

Experts tell Court of FMG's damage to *ngurra*, society and economy



Nine days of evidence to the Federal Court of Australia in April has spelled out the enormity of the damage suffered by the Yindjibarndi community from FMG's mining without consent at the Solomon hub.

The Court hearings in Perth before Justice Stephen Burley were attended by numerous elders and Yindjibarndi members, as the community demonstrated its concern and anger over FMG's actions.

Speaking outside the Court on the first day of hearings, elder and artist Judith Coppin (pictured) lambasted the FMG chairman Andrew Forrest for failing to do anything to support a community from whose land he had extracted \$50bn in iron ore since 2013.

She said that Mr Forrest had done nothing to address the very poor state of housing in the Yindjibarndi community. Yindjibarndi Ngurra Aboriginal Corporation is suing FMG for wide-ranging damages. (Continued back page.)

WHAT THE EXPERTS TOLD THE COURT: p9-11

**CULTURAL WARNING:
THIS EDITION CONTAINS THE
NAME OF A DECEASED PERSON**

CEO UPDATE

Wanthiwa members,

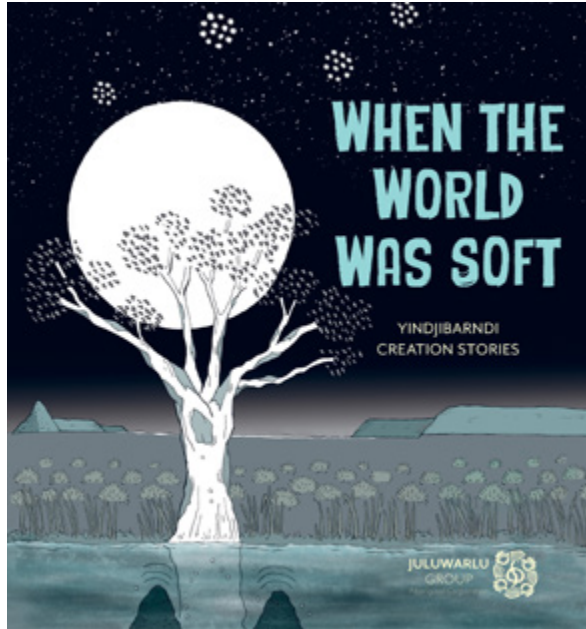
Firstly, I would like to say that so much is going on in Yindjibarndi Nation.

The Yindjibarndi journey is being received well by all who values change and self-determination. Our 3C model that looks to develop our Community, Culture and Commercial aspirations have drawn much attention as our vision directly targets Nation building and membership values where each member who wishes to change their lives can by capitalising on the opportunities Yindjibarndi Nation has to offer and support.

In recent months I accompanied the Minister for Energy, Mr Reece Whitby, to our *ngurra* where he viewed the possible locations of our ambitious energy projects that we are developing with ACEN.

There is now sustained interest in Australia and globally in what Yindjibarndi people are achieving, and especially our 3C approach. (cont. p.2)

Yindjibarndi creation for students and all to learn



The Juluwarlu Group has produced a stunning, 96-page graphic novel that tells the Yindjibarndi creation stories and promotes art and language.

The large format book is the result of a collaboration involving Juluwarlu, leading publisher Allen&Unwin and artist Alex Mankiewicz.

When the Work was Soft is aimed at school age children, so Juluwarlu has compiled 'Teachers Notes' that enable classes to engage in discussions and test their knowledge. The recommended age for the book is 10 to 14 years.

Juluwarlu Group CEO Lorraine Coppin, who wrote the text, said the book "marks a new format for us. We wanted to create something that would resonate with children and young people, especially our Yindjibarndi mangkularra (young people)"

Mr Mankiewicz was commissioned by Juluwarlu Group to create this interpretation of the Yindjibarndi cultural stories. In 2021 he spent time on *ngurra* (country) with Elders and other custodians and made the renderings of the images and stories possible – both visually and in connection to spirit of place.

The book serves multiple ends: it introduces readers to the principles that underpin the Yindjibarndi way of life: the Galharra (skin system which defines relationships), Ninyart (reciprocal sharing), *ngurra* and language. New Yindjibarndi words are highlighted in colour when introduced for the first time and there is a glossary at the back, thereby enabling readers to quickly learn some of the language.

Artwork by Yindjibarndi artists is used throughout the book—across two pages on the front and back inside covers, and as full-page dividers for each chapter. The Yindjibarndi artists whose work appears in the book are: Judith Coppin, Tootsie Daniel, Alice Guinness, Wendy Hubert, Sharona Walker, Mary Watson, Lorraine Coppin, Courtney McKay, Lilly Jo McKay, Harry Mills and the late Margaret Read.

