

NUCLEAR RACISM IN AUSTRALIA

Anti-nuclear & Clean Energy (ACE) Campaign
Friends of the Earth, Australia
www.foe.org.au/anti-nuclear



British nuclear bomb tests in Australia

The British government conducted 12 nuclear bomb tests in Australia in the 1950s, most of them at Maralinga in South Australia. Permission was not sought from affected Aboriginal groups such as the Pitjantjatjara, Yankunytjatjara, Tjarutja and Kokatha. Thousands of people were adversely affected and the impact on Aboriginal people was particularly profound.

The 1985 Royal Commission found that regard for Aboriginal safety was characterised by "ignorance, incompetence and cynicism". Many Aboriginal people were forcibly removed from their homelands and taken to places such as the Yalata mission in South Australia, which was effectively a prison camp.

In the late-1990s, the Australian government carried out a clean-up of the Maralinga nuclear test site. It was done on the cheap and many tonnes of debris contaminated with kilograms of plutonium remain buried in shallow, unlined pits in totally unsuitable geology. As nuclear engineer and whistleblower Alan Parkinson said of the 'clean-up' on ABC radio in August 2002: "What was done at Maralinga was a cheap and nasty solution that wouldn't be adopted on white-fellas land."

Barely a decade after the 'clean-up', a survey revealed that 19 of the 85 contaminated debris pits had been subject to erosion or subsidence. The half-life of plutonium-239 is 24,100 years.

Radioactive ransom – dumping on the NT

From 2005–2014 successive federal governments attempted to impose a nuclear waste dump at Muckaty, 110 km north of Tennant Creek in the Northern Territory. A toxic trade-off of basic services for a radioactive waste dump was part of this story from the start. The nomination of the Muckaty site was made with the promise of \$12 million compensation package comprising roads, houses and scholarships. Muckaty Traditional Owner Kylie Sambo objected to this radioactive ransom: "I think that is a very, very stupid idea for us to sell our land to get better education and scholarships. As an Australian we should be already entitled to that."

While a small group of Traditional Owners supported the dump, a large majority were opposed and some initiated

legal action in the Federal Court challenging the nomination of the Muckaty site by the federal government and the Northern Land Council (NLC).

The Liberal/National Coalition government led by John Howard passed legislation – the Commonwealth Radioactive Waste Management Act 2005 – overriding the Aboriginal Heritage Act, undermining the Aboriginal Land Rights Act, and allowing the imposition of a nuclear dump with no Aboriginal consultation or consent.

The Australian Labor Party voted against the Commonwealth Radioactive Waste Management Act, with Labor parliamentarians describing it as "extreme", "arrogant", "draconian", "sorry", "sordid", and "profoundly shameful". At its 2007 national conference, Labor voted unanimously to repeal the legislation. Yet after the 2007 election, the Labor government passed legislation – the National Radioactive Waste Management Act (NRWMA) – which was almost as draconian and still permitted the imposition of a nuclear dump with no Aboriginal consultation or consent.

In February 2008, Labor Prime Minister Kevin Rudd highlighted the life-story of Lorna Fejo – a member of the stolen generation – in the National Apology in Parliament House. At the same time, the Rudd government was stealing her land for a nuclear dump. Fejo said: "I'm very, very disappointed and downhearted about that [NRWMA legislation]. I'm really sad. The thing is – when are we going to have a fair go? Australia is supposed to be the land of the fair go. When are we going to have fair go? I've been stolen from my mother and now they're stealing my land off me."

Shamefully, the NLC supported legislation disempowering the people it is meant to represent.

The Federal Court trial finally began in June 2014. After two weeks of evidence, the NLC gave up and agreed to recommend to the federal government the withdrawal of the nomination of Muckaty for a nuclear dump. The Coalition government led by Prime Minister Tony Abbott accepted the NLC's recommendation.

Lorna Fejo said: "I feel ecstatic. I feel free because it was a long struggle to protect my land."

