



Fortescue rejects claims of unlawful heritage dealing

PERTH, 7th November 2011: Fortescue Metals Group (Fortescue) categorically rejects offensive claims that it is operating unlawfully regarding Aboriginal heritage sites at its Solomon Hub project.

Fortescue has worked and continues to work closely with Yindjibarndi people including many Yindjibarndi Elders to identify Aboriginal heritage sites on the Solomon Hub project.

“We have spent many millions of dollars to protect and avoid significant Aboriginal heritage sites at the Solomon Hub and will continue to do so. From the time we begin exploration in any area, many years prior to a project commencing, we work closely with Aboriginal land owners to identify and protect Aboriginal Heritage Sites in accordance with the Aboriginal Heritage Act (WA),” Fortescue Director Development Peter Meurs said.

Michael Woodley’s allegations that Fortescue has damaged sacred sites are untrue and part of an ongoing campaign by a man who no longer has the support of the majority of the Yindjibarndi community and who has repeatedly failed to provide proof to support his claims.

Mr Woodley’s claim that Fortescue forced heritage consultants to change their report is also spurious and mischievous. Fortescue requested the correction of unqualified commentary in the report in question. Both the original and corrected versions of the report were submitted to the Department of Indigenous Affairs (DIA). The DIA was aware of both versions of the report at all times and process has not been subverted.

Fortescue takes these allegations very seriously and will co-operate fully with any investigation instigated by Federal Minister for Sustainability, Environment, Water, Population and Communities Tony Burke.

Mr Woodley and his diminishing group of supporters have had numerous opportunities to put forward evidence of significant ceremonial activity on the Yindjibarndi land impacted by Fortescue’s Solomon Hub project. They have failed to do so.

Mr Woodley’s legal campaign against Fortescue, has included an appeal to the Full Federal Court and an application to the High Court. At every point of the way the National Native Title Tribunal (NNTT) and the Courts (including the Full Federal Court) have rejected Mr Woodley’s claims against Fortescue. The High Court application stands abandoned because Mr Woodley failed to file the necessary documents.

In fact, in June this year, the NNTT found that Mr Woodley's assertions were not supported by any other members of the Yindjibarndi, even those who he claimed supported him.

In the NNTT decision, **FMG Pilbara Pty Ltd/ Ned Cheedy and others on behalf of the Yindjibarndi People**/Western Australia, [2011] NNTTA 107 (17 June 2011)(attached), the Tribunal:

- accepted sworn evidence from 10 Yindjibarndi men who disputed Michael Woodley's claims that ceremonies were conducted on the Fortescue leases. In fact they gave evidence that the ceremonies are conducted hundreds of kilometres from the Application Area (para 49 at pg 37)
- accepted that four of the men who gave the sworn evidence are Senior Yindjibarndi Lawmen. (para 94 at78)
- refused, notwithstanding Mr Woodley's evidence, to find that any significant ceremonial activity was conducted in the area of the leases. (para 99 at 84)
- described Mr Woodley's evidence in the proceeding, "uncorroborated, contested and potentially unauthorized". (para 80 at 70)

The fact of the matter is that Fortescue makes every effort to avoid sites of high significance, including burial sites, ethnographic (story sites), engraving and rock art sites. Fortescue identifies and protects Aboriginal Heritage Sites in accordance with the Aboriginal Heritage Act (WA).

On Sunday 6th November, the Wirilu-murra Yindjibarndi Aboriginal Corporation (WYMAC), more than 230 members-strong, held an AGM in Roebourne. This group of Yindjibarndi people outnumbers supporters of Mr Woodley two-to-one and has initiated legal proceedings in the Federal Court to remove Mr Woodley as an applicant to the Yindjibarndi (No 1) Native Title Claim and in the Supreme Court to have Yindjibarndi Aboriginal Corporation (YAC) placed under the control of an independent receiver.

Mr Woodley has never challenged the NNNT's finding that Fortescue negotiated in good faith with the Yindjibarndi People. In August 2011, the Full Federal Court dismissed Michael Woodley's legal action against Fortescue's application for mining leases at Solomon and the Western Australian government granted Fortescue the three mining leases required to start mining.

Fortescue has negotiated and reached an agreement with the majority of the Yindjibarndi community.

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