

FMG, WA State team-up against Yindjibarndi



One small part of FMG's sprawling Solomon mine.

The Yindjibarndi community's Federal Court battle to secure 1.8bn compensation for damage to its Ngurra without free, prior and informed consent has seen both FMG and the State of Western Australia join forces to deny the value of cultural heritage damage inflicted by the enormous Solomon mine.

The Court battle initiated by Yindjibarndi Ngurra Aboriginal Corporation in 2022 reached its final phase in late February when closing submissions were made by counsel for YNAC and the respondents. A judgment by Justice Stephen Burley is expected in the next 12 months.

The most striking feature of these hearings was that the State, the first respondent, and FMG, the second, arrived at near-identical valuations of cultural damage which were a mere 1% of the Yindjibarndi claim for damages to a 100 square km area. They also used the same words to justify such a settlement.

And both came up with very similar valuations for economic loss – \$128,114.28 for the State and \$95,197 for FMG, plus simple interest, a tiny fraction of FMG's \$80 billion earned from the mine since 2013, and the \$10 billion earned by the State in royalties. (Cont. p.2)

CEO UPDATE

A Royal Commission into FMG

Wanthiwa!

Whatever the result of our Federal Court compensation case against Fortescue, Yindjibarndi people have already achieved a great deal by recording in stark terms how our community and Ngurra have suffered at the hands of a mining giant—and how we have fought back.

The two-year case has amassed a vast amount of evidence from our community members, and numerous experts, showing the social, environmental, cultural and spiritual damage inflicted on our community and our Ngurra. The evidence shows how our traditional Galharra system has been broken by the deliberate strategy of Fortescue to divide and conquer our people.

The process we have pursued is like that of a Government Inquiry—or indeed a Royal Commission—which involves the presentation of evidence by legal counsel over a lengthy period of time, followed by the release of a detailed report with major findings.

Our lawyers and elders alike expect that Justice Stephen Burley's judgement, which may not be released until next year, could well be as significant as the Mabo decision. Justice Burley is considering the admission of new evidence that confirms Fortescue's role

(Cont. p.5)

The State said its valuation of \$5-10 million for cultural loss was based on what the Australian public would deem to be "as fair, reasonable or just". FMG said its \$8 million valuation was based on its view about what would be "accepted by the Australian community as appropriate, fair or just".

Yindjibarndi CEO Michael Woodley slammed the State government's treatment of First Nation's people, especially given that their land had yielded so much prosperity to the State.

Speaking to the media during the hearing in February, Mr Woodley said the State's position "takes us back 50 years to that colonial mentality and attitudes that they can come in and take what they want".

He said the State's argument amounted to a view that the Yindjibarndi people "don't exist or shouldn't exist".

"There are implications on both sides. There is the miner who might think that he's paying too much now that the state government has set a bar this low. Then there are implications for First Nations groups."

Elders speak out

Elders who attended the hearings said they were saddened by the disrespectful way their community had been treated.

Margaret Ranger, a director of Yindjibarndi Aboriginal Corporation, said FMG's refusal to reach an agreement with Yindjibarndi people was unacceptable considering the terrible state of housing and other living conditions.

Speaking to YNN outside the Court room, Mrs Ranger said: "Show us respect. We suffer healthwise, schools, housing, all the money can go to help us out because we are suffering: crowded housing, healthwise, people are passing away left right and centre these days. The younger generation have nothing to look forward to, give us a fair go, give us something that will make us proud."

YNAC director Kevin Guinness, who also attended the hearings, said the key issue in the dispute was the lack of respect shown to Yindjibarndi people by FMG. "They don't respect Yindjibarndi in a way of acknowledging that it is Yindjibarndi country and if you go dig someone else's country, you have to go see them, face to face, make an agreement with them. This didn't happen for the Yindjibarndi," he said.

Gumatj High Court victory

In mid-March the Yindjibarndi case was strengthened when the High Court of Australia delivered its decision about the right to compensation for the Gumatj clan on the Gove peninsula. Tina Jowett SC said while this decision only applied to Commonwealth laws, both the Yindjibarndi and Gumatj cases involved mining leases and what is fair compensation to native title holders where a mine has been established on their land. The Commonwealth and the Territory governments in Gumatj said that just terms compensation is not payable. In the Yindjibarndi's case, the State and FMG have said the value of the land being mined by FMG is what should be paid for a pastoral lease.



