

DEVELOPMENT, CULTURAL MAINTENANCE AND TRADITIONAL OWNERS: THE LNG DEVELOPMENT PROPOSAL AT JAMES PRICE POINT IN THE KIMBERLEY

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Abstract: Deep divisions have surfaced amongst Indigenous communities over the proposal to establish a Liquefied Natural Gas (LNG) precinct in the Kimberley, 60 km north of Broome. While 'cultural survival' underpins the argument put forward by both Indigenous supporters and critics of this development proposal, they appear to have opted for very different paths. A key question is: how do Indigenous people negotiate agreements with the State and mining companies in such a way as to maintain their distinct cultural understandings of themselves and accumulate adequate financial resources to safeguard their cultural survival? This paper examines the experiences of more recent native title settlements to see how they relate to the Kimberley LNG development discourses; interprets sample texts in relation to cultural maintenance within the prevailing dominant Western economic social system; and finally, raise questions about the challenges ahead for traditional owners.

INTRODUCTION: THE CASE STUDY

At the Centre for Indigenous Excellence in Redfern, Sydney on 10th February 2010 when the former Federal Judge, Murray Wilcox QC spoke at his book launch, the co-Chair of the Traditional Owners Negotiating Committee, Frank Perriman and other Indigenous people from the Kimberley held protest placards outside the building, two of which read: 'Jabirr Jabirr people will not be the world's next conservation'; 'We don't talk for someone else's country'. Perriman and his associates support the LNG plant proposal while Mr Wilcox and his fellow speakers at the launch, Senior Law Boss and Registered Applicant of Goolarabooloo¹ Jabirr Jabirr NTCCG, Joseph Roe and Bard man, Albert Wiggan oppose it. In their effort to halt the LNG development proposal, the voluntary environmental awareness group, 'Save the Kimberley' intends to send copies of the new publication, *Kimberley at the Crossroads: The Case Against the Gas Plant* to all members of Federal and WA State Parliament.

The LNG precinct will be built on a site - Walmadany (James Price Point) - that is subject to native title claims. The Kimberley Land Council (KLC) represents the native title claimants of the area encompassing this site; the Goolarabooloo and Jabirr Jabirr traditional owners. On April 27, 2009, they signed the Heads of Agreement (HOA) through KLC, with Woodside Energy Ltd and the WA State Government in support of the project. The HOA formed the basis for an Indigenous Land Use Agreement (ILUA) that was sent to the National Native Title Tribunal (NNTT) for registration. Once registered, the commitments made in their agreement over the Browse Basin gas plant will be binding. A steadily increasing number of traditional owners, however, dispute the claim that they consented to the establishment of the gas precinct at James Price Point. They questioned the validity of the meeting when the in-principle agreement was signed because they claimed that they had not been informed that a vote would be taken during the 14-15 April 2009 meeting².

Before Woodside Energy Ltd and its partners - Chevron Corp, Royal Dutch Shell Plc, BP Plc and BHP Billiton Ltd can begin the project, State Government approval processes such as the Strategic Assessment Report, Social Impact Assessments, Tourism Impact Assessment, Environment Assessment report and Aboriginal Heritage Evaluation, need to be completed. The government departments involved are: the Office of Native Title (ONT), which administers the native title policy and plays a central role in the resolution of native title claims; the Department of Mines and Petroleum (DMP), representing the State as a party in many 'future act' arbitral proceedings in the National Native Title Tribunal; and the Department of Indigenous Affairs (DIA), which administers the *Aboriginal Heritage Act 1972* (AHA) and provides advice to Government on Aboriginal heritage policy.

This LNG development proposal, an initiative of the Western Australian government in partnership with Woodside Energy Ltd, involves natural gas conversion into LNG from the Browse Basin gas fields located 400 km offshore. LNG takes up much less space than gaseous natural gas and can be shipped for export much more efficiently. Alternative gas processing sites would be more expensive to develop, as they are farther away from James Price Point. One is located in Karratha, near the Pilbara. Using Floating Liquefied Natural Gas technology on a ship, originally proposed by Shell, is another option.

