



## TRANSCRIPT

# Interview - Wayne Bergmann, Kimberley Land Council

Edited transcript of Matthew Carney's interview with Wayne Bergmann, Kimberley Land Council.

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"This is Nyikina land, this is pretty close to the mouth of the Fitzroy River where Wunyumbu, a dreamtime figure when the world was soft, created the river. He was hunting in the area with his family and saw two snakes by a billabong where he speared them and rode the snakes on his spear. As they took off, their movements in the ground created the Fitzroy River, creating the plants and animals alongside, and went right up until the town Fitzroy Crossing where they split and went in two different directions. The Wunyumbu or Walmajarri is a central cultural story of identity, for Nyikina people. It is where we get our kind of spiritual existence from."

"I grew up on this river. My grandparents and my parents brought me here as a kid. We've fished and camped all along here. We would go out on the weekends, camp one or two nights, catch numerous barramundi. Kangaroos just across the river would come down for a drink. The abundance of wildlife which sustained it was kept us healthy. We would have a deep freeze because you couldn't afford the fuel to go camping or doing a trip like this everyday so you'd catch what you could, freeze it, and give away any extra fish to your friends and relatives. It was part of our economy about surviving. I don't recall those days you had much choice in the supermarket so living off the land was pretty much a necessity to survive up here."

"To have my kids feel a sense of belonging to this land, that they are part of this 40,000 year history of this country, that they're connected to this area and have a responsibility to look after it is really important. Most of my children were born in Perth and part of the reason why I had the yearning to reconnect and settle back down at home was so that they have the same kind of values and opportunities that I've had growing up: the experiences with the bush, hunting, and knowing and caring for the environment. I mean it really worries us the impact development is having up here and we're trying to look at ways in which we can control it and in which we can make it sustainable or that we could have development happen in a way that we can live. And that's one of the biggest challenges because I've done some travelling, been around different places in the world and I've seen what tourism has done to small villages, to small towns in Australia. If we don't get on the front foot to control the pressure of development we are endangered of being overrun."

"The players in the gas industry are huge, something we've never contemplated. The biggest agreement that the Kimberley has experienced was Argyle Diamonds. The individual pro-proponents in the gas industry that are looking at coming ashore in the Kimberley's are 10 to 20 times larger than Argyle Diamonds. It's a lot of pressure: we certainly feel it. The Land Council and its members have tried to surround ourselves with people with real industry experience so that we can get some frank advice to understand whether we're on track. We're trying to strike a balance between what we consider as being fair."

"We don't want beads and blankets but we think we could strike a balance where what's reasonable in other words what the company can afford in fair sharing of their economic wealth. Because they can't develop a major gas (field) and have the long term certainty unless they come on board and do a proper agreement with Indigenous people in Australia. The deal has to be far bigger than what you would call a standard Native Title Agreement where one Native Title Group has a compensation package and throws in a few jobs and training and business opportunities. This has to be far more sophisticated and complicated. We have to understand the ripples, the impact... where you have the footprint and the development ripples that happens with the traditional owners next door to it, the towns next door and what does that mean for the rest of the Aboriginal people and the broader community in the Kimberley's. We have to do this in a responsible way to take account of all those potential impacts." "I think that's part of this kind of unique kind of situation we're in to try and work out where that balance is. I don't think we are frightening companies off."

"I think we're getting good engagement with some companies such as Woodside. Woodside is engaging with us in a way and treating us with respect far better than anyone else. Woodside see themselves as being a longer term player and part of the community, not to say that we favour Woodside compared to any other company."

"Inpex's strategy ... there has been no real engagement in having Aboriginal people, the traditional owners participating and picking the location where you want to build."

"I think we (have) got to draw the line somewhere as well and that if companies won't come on board to develop what we consider as world's best standards and practices, if they don't feel that we're on the same par and participate with us at that level, then maybe they should go to Darwin."

"I think if the companies aren't going to engage with us in a meaningful way that is going to create legacies and have a compensation package, if they're not prepared to negotiate about what that means, then they're not welcome in the Kimberley from our perspective."

"We also have strong environmental alliance with environmental groups because we all need to get something out of this project; we all need to raise the bar and create world standards. We, we can't create world standards that create a project that's uneconomical because nothing will happen."

