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# STANDING UP FOR COUNTRY: HOW TRADITIONAL OWNERS STOPPED A NUCLEAR WASTE DUMP AT MUCKATY

by Marlene Bennett

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## INTRODUCTION

On June 19, 2014 we heard the wonderful news that the Commonwealth would not be proceeding with their attempts to dump nuclear waste on Warlmanpa land at Muckaty in the Northern Territory ('NT'). This is my family's land. We had been fighting to stop the dump for eight years.

At a victory rally in Alice Springs I told the crowd:

I am a very proud Warlmanpa woman today. We have shown that we will stand strong with land, law and culture for this country. Let it be heard; we are only a small group of people, but we will not be divided and conquered by gifts of money. We have stood strong, as our ancestors taught us. This is a significant landmark in Aboriginal history. We had the Wave Hill walk off, we had Mabo, we had Blue Mud Bay. Today is Warlmanpa's day!

The experiences my family has had over these eight years are rich in lessons about the challenges facing Aboriginal people in today's Australia and I would like to share some of these with you.

## THE BEGINNINGS

My involvement in the campaign to stop the nuclear waste dump began in June 2006. While out collecting firewood on my small community of Bluebush, I heard on the radio that Traditional Owners of Muckaty were meeting in Tennant Creek that day. The radio said they were considering a "land mark decision" on a "nuclear waste facility" proposed by the Federal Government. The story went on to itemise millions of dollars in funding for housing, education, roads and jobs if Traditional Owners agreed to the dump.

I was immediately concerned as to why our family group was not notified of the meeting. Alarm bells rang as I recalled a conversation with an uncle of mine, some weeks prior. In a recent visit to Sydney he mentioned that he had been approached by Northern Land Council ('NLC') delegates, who told him that the Government wanted to 'put a big rubbish dump at Muckaty'. He had thought that 'the town rubbish would be brought there in

rubbish trucks and everyone would have jobs working at Muckaty'. But something wasn't right. When in Sydney, he had been shown 'very dangerous rubbish in 44 gallon drums'. He said there were 'big mobs stacked in long rows in a big brick building guarded by people. The people inside are covered from head to feet'.

I later found out this was a visit to the Lucas Heights nuclear reactor in Sydney, the source of the intermediate level waste destined for Muckaty. My uncle was illiterate in English, but a fluent and articulate speaker of his native language. He did not understand what he had been shown and the terms being used on the visit, but he was adamant something was not right. When I put all the pieces together I was incensed. I felt that some of the most impoverished and vulnerable people in Australia—my family—were being exploited and that this was deeply unethical. I travelled straight into town to crash the meeting taking place. I committed myself to stopping the land grab that was about to occur, to stop our homelands being once again stolen from under our feet, the standard practice since the colonisation of Australia.

## THE NOMINATION

The term "nomination" has been bandied about, to describe the agreement between the Commonwealth and the NLC to put nuclear waste on our lands. This term creates the illusion of genuine inclusion of Aboriginal people.

Since the time of Labor Prime Minister Bob Hawke, the Commonwealth has been attempting to locate a nuclear waste dump on remote Aboriginal lands. At times, a proposal to bring nuclear waste from all over the world has been openly discussed, at other times it has been restricted to waste produced in Australia. When John Howard came into power, he progressed the idea. Locating nuclear waste in affluent suburbs in the cities would cost them votes. They needed an "out of sight, out of mind" location. In 2005, a number of remote sites controlled by the Federal Department of Defence were targeted by the Federal Government. Former Science Minister, Julie Bishop described them

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as ‘some distance from any form of civilisation’<sup>1</sup>, despite all having Aboriginal communities living nearby who had occupied the land for thousands of years.

There was strong opposition to all of these sites and the Federal Government kept looking for a solution. This is where the NLC became involved. We learnt through the recent Federal Court proceedings that NLC lawyers began working very closely with the Commonwealth to redraft radioactive waste management legislation to allow for “nominations” of Aboriginal land.<sup>2</sup> The laws contained many set backs for Aboriginal rights. Aboriginal heritage protections would be suspended during the site selection phase. There would be no ability for land owners to challenge a nomination on grounds of procedural fairness. Land surrounding a nominated site could be compulsorily acquired to allow for the development to go ahead, without any consultation.<sup>3</sup>

**People who honour the land as we do understand how the health of the land is bound so closely with our health as human beings.**

The poverty of Aboriginal communities would be used against us. Rich and powerful people can always throw around money to get what they want—and don’t care who will be hurt in the process. Commonwealth officials attended NLC full council meetings to present what appeared to be a lucrative deal to Traditional Owners who would offer up their lands. In reality, as we learnt in full detail through the court case, no one would have become rich. The money was going to be held in trust, spent on essential infrastructure and education opportunities that the government should be providing anyway. But one small family group of Warlmanpa, led by Ms A Lauder, who was a delegate to the NLC, became committed to the proposal and started to push ahead, determined to nominate a site at Muckaty.

