

MESSAGE FROM THE CEO

Wanthiwa and welcome to this third edition of Ngarda Wangka.

I'm writing to you at a very proud time in Yindjibarndi history following our two weeks of evidence in defence of our Ngurra in August following the unauthorised FMG Solomon Hub mining operations at Ganyjingarringunha without the Free, Prior and Informed Consent of Yindjibarndi.

We can all be immensely proud of the community members who stood up and told of the impact that FMG's mining has had on our Ngurra and our community. For some, telling these stories was a painful experience. I wish to thank each of the witnesses for having the strength and courage to testify.

The evidence given by our community was truly impressive, as shown by FMG's declining to cross examine our witnesses or to call its own evidence to the Court. The case will resume early next year, where expert witnesses are scheduled to give their evidence

Michael Woodley, CEO

CULTURAL WARNING: This edition includes the name of a deceased person.

Before the Federal Court, Yindjibarndi bristle with pride and determination



CEO Michael Woodley, right, and YNAC chair Stanley Warrie, at Bangkangarra.

Nine days of evidence before Justice Stephen Burley, including a sacred cultural ceremony, has shown the Federal Court of Australia and the entire nation the strength of character and depth of spiritual belief that is driving the Yindjibarndi community in our fight for justice against mining giant FMG.

The case proved to be an emotional and demanding time for members who were required to discuss sensitive issues within their families, such as the breakdown of close relationships with relatives as a result of the dispute with FMG.

The visit to the mine site near Bangkangarra for senior community members also proved demanding, causing YNAC chairman Stanley Warrie to break down in tears as he saw the large-scale destruction by FMG with his own eyes for the first time.

Looking down at the vast Queens pit, once a home to countless

numbers of cultural heritage relics, he cried out in distress and said FMG had "stolen" and "destroyed" his country.

"Fortescue has stolen the land," Mr Warrie told the court. "This is my religion, and it's been destroyed, my stories, my life. Yindjibarndi land is where my religion is."

During the tour Justice Burley took a moment to step away and gaze at the enormous, tiered road and noted that the noise of giant trucks could be heard throughout the on-country hearing. (cont. p.2)

Yindjibarndi witnesses detailed to the Court how the ancient system governing the spiritual and physical worlds had been damaged by FMG’s mining. And so had the ‘Galharra’ (skin group) system which governed marriage and family relationships.

These laws maintained the social fabric for Indigenous people before white settlement. But elders said the customs were violated when FMG mined on their country without their permission.

They expressed sadness that ochre and other sacred materials used for men’s ceremonies had been destroyed and “shipped to China”.

The Yindjibarndi strength of character shone bright throughout the 9 days of hearings, and culminated in a powerful cultural performance for Justice Burley which sang the songlines of Bangkangarra and the region around it. This included a private men’s performance and evidence by senior law man Angus Mack. Fortescue’s senior legal counsel, Brahma Dharmananda, stayed throughout these performances and seemed to find them compelling as he was seen nodding during the evidence given by Mr Mack.



YAC director Kevin Guinness prepares to give evidence at Bangkangarra. He is wearing a ‘Yindjibarndi’ shirt and tie that he and his brothers had made for the funeral of a close relative. Photo: YNL.

Our witnesses

The Yindjibarndi people who gave evidence to the court in order of appearance are as follows:

The late Margaret Read, Tootsie Daniel, Lyn Cheedy, Sonya Wilson, Isaac Guinness, Ricky Smith, Estelle Guinness, Kaye Warrie, Lorraine Coppin, Michael Woodley, Stanley

Warrie, Kevin Guinness, Angus Mack, and Fabian Cheedy. Many of the affidavits by Yindjibarndi members have been accepted.



Justice Burley, centre (in front of YAC flag), with witnesses, community members, legal counsel and staff at the conclusion of the Bangkangarra hearings.

Bangkangarra rock shelter shows continuous occupation for over 50,000 years, Court told



Left to right, YAC chief executive Michael Woodley, Federal Court Justice Stephen Burley, WA Government counsel Griff Ranson, Fortescue counsel Brahma Dharmananda, Yindjibarndi senior law man Angus Mack, YAC counsel Vance Hughston and Yindjibarndi Trust chairman Aaron Hubert. Photo: Ngaarda Media

Evidence presented to the court by leading archaeologist Professor Peter Veth showed continuous occupation going back as far as 50,000 years, which is older than Juukan Gorge.

