

KIMBERLEY AT THE CROSSROADS

The case against the gas plant





Kimberley at the Crossroads

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The Kimberley, in the far north of Western Australia, is one of the world's largest substantially unspoiled regions.

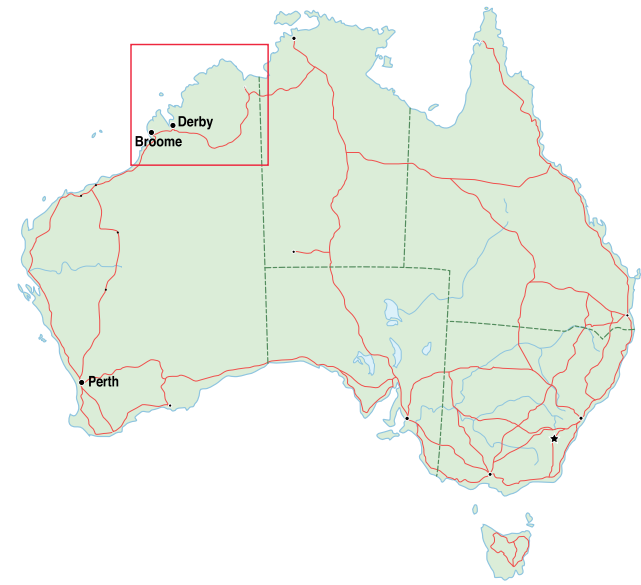
It is topographically and ecologically diverse, with a rich mix of fauna and flora. Many species are endemic to the region, even to a small part of it. Common to the whole region, however, is breath-taking scenery.

From the non-indigenous perspective, much of the Kimberley is “wilderness”, with all that means in opportunities for new and transforming experiences. From the Aboriginal point of view, the Kimberley is a home rich in sacred sites, song cycles and “bush tucker”. Many Aborigines continue a more or less traditional lifestyle “on country”.

One might have expected the Australian government, with the support of Western Australia, to have nominated the Kimberley for the World Heritage List. If a nomination had been accepted, this would have given the region the protection it needs to ensure its enjoyment by future generations.

However, no nomination has been made. Instead, the Western Australian government has recently embarked on a campaign to industrialise the Kimberley. If that campaign succeeds, the region will be changed forever.

The campaign presently focuses on a proposal to develop a gas plant at James Price Point (“Walmadany” to the local Aborigines) on the Dampier Peninsula. The plant would process natural gas piped from the Browse Basin some 300-400 kilometres offshore.



A 2005 WA government report shows the gas plant is only the first step, the thin end of the wedge. A gas plant would open the way for other industrial development, notably bauxite mining on the stunningly beautiful Mitchell Plateau. The bauxite would feed an alumina refinery constructed near James Price Point. Gas availability would encourage the development of Kimberley lead and zinc mines, their product being smelted near James Price Point. An operating gas plant would act as a magnet for other energy-intensive industries.

The WA government's campaign for the gas plant is being pursued in the teeth of recommendations made about the region by its own officials. During the last 20 years, two comprehensive WA government reports about the Dampier Peninsula have recommended James Price Point be included in a National Park or Conservation Reserve. Further, the campaign is being pursued without any assessment of the effect of heavy industry on the Kimberley as a whole.

Save the Kimberley (STK) is a voluntary organisation comprising people who are deeply concerned about the Kimberley and the effects of the gas plant and its related industrial developments. STK has published this book to set out the case against the gas plant.

Peter Tucker, President of STK.

Contents

THE KIMBERLEY	1	THE PROPOSED GAS PRECINCT	42
A Special Place	2	The NDT Report	44
The Wow Factor	4	The Environmental Effect of a Gas Plant at James Price Point	46
The 2009 DEC Scientific Synthesis	6	A Truly Remarkable Coastline	48
The Kimberley Cetacean Survey	8	The Effect on Broome	50
Kimberley Night Skies - The best skies in Australia	12	The Myth of Traditional Owners’ Consent to the Gas Precinct	52
Kimberley Rock Art	14		
THE DAMPIER PENINSULA	19	THE THIN END OF THE WEDGE	54
Where is it?	20	The Other Proposals	56
The Dampier Peninsula Waterbank Study	20	Barnett Spin	56
Aboriginal Heritage in the Dampier Peninsula	24	Alternatives: Sites Outside The Kimberley	58
The Song Cycle	26	Payments to the Kimberley Aboriginals	60
The Land of Waterbank Station	28	Jobs	62
The Lurujarri Heritage Trail	30	Have Your Say	62
A Non-Aboriginal Experience of the Lurujarri Heritage Trail	32		
The Goolarabooloo/Jabirr Jabirr Land Claim	34	Footnotes	64
The Significance of Place Specific Culture - Walmadany	36		
The Cultural Effects of the Gas Precinct	40		

Photo on front cover: Sunset at James Price Point , site of the proposed gas plant. Hugh Brown®
Photo: Ruby Falls, Northern Kimberley Coast. Rod Hartvigsen®





The Kimberley

A Special Place

With a land surface area of 424,500 square kilometres (1.8 times the State of Victoria), the Kimberley is enormously diverse. It extends from the red sand dunes of the Great Sandy Desert in the south, to the rugged escarpments, gorges, pristine rivers and uninhabited coastal islands of the northern Kimberley. It takes in:

- the well-vegetated, high-rainfall Mitchell Plateau area, 400 metres above sea level, rich in rare and endangered species of fauna and flora, including the iconic forests that contain the last relic stronghold, anywhere in the world, of the primal Livinstona palm;
- the mighty Fitzroy River with its spectacular gorges, containing rare species such as the Gouldian Finch and relic freshwater species of marine life;
- the World Heritage listed Purnululu (Bungle Bungles) and the ancient, rugged Carr Boyd Ranges;
- the Napier and Oscar limestone ranges, which are known, throughout the world, for their extensive examples of fossilised sea creatures from the Devonian period (350-400 million YBP) and contain the mysterious Mimbi Caves;
- the remains, at Windjana Gorge, of the giant marsupial, the Diprotodont, and a giant freshwater turtle, both from the pre-glacial period (over 25,000 years ago), which indicate that these creatures lived in the Kimberley with Aboriginal people, who were painting in that area some 40,000 years ago.

From the pristine peninsular coast of James Price Point to the fertile black soil plains of the Ord River irrigation area surrounding Kununurra, the Kimberley offers one of the most diverse, extreme, formidable, alluring and yet spiritual regions in the world.

STK member Susan Bradley, who has lived in the Kimberley for more than 40 years, writes:

“The north-west Kimberley region of Western Australia is one of the last great wilderness areas of the world. Its pristine coastline and its uninhabited hinterland make it a much valued conservation region. This area contains exceptional bio-diversity,

a spectacular and fragile coastline, thousands of isolated islands, whale calving grounds, coral reefs, rivers with intact ecosystems and prolific Wet Season waterfalls, awesome gorges, abundant native flora and fauna (some of which are on Australia’s endangered lists), and most significantly the world’s most prolific and ancient rock art galleries and fresh-air museums dating back tens of thousands of years.”

Another STK member, Wil Thomas says:

“I first knew the Kimberley had changed me forever 18 years ago. Hiking, right up in the back country of Admiralty Gulf. It was exciting, untouched as if we were walking through Conan Doyle’s Lost World. Two of us, 4000 ks from home. We came across a cave and on its overhangs and walls were paintings. I felt as if I was seeing a living dinosaur. The sweet smell of spinifex and dry season dirt. Now every time I smell spinifex I am back there lying under that shelf looking up at a gallery of delicate dancing figures. I was later to learn they had been painted some 20,000 years before the Paleolithic Bison had been painted on the cave walls at Lascaux in France. The Lascoux paintings are world famous. Over the years thousands upon thousands of people have seen them. Yet here I was probably the first white person to ever set eyes on these remarkable Kimberley paintings. I knew then I could never leave.

“The Kimberley is enchanting. Everything has a different sense to it here. The sun, the rain, the sea, the dirt, the trees.

“For me, and for thousands of others who have been touched by its vitality, it seems abhorrent that industry and its proponents would consider destroying it so flippantly. But perhaps if ‘they’ could walk along the pindan cliffs at Walmadany when the thunder heads are building in the sky and the smell of rain is thick in the air and if ‘they’ could see the whales swim by with their calves, a stone’s throw from Quondong Point, close to Walmadany, and if ‘they’ could walk across the Mitchell Plateau and gaze at the prehistoric Livistona palms, then they might understand why we must protect it.”

*Photo previous page: Dry season fires over James Price Point. Rod Hartvigsen®
Photo: The famous Broome camels carrying tourists through the shallows at Cable Beach. Hugh Brown®*



*“The Kimberley is enchanting.
Everything has a different sense to it here.”*

The Wow Factor

The first time I saw the Kimberley wilderness I fell in love with it. It was everything I had imagined and much more. That was back in 1990. Since that epiphany, my interest, passion and concern for the Kimberley’s future has been an all-consuming crusade.

Having established one of the earliest Kimberley adventure cruising vessels, I have been honoured to show many people from all walks of life the true natural wonder that is the Kimberley. It’s a very easy place to satisfy that primeval need to connect with the natural world.

99% of people who visit the area are totally in awe of its pristine beauty and grandeur. Tourism WA reports that Kimberley cruising has the highest satisfaction rating of all the tourism products in Western Australia.

So what is so special about the Kimberley? The Wow Factor. It is one of the last great wilderness areas left on this planet. It never fails to surprise. Even the long time visitor will discover something new on each sojourn. Let me give you an anecdote.

Talbot Bay is a virtual inland sea, full of rugged escarpments, islands, reefs and fresh water run offs. I was having a morning fish by myself in the dingy. The sun had been up for about fifteen minutes and the large parapets of red sandstone filtered light over the reef towards which I was casting a fishing lure. The air was full of morning bird song and the water’s reflection was an exact duplicate of that which it mirrored.

As my lure cast towards the island in front of me, I noticed a dingo patrolling the beach, looking for breakfast. The iconic animal had been separated from the mainland by the high tide which reaches up to 11 metres. I watched him chasing mullet as they broke the surface in the shallow waters that would be his paw bridge back to the

mainland on the fall of the tide. He knew I was there but had no fear. I remember thinking of the Galapagos and wondered what Charles Darwin or David Attenborough would make of it.

Every day in the Kimberley this type of scene is played out and many people are privileged to witness such. I see this is a resource far more valuable than any mineral or gas that may exist in the Kimberley and are already exploited elsewhere.

Kevin Blatchford, STK member.

Photo: Low tide at the entrance, Willy’s Creek along the Lurujarri Heritage Trail. Hugh Brown®



“Adequate representation of vegetation communities in the reserve system is a priority issue in the Kimberley.”

The 2009 DEC Scientific Synthesis

In February 2009, the Western Australian Department of Environment and Conservation (DEC) published a “synthesis of scientific knowledge” about the Kimberley. The document was the work of eight scientists, three of whom dealt with the marine environment, five with the terrestrial. The document set out what was known, and identified the much that was unknown, about the Kimberley environment. In their Introduction, the eight scientists said:

“As well as being one of Australia’s fifteen National Diversity Hotspots, the rich tapestry of tropical marine and terrestrial ecosystems and the great complexity and beauty of the unique landscapes are attracting increasing numbers of domestic and international tourists. The Kimberley marine environment is recognised as among the world’s most pristine and ecologically diverse.”⁽¹⁾

After touching on the region’s diversity, the scientists warned of its fragility, noting the ecological damage that had already followed the spread of the cattle industry. However, the scientists emphasised the considerable value of what remained.