Margaret Ranger while attending the February 2025 hearings in Perth. Photo: NYFL

Women's historic artwork presides over Court proceedings



Wendy Hubert, left, and Judith Coppin, with the artwork they helped to paint inside Court Room 1 of the Federal Court of Australia, Perth.

Throughout the compensation case hearings at the Federal Court of Australia in Perth, a painting about one of the Yindjibarndi people's proudest moments in history was on display for all to see.

The painting known as Yindjibarndi Yinyaardt hangs proudly in Court Room 1, which is where all of the Perth hearings were held in 2024 and this year for the Yindjibarndi case against the Western Australia government and FMG. Perhaps it was a coincidence, or a touch of irony on the part of the staff of the FCA to choose this Court room.

The intricate work was produced by 14 Yindjibarndi women to mark the recognition of Exclusive Native Title Possession by Justice Steven Rares in July 2017. It is the only painting in the entire room.

Judith Coppin and Wendy Hubert, two of the artists who contributed to the work, attended the hearings and were on hand to explain its significance during one of the breaks.

As legal counsel shuffled their papers and engaged in discrete conversations about the morning session, Ms Coppin explained how the painting was about the Yindjibarndi principal of yinyaardt (also spelt nyinyaard), which means reciprocity and mutual support, and passing on knowledge and understanding to the next generation.

Mrs Coppin pointed out the many facets of Yindjibarndi Ngurra, cultural practice and belief contained within the large artwork. The painting features flowers and bush tucker, the

Jirda white chalk fertility site, the Fortescue River flowing through the centre surrounded by a stand of gum trees, and a grinding stone in the top lefthand corner. The painting was a collaborative effort that involved women both young and old from the Juluwarlu, Cheeditha and Ngurrawaana art groups.

For Wendy, the painting marked a life-changing moment. Her contribution, a stand of gum trees, marked the first time she had ever put a brush to a canvas. The painting became the spark that ignited her artistic talents and has led to a flourishing and rewarding career. It was Judith who encouraged her to contribute to the work.

Attending the hearings was a tiresome experience for some of the elders as they sat through arguments by legal counsel about the finer points of law.

A spokesperson for the Federal Court said the painting was presented to Justice Steven Rares at the determination of the Yindjibarndi #1 native title claim on 13 November 2017.

The Court has another artwork by Maudie Jerrold which was presented to Justice Nicholson as a donation to the Court following the determination in the Ngarluma-Yindjibarndi native title case. This painting is located on Level 8 of the Federal Court building in Perth.

How the parties value the damage done by FMG's mining and tactics



The Yindjibarndi Ngurra Aboriginal Corporation (the Plaintiff) has emphasised the agreements based on the value of minerals secured by native title groups and private land holders. Its legal counsel has relied on the Native Title Act (NTA) and the Racial Discrimination Act (RDA) as the laws to deliver compensation rather than the WA Mining Act (MA).

YNAC's claim for economic loss is based on analysis by economic expert Murray Meaton who applied a 1 per cent royalty to FMG production from Yindjibarndi Ngurra, and then added compound interest (or interest on interest, unlike simple interest which does not allow interest to compound). Applying compound interest adds \$109,935,000 to the compensation for economic loss.

The cultural loss is based on an estimate of 1000 Yindjibarndi people which, over the life of the mine, works out at around \$28,000 per annum per person.

- Economic loss: \$678,088,000
- Damage to spring: \$34,850,000
- Social trauma/disruption: \$112,140,000
- Cultural damage: \$1,000,000,000
- TOTAL \$1,825,078,000

State of Western Australia (the first Respondent), argues that compensation for economic loss should be below the freehold land value, excluding minerals. For cultural loss, Yindjibarndi people are entitled to only a small 'uplift' in the compensation awarded in the Timber Creek case. This is based on the State's view about what the Australian public would as "fair, reasonable or just".

