



**Submission from the Women's International League for Peace and Freedom
(Australian Section) Inc.
to the Senate Inquiry into the Commonwealth Radioactive Waste Management
(Repeal and Consequential Amendment) Bill 2008**

Introduction

The Women's International League for Peace and Freedom (WILPF) was established in Europe in 1915. We were in the first group of non-governmental organisations to receive consultative status with the United Nations' Economic and Social Council (ECOSOC) in 1948 and later with UNESCO. Our organisation has special consultative relations with the Food and Agricultural Organisation, the International Labour Organisation and UNICEF. Internationally and locally, the Women's International League for Peace and Freedom works for social, racial and environmental justice, for human rights and an end to wars as a means of dealing with human conflict. This submission is made on behalf of the Australian Section of our organisation, henceforth referred to as WILPF.

WILPF welcomes this opportunity to convey to the Senate Committee on Environment, Communications and the Arts the reasons for our support for the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008. We thank the Committee for the opportunity to make this submission.

Safety Concerns

Radiation experts and the global regulation setting agency, the International Commission on Radiological Protection, are clear that there is no safe level of radiation exposure. Radiation is persistent and indiscriminate, damaging our most precious legacy - the core human blueprint stored in our DNA. Radiation damage is irreversible and is passed inexorably on to future generations. In general therefore, our organisation believes that the entire nuclear fuel cycle is uniquely hazardous - from uranium mining and milling, through to waste management.

The ALP's Promises - Community Consultation Promised and Required

Our organisation's opposition to this legislation is based primarily on the lack of due regard for the processes of community consultation.

Prior to last November's Federal election, the ALP in opposition issued a number of statements indicating Labor's strong opposition to the Howard Government's Commonwealth Radioactive Waste Management Act 2005 and the related Commonwealth Radioactive Waste Management Legislation Amendment Act 2006.¹

¹ Together these two pieces of legislation will henceforth be referred to as CRWMA.

Indeed the ALP's National Platform specifically stated that a Federal Labor Government would "repeal the Commonwealth Radioactive Waste Management Act 2005".

Prior to the last Federal election, a number of media releases from Labor Ministers and Senators also promised the repeal of the CRWMA if Labor was elected. In addition, ALP politicians referred to the legislation as "extreme, arrogant, heavy-handed, draconian, sorry, sordid, extraordinary and profoundly shameful".

For instance, in September 2007, Senator Carr as Shadow for Industry, Innovation, Science and Research stated that:

"Today's announcement [by the then Minister for Science, Julie Bishop] is yet the next chapter in the decade-long saga of lies and mismanagement that has become Howard's waste dump. The Howard Government has tried to impose its waste dump at numerous sites around the country; settling on the Northern Territory because of its ability to steamroll the Territory's rights and impose the dump against its will. After forcing legislation through Federal Parliament, the Science Minister now has full Ministerial discretion over the siting of a nuclear waste facility in the Northern Territory. Labor believes that Howard's bullyboy tactics in the Northern Territory are no way to select a nuclear waste dump. Labor is committed to repealing the Commonwealth Radioactive Waste Management Act and establishing a consensual process of site selection. Labor's process will look to agreed scientific grounds for determining suitability. Community consultation and support will be central to our approach."

Given the lack of ambiguity in their stated opposition to the CRWMA before last year's election and the firm undertaking to consult the community, we are puzzled why the Labor Government has after eleven months in office failed to repeal the legislation, and failed to address specific requests from our organisation regarding the promised community consultation.²

It is important to ensure that the role of government to protect the safety and wellbeing of the Australian people and the Australian environment is not diminished, or treated as a consideration subordinate to the narrow self-interests of a few whose primary motive is greed. On an issue with crucially important implications for generations of humans into the future, it is imperative that genuine and widespread community consultation is undertaken. However, consultation with the public in Australia has been, and continues to be, minimal. Because we believe that proponents for the nuclear industry have a clear vested self-interest in advocating for one centralised nuclear waste repository in Australia, it is vital that the role of government to exercise judgment in the interests of the whole community needs to be preserved. It is important that the democratic rights of

² Appended are copies of WILPF's correspondence with Minister Ferguson and his reply, which we regard as inadequate.

the vast majority are not overridden for the short-term gain of a few. We regard this as another example of what the Prime Minister has recently identified as “excessive capitalism”.

In light of the fact that the Australian people had the full expectation that the ALP in government would fulfill a clear election promise to repeal the CRWMA 2005 and to undertake community consultation for the site selection process, we now expect that the ALP in government will fully support the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008.

