



Friends of the Earth Adelaide Inc
c/- CCSA Level 1, 157 Franklin St
ADELAIDE SA 5000
+ 61 8 8211 6872
kathy.whitta@foe.org.au
www.adelaide.foe.org.au

Submission to the Inquiry into the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008

Friends of the Earth Adelaide submits that the Commonwealth Radioactive Waste Management Act 2005 and the 2006 amendments (CRWMA 05/06) be repealed by the above bill for the following reasons:

- The current Labor government was elected to office on the platform that they would repeal the CRWMA 05/06¹. The government has a responsibility to carry out this unequivocal pre-election promise.
- The CRWMA 05/06 was created with the express purpose of sidelining indigenous opposition to the location of a nuclear waste dump at Muckatty Station in the Northern Territory. Muckatty Station is intersected by the boundaries of two land councils, the Northern Land Council (NLC) and the Central Land Council (CLC). Senator Nigel Scullion stated in Parliament that the CRWMA 05/06 was about ensuring that anyone who was on land adjacent to the Northern Land Council boundaries could provide no objections. Three of the five families present on Muckatty Station live beyond the NLC boundaries. This bill obviously needs to be repealed because it was designed in the first place to discriminate.
- The CRWMA 05/06 is patently racist. It allows the imposition of a nuclear waste dump without any consultation with, or consent from, Aboriginal Traditional Owners. It overrides the Aboriginal Land Rights Act (ALRA), thus removing ALRA consultation requirements. It excludes the Native Title Act 1993 from operating and prevents the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 from having effect during the investigation of potential dump sites.
- The CRWMA 05/06 is environmentally irresponsible. It overrides the Environment Protection and Biodiversity Act 1999 in relation to selecting a nuclear dump site and overrides Northern Territory laws which prohibit the transport and storage of nuclear waste.
- The CRWMA 05/06 is legally unfair because it removes rights of appeal under the Administrative Decisions (Judicial Review) Act.

Repealing this retrograde Howard-era legislation will allow true progress in the management of Australia's radioactive waste. Friends of the Earth Adelaide advocates the management of radioactive waste at the site of manufacture to minimise risk from transportation and to combat the 'out of sight, out of mind' attitude that has seen marginalised Aboriginal communities targeted under the CRWMA 05/06.

1. Excerpt from the National ALP Platform 2007 (chapter 5):

A Federal Labor Government will:

** Not proceed with the development of any of the current sites identified by the Howard Government in the Northern Territory, if no contracts have been entered into for those sites.*

** Repeal the Commonwealth Radioactive Waste Management Act 2005.*

** Establish a process for identifying suitable sites that is scientific, transparent, accountable, fair and allows access to appeal mechanisms.*

** Identify a suitable site for a radioactive waste dump in accordance with the new process.*

** Ensure full community consultation in radioactive waste decision-making processes.*

** Commit to international best practice scientific processes to underpin Australia's radioactive waste management, including transportation and storage.*

www.alp.org.au/platform/chapter_05.php