

Native title counter-claim looms for Fortescue mine site

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Two of the major Aboriginal groups in Western Australia's Pilbara region are heading for a bitter legal stoush over competing native title claims covering Fortescue Metals Group's Solomon iron ore mine.

The Eastern Guruma people will lodge a surprise claim for native title over about 700sq km of land that for the past 12 years has been under claim by the neighbouring Yindjibarndi people. The new application overlaps about one-quarter of the Yindjibarndi's existing native title claim, which is being heard by the Federal Court.

If the claim succeeds, the Yindjibarndi Aboriginal Corporation's bid for exclusive possession over the area — including part of Fortescue's Solomon mine — would fail, preventing a planned action for compensation against the mining company.

The new claim comes despite a court judgment in September that rejected an application by the Wintawari Guruma Aboriginal Corporation, the native title body for the Eastern Guruma, to have its application heard as part of the Yindjibarndi's native title claim.

Judge Steven Rares found the WGAC's application was "fundamentally misconceived and an abuse of the process of the court".

YAC chief executive Michael Woodley said the WGAC's last-minute application — which is likely to be challenged in court — came after repeated attempts by Fortescue and other indigenous groups to "sabotage" its native title claim. He said the WGAC had an indigenous land-use agreement with Fortescue and was a joint venture partner in contract mining services at Solomon.

When asked why it had taken 12 years for the Eastern Guruma claim to be lodged, WGAC director Tony Bevan said elders realised only last year — while watching a television show — that a significant site known as Satellite Springs was part of the Yindjibarndi's claim. He said the Eastern Guruma people considered the area to be their country.

"YAC want exclusive possession — that is a higher level of rights that would see the Eastern Guruma excluded from that country," Mr Bevan said. "It's certainly not something that has popped up overnight or concocted. There are very strong feelings among the Eastern Guruma people that we should proceed with the claim."

Mr Bevan denied claims by Mr Woodley that Fortescue had played a role in the planning of Eastern Guruma's native title claim. He said WGAC's business arm received about \$8 million a year in revenue from Fortescue. "There has been no collaboration or collusion with FMG," he said.

Fortescue's relations with the YAC have been strained since the indigenous group rejected an offer of \$4m a year for access to its land.

Earlier this year, evidence given to the Federal Court showed Fortescue had covertly arranged a meeting of the Yindjibarndi people aimed at removing Mr Woodley and his allies as leaders of the YAC.

Justice Rares found the notice of meeting issued in June was "calculated to mislead" because the Yindjibarndi would have been unaware they were voting to give up exclusive possession of their land.

Fortescue has rejected suggestions that it sought to influence the outcome of the meeting.