



WINTAWARI GURUMA ABORIGINAL CORPORATION NEWSLETTER

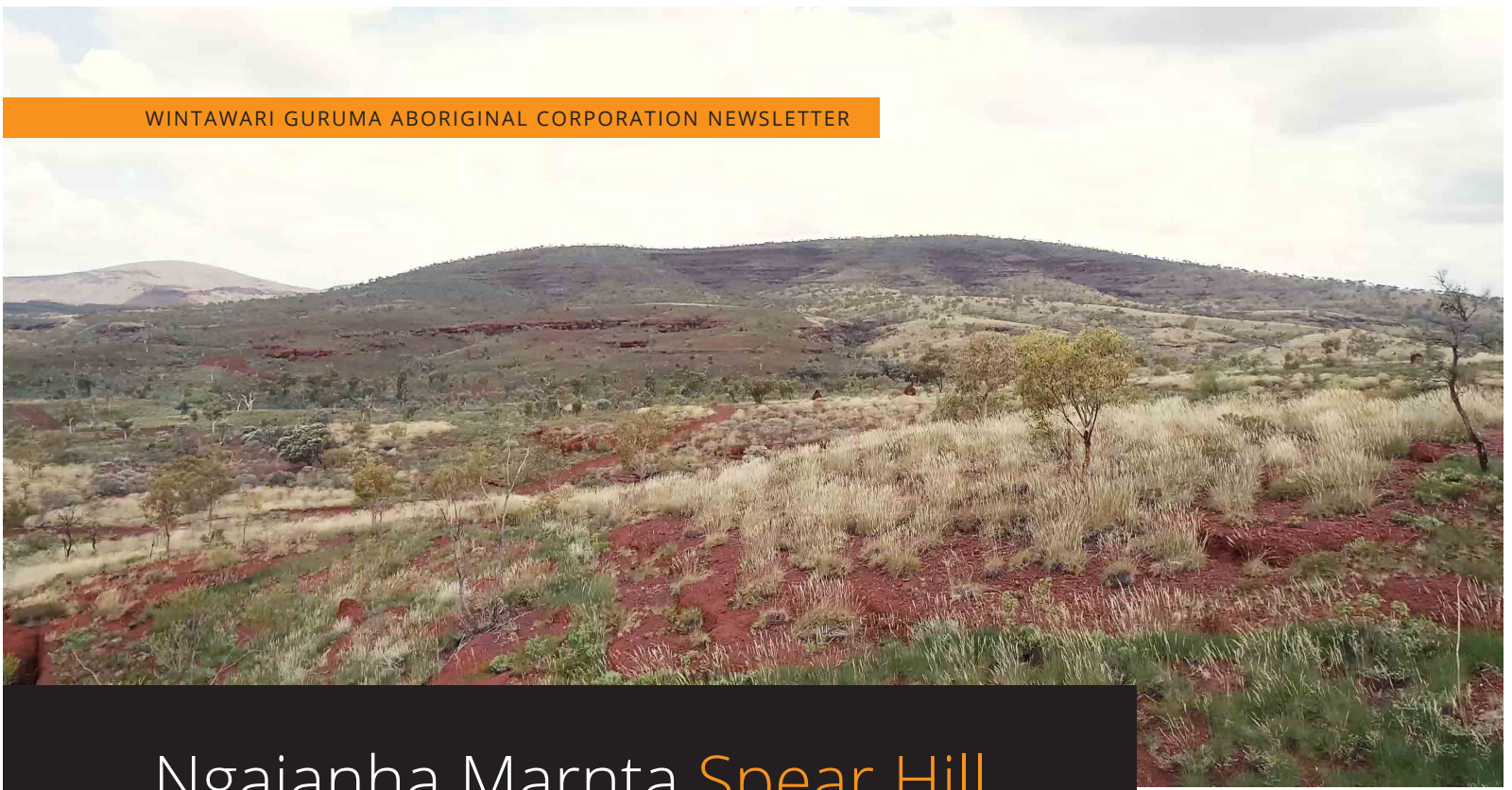
This edition of Wintawari Guruma Aboriginal Corporation's (WGAC) Newsletter is focused on informing members about our efforts to protect our important heritage sites at risk of destruction from FMG's proposed Eliwana railway.

On 28 May 2018, FMG confirmed its intention to build the Eliwana railway to connect its Western Hub operations in PKKP country to the existing rail at Solomon in Yindjibarndi country. To achieve this, FMG propose to build approximately 90km of railway right across Eastern Guruma country, which will cause impacts to some of our most important heritage sites. Unfortunately, FMG has not consulted with WGAC to WGAC's satisfaction prior to seeking government approvals to develop the Eliwana railway.

FAST FACT

FMG's Eliwana railway is planned to be a 120km railway linking the existing Solomon Mine with the proposed Eliwana Iron Ore Mine, located 90 km west-northwest of Tom Price. The proposal includes disturbance to 3,690ha of native vegetation and fauna habitat within the 57,000ha development envelope.





Ngajanha Marnta Spear Hill

WGAC is opposed to FMG's plan to build the Eliwana railway through the Spear Hill area. The construction of a railway and haul road through Spear Hill will break our ancient connection to this important area, and destroy many of our heritage sites, forever.

