

22 June 2021

Joint Press Release:

**Barngarla Determination Aboriginal Corporation and No Radioactive Waste on
Agricultural Land in Kimba or SA group**

The issue of the nuclear waste facility is something which provokes significant emotion, and community opposition. However, no one else is as affected by it like we are. We issue this joint press release as the First Peoples for the Kimba area, and the farming communities who make their livelihood from the land because we are having our home, our land and our heritage threatened. We are the groups of people whose lives will be permanently damaged, if a waste facility is placed on our home.

We have fought hard and will continue to fight against a nuclear waste facility being placed on our home. We do not want it, and we will never support it. Our voices and views have been ignored by the Government.

Local member Rowan Ramsey has been one of the main influences in pushing the Government to place a nuclear waste facility at Kimba. If you do not want this facility in SA or in the Eyre Peninsula or the Mid-North, then you must vote out Rowan Ramsey. We will never end this issue, whilst he is a local member.

The Government has completely and utterly miscarried the site selection process. There are many examples of this. No proper heritage assessment of the site was ever undertaken, and they have marginalised the voices of the farming community throughout the entire process. However, the most obvious and appalling example of this failed process was when the Government allowed the gerrymandering of the Kimba "community ballot", in order to manipulate the vote. The simple fact remains that even though the Barngarla hold native title land closer to the proposed facility than the town of Kimba, the First Peoples for the area were not allowed to vote. They prevented Barngarla persons from voting, because native title land is not rateable. Further, they did not allow many farmers to vote, even though they were within 50km of the proposed facility, because they were not in the Council area. They targeted us, because they knew that if they had a fair vote which included us, then the vote would return a "no" from the community.

The process also ignores the fact that the Government never sought the views of the communities which will be affected by the transport of nuclear waste. Those communities, where the waste will be transported through, have had no right to have a say. South Australians more broadly have had any rights to have a say.

Mistakes have been made and the process needs to start again. Instead, the Government sought to change the law to remove our democratic right to judicial review of their actions so that no Court could ever assess what had been done. We find this staggering, as checks and balances are needed for a functioning democracy. The removal of independent scrutiny is, for all Australians, frightening,

Protecting judicial review was the issue before the Federal Senate on Monday. It is important to understand that this is what the Senate was debating. We have won our right to have judicial review restored in this process. The broader failures are matters which will have to be dealt with in the future.

The Government have been forced by the Senate to preserve judicial review. The table in Schedule 1 of the Government's revised Bill, is merely a face-saving exercise, and has no legal impact or effect.

Even the Government Explanatory Memorandum makes this clear. Their own document states:

“Recognition of the three shortlisted sites confirms the sites as being nominated and approved under the Act, but does not limit the Minister from approving new nominations. The Minister may declare any approved nomination as a site, and is not bound to declare one of the three shortlisted sites”

The Government's attempt to remove judicial review was so egregious and careless, that it provoked almost unanimous opposition across the political spectrum.

This is a great moment for democracy, and for those who appreciate the importance of independent scrutiny of Government action, this is a day that the Barngarla people and the farmers at Kimba have saved one of the fundamental rights in a Democratic Country.

Because the Government were opposed by everyone from very different political backgrounds, such as: Labor, Pauline Hanson's One Nation, the Greens and Senator Patrick, we consider it appropriate to express our thanks to all of these groups. This reflects the fact that judicial review is a pivotal right no matter a person's political background. We thank everyone in no particular order, as it remains the fact that had they not stood together, the Government would have removed the democratic rights of judicial review from us, and set a precedent which would have weakened democracy for all Australians:

- Labor: The Australian Labor Party deserves congratulations from all Australians for its actions. Without of the support of the Opposition, the Government would have gotten away with removing a fundamental democratic right from us and set a precedent to remove that right every other time they did not get their way.

Labor listened to all of us, but in particular they lived up to their commitment to listening to the First Peoples for the Kimba area. The Barngarla worked extensively with Labor, and in particular the Shadow Minister Ms Madeliene King ensured that the Barngarla were entitled to review any further amendments before they were introduced. We intend to write to other members of Labor, such as Senator Wong who has fought for all South Australians to express our thanks. As a party, however, they have been outstanding.

More broadly, there is the issue of what to do if Labor win Government. Many in Labor do not support a process where Aboriginal people were denied the right to vote. We believe Labor will continue to fight for us. But that is tomorrow's issue. Monday was about judicial review, and Labor protected us and by extension all Australians, by preserving our right to judicial review.

- Pauline Hanson's One Nation & State Leader of One Nation in SA Ms Jennifer Game: It remains a simple statement of fact that without PHON and Ms Jennifer Game, there would be a nuclear waste facility on prime farming land, in circumstances where Aboriginal people were denied the right to vote, and Aboriginals and farmers would have no right to independent legal review.

For those of you out there who might relate to this side of politics, particularly the farmers in the Eyre Peninsula, who do not want a waste dump then we strongly suggest you look at what One Nation and their representative Ms Jennifer Game have done to save South Australia from nuclear waste. They said “no” and listened to the local farming community when the Local member ignored us.

The Barngarla also recognise the great work of PHON and Ms Jennifer Game. It is a testimony of our work together that we have prevented the Government from removing fundamental basic rights for all Australians.

- The Greens: Special recognition must be given to the Greens. This is an issue that is central to the Greens, they have stood up and through their tireless and passionate advocacy have helped us immensely.

All Green supporters should be proud of their party’s efforts. In particular, Senator Hanson-Young has been a tireless advocate for South Australia. She was one of the first Senators to help us, and we imagine she will be with us to the end of this fight.

We would also like to acknowledge the strong words of Senator Thorpe. We agree that the Government has been tokenistic in its approach to the Barngarla people. What could be more tokenistic than saying they want to hear Barngarla views, but then deny the Barngarla the right to vote. It is our hope that with advocates like Senator Thorpe, no other Aboriginal group will ever have to be treated in such a despicable way.

- Senator Patrick: Senator Patrick deserves great credit for his commitment to South Australia. He deserves the recognition of everyone committed to our State.

He has been actively engaged on this issue from the very beginning. He has tirelessly fought to access Government documents under FOI so that South Australian’s can have access to the information which shows how badly this process has been miscarried.

We would like to thank Senator Patrick for his regular commitment and support to us in fighting to ensure our access to judicial review. Senator Patrick has also sought to find other solutions by trying to assess additional site options, whether Woomera or Leanora or others. We hope that this work by Senator Patrick will one day pay dividends, and the Government will abandon its terrible plan to place this facility on prime agricultural land, which is significant also to the Barngarla People.

- The remaining cross bench: We would also like to thank the efforts of the remaining cross bench. Although we did not ultimately need to rely on their votes, we understand that they would likely have ensured our rights to judicial review. They spoke to us and engaged and should be acknowledged for their efforts.

Further information contact:

Barngarla: barngarlamedia@gmail.com

Peter Woolford: 0447 001 493