"It's not a matter of a deal for money's sake or a deal for the deal's sake. We're really trying to create a project that creates world's best practice. Now, its on that basis, we should not chase beads or blankets or chase carrots we're trying to get a deal that actually establishes a foundation that leaves a legacy for the future generations creates a foundation and a framework to manage the environment for the future. These are a lot of big ticket items - a lot more detail has to happen with them to see if we're going to be there but I strongly believe that the State Government and the Commonwealth Government believe in this. We want to try and find the balance with all the companies but if some companies don't believe in creating these kinds of standards then this is like a marriage we're talking about a partner for the next 50 years. If at the early stage of the romance they're not interested in this partnership then they're quite welcome to leave."

"I think there are many other opportunities that we will have to turn our minds to and pursue. There is, we're only dealing with two companies at this stage. There are still another 4 or 5 companies in the pipeline drilling for oil and gas off the Kimberley Coast. It would be a matter of time for them to come on board. It will allow us to get better organised with other small industries that are happening. There is still mining happening in the Kimberley's. One single project could help us create a plan for the whole Kimberley's that will then set the framework and the direction for any future development."

"We need certainty, no different to the companies need the commercial certainty to invest their billions of dollars. We need the certainty in terms of the ongoing management; what controls around any future development; the parameters about

the future development; what kind of industry can happen within those boundaries that we approve. We would expect there has to be some kind of commitment like a State Agreement that will bind successive Governments. We need to take out of the sovereign risk, the uncertainty of changing Governments so that if we agree to one hub that's what happens for the rest of this region."

"Industry has expressed interest in understanding the certainty that they might create with having a State Agreement with them so we're going through that process. We're just a few feet off the starting line. This process will probably go on for the next two of three years. We need to give bits of certainty as we move down this process and the Government and industry will give us more certainty as we move down this negotiation process."

"I think we're all together because we've got a lot of things in common. We've got a common cultural background; we've got a common belief of Kimberley Aboriginal people sticking together. We've got common values about concerns for the environment. We don't want to see the Kimberley environment industrialised out of control. We hear the stories of the Pilbara, the Goldfields and, we don't want to see that happen here. It is very tough to be able to tell those stories. People in the Pilbara have started talking to us and letting us know about some of the mistakes they've made so we're trying to build on that so that we don't make the same mistakes and because I think there's, there's the human spirit of drive to improve things."

"That fundamentally everybody is committed that this agreement has to make a difference. It has to make a dent in our well being, you know, Kevin Rudd talked about the education revolution, well there's nothing. There's no education revolution happening in the Kimberley. We got to create our own and we believe that this project is about creating our own opportunities."

"And what we've often talked about to our Membership and the Traditional owners on the taskforce, on the Gas team, is that forget about Government, all the do gooders who want to come and help us; all the best intentions in the world are not going to change things for us. That's why we have got our hands on the steering wheel and engaging directly with the companies we've surrounded ourselves with best industry advice, very commercial people, and we also have our cultural advisers from other groups outside of the Coastal groups supporting us to ensure we are on the right track. That we aren't compromising our common cultural values. We believe where there's hope there has to be an opportunity to make change."

"And we think this is our opportunity to make that change ourselves. We know there are critics out there. There are some Aboriginal people who are very concerned about this but we share those same views. The difference is we're actually I think getting on board this horse and we're trying to ride it; we're trying to steer this vehicle so that it will create more opportunities than negatives for us."

"Mining Agreements in the Kimberleys are (a) relatively a new phenomenon for us. We haven't experienced the extent of rivalries or disputes about money as what we've seen portrayed on the media and other parts of Australia. Our senior people and our claim groups have made agreements where they've said money for the agreements got to be put to good purposes and not used for personal payments. Our elders have said if you want cash go get a job. That's why we have employment and contracting opportunities in the Mining Agreements. If you want cash in the hand then go get a job and work for it. The money, cash money that we get for agreements have been used to create opportunities, to build the capital, for our young people to support our old people and that's the way we've created opportunities out of these agreements. So while there are kind of negative stories about money for a lot of Aboriginal groups I think they've been at a minimum in the Kimberley and we're already talking about it because as part of our capacity building is we talk about experiences of Aboriginal groups in Australia and around the world and we know fundamentally that all the money rules have to be sorted out now before the agreement is signed."

"In my short life living in here in the Kimberley's I've seen massive changes in population; massive changes in business; there's been a tourism industry; there's been a pastoral industry; there's been these other supporting industries with helping industry work in the Kimberley's. Now there's a kind of bigger industrial or gas industry happening. It is just all part of the development pressure that will happen. I don't think it's any different. Society has become more palatable of saying well tourism is more eco balancing. Well I think in some areas in the Kimberley tourism is creating far more pressure on communities and families than the mining in Argyle."