Each chapter is introduced with a full-page reproduction of a Yindjibarndi artwork.

The book is widely available in bookstores or can be purchased online.

CEO UPDATE (from p.1)

This was featured recently in the Close the Gap campaign's annual report as an example of 'Blak Excellence'.

I've been invited to speak at a number of conferences focussed on the transition to clean energy and the broader issues we face, including the First Nations Southeast Asia Dialogue which was hosted by the Department of Foreign Affairs. On another point, our Federal Court case against mining on Yindjibarndi Ngurra without an ILUA by FMG with expert

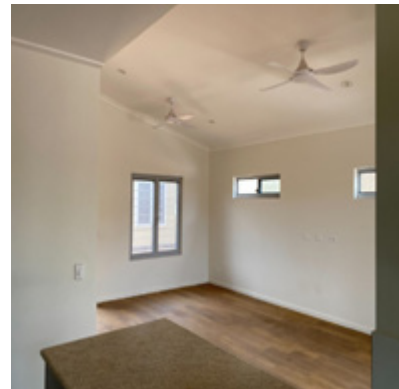
witnesses was all complete. We are moving towards the tail end of this proceeding with closing arguments scheduled to be heard next year in February.

I encourage all of you to follow closely what it is happening in our community and the opportunities this presents for you personally. We've come a long way, but there is so much more we can achieve together. Please keep in touch through this Newsletter, and also the YAC Facebook page and our news service, Ngaarda Media. Sincerely, Michael Woodley

From project to program: Ganalili units completed

Support in place for new tenants

The Ganalili Transitional Housing units have been completed and a new program is being put in place to support tenants to develop life skills.



Photos showing the interior of the Ganalili units—note the high ceilings. And the exterior with landscaped garden. Photos: Yurra

After 18 months of construction, the nine units and training centre are designed to create new opportunities for Aboriginal people based in the Roebourne–Wickham–Karratha region. Tenants are expected to move in from July.

The program marks a new chapter in social housing as it is designed to assist tenants with gaining skills such as financial management, cooking and moving on to securing their own home.

“The overall aim is to enable tenants to gain the skills to live healthy and happy lives, and to eventually get their own home,” said Yindjibarndi CEO Michael Woodley, who initiated the project after the group acquired the site of the former Victoria Hotel (now the Ganalili centre).

The facility is the result of collaboration between the Yindjibarndi trust YCCL and Northwest Aboriginal Housing Fund (NWAHF), which is funded by the State government.

The units are open to Aboriginal people from the Roebourne region who are in work or training and are willing to take part in the personal development program. The seven one-bedroom units are open to couples, and the two-bedroom units are open to families with children.

The program will be managed by Yurra Pty Ltd, which is majority owned by the Yindjibarndi group.

Program manager Michelle Rogers said tenant selection would be determined by the published criteria and final decisions would be supported by an advisory committee made up of community members.

“A key part of this program involves selecting tenants on the basis of their willingness to be part of a personal development program aimed at putting them into independent housing in the future. Our aim is to see this occur over a two-year period,” Ms Rogers said.

Survey reveals housing priority, strong connection to country, high level of trust

The first-ever survey of Yindjibarndi views and values has found a high level of trust in the organisations that represent the community, the need for better housing and an abiding interest in connecting to *ngurra*.

The detailed survey involving 122 participants was conducted in the second half of 2023 by the firm Voconiq. Nearly three in four respondents were women and the average age was 43 years.

In addition to the survey, 25 participants provided comments about their views via a Yarning Room at the Ganalili centre in Roebourne, and at Cheeditha community. This process was designed to ensure that everyone who wanted to have a say could do so.

Here is a snapshot of the key findings.

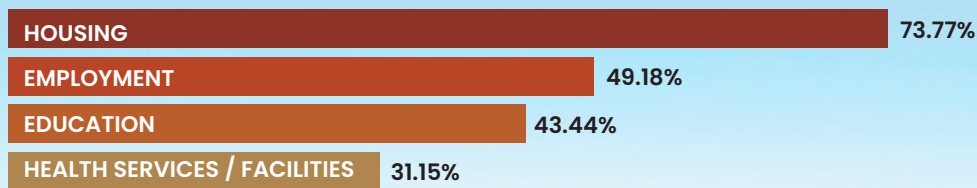
Housing

When asked what would improve where they live, 73% nominated housing, followed by employment (49%) and education (43%).

