

# Kimberley crunch time

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Victoria Laurie | *December 15, 2007*

**WAYNE Bergmann is neither a big man nor a particularly aggressive one. But as executive director of the Kimberley Land Council, he plans to take on some of the world's biggest resource companies on behalf of the Aboriginal people he represents. Even he admits it's an uneven contest, a bit like David taking on Goliath. So who exactly does he think he is?**

Not yet a recognisable indigenous leader in the same way as Noel Pearson, Bergmann is being thrust into the national limelight by the arrival of oil and gas interests in a hitherto unindustrialised wilderness.

A new era is dawning on the Kimberley coast, thanks to moves by oil and gas giants such as Woodside, Shell, Chevron, Total, BP and Japanese government-owned Inpex to exploit vast gas reservoirs in the Browse Basin, 400km off the Kimberley coast. More than one-third of Australia's known gas reserves lie untapped in the Browse Basin, and inevitably companies will want to bring the gas onshore to process it. With 45 per cent of Kimberley land already declared subject to native title, and more under claim, Aboriginal people will have a big say in what land will be given over to industrial use.

It means Bergmann is likely to sign off on some of the most significant agreements between traditional owners and companies with assets worth billions. Bergmann is acutely aware of the prospect.

"The (Queensland) Cape York agreement was the biggest royalty earner in the country, but this is potentially bigger," he tells Inquirer during a break in land council meetings in Broome last week.

"It is the battle of David and Goliath, of Aboriginal people trying to stand on our own two feet and make a difference by creating opportunities for our mob," he says.

"But we are faced by companies that have budgets bigger than state governments. And they've each got 200 staff working on making their project happen, compared to eight staff from our side trying to understand every aspect of it."

He spends almost one-third of his time flying between Broome and Perth for meetings with government and industry, often accompanied by the KLC's chief legal adviser and former Shell employee Cameron Syme. Bergmann is a qualified lawyer who worked for a time for Ian Viner, a minister in the Fraser government.

It's not bad going for a 38-year-old who began life as the son of an Aboriginal mother and a Greek man he didn't know while growing up. In many senses, Bergmann is a son of the Kimberley. Mother Pat and grandmother Aggie have family histories connected to stolen generation relatives, mission living and, further back, to massacres in the grass-and-sandstone plains inland from Broome.

He went through law, both blackfella and whitefella way. A photograph in his Broome home shows him covered in ochre, wearing a loincloth and standing next to one of his tribal fathers after two months out bush for initiation. There's no picture of his youthful brush with white law: following an unspecified misdemeanour, Bergmann was taken out of town for a year to labour

on stock camps and water-drilling rigs alongside his beloved stepfather, Austrian-born Ferdy Bergmann.

Inquirer spent a few days last week observing Bergmann as he launched a campaign to consult every isolated Aboriginal community along the exquisite unspoiled coast. He has embarked on what he calls a game of brinkmanship. The land council is advanced in its discussions with Inpex, the Japanese company seeking to build a gas-processing plant on two tiny islands, the Marets, up the coast from Broome. The land council has not yet said yes and Inpex needs several state and federal environmental approvals before it can proceed. But the Inpex proposal has already angered environmentalists, who say a gas plant in such a pristine area is preposterous. Meanwhile, there's talk of other sites along the coast.

The West Australian Government has formed a taskforce to drive the idea of a huge single gas hub; its stated preference is to contain industry to one site. Its other, unspoken agenda is to get things moving fast: Aborigines need to nominate a suitable spot in the next few months if gas exporters with tentative contracts lined up to supply Browse Basin gas are to deliver from early 2013.

Meanwhile, Bergmann introduced a rival player this month by returning to the negotiating table with Woodside, which was emphatically told by traditional owners two years ago that it could not locate a plant on the remote Dampier Peninsula. He stands under a bough shelter at One Arm Point, an idyllic coastal spot on the tip of the peninsula, and reports back to his constituents. "What's going to happen if you wake up and there's a gas plant in your backyard? How's that going to change your lives?" he asks the crowd.