The ancient rock shelter unearthed near Fortescue Metals Group's massive Solomon mine is likely to be just one example of the rich cultural heritage found throughout the lucrative area.

Professor Veth told Yindjibarndi Nation News: "The excavation has revealed over 1000 artefacts, with repeated occupation in a gorge marked by a permanent pool with a waterfall. It is in excess of 1.6 metres deep and therefore we expect the site to have considerable antiquity, probably in the order of 45 - 50,000 years ago."

The Pilbara rock shelter became the site of a hearing in August in the last leg of the long-running battle between the miner and the Yindjibarndi people. FMG has mined Yindjibarndi country for more than 10 years despite having no agreement with YNAC, the Registered Native Title Body Corporate.

Archaeologist Peter Veth told Justice Burley what his dig team found about 1.7 metres below the surface - evidence of continuous human habitation and even trade with people from the coast, far from the inland site around 60km north of Tom Price.

"It's got baler shells, coastal shellfish, large ones that were taken to an even larger rock shelter located a couple of kilometres away which he indicated could contain more extensive cultural heritage."

Following this evidence, Professor Veth and his team were taken to an even larger rock shelter located a couple of kilometres away which he indicated could contain more extensive cultural heritage.

He was also shown the skeletal remains of a Yindjibarndi person buried in one corner of the shelter. Yindjibarndi CEO Michael Woodley performed a special smoking ceremony to give the team a safe working environment at the shelter. Work is expected to begin on this second shelter next year.

In His Honour's Own Words



YNAC chairman Stanley Warrie ushers Justice Burley through the smoking ceremony at the opening of the court hearing at Bangkangarra. Photo: Juluwarlu.

Some of the statements and questions from Justice Burley throughout the nine days of evidence gave some insight into the key issues at the heart of the case. Here are some highlights.

THE TIMBER CREEK (Griffiths case)

Just to make clear, insofar as your argument about the Mining Act prevails, you nevertheless accept that Griffiths provides a litmus test for that?

THE RIGHT TO NEGOTIATE AND COMPENSATION

So there must be some relationship between the right to negotiate and the compensable acts. Otherwise, why would a mining company ever negotiate and agree to a percentage payment as contemplated under Subdivision P? It wouldn't make any sense. They would be encouraged not to negotiate and agree if Subdivision P was to be set to one side and ignored.

I understand that's your submission [by State government that Subdivision P does not apply]; I just don't understand how that sits with the regime.

IMPLICATIONS OF FMG'S REFUSAL TO PAY ROYALTIES

If in this case the decision is made that a royalty based assessment is irrelevant, then is not the likely outcome that everyone who's a mining company considering future acts applicable will just ignore the prior practice of royalties for the purpose of negotiation because there's no compulsion on them to agree.

YINDJIBARNDI HOSPITALITY AT BANGKANGARRA

Well, there are two things I would like to say. The first is when we adjourn today, I would personally like to walk up to Bangkangarra unescorted, with my staff, but I just want to say that in open Court to make sure nobody has an objection to that, including the Yindjibarndi people, if they don't mind, if I could go up there.

And the second thing is to thank all the Yindjibarndi community and people for hosting the event here. The arrangements have been exceptional, as I understand it, speaking to people who have been experienced in native title matters on country. Matters have run very smoothly, so I would thank them for their hospitality and generosity of spirit in conducting matters the way they have here on their country.

Ieramugadu says YES!

The town of Ieramugadu (Roebourne) voted 70 per cent in favour of the Voice to Parliament in the recent October Referendum.

This was in stark contrast to mining towns in the Pilbara which voted overwhelmingly 'No' even though major mining businesses supported the Yes campaign.

Roebourne, which is home to several hundred Yindjibarndi and Ngarluma people, was the only major town in the Pilbara region, which is roughly the size of Spain, to record a Yes majority.

But other Aboriginal neighbours in WA and across the north of Australia voted YES, especially across the Kimberley region in towns like Halls Creek, Fitzroy Crossing and Wyndham.