When the Resources Minister, Martin Ferguson warned Woodside's junior partners on the Browse Basin gas venture that their licences would not be renewed if they did not make an investment decision by early March 2010, they agreed to join Woodside in building the gas-processing precinct at James Price Point. Their final investment decision is not expected until mid-2012. In 2009, KLC was also under pressure from the WA State Government. If a decision on the LNG proposal was not made within the timeframe, the State Government threatened to resort to compulsory acquisition. In both the Burrup and MG-Ord native title agreements, the State similarly issued compulsory acquisition notices. As one negotiator puts it, '[the State] will take your land anyway. Burrup is a highly religious, spiritual site. We didn't want development but understood we had no veto' (Guest, p. 21).

Tax and export revenue derived from LNG companies contributes billions of dollars to the Australian economy. Global demand for energy sources, especially from China and India, puts the State's position in natural alignment with resource developers whose activities have an impact on the Broome community. This community includes Indigenous people who still have a strong link to their tradition and heritage. In the Shire of Broome, 27.2% out of 15,000 residents are Indigenous³. The proposed LNG site is at Walmadany, the heart of the Lurujarri trail, a site-specific cultural heritage following a section of an unbroken Song Cycle that stretches from the tip of the Dampier Peninsula to Bidyadanga, south of Broome. The late Paddy Roe OAM, Joseph

Roe's grandfather started this trail (Wilcox, p. 46).⁴ Joseph Roe believes the LNG development on this site will destroy their cultural heritage. Environmental groups oppose the development proposal, arguing that it will pose a threat to coral reefs, remnant rainforests and the humpback whale area. KLC, on the other hand, supports it, convinced that the revenue to be derived from the enterprise will help close the gap between the standards of living of Kimberley Aboriginal people and the broader Australian community.

How Indigenous people of diverse backgrounds negotiate the paradoxical relationship between newness and conservation, cross-cultural adaptation and identity maintenance, is rarely observed in scientific literature (Kim, 2001, pp.67-68). The LNG development proposal in Broome can provide invaluable insight into what is often seen as the paradox of cultural integration and differentiation. This article examines the experiences of more recent native title settlements to see how they relate to the Kimberley LNG development discourses. To do so I will analyse text from the Kimberley in relation to cultural maintenance within the prevailing dominant Western economic social system. This will allow the article to discuss the challenges ahead for traditional owners.

NATIVE TITLE SETTLEMENTS

The idea of culture as distinct or as a discrete entity in agreement making is a challenge for Indigenous people who are called upon to demonstrate possession of a 'traditional culture'. Traditional owners who want their cultural status recognised are required for legal purposes to officially lodge a claim as set by the Native Title Act. Traditional owners who have not lodged claims would not have the statutory eligibility that gains them access to particular rights. They are, however, regarded as 'traditional owners' even when they have not yet lodged claims. Claim groups who are successful in their claim have to become or be represented by prescribed bodies corporate (PBC) so that they can exercise procedural rights on behalf of the recognised native title holders (Ritter, 2009a: 25).

A key question is how do Indigenous people negotiate agreements with the State and mining companies in such a way as to maintain their distinct cultural understandings of themselves and accumulate adequate financial resources to safeguard their cultural survival? The Indigenous relationship to land is diverse and complex and it differs from a Western perspective. Merlan's work (2006, pp101-102), for example, highlights 'the interactive constitution of Indigenous-non-Indigenous identities and a diversity of relations to land'. Recognising these differences enables us to anticipate potential conceptual barriers that will be encountered. However, this leads to the question of how Indigenous and non-Indigenous negotiators decide which of the understandings behind their different concepts of land, development, and 'ownership' to include in decision-making?

