

Nuclear Waste Storage Site at Kimba

The federal government's decision to place a nuclear waste storage site at Kimba on SA's Eyre Peninsula turned deaf ears to the opposition of the area's native title holders, argues Jim Green and Michele Madigan.

The federal government recently announced that it plans to establish a national nuclear waste 'facility' near Kimba on South Australia's Eyre Peninsula. It will comprise a permanent dump for low-level nuclear waste, and an 'interim' store for long-lived intermediate-level waste.

Shamefully, the federal government has decided to move ahead despite the unanimous opposition of the Barngarla Traditional Owners, native title holders over the area.

The federal government refused a request from the Barngarla Determination Aboriginal Corporation (BDAC) to include traditional owners in a community ballot held last year. So BDAC initiated a legal action protesting their exclusion. The court case is ongoing and an outcome is expected soon.

BDAC also engaged the Australian Election Company to conduct a confidential postal ballot. Not a single Barngarla Traditional Owner voted in favour of the dump. BDAC wrote to the government calling for the dump proposal to be abandoned in light of their unanimous opposition, and stating that BDAC will take whatever steps are necessary to stop it being imposed on Barngarla Country against their will.

The National Radioactive Waste Management Act systematically discriminates against Australia's First Nations. For example, the nomination of a site for a nuclear dump is valid even if Aboriginal traditional owners were not consulted and did not give consent. And the Act has sections which nullify or curtail the application of laws such as the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, and the Native Title Act 1993.

The federal government recently announced that it plans to amend the Waste Management Act. While the Act is sorely in need of an overhaul, the planned amendments aren't those that are needed. Clauses in the Act that dispossess and disempower traditional owners will remain untouched.

The SA Labor Party argues that traditional owners ought to have a right of veto over nuclear projects given the sad and sorry history of the nuclear industry in SA, stretching back to the British atomic bomb tests. Deputy Leader of the Opposition Susan Close says that SA Labor is "utterly opposed" to the "appalling" process which led to the recent announcement regarding the Kimba site.

Compare that to the federal government, whose mind-set seems not to have advanced from the 'Aboriginal natives shall not be counted' clause in the Constitution Act 1900. As Barngarla Traditional Owner Jeanne Miller says, Aboriginal people with no voting power are put back 50 years, "again classed as flora and fauna."

The current debate follows a history of similar proposals – all of them defeated, with traditional owners repeatedly leading successful campaigns.

In 2004, after a six-year battle, the Howard government abandoned plans for a national nuclear waste dump in SA. The Kupa Piti Kungka Tjuta – a senior Aboriginal women's council – congratulated the government for belatedly getting their 'ears out of their pockets'.

In 2016, the plan to import high-level nuclear waste from around the world was abandoned after a Citizens' Jury noted the lack of Aboriginal consent and concluded that "the government should accept that the Elders have said NO and stop ignoring their opinions."

And last year, the federal government abandoned plans for a national nuclear dump in the Flinders Ranges, a plan that was fiercely contested by Adnyamathanha Traditional Owners.

SA Premier Steven Marshall is rightly proud of his record promoting the growth of renewable energy in SA. And he's proud of his significant role in putting an end to the plan to import high-level nuclear waste from around the world.

So where will the Premier – whose portfolio includes Aboriginal Affairs and Reconciliation – stand on this latest nuclear controversy?

He needs, as the Kungkas put it, to get his ears out of his pockets and to respect the unanimous opposition of the Barngarla First Nation.