WGAC has repeatedly requested FMG not build its railway through the Spear Hill area because of its importance to the Eastern Guruma people. WGAC has requested FMG to realign less than 2% of the rail to avoid our culturally important places. FMG says it's too late to redesign the railway alignment because it will cost too much and cause delays to their project timeframes.

SECTION 18 CONSENT

On 30 November 2017 Ben Wyatt, the Minister for Aboriginal Affairs, gave his approval to FMG to build their railway through Spear Hill and destroy 50 sites. WGAC has challenged this decision in the WA Supreme Court claiming the Minister did not receive correct advice from his advisory body, the Aboriginal Cultural Material Committee (ACMC), and therefore he had no power to grant FMG the consent to destroy Eastern Guruma sites.

FAST FACT

The Spear Hill area is made up of at least 50 important sites where our ancestors lived and practiced their cultural traditions. A rockshelter very close to the base of Spear Hill was investigated by WGAC. Archaeologists have dated the earliest use of the site to at least 23,000 years ago. The archaeologist's investigation also recovered 1100 artefacts from the small excavation square, which extended throughout the cultural deposit and showed that the rockshelter had been used and occupied by people since before the last ice age.

FAST FACT

The Minister for Aboriginal Affairs is tasked with making decisions under the *Aboriginal Heritage Act 1972 (WA)* as to whether landowners may or may not impact Aboriginal sites in Western Australia. He is advised by the Aboriginal Cultural Material Committee, an advisory committee established under the Aboriginal Heritage Act comprised of Aboriginal people and non-Aboriginal people from around the Western Australia.

WGAC has obtained documents under the Freedom of Information Act 1992 (WA) relevant to the Minister's decision to grant FMG these section 18 approvals. WGAC has submitted that these documents are evidence of bias, and that the ACMC's advice favored approving FMG's section 18 applications in the face of WGAC's opposition to the applications.

Minister Issues Apology to WGAC CEO

In response to a question in Parliament on 21 March 2018, the Aboriginal Affairs Minister Ben Wyatt, said that he regretted the comments he made about WGAC CEO, Mr Glen Camille, which were published by the West Australian newspaper. The Minister conceded that Mr Camille had legitimate concerns about the protection of Spear Hill.

Section 10 Application

WGAC has also made an application under section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHPA) seeking the Commonwealth Minister for Environment and Energy, the Hon Josh Frydenberg MP, protect the Spear Hill area. The Minister has appointed a Melbourne based barrister, Tom Keely SC, to provide him with advice about WGAC's application.

FAST FACT

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHPA) can protect areas and objects that are of particular significance to Aboriginal people. The ATSIHPA allows the Environment Minister, on the application of an Aboriginal person or group of persons, to make a declaration to protect an area, object or class of objects from a threat of injury or desecration.

FMG has written to Mr Keely urging him to advise the Minister not to make a declaration to protect the Spear Hill area. WGAC is aware that several organisations and individuals have made submissions to Mr Keely supporting WGAC's application for protection of the Spear Hill area. The Minister will decide on WGAC's application in the coming months.



Eliwana Railway Public Environmental Review



Before FMG can build its railway, it must first obtain approval from the WA Minister for Environment, Hon. Stephen Dawson, under the *Environment Protection Act 1986*. This requires the Environmental Protection Authority (EPA) to assess FMG's application and feedback from the public before making recommendations to the Minister.

FAST FACT

the Environmental Protection Authority (EPA) is governed by the Environmental Protection Act 1986 which stipulates that the objective of the EPA is to:

'use its best endeavours –
a) to protect the environment; and
b) to prevent, control and abate pollution and environmental harm.'

The Act defines the environment as 'living things, their physical, biological and social surroundings, and interactions between all of these'.

WGAC is disappointed that the Premier, Hon. Mark McGowan has publicly supported progress of the Eliwana Rail Project before the EPA has completed its assessment of this project. WGAC is concerned that the Premier's comments put unnecessary pressure on the EPA and Minister Dawson to recommend the railway be built as FMG have proposed.

The proposed rail alignment will cause significant impacts to our country and several sites including the extensive rock art precinct on Duck Creek, the Dancing Grounds near Four Mile and Hamersley Homestead.

WGAC will make submissions to the EPA once FMG's application is released for a four-week Public Environmental Review and urge the EPA to recommend that FMG realign their railway to avoid impacts to these and other important places.

MINOR AND PRELIMINARY WORKS APPLICATION

FMG is seeking approval from the EPA for a Minor or Preliminary Works application to construct work camps, roads, water pipelines and other infrastructure before the main construction of the railway. Both WGAC and the PKKP Aboriginal Corporation have opposed FMG's application contending that the works are not minor, and that the EPA does not have the power to approve it. The EPA Chairman, Dr Tom Hatton, wrote to WGAC and guaranteed that FMG's application would be thoroughly assessed by the EPA.

RELATIONSHIP WITH FMG

WGAC values constructive working relationships with all its partners. These relationships are built on mutual respect, honesty, trust, and open communication. It is fair to say that the relationship with FMG is strained at this point, but the WGAC Board and staff are working hard to improve the relationship for our collective benefit.

IMPORTANT NOTICE

The WGAC will be holding a Community Meeting in July. Members will be notified of the date and venue nearer the time.

Note: If you are approached by staff members or contractors from any mining company asking you about cultural heritage business please refer them to either the WGAC office in Karratha or Perth.