Brown (2003) observes that unexpressed conflicting notions of what 'development' means or what constitutes (cultural) 'ownership' could block understandings between Indigenous and non-Indigenous negotiating parties. A case in point is the observation by Roger Cook, former Executive Director of Yamatji Malpa Bana Baba Maaja Aboriginal Corporation that 'governments approached negotiations from a purely legal angle of statutory obligations rather than a more expansive recognition of rights' (Guest, 2009, p. 20). Government sees native title as 'critical to economic development'⁵. For Indigenous people, the *recognition* of their prior sovereignty elevates their relationship with government from 'supplication to one of partnership' (Guest, 2009, p. 48). A key finding from a comparative study of social and economic development on American Indian reservations undertaken since 1987 to assess and foster the conditions under which sustained social and economic development can be achieved resonates with remote Australian Indigenous communities:

economic development is first and foremost a political problem about what cultural systems of governance are empowered by economic development and who has effective decision-making power in relation to such development (Guest, 2009, p. 8).

Two approaches underpin this Harvard Project finding. One is reactive, that is, a response to external proposals for economic development on American Indian reservations that relies on government funding. Within this approach, Indigenous culture, customs and laws are seen as an obstacle to development. The other is from a 'nation building model of economic development', that is, a focus on cultural match where governance structures fit the groups' customary law standards, reflect their needs and aspirations as a cultural entity, and recognize their culturally legitimate systems of leadership. In the Burrup Agreement in Australia, the decision-making process used was basically dictated by the short timeframes imposed by the State. The State based their timeframes on the 'immutable commercial deadlines' set by five international companies (Guest, p. 26, p.28). The unrealistic timeframe would have made it difficult to develop a culturally appropriate decision-making process.

Dodson and Smith (2003, pp. 18-20) assert that developing effective governance systems could 'only be done at the local level with appropriate and other government support'. The State's funding contribution to the negotiation team is thus essential in enabling the community to give informed consent and implement agreements. In this sense, the community is beholden to the State's distribution of funding needed for community development. Wayne Bergmann, the Executive Director of the Kimberley Land Council, stated in a press release that 'NTRBs across the country all share the pressures of inadequate funding'. The KLC presented a proposed budget of \$6.6 million for the 2003-2004 financial year based on the Federal Court's timetables, to its funding body, Aboriginal and Torres Strait Islander Services. KLC's shortfall of \$2.6 million in 2003 apparently affected its ability 'to negotiate agreements outside the litigation process'⁶. Clearly Native Title Representative Bodies (NTRB) have to rely on government funds to carry out their responsibilities. Adequate funding is critical not only in developing effective governance systems but also in carrying out NTRB's responsibilities. The power imbalance reflected in funding allocation and unrealistic timeframes deflect from the ideal Indigenous notion of the State cultivating a more or less equal 'partnership' with a 'sovereign' (Aboriginal) entity.

THE LNG KIMBERLEY DEVELOPMENT PROPOSAL

All traditional owners in the Kimberley share concern about the protection of cultural and environmental heritage. In practice, however, KLC wants to have a substantial economic participation in resource development; engage with government as a partner in decision-making about how funding is distributed in the Federal Government's 'Closing the Gap' policy; have some say over industrial development in the Kimberley; address major Indigenous social problems; and break away from welfare dependency⁷. There is no dispute about the legitimacy of the traditional owners, nor their concern for the need for support for Indigenous health, education, employment and other basic living requirements in the Kimberley. The difference is that KLC wants to obtain economic leverage to improve the living conditions of Aboriginal people. It wants to find a balance between cultural and environmental heritage protection and development, as KLC Executive Director, Wayne Bergmann explains:

Traditional Owners have put the highest value on sustaining our cultural heritage and the integrity of our environment, while also taking responsibility for developing opportunities to improve the economic and social conditions of Kimberley Aboriginal people.⁸

Seemingly altering its commitment to sustaining Aboriginal cultural and environmental heritage to be part of the government's development program is a precarious balancing act. An interpretation of KLC's position from *The Australian* is:

to give up a pinprick at James Price Point is a tiny price to pay to save the Kimberley from open industrial slather, while creating needed jobs and economic security.⁹

Goolarabooloo Custodian, Joseph Roe's rebuttal is:

I don't think you've got to give up one part of the area to save the Kimberley. I want to keep my culture and heritage alive, not destroy it...it's up to the federal and state governments to support health, education and other basics, and these shouldn't be dependent on a land deal¹⁰.