- Economic loss: \$128,114,28
- plus simple interest of \$92,957.31
- Cultural loss: \$5-10 million



FMG (the second Respondent) has used almost identical arguments to those of the State. Their only disagreement was that the liability for compensation should be borne by the other party. FMG used the same argument as the State about the cultural loss: an amount "accepted by the Australian community as appropriate, fair or just".

- Economic loss: \$95,197 plus simple interest.
- Cultural loss: Based on a "proper evaluative judgment, compensation for non-economic or cultural loss could be no more than \$8 million".

Timeline for justice—summary of the Solomon mine proceedings

2022, 16 Feb	YNAC makes a Compensation Application to the Federal Court
2022, Aug–Sep	Nine companies, along with the WA government, become parties to the Application
2023, Mar–April	YNAC files 21 witness statements; Court hears evidence from two frail Yindjibarndi witnesses.
2023, Aug	Twelve Yindjibarndi witnesses give evidence in Roebourne and at Bangkangarra, five hours' drive inland. They join an emotional site visit to see first-hand the mine's extensive damage to Ngurra.
2024, Apr, Oct	Experts give evidence on the social, cultural, economic and environmental impact of the mine and FMG's tactics.
2025–Feb	Closing submissions by Yindjibarndi counsel emphasise deliberate strategy by FMG to divide community, and vast extent of cultural damage involving around 280 sites.
2025–2026	Judgement expected late this year or early 2026.
2028–29	Final resolution based on timeline from the Yindjibarndi #1 Determination.

CEO UPDATE (from p.1)

in funding litigation to destroy our Yindjibarndi institutions.

I expect that the findings will be keenly read by everyone with an interest in First Nations people. The implications could be quite profound.

In the meantime, we are getting on with pursuing our community-culture-commercial (3C) strategy which is funded by our agreement with Rio Tinto Iron Ore. This strategy is delivering real change for our community, as seen by the success of our contracting business Yurra. The growth of Yurra has propelled Yindjibarndi Aboriginal Corporation to first place among Aboriginal corporations in Western Australia, based on its revenue.

This doesn't mean that YAC is receiving a large amount of money from Yurra. Its profits are reinvested so that it can grow and take advantage of other opportunities. But it does mean that Yurra can offer our community members real training and job opportunities, and I encourage all of you to get in touch with this business and register any interest you have.

Yurra developed the Ganalili Housing and Training Centre in Ieramagadu, which has now accepted its first tenants. We hope to see this facility help to transform the lives of our young people by linking high-quality, affordable housing to training and work.

The agreement with RTIO also means we can employ capable staff to serve our community. On this front I can announce that Yindjibarndi Nation has now engaged Ms Paula Czarnecka, who has an extensive corporate background, as our now chief operating officer to ensure that our ambitious agenda is delivered. And our two PBCs, YAC and YNAC, will be supported by Mr David Whitelaw who has significant experience in running Aboriginal corporations. (See page 10 for profile articles.)

I hope you will welcome both to our team and I'm sure that you will engage with them in the future as we deliver new 3C projects in the years ahead.

MICHAEL WOODLEY,
CEO Yindjibarndi Nation



Birdirra law ceremonies return to Ngurrawaana

Photo: Juluwarlu

This year Birdirra ceremonies were held at Woodbrook law ground and Ngurrawaana homeland. For the first time in 27 years, Birdirra law ceremonies were held on Yindjibarndi Ngurra which is some 100km southeast of Karratha.

It was a very special ngurrawaana (going back to country) for many community members who brought the rain with them, reminding people of the rain that fell during the last ceremony there in 1998.

Yindjibarndi Birdirra Law Ceremonies take place in the hot months between October and March, and are usually held only at the Woodbrook law ground on Ngarluma Ngurra.

Yindjibarndi Birdirra Law practices involve ritual ceremonial activities that advance Ngaardangarli youth from boyhood to manhood, taking them powerfully through steps that teach and test their courage and readiness for the responsibility of becoming a husband, father, teacher and caretaker of a family, our country and contributor to our community. Birdirra is the beginning of a young man's life-time of learning and life-time responsibility to play their part in the renewal and management of all life in their Ngurra according to principles of Yindjibarndi Law.