"The environment is always going to be sacrificed as the population increases. Whether it's increasing because of specific resource extracting industries or just pure population, the environment is always going to be sacrificed because that's what happens as the population increases. There is a greater demand for natural resources. The question is - can we control it in a way that is more acceptable and it can be developed in a way that is more responsible for a longer term generation? I think it can be. A lot of people say it can't be, but I think it can be and if the industry's position is we want a development that looks like the Pilbara then I think Aboriginal people in the Kimberley are going to walk away from it. I don't believe that in my talks with Woodside or the State Government that they want to develop the Kimberley in that way. I think there's general acknowledgement by industry and Government that it was wrong in the Pilbara and they need to make sure that doesn't happen again. I think that's what we're trying to do in a new way of reaching community census. This is why we have such a strong alliance with environmental groups and other community groups - to find out what people's concerns are so that we can take them on board."

"I think we're starting a journey. I think we are going to design the kind of footsteps for moving forward and we're going to be evaluating how we move forward so that we can create the change. I think from little things big things grow. I believe that the heart and spirit of Aboriginal people in the Kimberley are behind making sure we do the right thing whether they agree or not on having gas development. People want it to happen in the right way and I think that's why Aboriginal people and the majority of the broader community are supporting us. I think that when the heart and spirit's there and the technical support is around us why can't we do it? I'm hopeful that we will find the balance between the economics of the projects and having it developed in the Kimberley the right way. Those decisions and that balancing act are based on good information. If we have all the right information about the long term effects of the projects, the ripple effects on to the wider community; what effect it would have to the marine environment; if we have that information and we've got good experts pulling that information apart, critiquing it, I think our mob would make the right decision for or against this gas hub in one location. If we have poor information we are going to make a poor decision so it's absolutely fundamental that Woodside and the State Government and any other gas company who wants to utilise the Kimberley's be open and transparent and provide us with their information about the environmental impacts."

"At this stage we're in a very tense phase where we're trying to get access to what we might consider their sensitive environmental data. Some companies have been more reluctant to provide us with that information."

And in a later interview Wayne Bergmann made further comments on the development process and the importance of equity:

"I think some people may call it a sacrifice. I think the reality is we're in a modern economy and we've got to find the balance. In the context of the whole Kimberley we're talking about a relatively small area. The economic benefits that can be generated from an area as small as three kilometres by three kilometres in this gas project far exceeds the impact of when you compare open cut mining, diamond mining, any other mining operation. So relatively I think that it's paternalistic to think of Aboriginal people as not being able to utilise their natural resources, their country, in a way that can benefit their community in a modern context."

"I think what one of our senior old people has said in his lifetime in Derby, Fitzroy Crossing, Broome, Halls Creek, all those towns aren't the same towns he grew up in. We change as the population increases. It's inevitable that the community's environment and those values change over time and there's an evolution of change happening in the region. We're trying to be in the forefront to have a greater say of how that change. The change currently happening in this region is not controlled by Aboriginal people. Aboriginal people and local residents don't have a direct say. It's uncoordinated development happening up here. This process has given Aboriginal people an opportunity to have a say in how this region develops. The Commonwealth strategic environmental assessment allows us to identify land values in the area and protect them and preserve them for the long term."

"I think everyone has the opportunity to have a voice. KLC has undertaken a traditional owner consultation process with traditional owner groups. Traditional owners, or families, have a responsibility to keep people informed and we've notified Aboriginal people publicly when we're having these meetings and we have been getting a lot of new people coming on board to get an understanding about what's being discussed. I mean that's as far as I think we can go. The door has always been open and in fact our consultation has included a wider group than just traditional owners, but other Aboriginal people living in different remote areas have had a chance to voice their views through our social impact team."

"My understanding of the environment studies is that we're doing a quick rush over a period of one to two weeks to get an understanding of what's there. Some areas have been studied in the past and all desktop, existing studies are being incorporated into getting an understanding of what is the environmental makeup of each area. That's given us a picture to work out whether there are any major environmental issues in the area. It's also an issue about the cultural values that are in the area. We've carried out our own ground surveys with traditional owners to determine that. After we get past this point of the preliminary assessment, we will go into more detailed studies that would be seasonal. Those studies could in fact determine show stoppers in that process. The difficulty is the existing locations. We would like studies to be carried out on the whole Kimberleys but no one's prepared to fund them."