Draconian Law

We concur with the views expressed so forcefully by senior ALP members and senators before last year’s election that the CRWMA is draconian legislation. In its capacity to override Northern Territory (NT) laws prohibiting transport and storage of radioactive materials in the NT, the CRWMA 2005 and the Radioactive Waste Management Legislation Amendment Act 2006 allow a nuclear waste repository to be imposed against their expressed will on people, even on the very people centrally affected. The legislation allows a nuclear waste repository to be built without consultation or consent from traditional owners, the affected communities or the NT Government.

During the investigation phase for location of potential sites for a nuclear waste repository, the CRWMA overrides the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and prevents the Native Title Act 1993 from operating altogether.

The CRWMA thus disregards the local Aboriginal people in allowing the siting of an extremely long-term hazardous waste repository on their land, with scant regard for the long-term consequences of such an action, and lack of due process for any protection by way of legislation for the traditional owners. In original Estimates from the then Minister for Science, Julie Bishop, it was suggested that a 200-year lease would be set up with the traditional owners. The Aboriginal owners were offered \$12M in payment for accepting a nuclear waste repository that would cause them significant problems that would remain for thousands of years. The disproportion between the time scales involved and potential for harm on the one hand, and the inadequate size of the remuneration package by way of recompense, reveals the tokenism of the presumptions underlying the design of the package. Indeed the tokenistic nature of the approach borders on cynicism. As a footnote, we note that there is currently intense opposition from the traditional owners to a waste repository in the NT. So many years on, the shameful doctrine of *Terra Nullius* should not once more become the unspoken axiom in an argument that Australia should have a nuclear waste management facility situated on Aboriginal land.

In addition, we also understand that the CRWMA removes the right to “procedural fairness” and removes rights of appeal under the Administrative Decisions (Judicial Review) Act. The legislation can be described as draconian because it removes these basic protections.

For all the reasons outlined above, we support the repeal of the Commonwealth Radioactive Waste Management Act 2005 and the related amendments of 2006.

Arguments Against One Centralised Nuclear Waste Repository

It is our hope that the Committee will see its way clear to examining the significant security issues in the proposal to have nuclear waste materials located in one central place on the Australian continent.

It is maintained that the proposed site will be used to house only low- and medium-grade nuclear waste. This argument can be assumed to be correct only at this time. We can well foresee a time when pressure may be brought to bear to expand such a facility to take high-grade waste in addition. It is possible that the building of one centralised nuclear waste repository may pave the way for the site at a later date to also house high-level nuclear waste. As such, we believe that the proposal for a centralised nuclear waste repository is the “thin end of the wedge”. The GNEP agreement which currently gives Australia a “buy-out” from the responsibility of taking back waste from producers, cannot be seen to be binding in the future, when pressure may well be brought to bear on Australia to accept responsibility for having provided the very raw material that was used to create the problem in the first place, a problem that remains intractable.

The Medical Association for the Prevention of War (Australia) (MAPW) has produced a wealth of information that demonstrates that the medical profession does not require nuclear materials generated from Lucas Heights or any other Australian nuclear facility. MAPW also maintains that the materials generated in hospitals can be managed at the source. WILPF believes that Australia should be reducing our participation in nuclear research, nuclear energy and uses for waste material, as well as our willingness to participate in supplying the material for civilian nuclear energy programs abroad. Incidentally, we note in passing that Australia’s nuclear safeguards agreements are insufficient to ensure that Australian uranium does not find its way into military applications.

While today in Australia we live in a relatively safe and secure society, there can be no assurance that, at some time in the future, this may change. As there can be no absolute guarantees that the political situation in Australia will remain completely stable, we can have no real guarantees that nuclear waste materials, housed in one central location, would always be secure and safe.

In light of these considerations, we believe that there is considerable advantage in maintaining the status quo by having nuclear waste material located in a number of diverse sites around the country.

Recommendations

We recommend that the current legislation that allows for a nuclear waste repository to be built in the NT be repealed. We recommend that Australia does not build a central

nuclear waste repository. We also recommend the immediate cessation for all mining of uranium, and an end to uranium exports. The government should focus its efforts instead on the speedy development of the renewable energy sector which holds the potential for clean, healthy and sustainable energy solutions both for our continent, and for the world. Rather than dealing in dangerous materials like uranium that will cause problems for generations to come, Australia could export our expertise in renewable energy to other nations.

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For Women's International League for Peace and Freedom (Australian Section) Inc
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