

FEBRUARY-MARCH 2023  
BRIEFING

# BARNGARLA PEOPLE AND THE NATIONAL RADIOACTIVE WASTE FACILITY



Dawneen Taylor, Lez Taylor, Linda Dare, Harry Dare and Dawn Taylor.  
Kimba, January 2023



*Dawn Taylor on Tola Road, in front of the Napandee site.*

**“OUR LAND, OUR  
COUNTRY IS MORE  
IMPORTANT TO US  
THAN HAVING A  
WASTE DUMP.”**

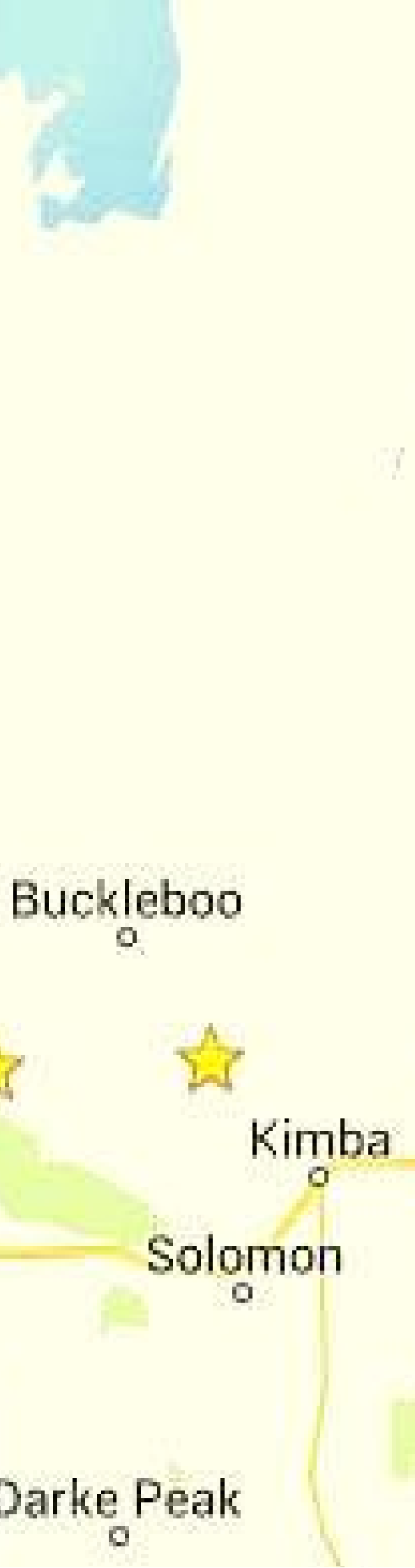
***Dawn Taylor, Barngarla Elder***

# BACKGROUND

The Federal Government plans to build a facility to store intermediate level nuclear waste (ILW) and dispose of low level radioactive waste (LLW) and after a highly controversial process the Coalition Government declared Kimba as the site in November 2021. This facility is called the National Radioactive Waste Management Facility (“NRWMF”).

The proposal for a facility at Kimba follows previous abandoned attempts including near Woomera in SA (2004) and Muckaty Station in the NT (2014) and Wallerberdina Station in the Flinders Ranges (2019). Like Kimba, all failed to secure a social and community licence.

Successive federal governments have been seeking a solution for Australia’s long-lived radioactive waste for decades. There is enough capacity at Lucas Heights in Sydney to safely store the waste there for decades while a permanent site is identified and developed. This remains the safest and most secure option especially given the level of nuclear expertise onsite.





# BARNGARLA'S POSITION

The Barngarla People have always opposed a nuclear facility being built on their country. The Barngarla Determination Aboriginal Corporation (BDAC) represent the Barngarla Native Title holders. The Barngarla have a determined Native Title area of 34,481 km<sup>2</sup> covering parts of the Eyre Peninsula and including Kimba. Barngarla people have fought against the proposal in the courts and expressed their position through rallies, protests, public meetings, and the media.

A community ballot was conducted by the Kimba District Council in November 2019. Of 734 formal votes, 452 were Yes (61.6%) and 282 No (38.4%). After being excluded from the Kimba Council ballot, the Barngarla Determination Aboriginal Corporation RNTBC ("BDAC") engaged Australian Election Company, an independent ballot agent, to conduct a confidential postal ballot of BDAC members regarding the National Radioactive Waste Management Facility.



*Harry Dare at Tola Road, outside the Napandee site.*

**“WE KNOW WHAT’S ON OUR  
COUNTRY, AND WE, THE  
BARNGARLA, KNOW WHAT WE  
DON'T WANT ON OUR COUNTRY”**

***Harry Dare, BDAC Board Member***

The ballot paper asked members: Do you support the proposed National Radioactive Waste Management Facility being located at one of the nominated sites in the community of Kimba?

Of 209 eligible voters (all of whom are Barngarla native title holders), 83 cast valid “No” votes.

Zero “Yes” votes were returned. This unanimous “No” vote demonstrates that there is absolutely no support at all within the Barngarla community for the NRWMF.



*Smoking Ceremony at Port Augusta Rally, 15 October 2022.*

## BARNGARLA IN COURT

Starting on March 6, 2023 the Barngarla Determination Aboriginal Corporation will return to Federal Court for a hearing to quash and overturn the Ministerial declaration and overturn the decision to make Napandee a nuclear waste dump. If Barngarla win this case, then the declaration will be overturned and the waste dump will no longer be located at Kimba.

The Court case will go for five days in the Federal Court of Australia and will seek to overturn the declaration locating the waste dump at Napandee, as well as challenging the Constitutional validity of parts of the legislation.

# THE COSTS

Since 1 January 2017 the Commonwealth Government has spent close to \$10 million on legal work for the nuclear waste dump and the AWRA (Australian Radioactive Waste Agency)[1]

In the last year alone the Commonwealth Government has spent around \$2 million against the Barngarla people, or approximately \$40,000 every week using up to 14 lawyers against Barngarla. Norman Waterhouse, the legal firm representing the Barngarla people, and the team of Barristers working with Norman Waterhouse have endured all of the Commonwealths litigation for fees of \$500K in 2022.

The Barngarla's Solicitors and Barristers have withstood tremendous pressure from the Commonwealth lawyers for a quarter of the cost to take the case.

[1] <https://parlwork.aph.gov.au/senate/questions/532>



Linda Dare at the Napandee site

**“WE FOUGHT FOR 21  
YEARS TO GET OUR  
NATIVE TITLE RIGHTS  
OVER BARNGARLA  
COUNTRY SO WE ARE  
NOT GOING TO GIVE  
UP A FIGHT FOR A  
NUCLEAR WASTE  
DUMP TO BE BUILT ON  
OUR COUNTRY AT  
KIMBA”**

***Jason Bilney, Chairperson,  
Barngarla Determination Aboriginal Corporation.***