"I think that we shouldn't forget about we're doing these studies. It wouldn't normally happen through a regional assessment. This is the first time it's ever been done. There are there are always criticisms of process, nothing's perfect. Compared to what would normally exist I think we're creating a national precedent, probably a world precedent in terms of doing a major development. So I am confident that this whole process has actually lifted the bar in terms of any future development. We know more than anyone what it's like to lose values. You know our people are old. People are dying all the time and cultural knowledge are being lost with them. It's not just about the precious nature of the plants and animals; it's also the cultural knowledge that exists with the plants and animals."

"I'm not a scientist in terms of understanding what are the scientific processes you should be going through. What I know is that when mining companies come to deal with Aboriginal land we don't get this type of chance to be involved with these kinds of studies. It's normally outside people come in and tell us for our own good. It's the first time we're sitting in the driving seat actually directly that process. In terms of the scientific credibility this is the first time we're engaged at this kind of level and I think it is amazing and I would like to see this happen more often."

"We would be looking at a range of income models to negotiate with the companies and the State based on the processing of gas on the site and a base rental. We're also looking at having equity ownership. There are certain important things about equity and from past experience we need Aboriginal people to sit on the board of management so we can build our capacity and be directly involved in the decision making and be part of crucial decisions about the management of the site and indigenous participation. If indigenous people aren't sitting on the decision making boards we find that our issues are generally left to the side. So equity that brings that type of participation is really important I think to create world's best practice."

"We don't normally have anything to do with the agreement once it's finished. What happens under agreements is the traditional owner groups then talk about what kind of structure they want to put in place to manage the benefits. So generally Native Title prescribed body corporates will become the main bodies responsible. Because we're talking about a sharing arrangement for across the region there would need to be some kind of governance structure to manage how all the Native Title groups work together, but after that is set up, assuming traditional owners want to create a regional structure, KLCs role will disappear. People are saying that the KLC is just feathering its own nest, it's not true. We don't have any money out of any of these agreements."

"I think Mr Barnett reaches conclusions they're going to sit down and talk to us. This process is deliverable on its present time frame. If we are going to step off into another process then industry will have more uncertainty. And the time frames currently committed to by the traditional owner taskforce will be met. I think that we need to realise that this process is bigger than KLC, bigger than Kimberley Aboriginal people. This is about the whole world looking at us about doing responsible agreement in a pristine environment. I mean the Kimberleys is one of the few areas left. We cannot have governments developing resources for the sake of income."

"We need a need government to support us as well. It's not about allowing industry to make all the money. It's about being responsible for the community. Well you know the majority of Aboriginal people in the Kimberley are Aboriginal, you know, up to 50% of the Kimberley's is Aboriginal. We make up probably 80% of the long term population. We need to make sure these things develop in a way to protect our wellbeing and our lives. So I'm really disappointed if the Liberal Party has a position to push aside the majority of the long term resident's view about responsible development."

"I don't think the State can develop this without partnership with Aboriginal people, with the broader community, with the environmental groups and the Commonwealth. I think that there are a number of tensions in this process to make sure it's accountable and it's transparent and it's responsible. You've got the Commonwealth Strategic Environmental Assessment; we'll deliver an outcome to whether development can happen in this in this area based on environmental and cultural values."

"This process potentially will set the blueprint for future development in the whole region. That's why we need the State to make binding commitments about controlling future development. That's why it's really important for environmental groups to work closely with traditional owners to ensure we create an appropriate management framework for this region about sustainable development, so we don't just have an open slather of anyone who wants to make a buck in this region. This is what I think this process will deliver. It is possibly one of the show stoppers if the Government won't come to the table in this timeframe."

"Inpex's project, any LNG development, is being assessed through this NDT (Northern Development Taskforce) process. The big pressure point for Inpex is to deliver their project in a certain timeline. I don't believe that even if a State government tries to compulsory acquire land interest independent of the community spirit that's gone into this NDT process it won't deliver their project in this timeframe. They still have to get through the Commonwealth assessment processes, which I think if it's not consistent with the existing consultation process that's happened you won't deliver the project in time. The bigger issue for me is this is for the benefit of the region, for the State and for the nation. If Inpex is of the view that they're not supportive of this project and Darwin is a better location then they should go to Darwin. We don't want companies operating in this region who don't respect the local views of traditional owners and the community residents in this region."

"I think the integrity, the transparency of this process, is the companies can't go and do dodgy deals. The whole the whole public will know about it and I don't think that will help any company dealing with people independently of this process in getting a

site. This process has got so much notoriety and public awareness of what's going on that companies, it's not sustainable for companies to try and deal with people individually."