The marine environment section opens with this statement: “Most of the marine environment in the Kimberley region is internationally recognised as being in very good ecological condition.”⁽²⁾

The marine scientists mentioned a 2008 assessment that 41% of the global marine environment has been impacted by humans to a “medium-high to very high degree”; only 3.7% of oceans were rated as having sustained “very low impact”. These areas are found only in high latitude polar regions and northern Australia, including the Kimberley. They said:

“That most of the world’s other coastal tropical marine areas are degraded to varying degrees emphasises the global conservation significance of the tropical marine environment of the Kimberley.”⁽³⁾

The scientists said scientific knowledge about the Kimberley marine environment was very limited, compared with knowledge about areas off the Australian east coast. Nonetheless, they were able to indicate the variety of Kimberley marine communities:

“Biologically, the nearshore and coastal environments support a diverse array of marine communities including coral reefs, seagrass meadows, mangrove forests and sponge gardens. These communities in turn provide critical habitat, shelter and food resources for specially protected and culturally and commercially important species including marine turtles, cetaceans, dugongs, fish, prawns and birds.”⁽⁴⁾

The scientists said coral reefs are “well developed” in Kimberley waters and “are one of the region’s most important marine values.” Fringing reefs, around coastal islands and the mainland shore, “rival the Red Sea” in their extent. ⁽⁵⁾ The scientists concluded:

“Based on the scale of reef development and the diversity of coral species recorded through limited survey, it is highly likely that further survey will demonstrate that the Kimberley contains a coral reef province of global significance.”⁽⁶⁾

The scientists reported that dugong feeding long ago suggested the presence of seagrass in the vicinity of James Price Point. However, this was only recently verified, by surveys made between November 2007 and December 2008. It is now known that seasonally abundant sub-tidal seagrass is distributed across large areas of the Dampier Peninsula, out to a depth of about 20 metres.

The scientists mentioned the abundance of Kimberley mangroves; these were important “for providing a source of nutrients to surrounding waters, for fauna habitat and as a buffer against wave action to reduce erosion and maintain coastline stability”. They added: “Mangrove systems also provide a nursery and breeding area for various fish stocks and it is considered that these systems are important for sustaining some major fishing industries. A better understanding of the marine ecology of Kimberley’s mangrove systems is warranted.”⁽⁷⁾

According to the study, the “Kimberley is the northern migration destination and calving ground for the largest population of humpback whales in the world.”⁽⁸⁾ The high-density calving and resting area includes the waters adjacent to much of the Dampier Peninsula, down to a point just north of James Price Point.

Kimberley waters are also used by other whale species, including blue whales, pygmy blue whales, false killer whales and pygmy killer whales, as well as by several dolphin species, one of which is unique to Australia and is endangered.

The scientists noted that dugongs occurred in Kimberley waters. They said the animal’s “reliance on large meadows of seagrass in shallow waters close to land has resulted in a significant decline in numbers throughout much of its Indo-Pacific range as a result of human activity and natural events.”⁽⁹⁾ The dugong is now considered a vulnerable species, under international conventions. It is protected under Western Australian legislation.

The marine scientists commented: “Kimberley dugong populations have been traditionally harvested by indigenous people, who have good local knowledge of dugong distribution at certain times of the year”. However, they said: “More information will be required to conserve and manage dugong populations in the Kimberley... Presently little is known of seasonal movement patterns and important feeding or breeding areas... Population structure and degree of connectivity between populations are unknown.”⁽¹⁰⁾ There is a similar lack of knowledge about the six species of marine turtle (all protected under both Commonwealth and WA legislation) that are found in Kimberley waters. Many coastal beaches and offshore islands contain known nesting sites. Flatback and green turtles, tagged at Barrow Island and in Java, have been tracked to waters off the Dampier Peninsula, the scientists reported. They commented: “This finding highlights the potential regional significance of the Kimberley and provides an insight into the

relevant spatial scales that need to be considered when developing conservation and management plans for these species.”⁽¹¹⁾

The marine scientists concluded their section by noting the development pressures now facing the Kimberley. They referred to “the need for integrated marine planning at the region scale. Regional marine planning in advance of the projected growth in development proposals over the short to medium term is likely to deliver ecological and other benefits for the region, by identifying important areas to be included in marine conservation reserves and areas that may be suitable for development.”

The terrestrial section of the study emphasises the little that is known about Kimberley fauna and flora. The Kimberley is listed as a National Biodiversity Hotspot because of the number of known species endemic to the region (230 plant, 16 fish, 10 frog, 31 reptile, 2 bird and 6 mammal species). However, the scientists lament: “In general, the available data are inadequate to assess the real status of many rare or locally distributed species that may warrant gazettal as threatened. There has been no systematic biodiversity survey of an entire Kimberley bioregion or subregion...”⁽¹²⁾

The scientists’ description of the various regional ecosystems is too long even to summarise here. However, mention should be made of three issues common to all areas: the need for better fire management, implemented in collaboration with Aboriginal communities; the need to remove feral cattle, donkeys and pigs from conservation areas and unallocated Crown land; and the importance of expanding the conservation reserve system (national parks, nature reserves and conservation parks). The scientists said: “The comprehensive and adequate representation of vegetation communities in the reserve system is a priority issue in the Kimberley.”⁽¹³⁾ The reserve system currently includes only 1% of Dampierland (the Dampier Peninsula and lower Fitzroy River catchment).

“The Kimberley is the northern migration destination and calving ground for the largest population of humpback whales in the world.”

The Kimberley Cetacean Survey

In October 2009 Kimberley Whale Watching (KWW) (naturalists Richard Costin and Annabelle Sandes) released their fourth annual report about sightings of cetaceans off the Kimberley coast between Gourdon Bay, south of Broome, and Camden Sound, north of Cape Leveque. The full report, with many striking images, is available at www.kimberleywhales.com.au

The survey report reveals that, between 1 July and 20 September 2009, KWW recorded 582 pods of humpback whales, representing 969 whales, including 98 calves. Most of these whales were seen during boat surveys between Broome and Camden Sound. However, there was also an aerial survey between Broome and the Lacepede Islands on 30 August 2009. Another company, Sentosa Charters of Broome, recorded 270 whales, including 41 calves, mostly in Roebuck Bay.

There is an obvious possibility of double-counting in the boat surveys, a particular whale being sighted during more than one survey trip. However, during the aerial survey, which involved eight observers and two recorders, the position of each whale was recorded as the plane passed over; so double-counting seems unlikely. During the aerial survey (2.25 hours), 93 pods were sighted (163 whales, including 10 calves).

Releasing the report, Mr Costin commented that “the Kimberley whales should be regarded as one of our national treasures.”

Because of its reputation as an important whale calving and resting area, the WA government has recently proposed that Camden Sound become a marine park. However, Mr Costin observed that the area between Broome and the Lacepede Islands, which includes James Price Point, is equally significant. He noted the highest concentration of whales recorded during any of the boat surveys was between Willie Creek and James

Price Point (18 sightings per hour on 2 August 2009). This may be compared with the highest concentration in Camden Sound (10 whales per hour on 24 July). The report argues the marine park should take in the whole of the coast from Camden Sound to Gourdon Bay.

A worrying aspect of the KWW report is a note about the boat surveys: “The vessel speed was consistently held at 8-10 knots. Many whales reacted to the passage of the vessel through the survey area.” What would be their reaction to dredging and the passage of much larger LNG freighters?

Photo: Turtles in shallows at James Price Point. Rod Hartvigsen®





“*The best skies in Australia*”.

Kimberley Night Skies

I would like to emphasize the adverse effect of atmospheric pollution when it comes to viewing the night sky. Having been a professional astronomer for 39 years, I have seen how badly the sky can be degraded by pollution. How many stars make up the Southern Cross, seen proudly upright on our Australian flag? Children of today could be excused for thinking there were only three, as that is all that are visible from most cities.

Heavy industry such as is proposed for the Kimberley region engenders smoke from burning processes and, as a consequence of running the industry 24 hours a day, considerable light. The smoke particles build up in the atmosphere and reflect light from the ground station. An example of this can be seen at Pinjarra, just south of Perth. This industrial plant can easily be seen 100 km away at Bickley, where the major State Astronomical Observatory is situated.

One of the joys of observing the skies in the Kimberley is to see the Zodiacal light—a very faint band of reflected light above the equator. Around the times of the equinoxes this light is visible well after sunset. It is caused by natural dust particles in orbit around Earth. This phenomenon is no longer visible around most cities and towns, as light pollution is too strong. The Zodiacal light IS visible from Broome.

The seeing conditions experienced in the Kimberley are second to none in Australia. One way to measure how good the skies are is to watch stars as they rise from the Eastern horizon. From most centres, stars are not even visible until they are 10 degrees above the horizon; there is too much pollution for the light to be seen. From the Kimberley, stars are visible immediately they cut the horizon as the Earth turns on its axis. Similarly, as they set, they are visible all the way to the horizon. The only other place I have seen this happen is at much higher altitudes in desert regions, such as Arizona. The prime

astronomy observing sites are usually placed on top of mountains to get “above” atmospheric interference. Kimberley skies are as good as anywhere on Earth, and can be experienced from sea level.

While the Kimberley skies remain in a pristine state, they are there for all to enjoy, and remain a drawcard for tourists and scientists alike, all of whom enjoy feeling as if they could “pluck” one of those stars from the sky. Any move to establish large scale industry WILL cause degradation of the quality of the night sky.

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Manager Astronomy West, Professional Astronomer at Perth Observatory 1970-2005,
Lecturer in Astronomy ECU 1990-2009*

*Photo previous page: Humpback whales off James Price Point. Annabelle Sandes® kimberleywhales.com.au
Photo: Spectacular star trail, near Fitzroy Crossing, Kimberley, WA. Hugh Brown®*



Kimberley Rock Art

The Kimberley contains the most prolific, significant and ancient rock art galleries in the world. They excite and puzzle scientists and enthusiasts from all over the world.

There are many hundreds of rock art galleries and art panels. Most are located in the rugged sandstone cliffs and outcrops of north west Kimberley. Some galleries cover a large area and contain many paintings; others are small and have only one or two drawings. Whatever their size and location, all are significant. They hold the secrets and stories of an ancient culture; the history of the peopling of Australia. Very little is known about this history. Much needs to be done to reveal the secrets and tell the stories; intensive research has only recently commenced.

The Kimberley contains two distinctly different major rock art forms: the Gwion Gwion (or Bradshaw) and the Wandjina. Of these two, the Wandjina is the more recent art form. It is closely associated with a living culture, an indigenous religion. Wandjina art dates back at least 3,000 years but some paintings were made as recently as 50 years ago, having been painted, during ceremonies, by the forebears of today's Aborigines. Traditionally, they were retouched every year by a senior lawman and, in some areas, still are.

Wandjina paintings are generally found close to waterholes. The waterholes, the residence of the Unggud (rainbow serpent ancestral spirit), are believed to contain spirit children waiting to be born. Each child carries the life forces of their Wandjina in a nearby cave.

Wandjina paintings are easily recognised. The figures have large haloed heads, with distinct eyes but no mouths. The figures were painted in bright Kimberley ochres (reds, browns, yellows, and whites) that were carried hundreds of kilometres to be traded at

significant ceremonies and celebrations. No one area contained all the colours used in Wandjina art.

To the northern Kimberley people (the Worrorra, Ngarinyin and Wunambul), the Wandjinas are powerful ancestral beings who created the world, the people, all life and Aboriginal law. They bring the rain. The belief is that the paintings are imprints left by Wandjina after making the world, when they laid down in soft stone before it hardened. The Wandjina are believed to have such powers, powers visible in the clouds, rain, lightning and thunder, that they do not need mouths to express themselves. All Wandjina sites are believed to be linked and form part of a much larger story.

Gwion Gwion (Bradshaw) rock art involves a wide range of forms and stylistic techniques. Sometimes found very high in hostile rock formations, Gwion Gwion figures have sometimes not been associated with, nor claimed as culturally significant to, the local Aboriginal people. The latter sometimes described these little figures to the early European explorers as "rubbish paintings done by early man." This description could be the result of the Gwion Gwion mythologies being known only to the fully initiated elders. By Aboriginal law, an uninitiated man, including a visiting white man, was not allowed simply to step into the deep world of Aboriginal spirituality and religion. This was permissible only after years of education and training. So the mystery of the Gwion Gwion remains.

In many sites, Wandjina figures have been painted over Gwion Gwion figures. The Gwion Gwion figures emerge only as the ochres of Wandjina paintings peel off or fade, exposing the older, more resilient, deeper colours of the Gwion Gwion figures. Some observers have regarded this as deliberate desecration of Gwion Gwion art; yet superimposition is

Photo: Wandjina paintings, King Edward River. Hugh Brown®



“There is no other place on earth where there is such a significant indigenous connection to the past.”

common, in Aboriginal art throughout Australia. In that art, place—the presence of a powerful spirit—was always the important factor. There are multitudinous sandstone galleries, throughout Australia, that bear no paintings at all.

The Gwion Gwion figures are usually mulberry in colour and appear to be “tattooed” or impregnated into the rock, like a dye; rather than painted in ochre on top of the rock. The figures are usually fine and detailed, the earliest of them being the most decorative and detailed, with breath-takingly beautiful head-dresses, tassels, and adornments. Most Gwion Gwion figures were painted in non-aggressive, ceremonial dance-like positions.