If it is true that Indigenous organisations are codified within corporate structures, the challenge is 'to develop and manage a distinctively Aboriginal organisation...which pays particular attention to the governance of their relationships with their constituencies' yet still engage effectively with the wider society (Martin, p. 122). The analysis then relates to two levels of consideration: at the level of Traditional Owners' consolidation of their range of opinions into a unified voice that KLC takes to the negotiating table; at the institutional level of KLC representing this voice within political processes that fit into a legal structure laid out in particular kinds of managerial and organisational processes.

KLC's representation of Traditional Owners at the cultural level should also be seen as 'authentic', that is, accountable to its constituency. KLC's negotiation strategy within legal and political processes at the institutional level must be effective, and the interest of Traditional Owners' must be represented within those political processes. To do this, KLC needs to have an understanding and the skills needed to go through the relevant political structures and processes. While Sullivan (2006) argues that 'Aboriginal culture is not constituted in such a way that it can be reflected in effective modern organisations in any deep sense', the fact is, processing native title claims is complex. As Ritter (2009b, p. 40) suggests, 'process managerialism' and 'information management' influence the processing of these claims so that institutions overseeing native title tend to look upon agreements as 'outputs'. The political environment around KLC's representation of Traditional Owners then includes the approval system for resource development applications by mining companies and the legal provisions that shape Indigenous negotiations with them.

From an Aboriginal perspective, 'ownership' is seen within an intimate and deep knowledge of specific places. Particular individuals by virtue of their knowledge about the land are recognized as custodians of certain places. Names of places are not so much attached to the land; rather, the individuals or clan groups identify with the names of their 'country'. Joseph Roe explains:

For many traditional people, a specific tree, animal or place that some relationship to the time of their conception – their heart's first beat – becomes their 'rai', or spirit essence. It is to this place that a person's spirit returns when they die. The 'rai' of the person and the country of the same essential vibrational spirit are connected by 'le-an' ('spirit' or 'feeling connection'). If country is affected, the person is also affected. Only people with 'rai' connection can speak for their country...The LNG Gas Precinct proposal is a dangerous and frightening prospect for the Traditional Owners and Custodians. Without country, there can be no Culture. Law cannot be practised. Nor can the Country be 'kept quiet' and safe. The site-specific cultural heritage has arisen directly from this coastline. It cannot

be relocated or put on hold while Country is destroyed for Industry. No amount of compensation money can substitute for it¹¹.

Joseph Roe, Senior Law Boss and Law Keeper for Goolarabooloo Jabirr Jabirr, claims custodianship obligation for the LNG site, Walmadany (James Price Point). His grandfather, Paddy Roe astounded many researchers with the historical depth and range of his knowledge (Benterrak et.al. 1996, p. 76). Researchers understood that Indigenous people's 'reading the country' offers a range of purposes so that each reading discloses the 'services' the place can provide. Hence, what is produced from each reading is a 'partial' knowledge of country. A geological reading of country matches with the 'natural' *relationship* to the purpose of mining (p. 76). In terms of ownership and development, one has to appreciate first of all how Indigenous people relate identity to land and kinship. In Indigenous worldview, there is no distinct dichotomy between 'nature', 'culture' and 'people' in contrast to European understanding where the land has only one name 'put to the service of a succession of sovereign owners, starting with the Queen...' (Benterrak et. al., 1996, p. 147). Land for Indigenous people is both a source of livelihood and 'the sentient landscape created by their Ancestral being' (Altman, 2009, p. 29). The State, on the other hand, sees the land as something to be developed, and a source of revenue.

TEXTUAL ANALYSIS

The presence of minerals within Indigenous estates now constitutes over twenty per cent of the Australian continent as a result of native title laws. Mining companies and the WA State Government have recognised the economic possibilities for development. Indigenous people consequently have to negotiate their way around maintaining their culture and embracing the development agenda in the market to safeguard their own cultural survival (Behrendt and Kelly, p.23). Some believe that they can negotiate commercially with mining companies and still maintain their identity and distinct cultural processes (Trigger, 2005). Others believe that culture in agreement making can have a role within economic systems only when it is 'commodified' (Scambary, 2009; Dixon and Dillon, p. 170). Or, is it a mutually exclusive choice between tradition and modernity (Sullivan, 2005)?