I believe the consultation meetings held by the NLC about this proposal were rushed and at times selective in who was encouraged and supported to attend. I believe that the dangers of nuclear waste were never explained at these meetings. All of the information about dangers we found ourselves, or from the environmental groups who we have developed close relationships with. I did a lot of research on the internet and was very frightened at what I found and what was not being explained.

My family has been adamant that we never gave consent for this proposal. Through the strong campaign we have fought, five out

of the six clan groups that make up Muckaty made it clear they did not consent, and that the small group who did “nominate” had no authority to do so.

We began this campaign without any legal advice, advocacy body or administrative support. All we had was a determination to stop the theft of our homelands. We felt betrayed by the NLC, disempowered by an organisation which should be our advocate and our legal representative. The NLC should be fighting to protect our land rights, sea rights, traditional language, sacred sites and ceremonial practices; not undermining these rights and giving away our country.

## THE ALLIANCE

There has been one positive to come out of the whole experience of the nuclear waste debacle. Many respectful partnerships have been formed during our campaign. We have built life long friendships. We have helped foster an understanding of Indigenous peoples, our way of life and the struggles we face from disempowering government policies every single day. It became clear to us that not all Europeans are “cut from the same cloth”. Many were willing to put their values and political careers on the line to nullify the unjust practices being applied to the acquisition of our lands for a nuclear dump.

My first contact with the environmental movement was with Natalie Wasley, from the Beyond Nuclear Initiative, based at the Arid Lands Environment Centre in Alice Springs. I felt so relieved that there was someone out there who understood where we were coming from. We knew we wanted to fight, but we were unsure about how to go forward. We also knew it would be an enormous amount of work to stand up to the combined power of the Federal Government and the NLC.

The information that we suddenly had access to through the Environment Centre gave us a feeling of power. It was easily understandable English. We were engaged with in a really respectful way. Natalie was also politically savvy and articulate, giving us contacts into large, strong organisations, making us feel like we had real support. Over the years we built alliances with politicians like Senator Scott Ludlam from the Greens, the Australian Conservation Foundation, the Trade Union movement, Public Health Association and many others. We also received support from pastoralists in the region, who were worried about the impact of the dump on their livestock. This was a crucial bridge into the broader non-Indigenous community around Tennant Creek, who realised that it was their issue too. We were assisted to come together as a people and strategise a way forward. This was invaluable. We felt a sense of cohesiveness and direction.

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This process had a transformative impact on leaders in our community. People like Dianne Stokes, who has grown in her role as a true Indigenous leader, grounded in her responsibilities to her land and to her ancestors. Or young Kylie Sambo, who was a young teenager when the dump was announced. With the support and mentoring of Natalie and others, Kylie now routinely does interviews with media outlets from across the world and is an inspiration to so many others in the community.

It made me angry to hear spokespeople from the NLC and government talk about the environmental groups as an 'outside influence' that were 'manipulating' Traditional Owners. This is very insulting and demeaning. We are not camp dogs to be led around. We have our own thoughts, our own visions. We are not puppets, we just needed support. We have a right to work closely with people who share the same morals and ethics as us, regardless of their colour. People who honour the land as we do understand how the health of the land is bound so closely with our health as human beings. This kind of support is exactly what should have been provided by the NLC. But in the end, we have come out stronger.

One of the most important alliances we built through this campaign was with the Maurice Blackburn legal firm, who helped us to challenge the nomination in the Federal Court. It should never have come to the court case. It was a desperate measure from us. We wanted to sort the problems out in our own Aboriginal way. Our families issued a cultural challenge to those who wanted the waste dump many times: come and show us your dances and songs, show us you have the authority to give this land away. Sit and talk with us. We all came together to prove who we were as Aboriginal people during the land claim that won back Muckaty. But the nuclear dump proposal drove a wedge that split us apart.

There were many requests and opportunities for the NLC to bring together all the parties involved, but once the "nomination" was made, they weren't interested in any meetings. The leaders of the NLC even consistently refused to meet with our families in Tennant Creek. We were forced into the white man's court.

## THE COURT CASE

The Federal Court travelled up to Tennant Creek and even out to the Muckaty Land Trust to hear evidence.<sup>4</sup> I was very pleased the court came to see us and we want to thank Justice North for coming. It was particularly important that a trip was made onto the country itself to hear evidence.

We discovered a lot of shocking things through the court case that made us even more upset. For example, there was an allegation and evidence put forward that the senior NLC lawyer had made

changes to the anthropology report written to facilitate the Muckaty nomination. But the whole process of going through court is a very disempowering and distressing one. The clash between the white man's law and our Aboriginal Lore was on display, and our Lore seemed like it was under attack once again.

The NLC lawyers and Commonwealth lawyers cross-examined our people, including myself, in a very aggressive way. It felt like we were being forced to justify our existence. The knowledge passed to us from our old people was consistently questioned and probed. Very senior Elders were grilled in cross-examination about their cultural authority by white men who had no knowledge whatsoever. These Elders are our lawyers and High Court judges. It was very sad to see them subject to interrogation. People more than 80 years of age were questioned for hours on end, until they were extremely worn down, with mental fatigue.