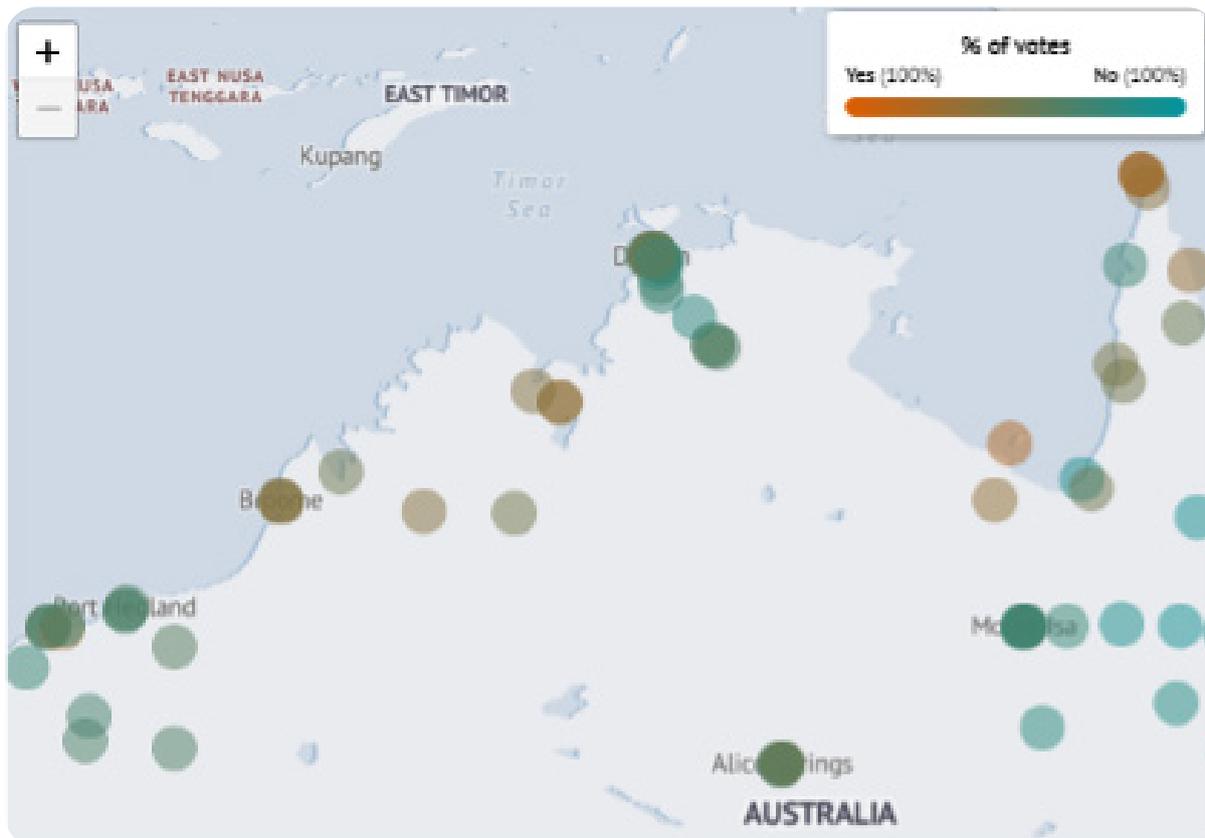
Yindjibarndi Senior Elder Tootsie Daniel, said on the day of the referendum:

“We as Aboriginal people, we need change in our communities...in our towns...and that’s very important... it’s about time we [Ngarda] made that change”

“Nothing will stop us”

Ms Daniel, like many Elders, has spent much of her last few years in a hospital bed. Desperate to see a better future for her great grandchildren.

Thank you to our allies on the ground, in governments around the nation, and corporations who stepped up.



AEC data showing the YES vote in orange dots across the top end of Australia. Source: AEC/SMH

GET IN TOUCH

Yindjibarndi Nation News—Ngarda Wangka is published by Yindjibarndi Nation Ltd, a project delivery company established by the Yindjibarndi PBCs. If you’d like to give us some feedback, or suggest an article, please contact: editor@yindjibarndi.org.au

First 'Expo' runs from morning 'til twilight



YAC chairwoman Lyn Cheedy explains the role of the PBC in a Q&A session. Photo: YNL

The inaugural Yindjibarndi Expo was held in July on the Ganalili lawn to showcase to the community all the works and businesses of the expanding group.

The event ran from around 10am and finished with a powerful corroboree as the daylight was fading.

The Expo featured exhibits from six organisations and partners along with speeches from Rio Tinto, NIAA, and a Q&A with each of the Yindjibarndi businesses. Ngaarda Media showed the value of its contribution

to the community as CEO Tangiora Hinaki hosted the Q&A while it also ran a live broadcast of the event throughout the day.