Every parent and family is responsible for preparing their sons for their Birdarra rites of passage. From boyhood, young men must be prepared for this promising of their lives to the creation spirit Mingkala, and to living by our Law. Preparation for, participation in, and the graduation of young men is a time of deep cultural meaning. According to their relationship with the young man, the family of the young men who will go through the Law, must prepare to take up their roles and carry out the culturally designated duties that will support him throughout his passage into manhood. During the Law Ceremonies, every person will participate according to their gender, kinship and Galharra. These roles are well-known, honoured in practice, and timeless for they have been carried out by our Yindjibarndi ancestors forever. The Burdud Song Cycle taught by the Marrga in the Ngurra Nyujunggamu (when the world was soft) is sung and danced as everyone present reaffirms their commitment to each other, their ancestral Law and their Ngurra.

For several weeks, Ieramagadu (Roebourne) families camp at the Law Ground, only returning to gather supplies, or to work. For Ngaardangarli, Law Time is a time to confirm and celebrate our different but deeply related cultures together, camping under family bough shelters under the open sky where, when Law begins, we are glad to be away from town together with a hundred others, contributing to our shared cultural traditions.

BIRDIRRA LAW 2025



Birdirra law ceremonies at Ngurrawaana top, and Woodbrook, right. Photos: Juluwarlu.



Photo: Julie Walker.

A photograph from the previous law ceremony at Ngurrawaana in 1998 at a place called Guwililtnha (letterbox). From left to right, Jumbo Giguls (Inawongka elder), Nhuju Ivan Smirke, Yindjibarndi Elder and Birdirra leader Johnny Walker, Nhuju Derreck Ball, Yindjibarndi Elder and Birdirra leader Guinness Gilbi, Nhuju John King, Yindjibarndi Elder and Birdirra leader Woodley King. Standing in front is Isaac Guinness.

Yindjibarndi Nation, PBCs recruit senior executives

Yindjibarndi Nation and the two Yindjibarndi PBCs have recruited experienced operational leaders to serve members more effectively and drive forward the 3C program that is being funded by the Modernisation Agreement with Rio Tinto Iron Ore.

Ms Paula Czarnecka has joined Yindjibarndi Nation Ltd as Chief Operating Officer (COO) Paula, who lives locally, has extensive experience in senior executive roles, her most recent being the Manager of Traditional Owner Strategy which involved transforming relationships between Traditional Owners and Rio Tinto Iron Ore where she worked on improving outcomes from partnerships.

Paula has also worked for over a decade in commercial roles for major corporations across resources sector.

During this career, Paula says "there was always something missing, which was the ability to give back to the community". She hopes that in her role she will be able to make Yindjibarndi Nation "an ultimate enabler for the community, driving delivery of self-determination efforts utilising the 3C model.

Outside of work, Paula has a strong interest in environmental conservation and has been involved in many country-protecting initiatives in her home state of Tasmania.



David Whitelaw



Paula Czarnecka

David Whitelaw will step into a COO role with YAC and YNAC in April after a long career in conservation and land and sea management. A major focus of David's role will be supporting the Yindjibarndi Ranger program following its move to the Ngurrawaana homeland, and membership.

David has worked for Balgo Community in the Kutjungka region of the East Kimberley as CEO of Wirrimanu Aboriginal Corporation, and most recently as CEO of the Kokatha Aboriginal Corporation in Port Augusta, South Australia.

David, who has moved to the region from South Australia, said he was delighted to return to the region where his career began and where his sons were born.

"We know there is much work to do, and I aim to bring all my life experiences leading RNTBC's and living and working in remote communities to help our Yindjibarndi mob pull together to develop the community programs that are needed," he said.

Yindjibarndi Energy projects hailed by key experts

Survey work on the Jinbi site in 2024. Photo: Ngaarda Media.

The green energy projects being developed by Yindjibarndi Energy Corporation (YEC) have been praised for the benefits they offer to the community.

A recent report by Melbourne Climate Futures, a research unit within Melbourne University, said that Yindjibarndi Aboriginal Corporation had negotiated an agreement with the majority partner ACEN which would help secure its equity share of up to 50 per cent in projects.