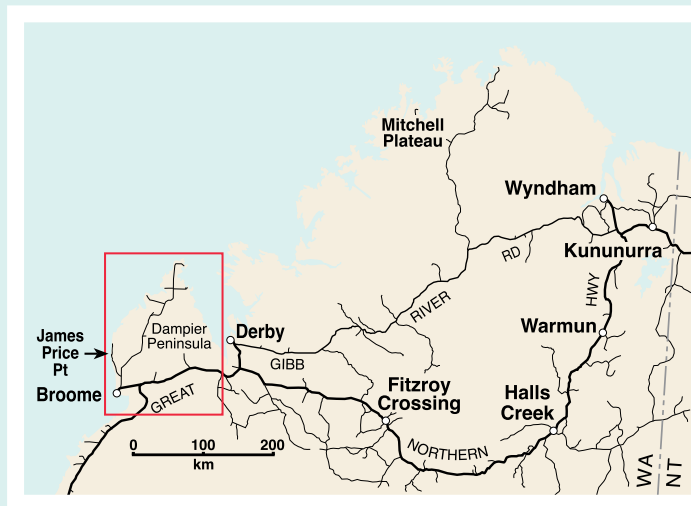
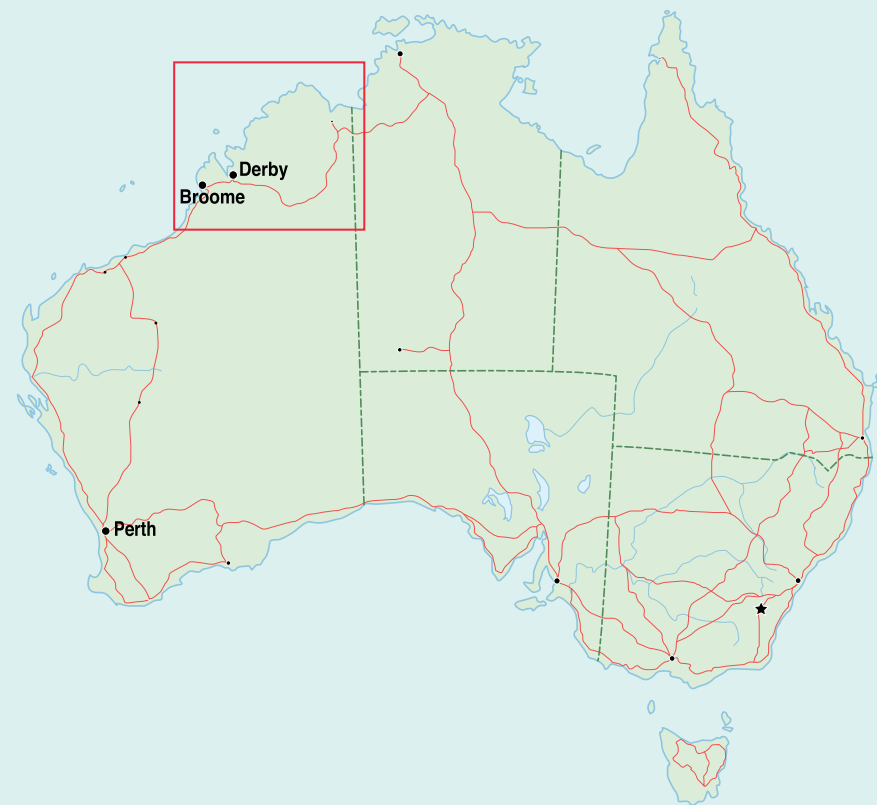
Carbon dating suggests some large animal paintings are more than 28,000 years old. In 1994 scientists used luminescence dating of wasps nests built over Gwion Gwion human figures to establish that a particular figure was at least 17,000 years old, taking the rock sequence back to, or beyond, the last Ice Age. The youngest carbon dated Gwion Gwion figure is 6,700 years old.

The Gwion Gwion style mirrors that of the Naturalistic Animal Period of Kakadu and Arnhem Land, which has been suggested to have occurred about 50,000 years ago. Some experts see the different stylistic phases of Gwion Gwion art, in caves and shelters, as mirroring the drying of continental Australia before the last glacial peak, 18,000 years ago, and the apparent abandonment of those caves and shelters for some 10,000 years until an improving climate allowed them to be used once again. If so, Gwion Gwion art, and the Naturalistic Animal Period which preceded it, provide an artistic history of changes in Aboriginal society and culture over tens of thousands of years,

Kimberley rock art is unique. There is no other place on earth where there is such a significant indigenous connection to the past. These beautiful treasures, with their secrets tauntingly waiting to be understood, belong not only to Aboriginal people, but also to Australia and the world.

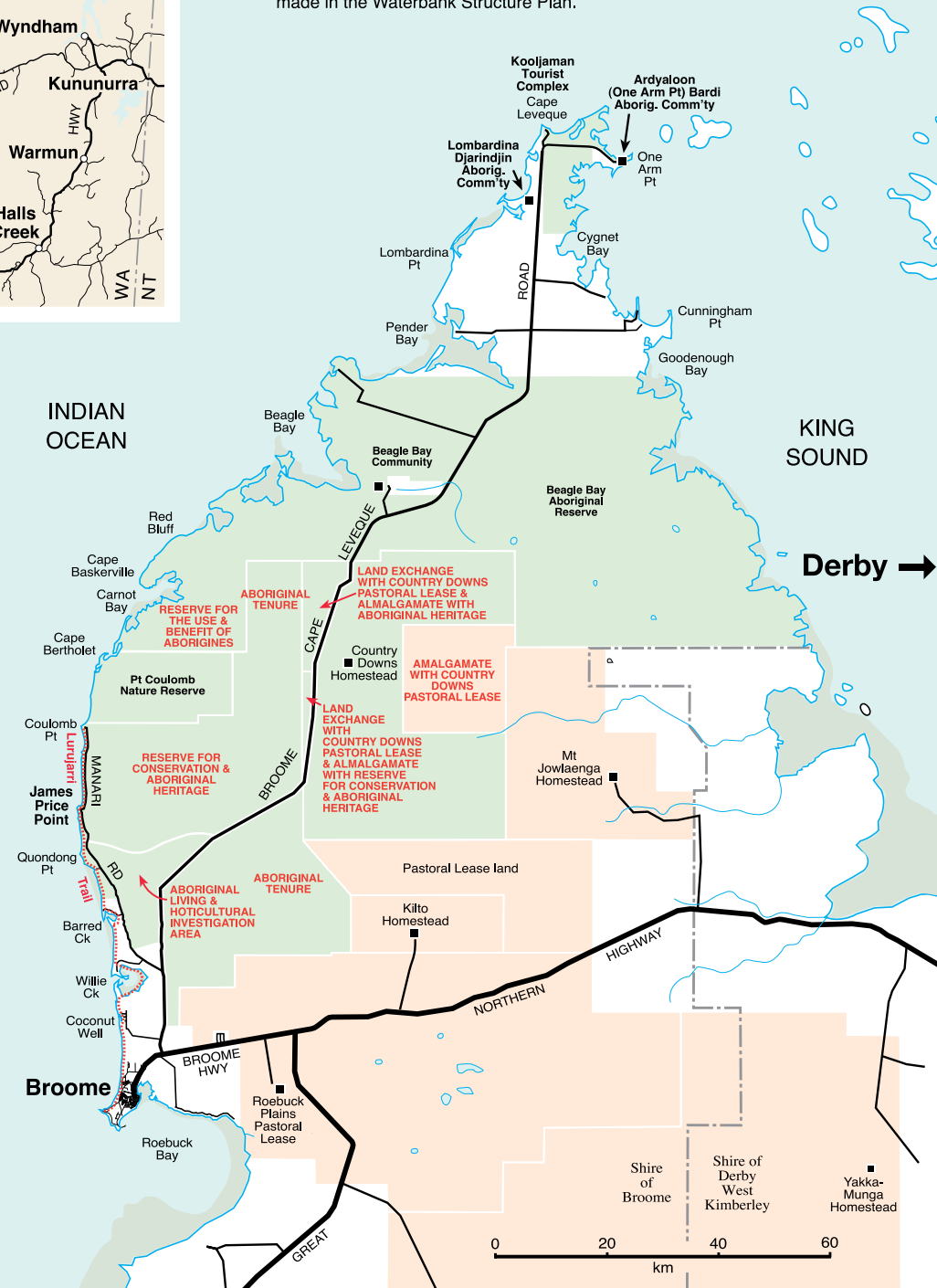
*Photo: Spectacular Bradshaw or Gwion Gwion panel, Kimberley Coast.
Similar pictures have been aged as 17,000 years old. Hugh Brown®*



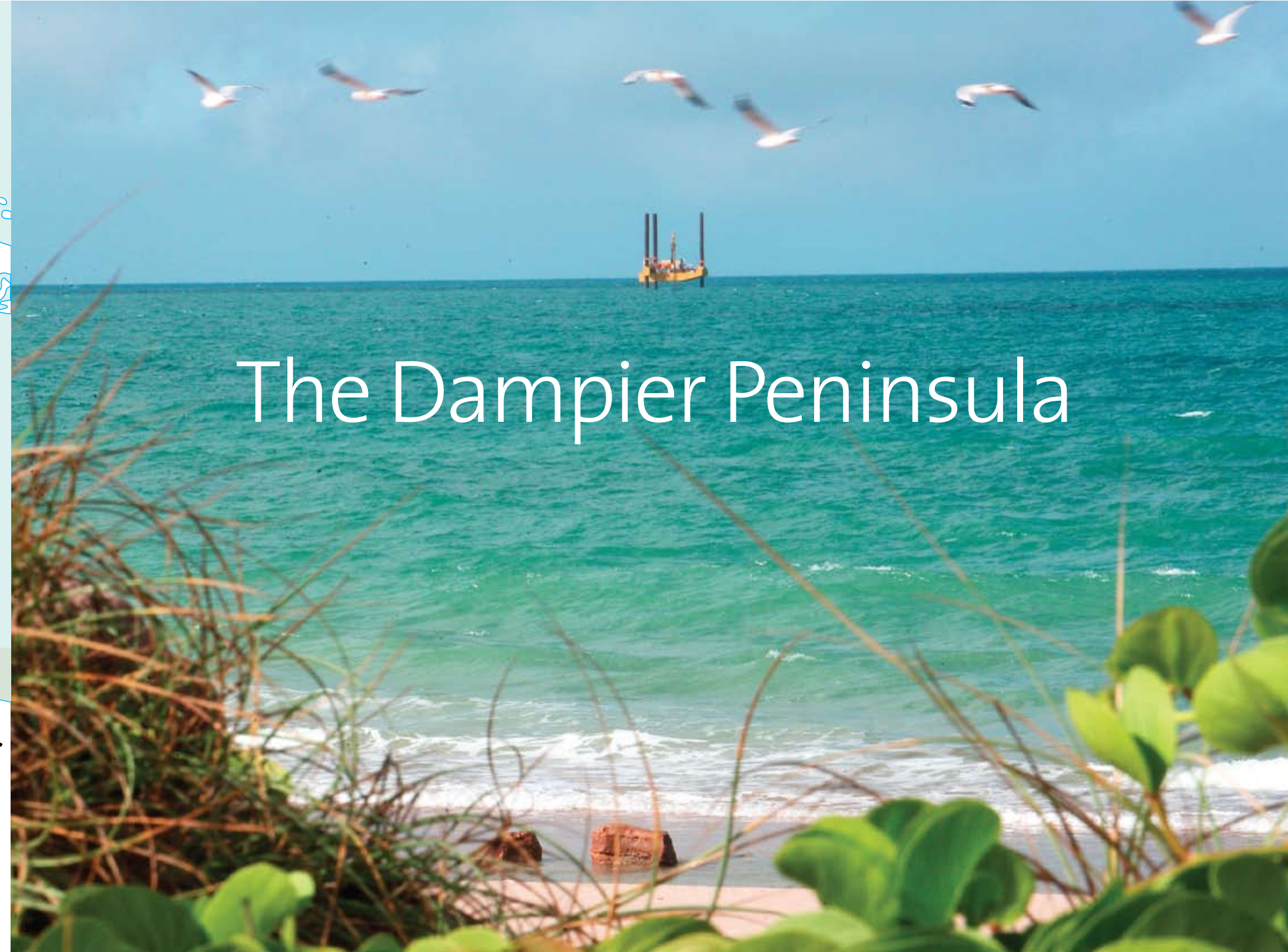


- Present and proposed (Waterbank Structure Plan) Aboriginal and/or Conservation areas
- Pastoral leases

The red notes on the map below show recommendations made in the Waterbank Structure Plan.