There was something in it for everyone, as the young children played on the jumping castle and the teenagers took part in a footy passing competition.

YNL plans to stage a second Expo next year which will coincide with the AGM.

Yindjibarndi Expo



YCCL chairman Aaron Hubert and ACEN Australia CEO Anton Rohner, centre, hold the licence granted to explore three areas for their renewable energy potential. Yindjibarndi Energy CEO Craig Ricato, left, and Yindjibarndi CEO Michael Woodley, right. Photo: Juluwarlu.



Above: YNAC chairman Stanley Warrie interviewed by Ngaarda Media's Marion Cheedy. Photo: YNL.

Below: the winners of the footy passing competition, with the Swans AFL coaches. Photo: YNL



Left: The Jumping castle proved to be popular, Photos: YNL

Ganalili housing to open in early 2024



Ieramugadu (Roebourne) has seen its fair share of heavy equipment pass through the main street going to and from the mines, but in recent months an enormous crane has stopped to work in the town as the \$10 million Ganalili Transitional Housing project nears completion.

The crane has been used to put in place giant concrete panels that will form part of the administration and training centre at the front of the complex on Roe St.

Yurra CEO Liam Wilson said his company, which is majority-owned by Yindjibarndi, will be looking after the “operational management of the facility once complete with support from Yindjibarndi Nation Ltd”. He said the company was targeting a “practical completion date” of February 2024.

Yurra is currently advertising for a program manager to run the facility. The facility will provide six one-

bedroom and three two-bedroom apartments, along with a caretaker’s residence.

The advertisement says the project will create and promote housing, training, and employment opportunities for local Aboriginal people, and support program participants to access services that will help them to achieve their individual housing and career goals.

Melanie Jones, manager of the NWAHF said recently that the project with the Yindjibarndi community was one of her proudest achievements.

“Of all of the outcomes that the North-West Aboriginal Housing Fund has achieved, this is the one I am most proud of and that I think could have the broadest ripple effect. Sparking an interest and through genuine, ongoing partnership, building the confidence of our partners like Yindjibarndi Nation Ltd to achieve their housing aspirations,” she wrote.

Community responds to Yindjibarndi Nation survey



In the yarning room, Gabby Cheedy, right, discusses what is most important to her for the future of the community. Left, Steph Sparks, community engagement coordinator with Voconiq, which is conducting the survey. Thanks to Gabby for her assistance in working with the survey team to engage with members.

More than 100 Yindjibarndi community members have now completed the Yindjibarndi Nation survey over the past two months.

Launched in August, the survey will run for three months until the end of November. The survey is aimed at getting the Yindjibarndi community's own data to drive decision making over the next decade. It can be conducted online via the Yindjibarndi website, or in paper form at the Ganalili centre. In late October

Yindjibarndi opened a 'Yarning Room' for people to complete the survey.

Michael Charlton, the general manager community for Yindjibarndi Nation Ltd, said: "The response to the Yindjibarndi Nation Survey has been great so far. It's encouraging to see how invested our members are in the future direction of our nation, and we're looking forward to working with the data to focus our efforts in the areas that matter most to our community."

YCCL, Rangers move into Ganalili Centre

The YCCL Trust now has a permanent home and a full-time Executive Assistant on the first floor of the Ganalili Centre in Roebourne. Applications for assistance can be made at the centre or via this email address: enquiries@yindjibarndi.org.au

Check the new website for the criteria used to guide assistance.

YCCL has been joined by the Yindjibarndi Rangers as well who will use the Ganalili as a base for their work on country.

New Yindjibarndi website

Yindjibarndi Nation has finalised a new website for the entire Yindjibarndi group. The site reflects the strategy of the Yindjibarndi Nation with a focus on the '3C' approach to explain how the group works together. The site features a Members Portal and a contact page. It can be found at:

www.yindjibarndi.com.au

YAC AGM learns about green future



A total of 119 members attended the Yindjibarndi Aboriginal Corporation Annual General Meeting in late September where they heard about the ambitious plans to develop renewable energy on Ngurra.

The meeting was chaired by Lyn Cheedy who asked attendees to act respectfully to one another. She asked for a one-minute silence to reflect upon those in our community who have passed.

Yindjibarndi CEO Michael Woodley gave a Powerpoint presentation which covered the evidence given by members to the Federal Court Compensation Case. He explained how the 10 years of litigation instigated by WMYAC in the Supreme Court has led to YAC settle the 2011 case and pay WMYAC \$679,464.87. He noted that the funds were paid into the bank account of WMYAC's lawyer.

