2005* put electoral prospects ahead of science and the national interest.

1.4 Over the last year, however, the Rudd Labor Government has breached its faith and ignored the voices of the community it claimed it would protect through this repeal, failing to respond to or interact with key stakeholders and interested parties since the election.

1.5 The Northern Land Council maintains that the traditional owners overwhelmingly support the development of the radioactive waste disposal facility on the Muckaty site¹ and groups such as the Federation of Australian Scientific and Technological Societies (FASTS) highlight the degree of urgency with which Australia needs to develop a central radioactive waste facility², whether at Muckaty or any of the three other sites under evaluation.

1.6 This inquiry has clearly highlighted the urgent need for a national facility, something which has been delayed by the 'spin over substance' tactics of the Rudd Labor Government that are endangering Australia's prospects of securing a suitable site for the radioactive waste we are committed to storing appropriately and safely.

¹ Mr Ron Levy, Northern Land Council, *Committee Hansard*, 17 November 2008, p. 14.

² Mr Bradley Smith, FASTS, *Committee Hansard*, 28 November 2008, p. 2.

Historical context

1.7 Radioactive waste, and the associated need to manage it safely and appropriately, arises from the use and production of radioactive materials.

1.8 Radioactive materials have a variety of important uses in industry, agriculture, sterilisation, even in our homes, but perhaps most importantly in medicine.

“Radioisotopes are mainly used in diagnosis of various cancers, heart disease, neurodegenerative disease, which is becoming an increasingly important issue in Australia. An early diagnosis of those diseases is crucial to survival rates. Nuclear medicine is essential. Doctors – not us – decide it is an essential part of their armoury for dealing with those sort of diseases, and we cannot see that changing in the short or medium term. A small percentage of radioisotopes are used for treatment of cancers.”³

1.9 Australia generates low level and intermediate level radioactive waste.

1.10 A coordinated search, initiated by a Federal Labor Government in the early 1990s, for a site for a single national radioactive waste facility initially had support from state and territory governments.

1.11 Coalition Senators express their disappointment that, despite the initial support, a lack of cooperation from the states and territories forced the Howard Coalition Government to abandon this approach in 2004.⁴

1.12 Coalition Senators are broadly in agreement with newspaper editorials at the time strongly critical of the cheap and populist positions adopted by Labor premiers at the expense of the national interest:

“... the unanimous opposition of the Labor premiers to a nuclear waste dump on their own patch is cheap populism. It represents an abject cave-in to deep-green scaremongering ... A do-it-somewhere-else attitude might give each of the individual premiers political traction in their own backyard, but where does it leave the nation?”⁵

³ Mr Steven McIntosh, Australian Nuclear Science and Technology Organisation, Committee Hansard, 28 November 2008, p. 17.

⁴ The Hon John Howard MP, ‘Radioactive waste management’, media release, 14 July 2004.

⁵ The Australian, 16 July 2004, p. 12.

1.13 Federal Labor stood by while State Labor Governments, most notably South Australia, played politics with and derailed a national, scientifically based approach, only to take a position that it would recommence the process, a position that again rightly met with media criticism.

“Labor leader Mark Latham ... says a Labor Government would move to establish a national repository, but would start the process all over again because the one that selected the Woomera site was flawed. He seems to forget that the process was instigated at least 12 years ago by a Labor Government. A briefing on it would have told him that it was as slow, deliberate, transparent and scientifically thorough as it could be ...”⁶

1.14 For Federal Labor to have pledged in 2007 that it would walk away from the current potential sites and recommence the process is no less ridiculous and worthy of criticism than was Federal Labor’s position under Mark Latham in 2004.

Labor’s political games

“The people of the Northern Territory elected the Labor Party. We were led to believe that the nuclear waste thing would be all overturned and overruled, and at this moment we are extremely disappointed.”⁷

1.15 Labor promised during the election campaign, as traditional owner Ms Marlene Bennett recalls, to change the legislation if elected to office.