Dumping on South Australia

The failed attempt to establish a dump at Muckaty followed the failed attempt to establish a dump in South Australia. In 1998, the Howard government announced its intention to build a nuclear waste dump near Woomera in South Australia. Leading the battle against the dump were the Kupa Piti Kungka Tjuta, a council of senior Aboriginal women from northern SA. Many of the Kungkas personally suffered the impacts of the British nuclear bomb tests at Maralinga and Emu in the 1950s.

The proposed dump generated such controversy in SA that the federal government hired a public relations company. Correspondence between the company and the government was released under Freedom of Information laws. In one exchange, a government official asked the PR company to remove sand-dunes from a photo to be used in a brochure. The explanation provided by the government official was that: "Dunes are a sensitive area with respect to Aboriginal Heritage". The sand-dunes were removed from the photo, only for the government official to ask if the horizon could be straightened up as well. Terra nullius.

In 2003, the federal government used the Lands Acquisition Act 1989 to seize land for the dump. Native Title rights and interests were extinguished with the stroke of a pen. This took place with no forewarning and no consultation with Aboriginal people.

The Kungkas continued to implore the federal government to 'get their ears out of their pockets', and after six years the government did just that. In the lead-up to the 2004 federal election – after a Federal Court ruling that the federal government had acted illegally in stripping Traditional Owners of their native title rights, and with the dump issue biting politically in SA – the Howard government decided to cut its losses and abandon the dump plan.

The Kungkas wrote in an open letter: "People said that you can't win against the Government. Just a few women. We just kept talking and telling them to get their ears out of their pockets and listen. We never said we were going to give up. Government has big money to buy their way out but we never gave up."

Nuclear war

Muckaty Traditional Owners have won a significant battle for country and culture, but the problems and patterns of radioactive racism persist. Racism in the uranium mining industry involves ignoring the concerns of Traditional

Owners; divide-and-rule tactics; radioactive ransom; 'humberging' Traditional Owners (exerting persistent, unwanted pressure); providing Traditional Owners with false information; and threats, including legal threats.

One example concerns the 1982 South Australian Roxby Downs Indenture Act, which sets the legal framework for the operation of BHP Billiton's Olympic Dam uranium mine in SA. The Act was amended in 2011 but it retains exemptions from the SA Aboriginal Heritage Act. Traditional Owners were not even consulted. The SA government's spokesperson in Parliament said: "BHP were satisfied with the current arrangements and insisted on the continuation of these arrangements, and the government did not consult further than that."

That disgraceful performance illustrates a broader pattern. Aboriginal land rights and heritage protections are feeble at the best of times. But the legal rights and protections are repeatedly stripped away whenever they get in the way of nuclear or mining interests.

Thus the Olympic Dam mine is largely exempt from the SA Aboriginal Heritage Act. Sub-section 40(6) of the Commonwealth's Aboriginal Land Rights Act exempts the Ranger uranium mine in the NT from the Act and thus removed the right of veto that Mirarr Traditional Owners would otherwise have enjoyed. New South Wales legislation exempts uranium mines from provisions of the NSW Aboriginal Land Rights Act. The Western Australian government is in the process of gutting the WA Aboriginal Heritage Act 1972 at the behest of the mining industry. Native Title rights were extinguished with the stroke of a pen to seize land for a radioactive waste dump in SA, and Aboriginal heritage laws and land rights were repeatedly overridden with the push to dump nuclear waste in the NT.

Muckaty Traditional Owners have won a famous victory, but the nuclear war against Aboriginal people continues – and it will continue to be resisted, with the Aboriginal-led Australian Nuclear Free Alliance playing a leading role.

More information:

- Australian Nuclear Free Alliance www.anfa.org.au
- FoE: www.foe.org.au/anti-nuclear/issues/oz/racism

"The greatest minds in the nuclear establishment have been searching for an answer to the radioactive waste problem for fifty years, and they've finally got one: haul it down a dirt road and dump it on an Indian reservation."

— Winona LaDuke, Indigenous World Uranium Summit, 2006.