ACEN and YAC have formed Yindjibarndi Energy Corporation to develop these projects on Yindjibarndi Ngurra (Country).

"Yindjibarndi were also able to negotiate with ACEN a hugely important financing arrangement whereby they are guaranteed a shareholder loan from ACEN for their equity contribution to the project," the report said.

The report found that renewable energy projects allow Traditional Owners to exert greater control over cultural heritage protection than for mining, oil and gas projects. It also said it must obtain consent from YAC/YNACs for all proposed project locations and plans.

For the second year running, the role of YAC in the energy transition has been covered in the influential Close the Gap report. It said

that "Yindjibarndi Aboriginal Corporation demonstrates how Aboriginal and Torres Strait Islander people can participate and lead in the transition to a clean-energy future."

Meanwhile, two Yindjibarndi Energy Corporation renewable energy projects have been awarded enhanced regulatory support and streamlined processes.

The Federal government decision means that the key projects are now included in the inaugural National Renewable Energy Priority List (NREPL).

The first is the Chichester Range Corridor, a high-voltage transmission line linking Yindjibarndi Ngurra (Country) and the western Pilbara region to the NWIS via the Maitland Strategic Industrial Area near Karratha and the Dampier Port.

Secondly, Project Baru-Mamda is in the northwest of Yindjibarndi Ngurra and comprises up to 1GW of wind and solar power, with an option to include a Battery Energy Storage System (BESS).

Craig Ricato, CEO of YEC said the decision meant that the significance of YEC's projects were "recognised at a national level"

Ganalili housing accepts first tenants



Amieriya Samson, right, with her NYFL mentor Pennie Coventry. Photo: Yurra



Leanne Whitby outside the Ganalili complex. Photo: Yurra

Yindjibarndi Nation's landmark Ganalili housing complex welcomed its first tenants in March. Amieriya (Dolly) Samson, left, is completing a Certificate III in Hospitality through a traineeship with the Ngarluma Yindjibarndi Foundation Ltd (NYFL).

Many locals around Ieramagadu would have seen her seamlessly serving customers at the NYFL Café. She is joined by Leanne Whitby and her husband who both work locally in Ieramagadu after relocating from a homeland. The couple hope to purchase their own home in the area.

The centre has now begun running courses for tenants and community. The first, held in early April, explored nutrition, healthy eating and cooking a meal to share. More to come! If you're a local Aboriginal person in a job and interested in a place at the centre, you can submit Expression of Interest via this QR code or with these contacts:

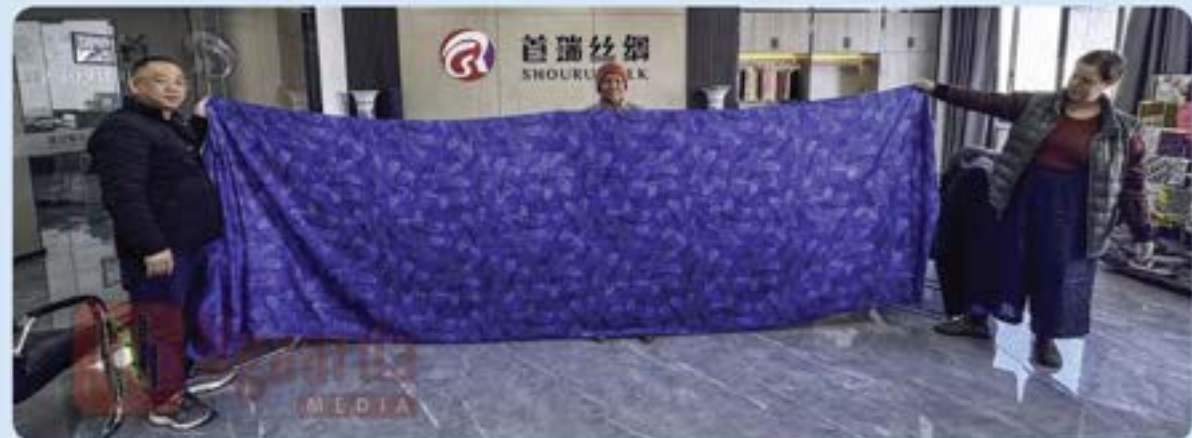


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Juluwarlu investigates textile technology in China



Juluwarlu's CEO Lorraine Coppin and Creative Business Manager, Gabby Howlett with Mr Wu at his silk factory in China. They have just toured the factory and picked up their new silk bamboo sample created by Mr Wu using Judith Coppin's original artwork Our Malyari, The Pleiades Seven Sisters Star System.