The Dampier Peninsula



Where Is It?

The Dampier Peninsula is that portion of the Kimberley that lies between Cape Leveque to the north and Roebuck Bay (where the town of Broome is located) to the south. It is bounded by King Sound (where Derby is situated) to the east and the Indian Ocean to the west. See the map on page 18.

Although the inland part of the peninsula is mostly flat, saltbush country, the coast is notable for stunning red pindan rocky headlands, long unspoilt sandy beaches, its many small streams and its rich marine and bird life.

THE DAMPIER PENINSULA WATERBANK STUDY

In 1996 the WA government acquired the lease over Waterbank Station, a 315,512 hectare. pastoral property that occupied a pivotal position on the peninsula. Waterbank Station extended along the western coast of the peninsula from Coconut Well, just north of Broome township, to Coulomb Point (Manari to the Aborigines) and inland to about 80 kilometres.

The government acquired the pastoral lease because it thought this would provide “opportunities for the expansion of the (Broome) townsite and to accommodate the re-location of some existing townsite uses”. It also offered “scope to improve the social, environmental, and economic values of the local community providing opportunities for recreation, culture and heritage, tourism, conservation, primary production and other commercial activities.”(14)

The government established the Waterbank Co-ordinating Committee “to identify the various land-use and development options for the future utilisation of the land of Waterbank Station.”(15) The Committee comprised representatives of four WA government Departments, the Shire of Broome, and the Broome Aboriginal community.

After several years’ work, involving public meetings and workshops in Broome and “detailed consultation with all stakeholders”,(16) the committee delivered its report to Doug Shave MLA, the Minister for Lands in the Richard Court Liberal Party government. In releasing the report, in 2000, Mr Shave hailed it as having achieved the government’s objectives: “to encourage business investment, make best possible use of available resources, protect areas of significance to Aboriginal people and be consistent with the concept of Ecologically Sustainable Development.”(17)

The Waterbank committee acknowledged the recommendation of the Department of Conservation and Land Management (CALM) “that the area on Waterbank Station to the north of Barred Creek become a National Park or Conservation Park.” That area includes James Price Point. The Committee went on: “There is also recognition by The Committee of the cultural and heritage significance of the Dampier Peninsula to Aboriginal people and particularly in the coastal zone. This translates to a very strong desire by Aboriginal people to have their traditional ownership of the land and its on-going cultural and spiritual importance recognised in the care, control and management of the land and in the formulation and implementation of management plans.

“Aboriginal people recognise the intricate links between conservation and cultural heritage. Thus CALM and Aboriginal interests in the area are very closely aligned. There is agreement by The Committee that these rights and interests are best recognised by reserves in the area placed under the care, control and management of the traditional owners with lease-backs to CALM for management.”(18)

The Committee went on to recommend “that the coastal strip between the proposed realigned Manari Road, north of Barred Creek to a point 1 km south of Kundandu

Creek and then extending eastward to the Broome-Cape Leveque Road, be reserved for Conservation and Aboriginal Heritage.” The Committee said this area, comprising some 93,000 hectares, includes “sensitive coastal areas, vine thickets” and “numerous sites of great significance to Aboriginal people particularly along the coast including those sites and areas encompassed by the Lurujarri Heritage Trail and the Song Cycle.”(19)

The recommended reserve area is shown in the map (page 18). James Price Point occupies a central coastal location within it.

The Committee’s recommendation echoed that of a 1991 report by CALM that the whole of the coastland from Coulomb Point to a point midway between James Price Point and Quandong Point be included in a new Dampierland National Park. (20)

No Western Australian government has publicly rejected any of the recommendations of either of these reports. Unfortunately, however, no government has yet implemented any of them.

*Photo previous page: Woodside jumps the gun at James Price Point, early January 2010. Rod Hartvigsen®
Photo: Evening light at Cape Leveque, Northern tip of Dampier Peninsular. Hugh Brown®*





“The Dampier Peninsula contains many hundreds of archaeological sites including ancient shell middens and quarries.”

Aboriginal Heritage in The Dampier Peninsula

For thousands of years, the peninsula has been home to Aboriginal people, who have used the land for fishing, hunting and other food-gathering and for traditional ceremonies. The evidence of this lies in the middens. Professor Sue O'Connor of the Australian National University writes:

“The Dampier Peninsula contains many hundreds of archaeological sites including ancient shell middens and quarries. Stone was knapped from the quarries for making the large straight quartzite blades for which the region is renowned. The blades were made into spear points and knives. The Peninsula also has a handful of rock engravings, of a type that is rare anywhere between the Pilbara and north Kimberley.

The shell middens are a valuable source of information about changing Indigenous lifeways over time. They contain cooking hearths, stone and bone artifacts, shellfish and the bones of animals; the remains of meals eaten over thousands of years. Knives, scrapers and bowls made from Bailer shells are also a prominent feature of the middens. Fragments of carved pearl shell and other decorated items are occasionally found.

Only a handful of the thousands of shell middens lining the coast have yet been investigated. Those that have been dated indicate that the coastline has been a major focus of Indigenous activity since about 6,000 years ago, when sea level in this region stabilised at its present position.

The remains in midden sites can provide baseline data on past animal and plant biodiversity and climate change – a necessary prerequisite for predicting future change in northern Australia. Many middens are known to exist in the Manari-James Price Point area.”

Aboriginal people still live in the Dampier Peninsula. The native title rights of two indigenous groups, the Bardi people at the north and the Yawuru people around Broome, have already been recognised by the Federal Court. Other claims are pending. They include a claim by the Goolarabooloo/Jabirr Jabirr people, whose Country includes James Price Point.

“This land, and the life it supports, were created at the beginning of time by those of the spirit. This is the Law, Boogarrigurra. We, the Aboriginal Law-men, have held this knowledge unbroken since the first people inhabited this earth.

“Some say the land is there for the benefit of people alone. But how can that be? It is not different from us. Like humans, the wallabies and trees, rocks and water are all made of that same living, vibrating spirit. There is nothing in this entire world which is not of that spirit. When we know this intelligence, when we fathom what is at the “bottom” of everything, we can, as human beings, realise our purpose and the meaning of our lives.”

*Paddy Roe OAM,
Traditional Custodian and Law-Keeper of the land known as
Waterbank Pastoral Station, as interpreted by Joseph Roe, 1992.*

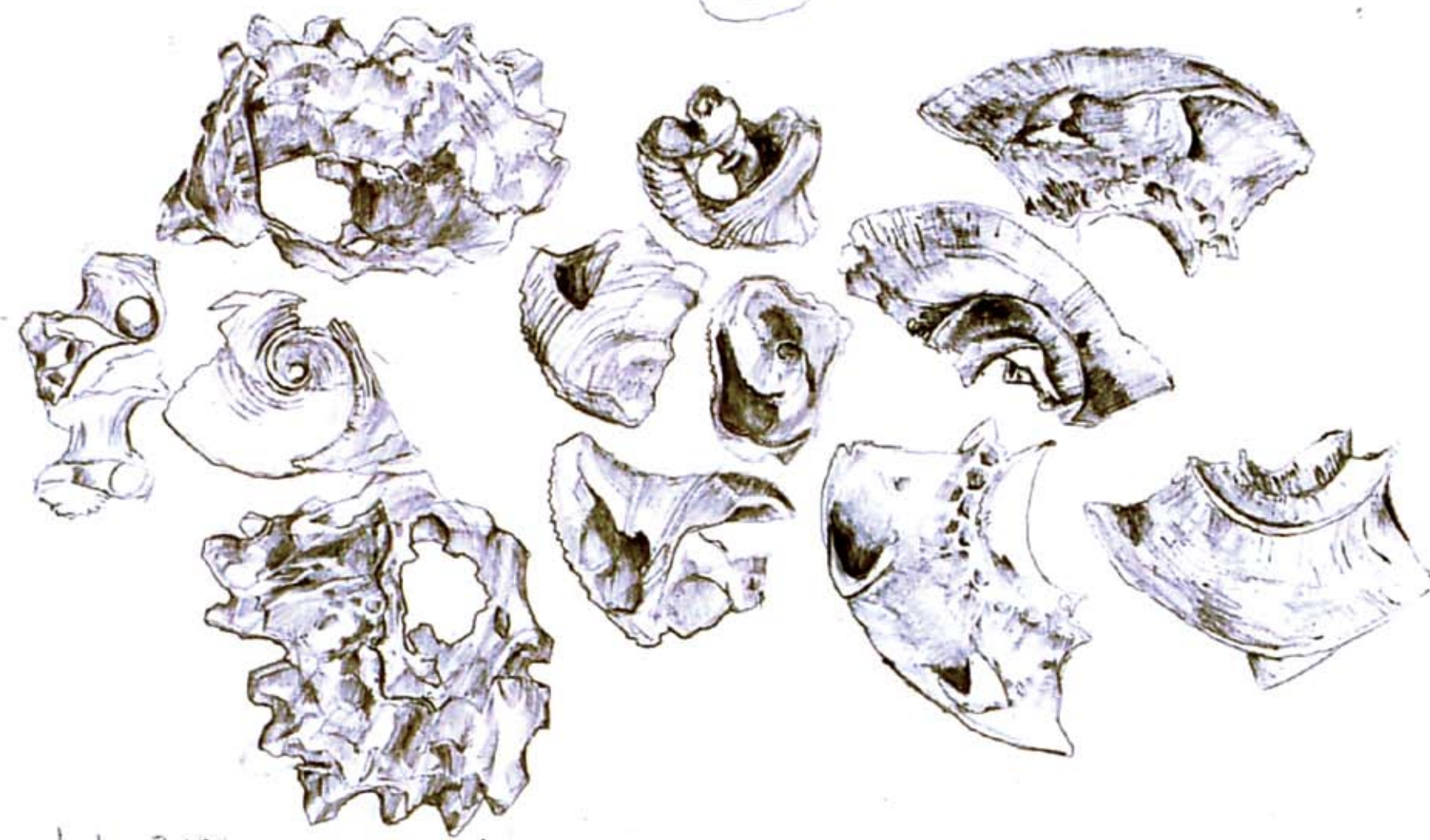
Photo previous page: Work boat for cleaning pearl shell off The Kimberley coast. There are concerns that the dredging will pollute the waters and damage the pearl industry. Hugh Brown®