The largest percentage of all indicated they wanted to live in Roebourne (42% now and

52% preferred), but a large number also indicated Karratha as a future destination (26% now and 43% preferred), followed by Perth and Wickham.

Improve where you live



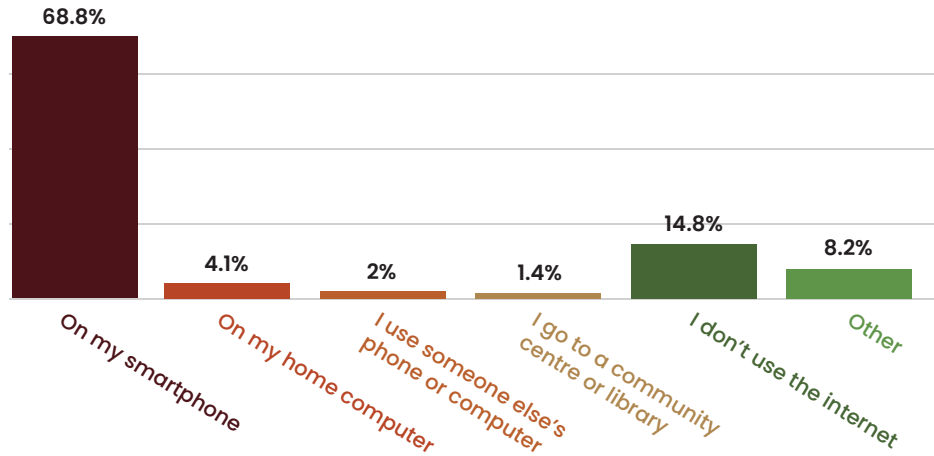
Like to live



Internet

Internet Access

The vast majority of Yindjibarndi people access the internet on their smartphone rather than via a home computer. A significant percentage do not access the internet at all.



Trust

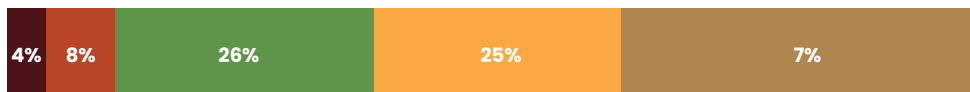
Around 55% of people rated their level of trust in the Yindjibarndi organisations as 'very much' or 'extremely'. These levels are much higher than is found in surveys about government and companies, usually around 30%. Yindjibarndi

Aboriginal Corporation (YAC) was viewed most favourably of all, with 48% of people indicating high approval. This was followed by the YCCL trust (42%), the contracting business Yurra (41%) and Cheeditha Aboriginal Corporation (36%).

Trust in the organisation

Thinking about the organisation specifically, please rate how much you:

Trust Yindjibarndi organisations to act in the best interests of Yindjibarndi people



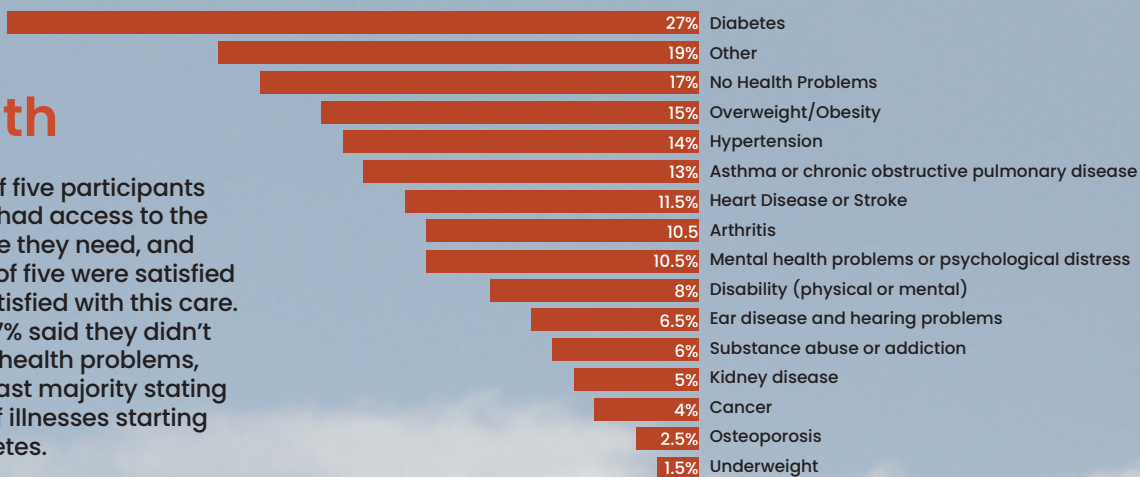
Trust Yindjibarndi organisations to act responsibly



Not at all Slightly Moderately Very Much Extremely

Health

Four out of five participants said they had access to the healthcare they need, and three out of five were satisfied or very satisfied with this care. But only 17% said they didn't have any health problems, with the vast majority stating a range of illnesses starting with diabetes.



