



Public Health Association
AUSTRALIA

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

Email to eca.sen@aph.gov.au.

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To the Committee:

The Public Health Association of Australia (PHAA) strongly supports the bill to repeal the Commonwealth Radioactive Waste Management Act 2005 and amendments.

Our support is based on these grounds:

Waste Management

Management of nuclear waste from the Lucas Heights reactor needs to be done according to best international practice based on science and not politics. We believe that long-term secure disposal is essential: however this does not imply *centralized remote geological disposal*. **Centralized remote geological disposal is a political strategy, not a public health imperative.**

The PHAA believes that best-practice radioactive waste management demands:

- **minimization of waste generation**, which implies:
 - termination of the nuclear reactor program at Lucas Heights. Australia's world-class nuclear medicine capability can be sustained and enhanced by a combination of importation and local isotope generation - as occurs during shutdown periods of up to three months at the current HIFAR reactor without any adverse medical consequences. (see the MAPW report "A New Clear Direction" for more detail)
 - Increased research and development of non-reactor technologies for the production of medical isotopes

- promotion of safer imaging technologies including MRI, advanced CT, ultrasound and positron emission tomography
- **secure, monitored, above ground storage:** which responsibly addresses the need to ensure long-term safety and does not preclude any improved storage options which become available in the future.
- **minimization of transport:** waste management is preferably done on-site, in a retrievable and secure fashion.
- **community acceptance** of the management system (according to the principles promoted by the International Atomic Energy Agency - IAEA). This does not simply mean “consultation”: the community must give *informed consent* to the facility.

The process for establishing a nuclear waste facility in the NT has not followed any of these principles, particularly the last two. None of the sites currently under assessment for the facility were short-listed in the national study to find a national radioactive facility site (completed in 1997). Most importantly the Commonwealth Radioactive Waste Management Act 2005 and amendments has over ridden clearly expressed local and regional opposition to siting of the waste management facility.

Health and wellbeing issues arising from poor consultation

The process that has ensued from the enactment of the Commonwealth Radioactive Waste Management Act 2005 and subsequent amendments has resulted in disempowerment of, and distress for, local Aboriginal people. Central Australian Aboriginal people suffer the highest rates of chronic disease in the world. The effects of chronic stress / distress caused by such events in turn negatively impact on increased rates of chronic disease. Therefore actions such as imposing the Commonwealth Radioactive Waste Management Act 2005 and amendments undermines government Aboriginal health policy, such as the commitment to closing the gap in Aboriginal health indices and addressing health disparities.

Conversely repealing the Act will help contribute to reduced stress and thus positively contribute to programs aimed at creating improvements in health.

Procedural fairness and other legal issues.

The Commonwealth Radioactive Waste Management Act 2005 and subsequent amendments allows the facility to be imposed on the NT without consultation or consent from Traditional Owners, affected communities or the NT Government. It overrides Territory laws that prohibit transport and storage of these radioactive materials in the NT. The Commonwealth Radioactive Waste Management Act 2005 and subsequent amendments explicitly remove all rights to “procedural fairness” and remove rights of appeal under the Administrative Decisions (Judicial Review) Act. The Commonwealth Radioactive Waste Management Act 2005 and subsequent amendments prevent the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 from having effect during investigation of potential facility sites, and excludes the Native Title Act 1993 from operating at all.

Obligation to uphold pre-election promise by the current government.

Labor should not just continue to roll out the Howard government plan to impose a waste facility on the NT. Before the election, Labor party politicians called this very legislation ‘sordid’, ‘shameful’ and ‘arrogant’. It is national Labor Party platform to repeal the Commonwealth Radioactive Waste Management Act 2005. Eleven months since the election there has been no indication that this will occur. Senators Kim Carr and Trish Crossin gave clear statements before the election on September 27, 2008 that the ALP would repeal the Commonwealth Radioactive Waste Management Act 2005

if elected. Prime Minister Kevin Rudd committed to keeping all election promises, and this one must also be followed through.

Other issues

There are three broader issues that relate to the siting of a waste facility in the NT which will be allayed if the push for the facility is removed by repealing the Commonwealth Radioactive Waste Management Act 2005 and amendments. These are:

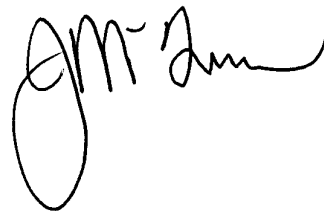
That establishing such a facility provides impetus for an expanded role for Australia in the nuclear chain. This includes both an increased reactor size at Lucas Heights and the future importation of overseas waste.