KLC, an organization, which in comparison has broader official links with governments and the mass media, also needs to be politically astute when it wages its battles on many fronts, including within its own constituency. The following media text samples illustrate KLC's some of its struggles

against the WA State:

The Kimberley Land Council has called on the West Australian Government to review its policy in the Kimberley after claims were made that Traditional Owners are holding up housing in remote communities... "The KLC has not been given the opportunity to consult with Traditional Owners and therefore cannot be accused of blocking the building of new homes in the Kimberley's," said Mr Bergmann... For years communities in the Kimberley's have been struggling to get homes built. Less than 20 percent of Aboriginal Australians own their own homes compared to more than 70 percent for the non-Indigenous population. The KLC believe there are other ways to provide housing certainty without extinguishing Native Title. Traditional Owners should not have to sacrifice their native title for projects, which are beneficial for the community. It is the Government policy that is locking us out and blocking housing development in the Kimberley's (KLC press release, 10 February, 2009);¹²

against the Federal Government:

Traditional owners have threatened to withdraw their support for a gas development at James Price Point if they do not get a say on how Federal Government funding in the Kimberley will be spent. The Government has committed to spending \$340 million under the Close the Gap program in the West Kimberley. The funding is in addition to a benefits package being negotiated with oil and gas company Woodside. The negotiating committee's chairman, Wayne Barker, says the Government has been given two weeks to provide details of how its money will be spent (ABC, 3 November 2009);¹³

against the gas company, Woodside in December 2008:

The Kimberley Land Council today confirmed that Traditional Owners have refused to accept a mining company proposal to develop gas resources that required them to sign away their cultural heritage rights for the development site without even specifying the location. KLC Executive Director Wayne Bergmann said that the proposal by Woodside Energy Ltd offered no equity participation and was one of the worst offered by a resource development company to Traditional Owners in Australia in recent history;¹⁴ and

against an environmental awareness group/other traditional owners:

The Kimberley Land Council (KLC) is using internet site YouTube to counteract the anti-industrialisation message being spruiked by the Save the Kimberley foundation. Earlier this year native title holders from Broome and the Dampier Peninsula struck a \$1-billion deal with the Western Australian Government that has paved the way for the construction of a gas processing plant at James Price Point. Traditional owner Henry Augustine is featured on the website, speaking about the negotiations that were held between the KLC, the State Government and Woodside. "People think that we're selling out, but we're not selling out, we've got to go down this road," he said. "If we don't participate or say yes or no or negotiate, then we'll be left how we were when colonisation left us - with nothing." "We're being shot at by our own people, environmentalists and other individuals and Government."¹⁵

In contrast, a predominant 'cultural' discourse perhaps attracts a different kind of audience and media. For example, a group of Roe's supporters including Alan and Stephen Pigram (from the local Broome band, the Pigram Brothers) organised a 'Concert for Heritage' to raise awareness about the 'plight of the Kimberley'. Their flyer states:

(The) idea of the gathering is more a celebration than a protest concert -- a celebration of Country. While others rightly protest the desecration of country, the heritage concert celebrates the land, the culture and the power of the country.

This positive approach seems to be an attempt at depoliticizing heritage and cultural issues to avoid dividing families and clans while still putting on the community's agenda an important development issue.