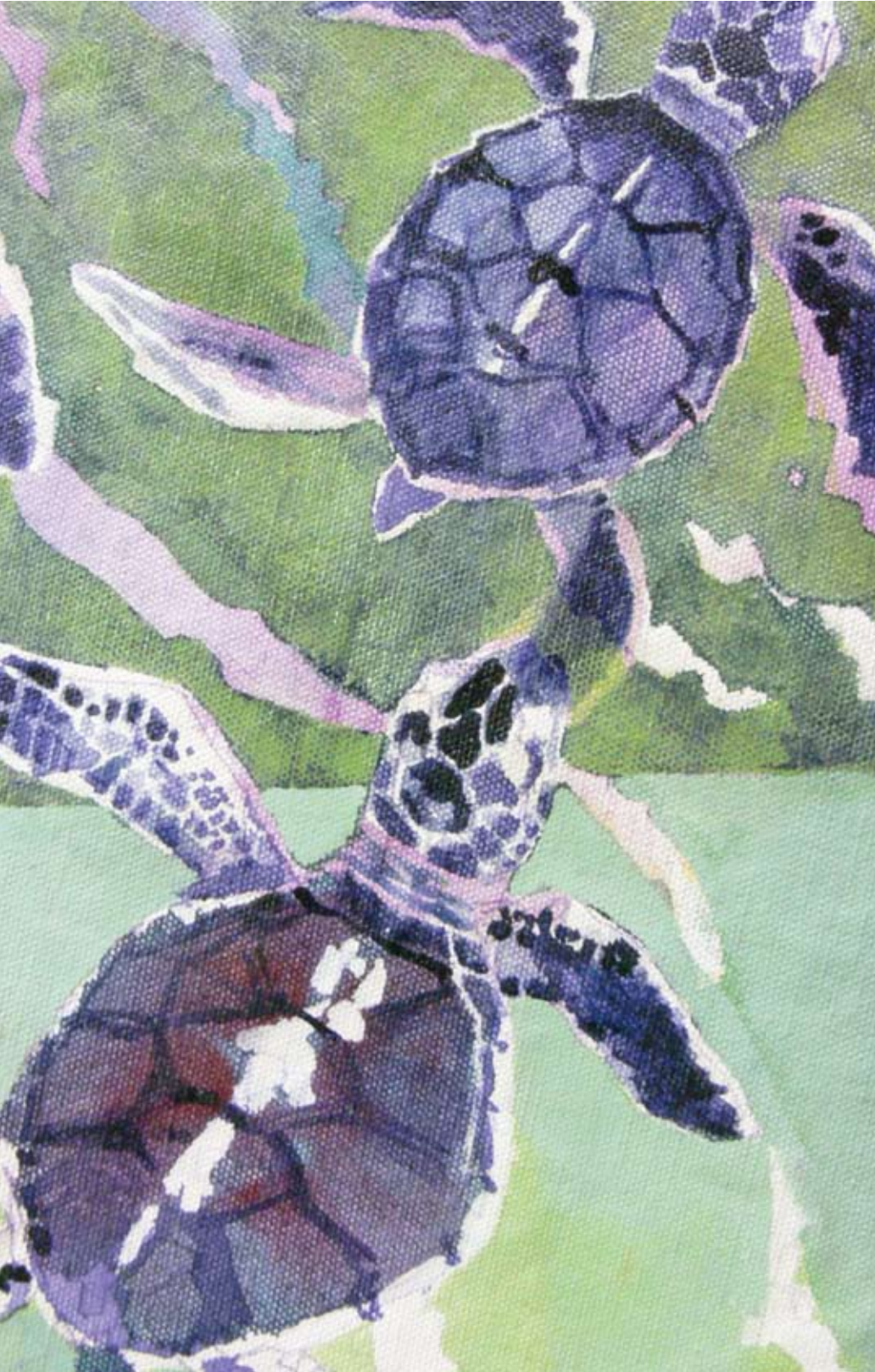
*Drawing: Middens – old camping places throughout this country
(journal drawing of shell fragments from old camp fires). Jeanne Browne®*

Richard – the glass shard spear tip (Paddy's era) ; the stone tip earlier, much earlier.
How old is your country? These people are the champions of versatility, ingenious.
Who ate here? (Whatever works, they'll try it.)
Which reef was home to this oyster, coming in tide, going out tide.
Bare feet on sharp rocks. Bait octopus – keep your shadow a secret – off the water of the rock pool.

How many people camped and slept here in centuries past?

Middens on the dune systems above Morjal and Kungamin.
Shell shards, charcoal, grinding stones (left not carried), flints for spearheads.





The Song Cycle

One of the major responsibilities of the Kimberley Law Bosses is to ensure that traditional culture (the Law) is passed down to succeeding generations.

The Elders are Custodians of a living history, traditional knowledge of the origin and function of things, and stories and skills that derive from centuries of experience in the area. This body of cultural knowledge is known as “Bugarigaara”, the Dreaming. It is perpetuated within the “Song Cycle” which recounts the creative journeys of the ancestral beings who made the land and its people.

The Song Cycle is an oral heritage map. Its songs contain codes of behaviour fundamental to sustaining the balance and well-being of the land and its people. The people talk about the Song Men being given the songs by the Country itself.

The Song Cycle is made up of Law Grounds (“increase sites”) and seasonal camping places, along a connected route between waterplaces. Increase sites promote abundance – for humans, turtles, birds, fish and animals.

The layout of the land is encoded in the songs. A person who knows the songs can travel through the country and stay in a sustaining relationship with it. This preserved memory of the lay of the land, and its history, has been sung for centuries at ceremony time, even by lawmen in distant places who have never made the physical journey along the song line.

The Song Cycle on the coast of the Dampier Peninsula has its “emanation” (birthplace) north of One Arm Point, from whence it travels to the south of Bidyadanga, the exit place where that creative process finished. Its sites connect, in a continuous linear system ranging between 50 and 100 kms in width, from west in the ocean to east on the land.

Painting: Turtle hatchlings post 'Larja' - "married turtle time" in the build up to the wet. Jeanne Browne®

This greater Song Cycle looks after and protects other (east-heading) creation Songlines, that move from the west through Uluru and across to the east coast – Sunrise country.

“Minyirr jukun” (Dampier Peninsula) is one of the beginning birth places for the journey of “Naji” beings who, it is believed, came from the ocean of space and travelled across the country, gradually summoning up landforms, people, animals – the whole spectrum of creation and the system to preserve it, — through first singing out the sound vibration of names, around which their forms gathered. (Aboriginal people do not believe their forebears migrated from elsewhere, but came from this land itself; the people, the land and all its forms simultaneously stemming from the same life-giving force and sharing the same essential energy vibration.)

Within this Country, one of the creator beings is spoken of as “Marella”, whose ancient footprints and other feather traces remain in the reef that stretches between Minyirr (Broome) and Dugul (Flat Rock, north of Walmadany.) The emu form of Marella persists in the shape of the black abyss of the Milky Way, in the night sky. Sites where three-toed prints occur correlate with the course of Marella’s journey, as narrated in the Song Cycle. The archaeologists, however, speak of a dinosaur, an upright walking lizard.

Law-grounds are generally located close to significant vegetation, the “mamara” (‘spirit trees’) that have particular ceremonial functions.

“Murruru” are rock formations that have strong spiritual value. They are mainly dangerous places that need to be respected and avoided – not public places, due to their power.

The seasonal camping places are generally governed by water, food and insect presence throughout the year.

A “Jila” offers permanent, “living” water: Each “buru”, or territory, has its “Yunguru”, the spirit that resides in the water places, who is “familiar with the smell” of his people. Traditional people from one place tend to be reluctant to move into another’s area, unless accompanied by its countrymen, who can introduce them and facilitate their safe passing.

“Singing” the Country is part of a dynamic, on-going relationship. Country must be sung regularly to revive and replenish it. It must also be cool burnt seasonally, to make easier travel and green shoots to feed traditionally hunted animals. Water holes must be kept open.

Within the Dampier Peninsula, the Song Cycle system unites all the west coast saltwater people: the Jawi, Bardi, Nyulnyul, Nimanburru, Warrwa, Jabirr Jabirr, Ngumbarl, Jukun, Yawuru and Karajarri. The boundaries of their territories (‘burus’), and associated languages and Law, were established in Bugarigaara, at the beginning of time.

The responsibility for maintaining the Song Cycle is shared by the Law Bosses of all these clans. Collectively, they look after the whole Song Cycle, working together. If one area is destroyed, the whole is affected. However the Law Bosses for each buru have primary responsibility for it. Other Bosses cannot override or speak for another’s buru, unless that buru’s Law Bosses jeopardise the greater Song Cycle system.

The Land of Waterbank Station

AN ABORIGINAL PERSPECTIVE

Until 1865, the Aboriginal clans of the Dampier Peninsula still had their Law, language and culture intact. However, in that year, the first white settlers arrived, with 4,000 sheep. Dispossession commenced. By the beginning of the 20th century, the Jukun and Ngumbarl tribes (clans) had been virtually wiped out.

Aboriginal law and custom dictate that, where a tribe is dying out due to disease, etc., or the lack of children, custodial care of the land must be passed over by the remaining Elders to someone who is believed to have the capacity to be its custodian. The person is chosen for their qualities, as distinct from their bloodline.

Passing of custodianship involves the future custodian being walked through the land and told the names of its key features, the songs in which the names are encoded and the often complex stories of their significance. Holding the songs remains crucial to the capacity to care for the land, for the song means that the Bugarigaara can be nurtured; the living intelligence of the spirit kept alive through the power of sound. If the custodian (Law-keeper) has this information, they can start at one end of that land and traverse its entire length, reciting the name, song and story of each sacred place.

In 1931, when Paddy Roe, a Njikina man, entered Jabirr Jabbirr land with Pegalily, his woman, it was inhabited only by 60 to 100 elderly people, including Walmadany, the greatly respected “king” of the remnant Jabirr Jabbirr tribe. The young people had been taken away to missions in other places, in accordance with the government’s “native” policy. There was no woman of child-bearing age.

Walmadany and the old Law-keepers, Narbi and Kardilakan, had been entrusted with full custodianship of the lands of the Ngumbal and Jukun people, which were overlain by station leases. They maintained the land in the traditional way, in spite of the hazards associated with contact with non-Aboriginal people. Fortunately, at the time, the “Waterbank” station lease was held by Mr. Denham, who permitted the ceremonies, rites and movement around the land that were essential to preservation of the Dreaming.

Walmadany, Narbi and Kardilakan realised that, without children, it would be impossible properly to care for this land. Within months of entering the Jabirr Jabbirr land, Pegalily became pregnant. Narbi perceived that the spirit children, who had been waiting to enter herself, but were unable to do so because of her advanced age, had come to life through Pegalily, and that she would have two daughters, whose “rai” (“spirits”) had been waiting in the paperbarks of Bindiangoon, where she had fallen pregnant. Pegalily and Paddy Roe were taken under the wing of the Jabirr Jabbirr people.

Mindful they were all soon to die, the Jabirr Jabbirr elders examined Paddy Roe, and walked him through the land many times. He was given full knowledge of the place names, songs and stories of the land, and made Keeper of the Law of the Jabirr Jabirr, Ngumbai and Jukun peoples. Paddy also learned their languages. He was later to bury many of these old people in their Country.

Photo: Sunset Cave, James Price Point. Rod Hartvigsen®



“The entire coastal strip affected by the Applications has a high density of Aboriginal Archaeological Sites.”

The Lurujarri Heritage Trail

In order to fulfil the responsibility entrusted to him, Paddy Roe settled his family north of Broome and established the Goolarabooloo community. In 1987, he initiated the Lurujarri Heritage Trail as a trigger to encourage the members of the Goolarabooloo community to be walking in the Country again, as had always been done; to conserve, renew and stay connected with their heritage and traditional skills and to keep the same alive for generations to come. He also sought to wake up non-Aboriginal people to a relationship with the land; to foster trust, friendship and empathy between the indigenous community and the wider Australian and International communities.

The Lurujarri Trail follows the land of the traditional Song Cycle. The same camping places are used as have been used for millennia, the same reefs fished. The middens in the dunes are thick with shards of past feeds, spear heads, charcoal flints and grinding stones, and testify to how long this Law and Culture has been going on.

The dunes are laced with the bones of old people who have lived here, fished, sung to the Country, and painted up in its ochres to dance. They have been buried where they passed on, and left to rest in the older camps, that are now left in peace out of respect.

In the early '90s, archaeologists and anthropologists, who were compiling the Terex Mining Report, asked Law Bosses of the Song Cycle system, including Paddy Roe, to identify the boundaries of cultural sites along the coast. These old people shook their heads, saying this could not be done: sites merge into each other. The whole Song Cycle coast is part of a continuous system made up of significant sites, places and Law grounds.

This view of the matter was accepted in the Mining Warden's Court decision (20 August 1991) concerning the application for exploration licences by Terex Resources NL, Dr JA

Howard SM found “the entire coastal strip affected by the Applications has a high density of Aboriginal Archaeological Sites, many of which (are) of great cultural significance.”

Paddy Roe's standing and his work for the community over many decades was recognised in 1990 when the Governor-General awarded him the Order of Australia Medal. He passed away on July 5, 2001.

Photo: Smokey sunset at James Price Point. Rod Hartvigsen®



A Non-Aboriginal Experience of the Lurujarri Heritage Trail

“In 1994, I walked the Lurujarri Heritage Trail with Paddy Roe and members of his family, including current Law Boss, Joseph Roe. They taught me the value and the meaning of land: the land is alive with a spirit that needs to be nurtured. The way to nurture it is to walk it. ‘All people, black, white and brindle need to walk this land to keep it alive’ is what Paddy taught me.

“People in southern Australia often see land merely as real estate. I too had no idea of the true meaning of land until I walked it with Paddy Roe. I learned that land has character; when it is nurtured, it will nurture you back. I learned that different areas have different purposes. Some places are restful. Others are for achieving things. Others are simply agitating and to be avoided. The Lurujarri Songline is a live entity. Southern politicians have no idea what they are dealing with. James Price Point is right in the middle of this vibrant piece of contemporary Australian culture.