That proponents of the site relied upon scare mongering about issues of access to nuclear medicine radioisotopes. This shameful and erroneous manipulation of people's fear around access to cancer treatments caused confusion and anxiety. Informed debate and rationale discussion, these were what marginalized members of the community require and should expect from decision makers negotiating with communities, whilst forming their views. Rather these communities were being emotionally blackmailed and made to look selfish in public discourse when they questioned the need for their land to be expropriated for the facility.

That whilst strongly endorsing the well founded opposition to the proposed nuclear waste facility by traditional owners, community groups, professional bodies and sections of the ALP, the Public Health Association of Australia (PHAA) is concerned that we are focusing on only one part of the problem. At the other end of the process there is currently underway a massive increase in uranium exploration on our doorstep. The PHAA believes that if we are to be consistent in our concern over the nature of the end product of the nuclear chain, then we should be addressing it at its source-mining, as well as at all other points in the chain.



Michael Moore CEO PHAA



Jane McQueen President NT Branch..

31-10-08

Attachment.

Prime Minister Kevin Rudd
PO Box 6022,
House of Representatives, Parliament House, Canberra ACT 2600
Tel: (02) 6277 7700 Fax: (02) 6273 4100

June 11, 2008

Re: Radioactive Waste Management Election Commitments

To Prime Minister Kevin Rudd

Cc: Minister Martin Ferguson, Minister Jenny Macklin, Minister Warren Snowdon, Senator Trish Crossin

Dear Prime Minister,

Before the federal election there was a clear commitment that a Labor government would repeal the Commonwealth Radioactive Waste Management Act (CRWMA 2005/06). Almost 200 days since the election, this promise has not been publicly reiterated and there is grave concern from the undersigned organisations that your government is considering rescinding this promise.

Labor voted against the 2005 legislation and the 2006 amendments, with Labor MPs describing the legislation as 'extreme', 'arrogant', 'heavy-handed', 'draconian', 'sorry', 'sordid', 'extraordinary' and 'profoundly shameful'. A number of Labor MPs unequivocally committed a Labor government to repeal of the legislation.

Given this clear commitment, why has the government not yet announced repeal of the Act?

Many affected people, Members of the Northern Territory Government, Territory organisations and national environment groups have made numerous requests to you and Minister Ferguson to clarify when the commitment to repeal this draconian and undemocratic law will be acted upon.

Minister Ferguson has not been forthcoming or transparent in his response to these requests and is out of step with promises of a process which is "*scientific, transparent, accountable, fair and allows access to appeal mechanisms*" and to "*ensure full community consultation in radioactive waste decision-making processes*" (ALP Platform, Chapter 5).

The undersigned groups call for you to immediately announce a repeal date for the CRWMA and notify all affected Traditional Owners, communities and stakeholder organisations.

National ALP Platform states the 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." (ALP Platform, Chapter 5).

Given that no contracts have been entered into beyond the assessment phase, we ask you to confirm that processes related to the four sites currently being studied will cease when the assessment report is finalised. This includes the three nominated Department of Defence sites (Mt Everard, Harts Range and Fishers Ridge) and Muckaty, which was nominated by the Northern Land Council using extraordinary provisions of the CRWMA 2006.

We ask you to implement the resolution passed at the April 2008 NT Labor Conference: *"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."*

In respect of Northern Territory law and in recognition of strong and sustained opposition from the Northern Territory Government and communities throughout the NT, we ask you not to pursue any sites in the Territory to host a federal radioactive waste facility.

We further ask that the federal budget allocation of \$3.8 million over the next two years for radioactive waste management be used for a national study of waste management options, a study which is in line with Labor's platform commitments to handle this contentious issue in a manner which is scientific, transparent, accountable, and fair.

Prime Minister, there is no more time to waste.

Sincerely:

1. Beyond Nuclear Initiative – Natalie Wasley, uranium project coordinator
2. Friends of the Earth Australia – Dr Jim Green, national nuclear campaigner
3. The Wilderness Society – Alec Marr, Executive Director
4. Greenpeace Australia Pacific – Steve Campbell, campaign director
5. Top End Aboriginal Conservation Alliance – Donna Jackson, convenor
6. Medical Association for the Prevention of War – Dr Sue Wareham, OAM, President, MAPW (Australia); Dr Hilary Tyler (NT Branch)
7. Australian Student Environment Network
8. Environment Centre of the Northern Territory – Charles Roche, coordinator
9. Anti Nuclear Alliance of Western Australia – Jo Vallentine, convenor
10. Arid Lands Environment Centre – Jimmy Cocking, coordinator
11. Public Health Association – Michael Moore, Chief Executive Officer

Contact:

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Beyond Nuclear Initiative

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