Connection To Country

Perhaps the most encouraging result of all was the survey's findings about connection to *ngurra*. The report on the results said the responses indicated that "Yindjibarndi people are connected in very real ways with country, with 60% indicating they get out on country every few months at least, another 15% every six months. Only 11% said they'd never been on country or not in the last five years.

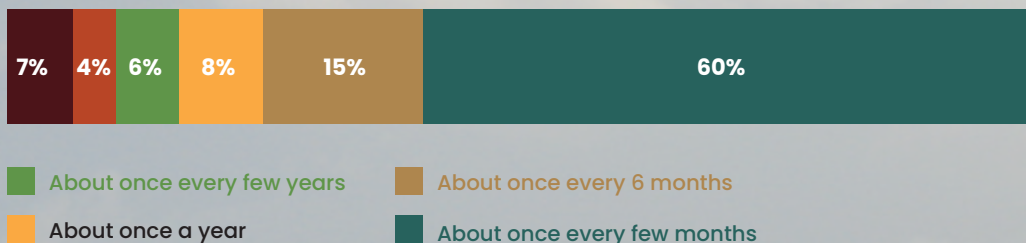
"Culture gives me recognition that I do have a homeland. I grew up on country. Culture and country goes hand in hand because it's a part of your make up. Language, culture and country are important," survey respondent.

Participants were asked about barriers to getting out on country, and these were the need for: someone to organise the trip; equipment, swags and food; transport, and financial assistance to cover costs. More than a third of people also said they need other people to go with.

"Culture is where you learn lore and culture. It's where you get respect from. I find myself isolated. I don't get involved with it. I don't like to be in a crowd, I like to be on my own. I go to lore and culture, but when it comes to other things, I don't do it."

Getting out to yindjibarndi country

Approximately how often do you get out on Yindjibarndi country?



Commerce

Acen guests shown country and culture



The ACEN and YEC executives, along with Yindjibarndi community members, during the visit. Photo: Ngaarda Media

Senior executives from renewable energy company ACEN, and the Yindjibarndi Energy Corporation (YEC), were taken on a 2-day cultural immersion in May following their hosting of Yindjibarndi people in the Philippines and New England, NSW last year.

The 15-member group travelled to Ngurra Warndurala Buluygayi Wuyumarri (Gregory Gorge) and in the evening watched a live performance of Ngurra Nyujunggamu (When the World Was Soft) which was staged by the Juluwarlu Group.

ACEN is a partner with Yindjibarndi in the formation of YEC which is looking to develop solar and wind renewable energy, and battery storage on Yindjibarndi ngurra. These projects will earn income for the Yindjibarndi community in the future.

ACEN director and chief investment officer Patrice Clause said the team was grateful for the opportunity to learn about how the Yindjibarndi people care for their ngurra and each other.

“As YEC seeks to harness the Pilbara’s abundant sun and wind resources for energy today, we are guided by the knowledge of the Yindjibarndi who’s connections and possession exceed 65,000 years. 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”.

Mr Clause was also joined by Jonathan Back, ACEN director and group chief financial officer and David Pollington, ACEN Australia managing director.



YEC’s Craig Ricato, left, ACEN’s Patrice Clause, Michael Woodley and ACEN’s Jonathan Back during the cultural camp. Photo: Ngaarda Media

Ngaarda Media hits the road



Ngaarda Media journalist Cassie Ariuu utilising the OBU at a recent Karratha jobs summit. Photo: Ngaarda Media



Artist Sarah Hicks painting the Seven Sisters Dreaming on the OBU. Photo: Ngaarda Media

Roebourne-based Ngaarda Media can now broadcast in any remote location thanks to satellite technology and to its new mobile broadcast unit which carries a dreaming story.

Since its delivery late last year, the Outside Broadcast Unit (OBU), as it is known, has already run live broadcasts for community events in remote locations like Karijini and Coral Bay. The OBU is also a new source of revenue for the service.

Ngaarda Media CEO Tangiora Hinaki said her team was thankful for the support and confidence it had gained from community and corporate partners since its launch by the Yindjibarndi leaders as Juluwarlu Media 20 years ago. The new vehicle was purchased and kitted out with funding from Rio Tinto and Horizon Power.