“Living in Broome since 1982, I have noticed the land itself affecting the people who come here. Often they turn up with narrow minded southern attitudes and bluster around with their ‘I know better than you’ southern arrogance only to have these attitudes turned around as they spend time in the land. I’ve watched them become accepting people who embrace people of all creeds and walks of life to become Kimberley people, advocates for cooperation and harmony between all peoples and the land itself. Aboriginal people in Broome are strong, with the ability to pull themselves up by their bootstraps and to make their own way in the world.

They stand in contrast to Aboriginal people in some other parts of Western Australia who live a disheartened and degraded life close to major industrial development. Welfare handouts disguised as royalties and administered by lawyers have a poor record in helping people.”

Greg Quicke

Photo collage: A patchwork montage of images, show Richard Hunter, a Goolarabooloo lawman and story teller with a group on the Lurujarri Trail, in the middle of the proposed LNG plant precinct. Rod Hartvigsen®



The Goolarabooloo/Jabirr Jabirr Land Claim

The role of principal Law Boss and Law-keeper for this land was handed over by Paddy in his latter years, via traditional ceremony, to his grandson, Joseph Roe. Alongside Joe, the senior Lawmen of the Goolarabooloo people are two other grandsons of Paddy Roe, Phillip Roe and Richard Hunter. The “buru” (Jugun, Ngumbarl and Jabirr Jabirr country) extends from Garradjian (Beagle Bay boundary) to Njellenjellegun, between Dampier Creek and Broome.

The Lawmen are the people who have the say for that country, in the best interests of everyone. They are determined to keep the Law and Culture alive. Continuing the role of Paddy Roe, they conduct walking journeys and an annual nine day walk along the Lurujarri Heritage Trail. They lead visitors for 80 kms along the coastal terrain of that trail, travelling as a group and sharing their heritage. Richard and Terry Hunter share place stories at significant points during the day and with the family around the fires at night, stimulated by links to the stars overhead.

It is in the heart of the Lurujarri Heritage Trail, on the magnificent red cliffs of Walmadany, that the Western Australian government seeks to entice gas companies to build a Gas Precinct. It seems the Gas Precinct will be the forerunner of other heavy industrial development. Such development will interrupt the link between these ancient ceremonial grounds, wreaking irreversible damage on this unique environment in the process.

Photo collage: Walmadany (James Price Point) - old camp and favoured fishing reef for many generations (collage of fishermen, shells fragments, wattle, turtles, whale). Jeanne Browne®



The Significance of Place Specific Culture - Walmadany

While a substantial part of Law and Culture training is conducted by Elders during ceremonial times, a great deal of customary knowledge is conveyed, hands on, as part of day-to-day life, directly in response to being in the place. As with other indigenous clans across Australia, Goolarabooloo country has distinct territorial boundaries. Living within a domain of finite resources over countless generations demands that Country be managed in a sustainable way. Fine-tuning to place is reflected in the local peoples’ time-honed ability to read the seasons; recognising the best time and place to hunt different species and knowing where to find water in the Dry season.

In the Dampier Peninsula, six seasons are perceived, as distinct from the four-seasonal European calendar. Each is characterised by:

- the flowering, fruiting and seeding cycles of local plants,;
- the changes in weather, temperature and wind direction;
- the presence of insects;
- the breeding cycles of fauna on land and in the sea;
- the presence of certain constellations in the night sky;
- the fatness and skinniness of species; and
- the magnitude of tides

Certain events have become recognised as signals that one season is changing over to the next, for example: the arrival of the barn swallow and dollar bird herald ‘Mangala’, the Wet season, as the flowering of the long-fruited bloodwood signals its end – and transition to the hotter, drier “Marul” time.

Since seasonal knowledge of food and water sources has been passed on as oral tradition – never written down – links as memory aids are commonly observed between phenomena:

- The dappled shadows cast by clouds over the ocean and the beach occur at “married turtle time”, the prelude to the Wet season. They offer camouflage for the female turtles that crawl up the beach at that time to lay and bury their eggs. At the same time, the flowering of the medicine tree and the freshwater paperbark signal that the stingrays are fat and ready for hunting; and the eyes of the march-flies are green.
- The black kite, which shares the wedge-shaped tail of the blue nose salmon, is seen hovering over the dunes when the fish are running.

This local knowledge includes the functional uses of trees and plants as resources for food, water, medicines and healing, and in providing the best timbers for firewood (whether for light, heat or as insect repellent) or for the carving of implements.

Photo: Spanish Dancer in the shallows at James Price Point. Rod Hartvigsen®





“Culture cannot exist without Country
nor Country without culture.”

The Cultural Effect of the Gas Precinct

Joseph Roe writes:

“Aboriginal people believe the land, and its plants, animals and people, arose within the same life-giving creation process, and share the same essential energy vibration.

“For many traditional people, a specific tree, animal or place that has 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.

“Individual Law Bosses are keenly aware of their duty to hand over the country in good shape to the next generation, and with it, the songs that facilitate the balance and well-being of all. They know that, if they are negligent in looking after their country, it will directly affect them and their family because they share spirit with that land in particular.

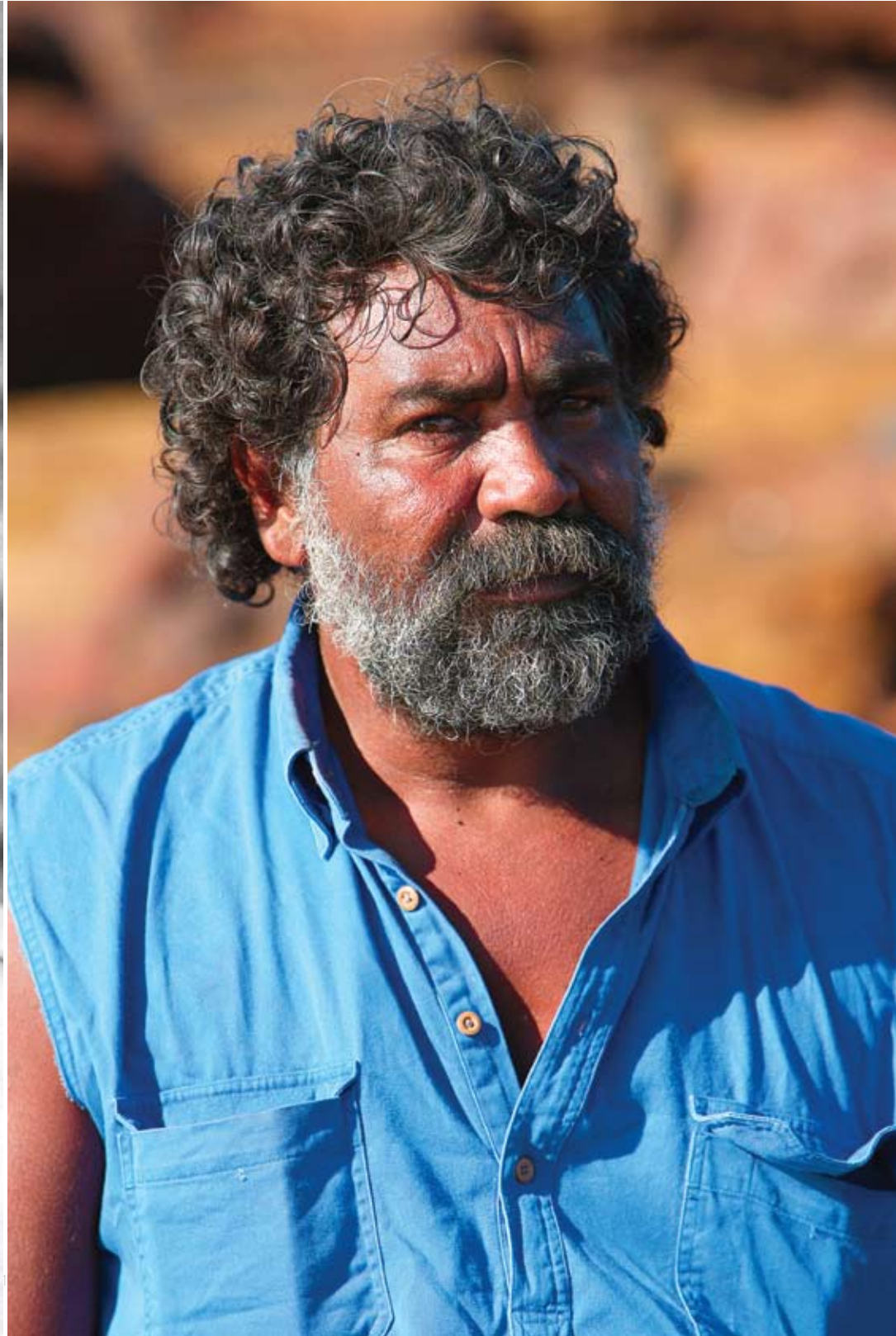
“The Goolarabooloo people are still actively engaged in looking after their country, despite living within a western world that would have them sell it, for the greater economic resources of the nation. They believe that connection with country and culture is the base of ones’ true sense of identity, spiritual and physical health, and self-esteem. Without it, one will never be strong enough or clever enough to look after the future, or to cope as an individual within the present day wider western world. People are rich if they are living on their Country, since it sustains them on every level, and the place is kept in dynamic relationship with its people.

“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 it.

“Culture cannot exist without Country nor Country without Culture.”

Painting previous page: ‘Barrgana’ - cold time mid-year; black kites are seen over the dunes when the salmon are running. Jeanne Brown®
Photos: The late Paddy Roe OAM initiated The Lurujarri Heritage Trail. James Price Point is at the heart of the trail; Joseph Roe, Paddy’s Grandson and current traditional custodian of the Lurujarri Trail : “The LNG Gas Proposal is a dangerous and frightening proposal...”





The Proposed Gas Precinct

The NDT report

In June 2007, the then WA government set up an inter-Departmental committee, the Northern Development Taskforce (NDT), with a brief to select “a suitable location or locations for the establishment of an LNG processing precinct in the Kimberley.”(21) The assumption was that a plant would be constructed in that precinct to process gas piped from the Browse Basin, some 300-400 kilometres offshore to the north and northwest. It is important to note that the NDT was not asked to look outside the Kimberley.

The NDT assumed that: Browse Basin leaseholder companies would pipe gas underwater from their lease areas, the pipelines coming ashore at the selected precinct; the companies would construct their own gas trains to process the gas into LNG; and that a deep-water jetty would be constructed at the precinct to facilitate immediate export of the LNG.

In December 2008, the NDT reported that it had closely examined four areas. Of them, the NDT preferred James Price Point which, it explained, “is a generic name for a number of sites along the same coastal area”(22), three of which it had assessed. All three shared some problems: the “variable depth and shallowness of waters” at that part of the coast would create difficulties in bringing the gas pipeline ashore there (23); “major dredging” would be required to provide deep water access; a breakwater would be needed because of the site’s exposure to cyclonic weather conditions. James Price Point was “culturally significant” to Aboriginal people (24). There were issues of “interference with drainage lines, potentially altering surrounding vegetation/habitats”; “significance of vine thickets” and “potential impact on pearling and tourism industry.”(25)

Although the NDT saw advantage to the gas plant in being close to Broome, there was a “potential negative impact on housing and accommodation in Broome”. The NDT also said: “The close proximity to Broome will require the management of potential negative

impacts on other industries, social infrastructure, housing and Broome’s reputation as a tourist destination.”(26)

The NDT said the “critical issue” at James Price Point was “the distance to deep water and the exposure to tides and cyclonic weather conditions.” The deep water lay from 5.2 km to 9.5km offshore, depending upon which of the three assessed sites was selected. This distance “impacts the length of shipping channel required and the resultant scale of dredging.” A “significant breakwater” would be needed. (27)

The environmental significance of these disadvantages is pointed up by information supplied to the NDT by the Environmental Protection Agency: “ whales, dugongs and billfish are present along the whole coastal area from Coulomb Point” (north of James Price Point) “to Willy Creek” (near Broome) “and... fish aggregation areas off James Price Point will need evaluation and management. The area also provides habitat for migratory birds.”(28)

The NDT noted that “James Price Point is a popular recreational area for both Aboriginal and non-Aboriginal users. The offshore area is known for its world-class game fishing and there are pearling leases nearby. There are also numerous registered Aboriginal heritage sites in the vicinity inclusive of the Lurujarri heritage trail which follows a continuous song line down the west coast of the Dampier Peninsula.”(29)

It seems the NDT thought these disadvantages were outweighed by the capacity of James Price Point for later expansion: “The advantage of James Price Point is the ability to co-locate multiple jetties and berths allowing for ease of expansion and more than two LNG processing operators, should that be required, during the life of the gas fields within the Browse Basin.”(30)

*Photo previous page: James Price Point cliff views. Rod Hartvigsen®
Photo: Boab tree near Fitzroy Crossing. Hugh Brown®*



*“It would exclude the public from all this land.
It would effectively destroy the Lurujarri Trail.”*

The Environmental Effect of a Gas Plant at James Price Point

The WA government has published possible layouts of marine and plant structures, located both north and south of the tip of James Price Point. Each layout is said to be an “option only and subject to alteration” so none of this information is definitive.