Even the physical structure of how the court was set up was very intimidating, particularly in the court room in Tennant Creek. At one point during the questioning of a female Aboriginal witness, four white men were crowded around her for the interrogation. This was deeply culturally inappropriate for a traditional Aboriginal woman. She was being consistently challenged about knowledge taught to her by her father who has now passed away. During a break, she appealed for support and another family member sat next to her for the remainder of the questions.

## THE AFTERMATH

In the end, the NLC and Government officials escaped from the process of cross-examination that we were subjected to. They decided to drop the Muckaty nomination rather than face court in Darwin.

I would like to acknowledge the role of the new NLC CEO Joe Morrison, who obviously worked within the organisation to ensure that the Muckaty nomination was withdrawn. He inherited a massive mess and seemed to understand what we were going through. He put an olive branch out to us and met with our families in Tennant Creek—something no NLC CEO or Chairperson had the courtesy to do before.

Sadly however, the push for a waste dump has not stopped. Since the victory, our Elders have been harassed by NLC field officers dropping in without any notice, wanting to talk about the potential for further site nominations. Our family has consistently lobbied for our area, which is on the boundary between the Central Land Council ('CLC') and NLC, to be shifted under the responsibility of CLC. We have won unanimous support from the full council of the CLC for this proposal. We believe the CLC is more in touch with the

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culture and needs of families in our region. They have a base in Tennant Creek. They have a far more open and inclusive approach, bringing families together and discussing transparently.

As I write this article, the Commonwealth is still pushing ahead, trying to find another site for a nuclear waste dump on Aboriginal land. They have learned nothing from the eight-year struggle we put up. They are still dangling the carrot of funding for basic services to desperate people. They are still operating under legislation that targets our lands and takes away our rights.

The many long years of struggle took a terrible toll on the health of many of our old people. I myself internalised so much of the stress and it contributed to a deterioration in my health. My uncle, who I mentioned at the start of this article, passed away during this time. He felt deeply guilty and stressed in the final years of his life for taking the trip to Lucas Heights in Sydney and the enormity of what came from that.

At the Garma festival this year, Bob Hawke said he had the support of Chief Minister Adam Giles to push for an international nuclear waste dump on Aboriginal lands. He said that this would be the solution to Closing the Gap, that it would bring millions of dollars to our people.<sup>5</sup> No mention of the failure of the Muckaty dump push, or the fact that all that was on offer was a trust fund for basic services, not enrichment of our people.

I see this push for a nuclear dump on our lands as just the latest step in the colonisation and forced assimilation of our people. First they tried to exterminate our race with murderous hunting parties, then poisoning waterholes. Then there was the forced removal from land onto various excisions of the poorest land quality and the soul-destroying removal of our children. In our region, the remaining adults were forced into slave labour to build the sheep and cattle industry. Women and children were further exploited to gratify sexual urges.

Lots of legislation has been introduced to exterminate our law and customary practices. This started the horrible spiral of many people being lost in a world of alcohol abuse, fighting and self-harm. At the moment in the NT we are living through a racist intervention that is further pushing us off our lands and keeping us under control. The nuclear dump plan is an extension of this. The dispossession and separation from our land and sacred sites would further break us down and force us to become “good white people”.

With our successful struggle we have shown we will not be broken. They have taken so much away us—but we refused to let them take our land for the nuclear dump. We stand strong on this land. We

will not let them have it. We demand respect as one of the oldest cultures on earth. I feel like the deep and meaningful relationships we have built through this campaign between black and white are an example to all of Australia. It gives us hope.

*Marlene Bennett is a Warlmanpa woman and community development worker with a strong family connection to Manuwangku (Muckaty). Marlene was living at Bluebush outstation, 30kms from Muckaty Aboriginal Land Trust, at the time of the waste dump announcement in 2006 and now lives in Tennant Creek.*

- 1 'Nuclear group says new reactor ready soon', *ABC* (online), 20 January 2007 <<http://www.abc.net.au/news/2007-01-30/nuclear-group-says-new-reactor-ready-soon/2183142>>.
- 2 *Commonwealth Radioactive Waste Management Legislation Amendment Act 2006*.
- 3 *Commonwealth Radioactive Waste Management Act 2005*.
- 4 Jane Lee, 'Federal court case opens on Muckaty Station nuclear waste dump', *Sydney Morning Herald* (online), June 3 2014 <<http://www.smh.com.au/federal-politics/political-news/federal-court-case-opens-on-muckaty-station-nuclear-waste-dump-20140602-39es9.html>>.
- 5 NT nuke dump could 'close Aboriginal gap': Bob Hawke says', *ABC* (online), 3 August 2014 <<http://www.abc.net.au/news/2014-08-03/nt-nuke-dump-could-close-aboriginal-gap-bob-hawke-says/5644110>>.

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#### **Ocean Warriors**

**We still have a strong connection with the land and sea**

*Silas Hobson*

Acrylic on canvas, 910mm x 960mm