1.16 Labor’s then spokesman on the environment, Peter Garrett, said:

‘the only way to guarantee there will be no nuclear reactor or waste dump in your local community is to elect a Rudd Labor Government.’⁸

1.17 However, since Labor’s election to office, they have failed even to interact with any of the key stakeholders in relation to this issue. This approach has seen the Rudd Labor Government losing the trust of the community and important organisations starting to question its credibility in this key area of national interest.

“It is a profound disappointment to the ACF – I know that it is a great and daily disappointment to people in those affected areas – that it has not moved forward.

⁶ The Canberra Times, 17 July 2004, p. 10.

⁷ Ms Marlene Bennett, Muckaty traditional owner, *Committee Hansard*, 17 November 2008, p. 6.

⁸ Mr Peter Garrett, August 2007, as quoted in Submission No. 95, attachment 10, Muckaty Traditional Owners.

I suppose there is a sense that the action minister has an approach that is not inclusive or free flowing with information. If the minister cannot deliver on a clear government promise we hope that the government can deliver on that promise...’’⁹

Northern Land Council

1.18 The Northern Land Council is:

“...a statutory authority whose primary function under the *Land Rights Act* and the *Native Title Act 1993* is to represent the interests and position of traditional Aboriginal owners regarding their country, including by negotiating agreements regarding Aboriginal land with their consent.’’¹⁰

1.19 The Northern Land Council does not support the repeal of the current legislation, which allows Aboriginal communities to self nominate their lands for possible site selection, as it believes a proper community consultation was conducted with the traditional owners, as identified by anthropological evidence, and

“... that under Aboriginal tradition, the group with ultimate authority regarding that land overwhelmingly supported the nomination and that remains our view.’’¹¹

1.20 Repeal of the *Commonwealth Radioactive Waste Management Act 2005* would render the process of the nomination of Muckaty invalid.

1.21 Coalition Senators are firmly of the view that neither this Bill nor this inquiry is an appropriate mechanism by which to make any judgements in relation to ownership. These judgements are rightly determined by properly constituted Land Councils and any concerns about their efficacy in this regard should be addressed through their processes and supporting legislation.

1.22 The Northern Land Council Chief Executive Officer, Kim Hill, has stated:

“It’s the right of those Traditional Owners to do business.’’¹²

⁹ Mr Dave Sweeney, Australian Conservation Foundation, *Committee Hansard*, 28 November 2008, p. 31.

¹⁰ Submission No. 96, Northern Land Council, p. 2.

¹¹ Mr Ron Levy, Northern Land Council, *Committee Hansard*, 17 November 2008, p. 14.

¹² Submission No. 96, Northern Land Council, p. 4.

1.23 Repealing the *Commonwealth Radioactive Waste Management Act 2005* would effectively disenfranchise the Council, the body facilitating and enabling the traditional owners to make decisions about their land.

Conclusion

1.24 Labor has ignored this problem, of its own creation due to political posturing during the federal election, for the past twelve months. The Labor party will stand condemned if it fails to deliver a solution.

1.25 Whether that solution is the Muckaty site, any of the three possible sites on defence land in the Northern Territory or indeed a site such as Woomera in South Australia (which would have been a real test of cooperative federalism) should be left for scientists and other experts to determine.

1.26 However, what is clear is that a decision is required soon and a ‘back to the future’ approach from Labor where we start this debate all over again would not be in the national interest.

Recommendations

1.27 That the Rudd Labor Government walk away from its reckless and politically motivated election promise to repeal the *Commonwealth Radioactive Waste Management Act 2005* and apologise to the people of the Northern Territory for having misled them.

1.28 That the Rudd Labor Government follow through on the process initiated by the former Coalition Government or immediately announce a solution to this issue that can be achieved as soon as possible.

**Senator Simon Birmingham (Deputy Chair)
LP, South Australia**

**Senator the Hon. Judith Troeth
LP, Victoria**