KLC, while engaged in a robust argument with the Government over resourcing, finds alignment with the Federal Government's 'Closing the Gap' program. For many years, shocking reports such as *Overcoming Indigenous Disadvantage: Key Indicators 2009* highlighted appalling conditions that need addressing particularly in remote areas.¹⁶ By releasing comparative statistics that disclose the depth of Indigenous disadvantage, the Government is able to use

this policy to argue for a more intensive industrial development to close that gap. KLC, on the other hand, wants to assert a partnership role with the Government in how the 'Closing the Gap' policy is implemented so that Indigenous people are able to participate in decisions about development issues that have an impact on their lives, their culture and their traditional land. 'Closing the Gap' has thus developed into a discursive force as seen by the way both the WA Government and KLC use the concept behind the policy to marshal their arguments. Although a range of government policies had been tried to address Indigenous issues from assimilation, self-determination, practical reconciliation, shared responsibility agreements and national intervention, it is with the 'Closing the Gap' policy that some Indigenous advocates seem to have found a common platform with the Federal and State Governments.

In summary, I have shown samples of 'text' from a traditional owner explaining the threat posed by LNG development on their country, culture and the practice of their Law. I have also cited text that illustrates KLC's representation of traditional owners' support for sustaining their cultural and environmental heritage while accessing opportunities to improve their economic and social conditions. I have shown samples of social interaction and practices, which constitute the production process of text (Fairclough, 2001, 2005) -- for example, 'the Concert for Heritage' (practice) and KLC's public statements addressed separately to Woodside Energy Ltd, the Federal and State Governments on specific issues (social interaction). The approval from various government instrumentalities that have to be completed before the James Price Point LNG project could even start and the negotiation that KLC is currently undertaking with Woodside Energy Ltd, are 'processes' that are also part of the production process of text. The next question to reflect upon is: what are the social conditions underlying the production process of text from social actors such as Wayne Bergmann and Joseph Roe?

In portraying society as a whole, Altman describes the local as situated within the global domain. He illustrates how the local and the global are enmeshed in the ideological dynamic of power relations:

At the start of the twenty-first century there has been an acceleration of a new economic order predicated on world trade and energy-intensive industrialization that is right now being challenged by a global slowdown. *As a commodity –export dependent economy, Australia has been at the vanguard of the neoliberal order that has been so dominant in recent years ... At such a time it is extremely difficult for any alternative development perspective, based on proven links to land and continuity of custom, to gain political traction.* This is especially the case because the Australia state is in the process of depoliticising Indigenous institutions and mainstream political channels (to) reflect the views of the majority only. (My italics) -- Altman, J. 2009. Indigenous communities, miners and the state in Australia in Altman, J. and D. Martin (eds) *Power, Culture, Economy: Indigenous Australians and Mining*. ANU E Press.

The enmeshed relationship of the State government and the mining company, Woodside Energy Ltd can be seen in how the LNG development initiative is mobilized. The LNG project is an initiative of the WA Government and Woodside Energy Ltd is its foundation commercial proponent. The Department of State Development is the government department responsible for working with resource developers to expedite approval processes in order to progress major industry and infrastructure projects. Describing the WA State Government and Woodside's relationship in this way underscores the entwined interests of the State Government and mining companies.

At a broader level, Australian society as a whole is not immune from globalization currents

such as the global demand for energy particularly from emerging political power centres such as China and India.¹⁷ On the supply side, mining companies are actively and constantly obtaining sales commitment from potential overseas buyer countries even before gas production and processing of natural gas into LNG have begun.¹⁸ The planning is inevitably long term. Global oil supply is on the wane and gas as an energy source is on the horizon. On the domestic front, the Australian Government also needs to find a reasonable balance between the country's gas exports and our own domestic gas energy needs. Considering the huge capital expenditure required for gas exploration and infrastructure building, gas proponents demand a reasonable level of certainty from the Federal and State governments to protect their investments. The revenue to be gained from mining companies' activities in the country is eyed by the Australian Government to fund its industrial development and its other programs. It is in this sense that the government's interest is in natural alignment with that of mining companies.