He discusses past WA resource booms -- Pilbara iron ore in the 1960s and '70s, and the Northwest Shelf gas project on the Burrup Peninsula in the '80s -- in which Aboriginal people gained little or were totally cut out of the picture. "We don't want this to be another Pilbara or Burrup here. We want it to happen the right way."

He explains they are angling for as much detail as they can extract from the various resource companies. What kind of processing plant? How much gas royalty? What impact?

"Information is absolutely crucial," he says later. "Otherwise it's beads-and-blankets negotiating. Someone comes in and says 'here's \$10 million' and people say 'oh my God, that's a lot of money'."

The biggest resource deal the land council has pulled off so far was with the Argyle Diamonds mine.

"But with oil and gas, we're talking about 20times bigger revenue than Argyle Diamonds," he says.

It's wealth that Kimberley communities desperately want, as crisis-ridden towns such as Fitzroy Crossing count the cost of alcohol, under-education and a lack of jobs.

"It's desperation stakes," admits Bergmann, who has lost family members to grog and suicide. "You've got 8000 work-for-the-dole jobs in the Kimberley that look like coming to an end. We need to plan for kids who aren't even born yet, educate them and make sure they get some of the 3000 jobs in construction."

But he's indignant about the argument that oil and gas royalties should pay for education and health facilities that communities lack. "I don't see anyone saying to Lang Hancock's (grand)kids that 'oh, you've got all those royalties, so you've got to pay for education yourself'."

The pressure Bergmann is under is palpable. He must give enough ground to keep industry talking, but traditional owners routinely remind him that he is taking orders.

"He wouldn't be sitting at the table if he hadn't got instructions from us," says KLC chairman Tom Birch.

"I know it's a hard job: he goes back and works half the night and he's got three young kids and a wife. We board members all feel for him. We have to weigh it up: are we overloading him? We put in another deputy director to take the pressure off Wayne."

But he's had a big win already, with widespread acceptance that fair negotiation can only be done through a resourced land council.

"Woodside and the state were sending people up to talk to communities along the coast, so we complained and wrote to the Premier and kicked up a stink," Bergmann says. "Now the indications are they want to do this the proper way." He says he's even got agreement from Woodside's chief executive Don Voelte.

The reward for the state and companies is that Kimberley communities would be united over any decision to locate a gas plant, he says. In return, "we want a guarantee that they will not bring another LNG plant on to the coast".

Asked about his leadership style, Bergmann says he refuses to adopt the paternalistic approach that permeates indigenous affairs. He once went on a delegation to Canada with Noel Pearson, but does not approve of his approach.

"There are two types of leadership. One is where you bring people along with you and argue the merits of your case. The other way is to dictate and stand over people and say 'this is for your own good'. I think the commonwealth intervention is a form of that dictatorship: no dialogue about land tenure arrangements or freeholding land, the things being pushed by Pearson and Warren Mundine. There was no consultation, they just dreamed it up."

The biggest test of Aboriginal self-determination may be played out in the Kimberley in coming years. If Aborigines say no to onshore gas development, will Premier Alan Carpenter stick by his promise that "if they don't want it, it won't happen"? And if they say yes, will environmental groups opposed to destruction of wilderness accept Aborigines' native title right to determine land use?

In the last big battle over Kimberley industrialisation, Aborigines and environmentalists joined forces to stop the damming of the Fitzroy River for a cotton industry. But now Bergmann may find himself backing indigenous needs over environmental purity.

World Wildlife Fund spokesman Paul Gamblin, who signed a recent gas accord with the land council that stipulates strict environmental protection but acknowledges "the significant potential for beneficial outcomes for Kimberley traditional owners from LNG", says he admires Bergmann's leadership.

"Wayne has to operate in very different worlds simultaneously: no small achievement; and for someone who works at a cracking pace, he has a quiet air about him. But you don't doubt that he means business."

Bergmann says: "The easiest situation would be to say no. Every time you go back to communities to talk to them about these challenges, that's when I face the music. If people aren't aware enough of what we're trying to achieve, I'll cop it."