On 4 December 2009, the WA Premier, Colin Barnett announced that “an area immediately south of James Price Point has been chosen, following consultation with traditional owners.” The Goolarabooloo/Jabirr Jabirr people, the traditional owners, have not in fact approved this choice.

The NDT report did not indicate the area of land that would be required for a gas plant. The WA government has given estimates ranging from 10 square kilometres to 30 square kilometres, but is believed to be planning to gazette an exclusion zone stretching from Coulomb Point Nature Reserve to Barred Creek. Such a zone would contain up to 80 square kilometres. It would exclude the public from all this land. It would effectively destroy the Lurujarri trail.

No doubt the reason for such a large exclusion zone is the expansion potential which led the NDT to choose James Price Point over other sites. It seems Woodside Energy is confident there will be plenty of expansion. After the company’s 2009 annual general meeting, Managing Director Don Voelte told journalists: “There is no reason West Australia and northern Australia—the Timor Sea area—can’t be a construction complex over the next decade that looks something like Qatar.”(31)

A gas processing plant must operate a continuous flare and be very well lit throughout the night. Such glaring lights at James Price Point would irrevocably change the night-time sky of much of the Dampier Peninsula.

One of the most serious effects of a James Price Point gas precinct would be its effect on the coastal shallows and the animals that depend upon them. The NDT stated it would be

necessary to dredge a channel of up to 9.5 km., to provide deepwater access to the site. The NDT did not state the frequency of dredging. However, given the length of the channel, it seems probable that dredging will be a continuous operation. Dredging will diminish the seagrass available to the dugongs that currently feed in the James Price Point shallows. To what extent will the noise occasioned by the dredging affect the whales and other animals that use the shallows? To what extent will it affect the local pearling industry?

DREDGING AND PEARLING

On 12 May 2009, The Australian newspaper reported that Broome-based Clipper Pearls, “whose ocean lease would lie in the path” of a James Price Point pipeline, had taken legal advice about a compensation claim against Woodside Energy. The newspaper said the pipeline area is “also claimed by Broome’s pearl producers either as offshore farms or fishing grounds for the pinctada maxima pearl shell”. The report continued:

“Clipper Pearls, one of Australia’s leading producers of South Sea pearls, relies on the unpolluted waters off Broome to cultivate seeded oysters. Pearl farmers are warning of the huge risk posed to the vulnerable filter-feeding oyster by sediment created by pipe-laying or dredging operations. ‘This thing (pipeline) is going to require a huge amount of dredging... It will probably need ongoing and permanent dredging. ‘I don’t think anyone realises, except for the pearlers, how sediment moves around,’ said Arrow Pearl’s principal Steve Arrow, whose lease is located at Beagle Bay. ‘The sad fact of dredging is that you have these silt plumes in the water all the time and it can only augur badly for shell stocks. ‘The reason we move into these open ocean sites is because we are looking for clean water, and that’s what makes our pearl quality better.”

Photo: The North-West Shelf LNG plant at The Burrup Peninsula. Hugh Brown®



A Truly Remarkable Coastline

“James Price’s Point has been a haven to me for 20 years. It is a place of great beauty and tranquillity.

“When Colin Barnett set foot there late last year for the first time and decided to destroy it forever, I wonder if he noticed the native bees flying into tiny holes in the dramatic red cliffs, their legs laden with pollen from the purple Ipomoea flowers whose creeper hangs like a lace veil from the top of the cliffs to the fine white sand below. Did he notice the changing colours in the dramatic landscape from the white and yellow ochres to the turquoise waters of the sea. The magnificent cliffs, set against a cobalt sky, are filled with sediments creating rich mosaics that rival the Alhambra in Spain or the Blue Mosque in Turkey.

“Did Mr Barnett appreciate the geomorphology of the 60 to 145 million-year-old rocks in front of him, their formations not only a visual delight but also home to thousands of marine creatures? If he spent more than half an hour there in April, he would discover that is when clown-fish babies appear within their rich tropical reef home. They are no more than a centimetre in size and can be seen snuggling in close to their anemone homes while their parents fiercely defend their territory.

“The rich array of corals is the habitat of a vast variety of tropical fish; the patterns and colours of their skin flash in the sunlight that streams through the clean salty water. Beyond our human vision, phytoplankton and marine diatoms flourish as part of the delicately balanced ecology. While exploring the ancient reef rock pools beyond the cliffs of James Price Point, he could have discovered that every inch of the rock is covered in living organisms. In July he could find tiny baby crayfish and the miniature Platyhelminthe flatworm with its richly patterned skin swimming about waving its

elegant flamenco frills. Small stingrays with iridescent blue spots can be seen on the sandy floor of the pools and octopus are in abundance. The impossible shapes and forms of the soft corals and the hanging blue sea squirts would surely have impressed him.

“If Mr Barnett camped at Price’s Point for the night he would have the simple, free but priceless pleasure of lying back to view the Milky Way ablaze above him, far from the light pollution created by heavy industry. He would be able to make out Marrala, Emu man and creator spirit, in the negative spaces of the star bursts. If he were very lucky he would find Marrala’s footprints and feathers fossilised in the ancient mud all along our coast. Had Mr Barnett taken up the opportunity to visit Traditional Owners on country, he would have experienced a landscape connected to its people, heard the laughter of the children as they dig up the bush onion, watched the young men, with great precision, spearing fish caught within the mangrove roots of the tidal inlet pools.

“While moving through country with the people who live there, he could have collected the honey nestled in the paper barks, noticed the possums and the sugar gliders sleeping in hollows within the white trunked eucalypts, noticed the direction of the wind and the sound the birds make while flitting through the lush growth of the sand dune system. He would have to be careful not to disturb any ancestors of these people, who have been buried throughout the dunes.

“If Mr Barnett walked this coast he has condemned he would have an opportunity to view the intricate patterns in the sand that are created by rivulets of water as the ever changing tide recedes. As he looked out to sea he could count the white sprays of the many humpback whales as they move north to their calving grounds, and watch as they breach and splash back down into the sea. From the shore he could also spot dolphins,

turtles, dugong, manta ray, sharks and sea snakes. He could experience, breathing clean air, walking on clean sand and swimming in clean water; he would find a land in natural balance.

“For Colin Barnett to announce that James Price Point is an unremarkable part of the Kimberley Coast is insulting to the place and to all those who love it. I have visited many places on our Earth, and I must say that Price’s Point is exceptional and I feel privileged to spend time there.

“I believe Price’s Point should be given the respect it deserves and I, along with many others, will fight to protect it forever.”

Kerry Marvell, STK member

Photo: The unique Livistona Palm, North Kimberley Coast. Hugh Brown®



“It would lose its wonderful night sky.”

The Effect on Broome

With a romantic and turbulent history, an ethnically mixed population, rich red pindan soil providing a site on spectacular Roebuck Bay, a long artistic tradition and an easygoing, outdoor way of life, Broome is like no other town. For many Australians, Broome is a beacon from afar, a place worth crossing the continent to see and enjoy. Improved air services have led to greater numbers of both Australian and overseas tourists. Under their influence, Broome has steadily grown from a small remote settlement to a modern town now housing about 15,000 permanent residents; about 45,000, including seasonal workers, during the tourist season. This increase has required new development, but has not changed the town’s essential character.

Any exploitation of the Browse Basin gas deposits will affect Broome, the nearest town and port. There will be demand for support services (port, supply, administrative and recreational) for the off-shore platforms, the vessels servicing them and those employed on them. But the new demand will be comparatively small and, importantly, more of the same. Broome has always provided services like these. Properly managed, Broome should retain its charm.

What if the Gas Precinct goes ahead? And particularly if it is followed by other heavy industrial development? In either event, the road from Broome to James Price Point would immediately be sealed; James Price Point would be less than 30 minutes away.

Broome would still sustain the effects of the Browse Basin development itself. In addition, however, it would be required to cope with a large construction force—thousands of people—living in the town or on its doorstep. It would become a busier, noisier place with increased road and air traffic, including helicopters. It would lose its wonderful night sky.

At the beginning, and as occurred in the Pilbara, there would be an accommodation crisis. Rents would skyrocket, forcing many long-time Broome residents to leave, including some of the town’s most creative and colourful characters. This first stage would be followed by a frenzy of building construction, on a scale and at a speed that would be extremely difficult for the town to manage. It is hard to be optimistic about the outcome of that frenzy or to believe the town would retain the charm that now draws so many from so far.

Photo: Sunset, Riddell Beach, Broome. Hugh Brown®



The Myth of Traditional Owners’ Consent to the Gas Precinct

The Western Australian Premier, Colin Barnett, has made much of a claim by Wayne Bergmann, of the Kimberley Land Council (KLC), that the Traditional Owners have agreed to the establishment of a Gas Precinct at James Price Point. That claim is not correct. It is based on a meeting, held on 14 and 15 April 2009, that was not a valid Traditional Owner meeting.

The Traditional Owners of James Price Point are the Goolarabooloo/ Jabirr Jabirr People (G/JJ). That statement is not in dispute. Several years ago, Joseph Roe and Cyril Shaw lodged a Native Title claim, on behalf of the G/JJ, to land that included James Price Point. No other Aboriginal Group has challenged this claim or made an overlapping claim.

THE APRIL MEETING

In late March 2009 the KLC issued a flyer announcing a meeting on 14-15 April. The meeting was described as: “Goolarabooloo/ Jabirr Jabirr Native Title Claim Group Meeting.” The only stated item of business was: “Update on Negotiations about the Premier’s Nomination for a Gas Precinct around James Price Point.” The flyer gave no indication that a vote might be taken at the meeting, much less one to determine the Traditional Owners’ attitude to that nomination.

The meeting was called without reference to the Native Title claimants, Mr Roe and Mr Shaw, or to Marcus Holmes, their authorised Native Title Consultant. Mr Holmes was unavailable on the selected date. So he asked Mr Bergmann to find a different date, Mr Bergmann refused. The meeting went ahead on 14-15 April. It was attended by Aboriginal people from all over the Kimberley, They easily outnumbered the G/JJ people. If a roll was taken, its content has been kept secret. Mr Bergmann has refused Mr Roe’s repeated requests for a copy of the roll to be given to him.

The meeting opened with a presentation by Cameron Symes, a lawyer retained by KLC, about the financial benefits that might flow to Kimberley Aborigines from an agreement with Woodside Energy. Mr Symes spent most of the meeting time going through a standard KLC document about financial benefits. No one gave the meeting any information about the size of the Gas Precinct, or what other industry would follow. People were told the proposal was for a “gas factory, a little thing nobody would see.” There was no discussion about its effect on G/JJ Country or Culture.

Towards the end of the meeting, Mr Bergmann announced that a vote would be taken about approving an agreement. Some people at the meeting had previously expressed concern about a public statement by Mr Barnett that, if necessary, the WA government would compulsorily acquire James Price Point. So Mr Bergmann offered to call Mr Barnett and ask if compulsory acquisition was still on the table. While he was away, Mr Symes told the meeting they should agree; otherwise they might end up with no money at all. Mr Bergmann returned to the meeting and reported that Mr Barnett had given him an assurance he would not compulsorily acquire the land.

Lorna Cox Kelly, a Jabirr Jabirr Elder, asked for a secret ballot. She explained that people might feel intimidated at being seen voting against something that was said to provide financial benefits to others. Her request was ignored. In disgust, several people, including Mr Roe, left the meeting. A show of hands was then taken. A majority voted in favour of making an agreement with Woodside Energy. It is not possible to say how many of these were G/JJ people. Mr Roe has asked Mr Bergmann to provide a copy of the minutes of the meeting, including details of the vote. This request also has been refused, notwithstanding that KLC is supposed to be representing the G/JJ, of which Mr Roe is Senior Law Boss.