On 3 October 2009, a Preliminary Development Agreement was signed between the State Government and Woodside to enable studies and planning for the precinct to progress. Such State agreements are a contract between the Government of Western Australia and proponents of major resources projects. These contracts specify the rights, obligations, terms and conditions for development of the project and establish a framework for ongoing relations and cooperation between the State and the project proponent. They are ratified by an Act of the State Parliament. As for Traditional Owners, a system exists for agreement making through the Native Title Act that allows them and resource developers to explore and operate their activities on lands that have significance for Indigenous peoples and their communities. On 25 February 2010, the Yawuru community in Broome signed two successful Indigenous Land Use Agreements (ILUAs) negotiated by the KLC involving over 5300 square kilometres of land in a native title deal worth nearly \$200 million.¹⁹ These two events in Fairclough's Critical Discourse Analysis²⁰ are metaphorically classified as 'Objects' because they are real 'in the sense that they are given a particular status in the material world'.

The Broome case study of the LNG development proposal promises to provide invaluable insights into the social changes that occur as a consequence of interactions between the structures of resource development and Traditional Owners. It is possible to access diverse discursive constructions of Aboriginality by documenting their social practices, statements, interactions, processes and events in relation to the LNG development proposal. How these diverse 'voices' is represented in resource development discussions through the processes of their own internal governance system and through their interactions with the institutions of Government will throw light into the emergence of new social formations.

Some have accused the state of making what should be unconditional citizenship rights dependent on Aboriginal people embracing the development agenda. This appears to have validity when funding for housing, education and improvement to existing government services and facilities are mentioned as part of 'compensation to the native title party' through the Commonwealth Government's 'Closing the Gap' initiative. Indeed critics of agreement making over native title observe that major mining agreements do not deliver substantive, meaningful benefits to the Aboriginal parties and that compensatory payments involve the substitution of monetary benefits with goods and services that are entitlements to all citizens (Martin, p.99).

That Aboriginal people as cultural subjects and custodians of the land are acknowledged in KLC's negotiation role is expected. However, in order for Aboriginal disadvantage to be addressed, it appears that KLC finds that compromises are inevitable. Ironical as it may seem, both KLC and the State Government cite the Federal Government's policy of 'Closing the Gap' in support of the LNG development proposal. But the gap between the living conditions of

Indigenous and non-Indigenous Australians is seen as so huge that the rationale advanced by Indigenous negotiators at bottom is not so much about development but about 'cultural survival'.

What will be the impact of development on Indigenous people in remote areas? To what extent can they effectively engage and participate in the projected industrial development growth in Broome and the Kimberley? The cost of living is expected to increase that will reflect more demand on housing, local infrastructure, services and hospitality to accommodate workers on the plant.²¹ How will the housing and employment pressure affect Indigenous communities? The initial stages of construction will require between 2500-3500 workers, 450 of which will become permanent workers. Around 64 % of the total economy of Broome is currently reliant on tourism estimated to be worth around \$411 million. With specialist job requirements in the LNG processing precinct, is it likely that Indigenous people will be gainfully employed once the LNG precinct is built? More questions play in people's minds. Who are the intended beneficiaries of the LNG agreement and who will turn out to be the real beneficiaries? How are the benefits to be distributed? What input do Traditional Owners have in decisions regarding the distribution of these benefits? Is there any plan for capacity building or training in preparation for the setting up of the precinct or, will most recruits come from a typical 'fly-in/fly-out' mining employment mode?

CONCLUSION

The LNG development case study illustrates how text, discourse and social context can be linked. Examples of discursive institutional forces that help constitute Traditional Owners' views have been shown such as how political and legal processes influence the way in which native title claimants' interests are to be represented. Is the corporate and State development narrative starting to influence Indigenous thinking and acting? What are the conditions that make this narrative so appealing? This year I will be interviewing traditional owners who are represented by KLC, other traditional owners who are not represented by KLC, and members of the traditional owners negotiating committee to document the range of their views and practices. At the end of my research, I want to demonstrate an understanding of the challenges Indigenous people experience in their effort at determining their own future, sustaining cultural maintenance and obtaining self sufficiency and independence within the prevailing social and economic system. I want to know how specifically are the views of traditional owners represented and what discursive/institutional forces in particular help to constitute those views? I also want to evaluate the costs and benefits of development for Aboriginal Australia through the example of the LNG project in the Kimberley.