Mr Woodley explained how the operational restructure of YAC meant that it no longer had employees and its core business was exclusively native title.

A presentation on Yindjibarndi Energy Corporation (YEC) by consultant Owen Hightower explained how YEC had been created to enable the community to take advantage of the potential to generate energy from the sun and the wind and sell this to major energy users in the Pilbara region. Mr Hightower used maps to show where these facilities might be located on Ngurra, and how these places were very closer to the major transition lines.

The issue of director remuneration was put to the meeting and the meeting unanimously agreed to commence a review of the salaries paid to both YCCL and YAC directors.

The meeting elected 12 new directors for another term, with Curtis and Simon Lockyer joining the board for the first time.

Ms Cheedy thanked everyone for coming and closed the meeting at 2.35pm.

Rio and Yindjibarndi partner to develop solar, wind projects



Simon Trott, left, and Michael Woodley at the announcement in Roebourne. Photo: The West.

Yindjibarndi Aboriginal Corporation is in the “right place at the right time” to become major players in the renewable energy, says CEO Michael Woodley.

He made the comments after signing an MoU with mining giant Rio Tinto, which is looking to become a customer as the Yindjibarndi people look to develop solar and wind farms.

Under the MoU, Rio will work with the Yindjibarndi Energy Corporation on developing a 75-150 megawatt capacity solar farm adjacent to Rio power transmission lines about 50 kilometres from Karratha. YEC is the result of a partnership between YAC and the global renewable company ACEN.

“What we have here is an opportunity. Once there is commitment from industry to de-carbonise we can contribute through our projects,” Mr Woodley said.

The MoU was signed by Rio Tinto Iron Ore boss Simon Trott (pictured). Mr Trott said: “We’re excited to be deepening our partnership with the Yindjibarndi People through this agreement and look forward to working closely with them. We recognise we have a

large carbon footprint in the Pilbara and are exploring a number of innovative solutions to help address this, including future collaborations with other Traditional Owner groups in the region.”

ACEN International CEO Patrice Clause said the potential projects with YEC provided “the perfect blend of traditional significance and modern technology”, adding that any projects would respect the “deep-rooted connection of the Yindjibarndi people with their land”.

“Together, we are crafting an energy future that is not only renewable, but also renewing, by empowering local communities and contributing to a greener future,” he added.

YAC has its own energy business, Yiyangu, while also securing a 25 per cent share of YEC in partnership with ACEN. Yiyangu has secured a licence to investigate three potential areas, and YEC is now undertaking the studies on behalf of Yiyangu and ACEN over these areas. This includes the Rio Tinto project site and YEC’s first potential wind farm project.

Directors deepen their corporate knowledge



Yindjibarndi directors played an active role in two recent training sessions that focussed on corporate governance and financial reporting.

The training was supported by YNL and conducted by the advisory firm MLCS Corporate.

The directors participated in a wide range of exercises and demonstrated their extensive knowledge of the issues.

Kaye Warrie, a director of YAC and Ngaarda Media, said: “The directors had a lot of knowledge. We’d already been through those things but to do it again helped to remember what a director needs to do, how to go about having a meeting. We’ve never had director training for a while, sometimes we forgot,” she said.

“I think it would be good if we could have some for the younger ones there to, they’ll know what to do next time when they’ll be directors.”



YCCL chairman Aaron Hubert said the training helped him to understand that differences between the regimes administered by ORIC and ASIC. “All that information is gold for people in our position,” he said.

YAC director Kevin Guinness said he enjoyed the training and gained a lot of knowledge about how to read financial statements. He learned how the notes to these statements contain most of the important information.

Mrs Tootsie Daniel, pictured top left, also a director of YAC and Ngaarda Media, said the training brought back things she already knew. “It brought me up to date on what we practice when we go to board meeting. It helps me to grow and be able to talk to Rio Tinto about our business.”

YNL will be organising further Director Training in 2024 and would love for any young, up and coming leaders to put up their hands and get involved. Please send an email to enquiries@yindjibarndi.org.au if you would like to be involved in the next Director Training.

Yindjibarndi directors take part in an exercise to design the agenda for a board meeting. In the foreground, YCCL chair Aaron Hubert, left, and YAC director Kevin Guinness, right. Photo: YNL