

Submission to the Nuclear Fuel Cycle Royal Commission March 2016

Campbell Law Barristers & Solicitors

Further to our submission of August 2015, Campbell Law strongly opposes South Australia becoming further involved in the nuclear fuel cycle for the following two fundamental reasons:

1. The likely negative impacts on Aboriginal communities, culture and heritage.
2. Cheaper, safer and more sustainable alternatives to nuclear energy are available.

In particular this submission refers to the findings that management, storage and disposal of nuclear and radioactive waste could have positive economic benefits to SA.

The NFCRC Tentative Findings makes particular reference to Aboriginal communities being able to make their, '[O]wn decision – whether yes or no – free from the influence or pressure of the proponent or lobby groups with their own agendas.'

As far as we are aware, from working in close consultation with many Aboriginal people over a number of years, no Aboriginal Community, free from 'influence or pressure,' would say yes to a nuclear waste facility on their sacred land.

The Royal Commission should understand that all Australian land is Aboriginal land, whether subject to a Native Title claim or not. Aboriginal peoples' connection to their land goes much further than any Native Title rights which may be available to them under an imposed system of native title law.

It follows that all, not some, projects create the potential for disturbances of 'sites of Aboriginal cultural or heritage significance,' whether there is a mining agreement in place or not.

There is no mention of concern for Aboriginal people's spiritual connection to their land in the NFCRC Tentative Findings; connections that go much deeper than heritage concerns, or Native Title rights. It is our experience that it is very difficult for white Australia to understand Aboriginal views around 'heritage and culture.' Concerns are not just about physical sites or tangible objects. Concerns are spiritual, or religious. White Australia cannot appreciate the significance of songlines

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We acknowledge the Kurna people as the traditional custodians of the Adelaide Plains area where we live and work, and respect their spiritual relationship with their country.

around water, stars, sky or air. The lack of understanding in the Royal Commission is further evidence of colonisation.

For example, several Adnyamathanha Elders we consulted with have expressed the view that they are, 'disgusted and disappointed,' the government continues to propose radioactive waste storage on Aboriginal land. They feel as if the government is 'ignorant, oblivious, blindfolded to our history and culture.' They have expressed special concern for:

1. Marra awi (clear water)
2. Mgtuha (very old word, legend, hard to translate)
3. Nguthunga (spiritual presence, spirit world)
4. Vukurna (floating clouds; clouds will be low; spirits returning, hard to translate)

Any plans which may arise from the tentative findings face a challenge in understanding, recognising and accommodating Aboriginal religious and spiritual beliefs.

For the last 15 years, traditional owners and the wider community have fought in South Australia, Western Australia and the Northern Territory against proposals for a nuclear waste facility. These Elders report that they are at 'rock bottom.' They continue to make a stand with very limited resources, knowing that government and industry have a wealth of resources to draw on. Despite this, they say they will never give up on protecting their country.

In addition to our concerns around Aboriginal communities and their continued connection and responsibility for Australian land, Campbell Law does not believe that it has been demonstrated that there is even a market potential for this waste project. Considering the risks and associated costs in transporting nuclear fuel, and the fact that there remains the possibility for technology to develop to the point where spent fuel becomes valuable, it appears likely that most countries will decide they are better off to keep their nuclear waste. We would therefore again like to point you in the direction of a recent report titled, '100% Renewable Electricity for South Australia' by Dr Mark Diesendorf, Associate Professor and Deputy Director of the Institute of Environmental Studies at the University of New South Wales, which found that SA can be powered by 100% renewable energy within the next 15 years. The report concludes that renewable energy is not only environmentally sound, it is also economically sensible as it creates rigorous investment opportunities and new jobs. This is in stark comparison to the unpredictable and unreliable nuclear industry, which tends to rely heavily on taxpayer subsidies.

We are also very disturbed by the fact that the Commission does not appear to understand the consequences of the timeframes involved with storing nuclear waste. Over hundreds of thousands of years no site is geologically stable. As we have already pointed out, the spent fuel produced in

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nuclear reactors is in orders of magnitude more radioactive compared to mined uranium. It takes around 200,000 years for the radioactivity of this waste to decline to that of the original uranium ore body; depending on the level of radioactivity it can be magnitudes longer. Again, to put this in perspective, anatomically modern humans first appear in the fossil record in Africa about 195,000 years ago. It is also very unclear how one would communicate to future civilizations, or species for that matter, the location and dangers of nuclear waste.

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