If the key Harvard Project finding is any guide to the traditional owners' plight in the LNG development proposal in the Kimberley, some effort should be exerted into finding the most workable 'cultural match' where governance structures fit the groups' customary law as well as what traditional owners consider their culturally legitimate systems of leadership. If the impact of the proposed development fans out onto the rest of the Kimberley region, traditional owners other than Goolarabooloo and Jabir Jabirr could claim that their interest in what happens at Walmadany is also at stake. The challenge for the Government and the Indigenous Law Bosses is to develop the kind of cultural systems of governance that are empowered—one that can serve an Indigenous and non Indigenous 'nation building model of Australia's economic development'.

ENDNOTES

1. Goolarabooloo means Keepers of Law and Culture for Jabirr Jabirr and Ngombal.
2. The only item of business on the KLC published Agenda for that meeting (14-15 April 2009) was 'Update on Negotiations about the Premier's Nomination for a Gas Precinct around James Price Point'. See Wilcox, Murray (2009), Kimberley at the Crossroads The case against the gas plant, Broome: Save the Kimberley P/L., p. 52.
3. Broome North Social Context Paper, LandCorp, September 2009 (Source: ABS Census & ABS Estimated Resident Population).
4. http://tourism.heritage.wa.gov.au/ht_pdf/Lurujarri.pdf
5. Hon Robert McClelland MP (Attorney General), Keynote Address, Melbourne, 5 June 2009, <http://ntru.aiatsis.gov.au/conf2009/NativeTitleConferenceWebsite/papers.html>
Hon Jenny Macklin MP (Minister for Families, Housing, Community Services and Indigenous Affairs), Native Title Conference 2009 Melbourne, 5 June 2009, <http://ntru.aiatsis.gov.au/conf2009/NativeTitleConferenceWebsite/papers.html>
6. 'KLC faces \$2.6 million funding shortfall', http://www.klc.org.au/media/031128mr_ATSIS.pdf
7. See, for example, 'Land Council welcomes State Government's Northern Development Taskforce', http://www.klc.org.au/media/070711mr_%20Northern%20Devp%20Taskforce.pdf
8. 'Traditional Owners approval of gas site dependent on cultural and environment protections', http://www.klc.org.au/media/090415mr_Traditional_Owners_give_conditional_approval_for_gas_site.pdf
9. <http://www.theaustralian.news.com.au/story/0,25197,26157744-16741,00.html>
10. <http://www.theaustralian.news.com.au/story/0,25197,26157150-5006789,00.html>
11. Wilcox, op.cit., p. 40
12. http://www.klc.org.au/media/090210_MR_KLC_Housing.pdf
13. 'Traditional owners may pull gas hub support', <http://www.abc.net.au/news/stories/2009/11/03/2732012.htm?site=indigenous&topic=latest>
14. 'Traditional Owners refuse to sign away heritage rights for gas compensation' http://www.klc.org.au/media/081204_TOs_refuse_to_sign_away_rights.pdf
15. <http://www.klc.org.au/media.htm>; <http://www.abc.net.au/news/stories/2009/06/29/2611716.htm?site=kimberley>
16. See also KLC's commissioned report 'New research ranks Kimberley Indigenous People the most disadvantaged in the nation', http://www.klc.org.au/media/090226_ANU_Research.pdf
17. <http://industry-news.org/2010/02/24/woodside-in-talks-to-sell-petrochina-lng-after-40-billion-accord-lapsed/>; <http://english.people.com.cn/90001/90778/90861/6903206.html>
18. 'Woodside Petroleum still in LNG talks with PetroChina' <http://english.people.com.cn/90001/90778/90861/6903206.html>
19. 25 February 2010; Viewed 25 February 2010, 'Broome Aborigines to sign title deal', <http://au.news.yahoo.com/a/-/latest/6850650/broome-aborigines-to-sign-title->

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20. Norman Fairclough and his colleagues developed Critical Discourse Analysis (CDA) as a way of shifting analytical approaches so that the macro social aspects of discourse are not neglected (Phillips et. al., 2008).
21. 'Woodside workers take strike action', <http://www.abc.net.au/news/stories/2009/11/30/2757885.htm>

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