



Friends of the Earth Sydney

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Committee Secretary
Senate Standing Committee on Environment, Communications and the Arts
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600, Australia
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Re: Senate Inquiry into *Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008*

Friends of the Earth Sydney call strongly for the repeal of the *Commonwealth Radioactive Waste Management Act (CRWMA) 2005/06*, the legislation enabling the federal dump to be forced on the Territory.

Why FoE Sydney believes the Act should be repealed:

The *Commonwealth Radioactive Waste Management Act 2005/06*:

- Undemocratically allows the dump to be imposed on the Northern Territory without consultation or consent from Traditional Owners, affected communities or the NT government. On the first day of the Rudd Government, Federal Parliament indicated they desired a new approach to indigenous affairs – the ongoing operation of this legislation flies in the face of such a commitment.
- Unacceptably overrides NT laws prohibiting the transport and storage of these radioactive materials.
- The act removes all rights to “procedural fairness” and rights of appeal under the Administrative Decisions (Judicial Review) Act. The removal of this right is deeply concerning in any context, but particularly so when the legislation concerns the imposition of a nuclear waste – a long-lived, toxic and deadly substance. Any decision-making process concerning nuclear waste must have comprehensive rights to procedural fairness.
- The Act prevents the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* from having effect during investigation of potential dump sites, and excludes the *Native Title Act 1993* from operating at all. This is unacceptable.
- None of the sites currently under assessment were even shortlisted in the 1997 national study to find a radioactive dump site; they were chosen for political, not scientific reasons. The entire process must begin again to have any political and scientific credibility.
- It is national Labor Party platform to repeal the *CRWMA*.

When the *CRWMA* was passed rapidly by the Howard Government, it was met with opposition from Aboriginal Traditional Owners from across Australia, environmentalists, community organisations and more. Labor opposition accurately called the legislation ‘sordid’, ‘shameful’ and ‘arrogant’. The Act must be repealed.

A completely new process for long-term radioactive waste storage is needed

The existing process and nominated sites should be scrapped. The assessments for proposed nuclear waste dump sites, Department of Defense sites at Mt Everard, Harts Range and Fishers Ridge should be discontinued. The Muckaty site, nominated under 2006 amendments to the *CRWMA*, should similarly be halted, particularly in light of the major problems in the process and embarrassing and appalling lack of consultation and consent from Traditional Owners.

The April 2008 NT ALP conference adopted the following resolution, which FoE Sydney support:

"Conference understands the nomination of Muckaty as a potential radioactive dump site, made under the *CRWMA* legislation, was not made with the full and informed consent of all Traditional Owners and affected people and as such does not comply with the Aboriginal Land Rights Act (ALRA). Conference calls for the Muckaty nomination to also be repealed when the *CRWMA* legislation is overturned."

We need to stop producing radioactive waste: FoE Sydney believes so long there is no known safe way to store radioactive waste, we must stop the production of that waste. The Lucas Heights research reactor in Sydney is still leaking, despite having been mostly shut down since its 'opening' in 2007. There are many alternative technologies for producing radioisotopes. We should stop wasting Federal resources on this flawed and polluting reactor.

Remote nuclear waste dumps are unsafe, unnecessary and unwanted: The proposed sites for a national nuclear waste dump in the Northern Territory, and the previous and defeated proposal for a dump in Woomera in South Australia, are located in remote areas, long distances from the production of nuclear waste, and will expose communities across New South Wales and beyond to the risk of spill, accidents, exposure and contamination of radioactive material. This risk is unnecessary, unsafe and unwanted by people across NSW.

Existing storage options are sufficient: Lucas Heights' waste is already waste stored at Lucas Heights. Before the fuel rods produced at Lucas Heights are sent overseas for reprocessing they are stored at the ANSTO facility for 10-20 years. The majority of Australia's nuclear scientists, trained to work with and monitor these extremely hazardous materials, work at the ANSTO facility. There is capacity to store the waste at the ANSTO facility. ANSTO is currently legally prohibited from *disposing* of spent fuel reprocessing waste at Lucas Heights, but there is no legal obstacle to long-term *storage* of reprocessing waste at Lucas Heights.

We need a completely new process: An open and accountable process should involve a public inquiry with clear opportunities for and encouragement of diverse input at many stages during the process. We need open and democratic discussion in NSW and federally to look at the option of returning spent fuel rods to the Lucas Heights facility where they are produced and already temporarily stored before being sent overseas for reprocessing.

There must be greater participation, transparency and equity in the management of nuclear waste in Australia. Remote Aboriginal communities should have access to basic services from the government without having to sacrifice their country for a nuclear dump. Communities should have options for economic development that do not involve potential exposure to extremely hazardous materials or necessitate involvement in a toxic industry.

Radioactive waste is highly toxic and long-lived: we cannot get it wrong; we must take the time to get it right. The *Commonwealth Radioactive Waste Management Act 2005/06* must be repealed.

Regards, Friends of the Earth Sydney