Juluwarlu Group CEO Lorraine Coppin led delegation to China in March which gained first-hand insights into the techniques used to transform Yindjibarndi art into clothing and other consumer products.

The visit to Shanghai was funded by Creative Australia as part of their Flourish, First Nations Fashion funding round. Juluwarlu engaged two Chinese experts who work in the trading and fashion industries to guide the group around the Shanghai Textile Trade Show. This was followed by a series of meetings with

manufacturers and factory visits where various printing and dyeing processes were explained.

"Everything we learnt will be used to help Juluwarlu build its merchandise and product offerings that will in turn share Yindjibarndi culture with more people and create income for the artists through the royalty payments," said Ms Coppin.

For the next part of the project, Juluwarlu will be taking three young people to Melbourne for two weeks to take part in a mentorship with sustainable fashion label, Nancybird.



Alice Guinness at her exhibition at the Perth Festival. Photo: Marnie Richardson / Perth Festival

Alice Guinness stages first-ever solo exhibition

Prolific Yindjibarndi artist Alice (Guurruu) Guinness was a star attraction at the Perth festival this year when she brought the Yindjibarndi culture's most sacred story, Burndud Ground, to life in her first-ever solo exhibition.

Ms Guinness collaborated with Sydney-based media designers Lightwell and Juluwarlu's nationally recognised First Nations archive to show how Yindjibarndi people learn their culture through the Burndud.

Several members of Ms Guinness's family were able to travel to the exhibition with financial support from YCCL.

Ms Guinness said the Burndud is the most sacred place in Yindjibarndi lore and culture. "The Burndud is a special place for teaching and learning. I feel privileged to be able to share knowledge about a place that is at the centre of Yindjibarndi culture and identity," she said.

Innovation and inspiration drive Cheeditha artists



Kaye Warrie at her studio desk with some of her bush turkey feathers.



Kaye's painted feather transformed by the glass technique. Photos: YNL

The award-winning arts hub at Cheeditha Community is a hive of activity as women prepare for a series of art shows mid-year.

They plan to enter works in the Cossack and Colours of Our Country art shows, and the Jury Art Prize.

Not only are the women drawing deep into their personal stories for inspiration, they have also devised new techniques to take their work to a new level.

Yindjibarndi Elder Kaye Warrie began painting feathers from bush turkeys about four years ago and has recently collaborated with glass specialist Denise Pepper to use a technique called *pate de verre*. The technique involves making a mould of the feather then recreating it with glass paste, and the result is stunning.

Kaye told YNN how she noticed that the feathers from hunting bush turkeys were being wasted, so she urged the men in her community to "put them in a bag" so that she could use them. Kaye thought that painting the feathers would be "something different".

Kaye's work will feature in this year's Revealed Exhibition at PICA in Perth.

Wendy Warrie is producing sprawling works that evoke movement and energy as she draws on her personal stories entitled 'Out on the horizon', 'From the beach,' and 'After the fire'.

Wendy showed YNN a page of her discursive thoughts on these topics that underpin her work.

The art centre manager Carrie McDowell said the centre had gone from strength to strength after relying on volunteers in the early years a decade ago. It has received financial support from Rio Tinto, artistic development assistance from FORM while the peak Aboriginal arts body AACHWA had provided mentoring and governance support.



Wendy Warrie reflects on her narrative as she works.

ABOUT YNN

Yindjibarndi Nation News—Ngarda Wangka, is published by Yindjibarndi Nation Ltd, a project delivery business established by the Yindjibarndi PBCs to deliver community, cultural and commercial projects for the community. To find out more, go to www.yindjibarndi.com.au

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