At an earlier meeting, in March 2009, between the Native Title applicants and G/JJ people, it had been agreed that any decision concerning the Gas Precinct would be made by consensus. This agreement was ignored at the April meeting.

The problems concerning the April meeting can be summarised in this way:

- (1) The meeting notice gave no warning of the possibility of a vote being called regarding consent to the Gas Precinct. No doubt for this reason, few G/JJ people attended;
- (2) The “decision” to consent was not made by consensus, as agreed in March, but by majority vote;
- (3) The majority of people who made the “decision” were not Traditional Owners from the James Price Point area.

THE DECLARATION

Responding to strong pressure from the WA government and KLC, on 21 November a group of G/JJ elders held a meeting at which they signed a Declaration setting out their position. Their first statement was one of support for Joseph Roe, as Senior Law Boss and Custodian of G/JJ Country. They affirmed that Walmadany was in G/JJ Country and stated :“We do NOT consent to the development of an LNG precinct on OUR land.” They also said they did not consent to KLC signing an agreement with Woodside or the State government to develop an LNG precinct on their land.

The Declaration was initially signed by only 18 elders. However, word got around and other G/JJ people asked permission to sign. As at the end of 2009, over 220 G/JJ people have put their names to the Declaration.

Photo: Mitchell Falls, Mitchell Plateau, Northern Kimberley. Hugh Brown®





The Thin End of the Wedge

“The Kimberley would be changed forever.”

The Other Proposals

A James Price Point gas precinct would be only the beginning of heavy industry in the Kimberley. This is made clear by an August 2005 report published by the WA government: Developing the West Kimberley’s Resources.

The 2005 report, which was sponsored by resource development companies, proposed extensive exploitation of the West Kimberley’s mineral resources. The proposals critically depended on the establishment of a natural gas processing plant on the Dampier Peninsula. The idea was that gas would be piped underwater from the Browse Basin to the peninsula. Most of the gas would there be processed into Liquefied Natural Gas (LNG) and exported overseas. However, relatively cheap gas would also be available for local use, including for major industrial processes.

The authors of the report envisaged the pipeline coming ashore near Cape Leveque (the closest mainland point to the Browse Basin) and proceeding underground, preferably in existing road easements, to the onshore gas processing facility.

The report urged bauxite mining at Mitchell Plateau. Bauxite mining involves the removal of all vegetation and topsoil from a mining area, so as to permit harvesting of the underlying bauxite. The topsoil is stockpiled and ultimately re-layed but machines cannot always reproduce the original topography. And, of course, it takes decades—even centuries—to reproduce the substantial trees cleared from mining sites.

The bauxite would be brought to an alumina refinery to be established on the Dampier Peninsula, north of Broome and close to the gas processing plant. A new power station, with capacity exceeding 60 MW, would supply the refinery with both electricity and process steam. These facilities would require the closing off of much more land than is proposed for the Gas Plant alone.

The authors of the report thought the gas plant would “facilitate the development, continuation and expansion of:

- Lead and/or zinc mining at Lennard Shelf and Admiral Bay;
- Diamond mining at Ellendale and nearby;
- Iron ore mining on Cockatoo Island and Koolan Island; and
- Onshore oilfields.” (32)

This report paid no attention to the effect of such massive industrialisation on either the Kimberley environment or the Culture and Country of Kimberley Aboriginal people. Obviously, however, the Kimberley would be changed forever.

BARNETT SPIN

From time to time, Mr Barnett has played down the idea that establishment of a Gas Plant at James Price Point would lead to the additional developments proposed in 2005. He has even suggested he would not favour these developments. However, whatever his true view, Mr Barnett will not be Premier forever. Common sense dictates that a major energy source will attract energy-intensive industry. Mr Barnett could limit further industrialisation by asking the Commonwealth government to nominate the remaining unspoilt Kimberley for the World Heritage List. He has declined to do so.

*Photo previous page: Mitchell Plateau lily pond. Rod Hartvigsen®
Photo: A typical bauxite mine.*





ALTERNATIVES: Sites Outside the Kimberley

It may be (or become) in Australia's national interest to develop the Browse Basin gas deposits. But nobody has suggested development is dependent on the establishment of a Kimberley Gas Precinct. Although the NDT was not asked to consider sites outside the Kimberley, it noted reports by two leading engineering consultant companies that identified potential Browse Basin gas processing sites in the Northern Territory and the Pilbara.

The NDT thought it would be uneconomic for a leaseholder to incur the costs both of piping gas more than 500 km. and also establishing a greenfields site. However, it said, a leaseholder could do either one of these things. Since the report was published, one Browse leaseholder, INPEX, has announced it will pipe its gas to Darwin, about 1000 km. away, for processing. The Burrup Peninsula (Karratha), which has extensive existing infrastructure, is 850 km. from Browse. Port Hedland also seems to be a possibility.

On 8 October 2009, Shell announced it would use Floating Liquefied Natural Gas (FLNG) Technology to process the gas pumped from its (Browse Basin) Prelude field. The company unveiled plans to construct the world's largest ship, 480 metres long and up to 75 metres wide. This vessel would be used to liquefy the gas extracted from Prelude. As Shell explained in an accompanying draft environmental impact statement, this "avoids the need for a 'traditional' onshore development scenario that would ordinarily comprise of onshore platform(s), export pipeline(s), an onshore liquefaction plant, export jetty and the associated facility preparation works including coastal dredging and also provide process heat requirements." (33)

Shell made these important points:

- (1) in contrast to the position that would result from onshore processing, with its need for substantial buildings and works and coastal dredging, Prelude would have "a low

environmental footprint which is restricted to its location 200 km offshore, away from sensitive environmental receptors such as turtles, whales and the Kimberley coastline" (34);

- (2) FLNG "offered: the lowest environmental footprint; a lower development cost; and flexibility to subsequently relocate the FLNG facility to other fields" (35);
- (3) there would be a saving in greenhouse gas emissions; the FLNG facility would be "15-25% less CO₂ intensive than a conventional onshore LNG plant" (36);
- (4) it was more efficient to use cold seawater (extracted from a depth of 150 metres) as a coolant, rather than to use coastal seawater or air cooling (37); and
- (5) offshore processing would still provide economic benefits. The project would create more than 500 Australian jobs during the drilling and construction phases "and 320 direct jobs for 25 years during the operational phase." (38)

Shell's conclusions negate the suggested need for a gas processing plant at James Price Point. The push for that location has always been led by the WA government, not the Browse Basin permit holders. Of them, only Woodside Energy has ever indicated interest in James Price Point.

Notwithstanding Shell's announcement, Mr Barnett continues to argue for James Price Point, presumably from a desire to encourage other industrial and mining projects in the Kimberley, and the Dampier Peninsula in particular. In the light of Shell's environmental impact statement, it is now clear that can be the only possible reason for him to continue to press the case for development of James Price Point. If this is his reason, he should say so.

Photo: Some Browse Basin Permit holders have publicly stated that rather than James Price Point, their gas could be piped to the existing facilities at the Burrup Peninsula on the Pilbara Coast. Hugh Brown®

Payments to the Kimberley Aboriginals

Following the April meeting of Kimberley Aboriginal people, the KLC signed an agreement with the WA government and Woodside Energy. A certificate at the front of the agreement, signed by Mr Barnett, Mr Bergmann and Mr Voelte, states that the KLC was “representing the Traditional Owners (Goolarabooloo Jabirr Jabirr Native Title Claimants)”.

Although Mr Roe is the lead G/JJ claimant, Mr Bergmann has declined to give him a copy of the agreement. However, from statements made by those who are familiar with its content, it appears the agreement provides for Woodside Energy to pay money (how much is uncertain) to the KLC for use in improving the education, health and housing of Kimberley Aborigines.

It is not clear why Aboriginal people should be asked to sacrifice their Country and Culture in order to gain benefits that other Australians receive as of right. However, if it is thought fairness requires that Kimberley Aborigines be given the opportunity to obtain some financial benefit from their ownership of land in a resource-rich area, it would be feasible for either the Commonwealth or WA government to make it a condition of the establishment of any Browse Basin Gas Plant, wherever situate, that a particular sum of money, or a calculated royalty, be paid into a trust fund for Kimberley Aboriginal people. If we, as a community, decide that the Kimberley is too precious to spoil by development, we should not allow our decision to be at the expense of the local indigenous people. We need only use our imagination.

Photo: Jesus light, Northern Kimberley Coast. Hugh Brown®



Jobs

Mr Barnett and others have talked up the job opportunities a Gas Precinct would create. Certainly, there will be job opportunities; how many of them will be available to the local people, is another matter.

During the construction phase, a substantial workforce would be required. But most of these workers will be highly skilled people, brought to the Kimberley from elsewhere. During the operational phase, a smaller workforce would be required but, once again, the workers would predominantly be highly skilled people, possibly organised on a “fly-in, fly-out” basis. There would not appear to be much prospect of long-term work for the local people.

By contrast, the tourist industry is now providing many long-term, satisfying jobs for Kimberley residents, including Aboriginal people. This is especially true of the labour-intensive eco-tourist industry, in which Aboriginal people are particularly involved.

On 7 May 2009, the Commonwealth Environment Minister, Peter Garrett AM MP, released a report into the economic activity generated by Australia’s 17 World Heritage properties. The tally came to \$12 billion annually, supporting over 120,000 jobs. Because of their comparability with the Kimberley, the results for two properties are particularly interesting; the Wet Tropics World Heritage Area (northern Queensland rainforest area)—\$426 million in 2007; the Tasmanian Wilderness World Heritage Area (the remote southwestern area that includes the Franklin River)—\$190 million. With all its great advantages, the Kimberley would soon overtake these two areas.

Have Your Say

Whether the Gas Plant goes ahead will ultimately be a political decision. The plant will require the approval of the federal government, as well as the WA government. If you are opposed to the Gas Plant (at least in the absence of a detailed study of alternatives), please tell your elected representatives what you think. Write or email:

- your local federal member;
- if you live in Western Australia, your State member;
- the Prime Minister, the Hon. Kevin Rudd MP, Parliament House, Canberra 2600;
- the Minister for the Environment, the Hon. Peter Garrett AM MP, Parliament House, Canberra 2600;
- the Premier of Western Australia, the Hon Colin Barnett MLA, Parliament House, Perth, 6000; or
- the Leader of the (State) Opposition, the Hon Eric Ripper MLA, Parliament House, Perth, 6000.

Photo: Crocodile, Drysdale River, Northern Kimberley. Hugh Brown®



Footnotes

- (1) A synthesis of scientific knowledge to support conservation management of the Kimberley region of Western Australia, Department of Environment and Conservation (WA), February 2009, page 1.
- (2) Ibid. page 2.
- (3) Id.
- (4) Ibid. page 5.
- (5) Ibid. page 7.
- (6) Ibid. page 8.
- (7) Ibid. page 11.
- (8) Ibid. page 12.
- (9) Id.
- (10) Ibid. page 13.
- (11) Ibid. page 15.
- (12) Ibid. page 22.
- (13) Ibid. page 31.
- (14) Waterbank Structure Plan 2000 (Department of Land Administration, WA government), page 1.

- (15) Id.
- (16) Id.
- (17) Ibid. Message from the Minister.
- (18) Ibid. page 56.
- (19) Id.
- (20) Nature Conservation Reserves in the Kimberley, Department of Conservation and Land Management, 1991, page 13.
- (21) Northern Development Taskforce Final Site Evaluation Report page 1.
- (22) Ibid. page 15.
- (23) Ibid. page 9.
- (24) Ibid. page 7.
- (25) Id.
- (26) Id.
- (27) Ibid. page 15.
- (28) Ibid. page 11.
- (29) Ibid. page 20.

- (30) Ibid. page 15.
- (31) iWA Business News, 1 May 2009.
- (32) Developing the West Kimberley's Resources, Main Report, August 2005, para.9.4.
- (33) Prelude Floating LNG project, Draft Environmental Impact Statement, Shell Development (Australia) Proprietary Limited, October 2009, page 3.
- (34) Ibid. Introduction.
- (35) Ibid. page 6.
- (36) Ibid. page 13.
- (37) Ibid. page 54.
- (38) Ibid. page 38.



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