“We’ve been able to expand our reach and deliver a better service for the Pilbara community because of the confidence that our supporters have in us. It’s great to see that as we’re now marking 20 years of operations, Ngaarda Media is going from strength to strength,” she said.

The OBU has a unique mural painted on both sides which is the result of a collaboration between Sydney artist Patrick Hunter and Ngarluma artist Sarah Hicks.

Patrick is a trained mural and street artist, which involves creating small images and transforming them into big artworks. He first became connected with the Roebourne community when he met a local Hemi Hinaki playing AFL in Sydney. They became friends and Hemi suggested that Patrick’s skills might be useful in Roebourne.

He worked in Roebourne with Sarah so she could learn “some of the methods for scaling her artwork, some basic aerosol skills”, he said.

The two painted the artwork called “The Seven Sisters” onto the truck on top of Mt Welcome, which overlooks Roebourne, so that they could take in the colours of the Pilbara landscape into the artwork.

“Sarah gained the confidence in creating her own work which has been amazing. She has been doing it purely freehand, large scale first-try which is really impressive,” Patrick said.

“I loved her willingness to try and having the confidence to start, but once she started all the lines were perfect,” he said.

As Sarah explained, the design was based on the Seven Sisters dreaming.

“This story been passed down to me from my grandmother, so I like to paint it to feel more close to her like she’s beside me when I’m painting it,” she said.

“My mother also is a part of Seven Sisters, so it’s something special for me.”

Ngaarda Media is celebrating its 20th anniversary this year after it was founded as Juluwarlu Media in 2004 by Lorraine Coppin and Michael Woodley. Operations began with the granting of a temporary community radio licence. In 2015, the service incorporated as Ngaarda Media Aboriginal Corporation.

The Yindjibarndi trust YCCL has given financial support to NMAC for several years, and under the new Modernisation Agreement with Rio Tinto the 3CN trust has funded a sales position to grow commercial revenue. Further, a three-year funding agreement has been developed to support expansion into video production and an upgrade of the Roebourne office, while human resource expansion will be supported as well.

What the experts told the Court



Murray Meaton

“Anyone valuing this land will take into account the fact that it contains an estimated 2800 million tonnes of iron ore. I can’t imagine anyone would look at this land and ignore the potential to which this land could have, which is the mining of that iron ore”, economic expert Murray Meaton told the Court.

An FMG expert, Campbell Jaski, admitted that “royalty comparators” were the result of “a bargain that combine a whole myriad of rights and obligations, some of which have nothing to do with native title rights and interests”.

The cost of delaying a project was one factor that spurred companies to reach agreements with native title groups, he said.

Another FMG expert Mr Martin Hall said including mineral rights could lead to a much higher royalty of 2.5 per cent compared with the industry standard of 0.5 per cent.

Mr Hall said that the Yindjibarndi people’s rights exclude rights to minerals, but if these were included the compensation “would be a great deal higher”.

Asked by Justice Stephen Burley if he meant “more in the nature of a percentage royalty”, Mr Hall made reference to the generous Hancock and Wright family royalties which have created vast wealth for these families. He said:

“Yes there are examples of people selling their

“This land...contains an estimated 2800 million tonnes of iron ore.”

Murray Meaton, economist

rights, [the] Hancock and Wright royalties as the most famous examples. Yes very different,” Mr Hall said.

Mr Meaton said he was concerned that “the impact on the land is understated, which he said was “severe”. He said companies can clear vast areas of land and despite rehabilitation, “the land is never the same--the land has been severely degraded”.

“I have visited many of these areas. There are many examples of rehabilitated sites in arid environments that have not been very successful,” he said, adding that miners are only required to backfill pits to the water table, and they leave behind “large waste dumps of processed material”.



Dr Jeff Nelson

Psychologist Dr Jeff Nelson said the trauma caused by FMG’s mining without consent and promotion of social division required the formation of a dedicated healing centre with accommodation and full-time staff.

Dr Nelson, an Aboriginal man from Cairns who has worked extensively with Indigenous communities, said that prior to FMG’s arrival in Roebourne the Yindjibarndi community had already experienced significant trauma relating to their history.

He said it was “hard not to argue that people from this population would not respond at a much higher level”, meaning that the impact of FMG’s actions would be more severe.

In his evidence he commented on his interviews with 21 Yindjibarndi people including some from the breakaway group, Wirlu-murra.

Dr Nelson had developed a plan for a dedicated centre with staff that could service the community on a regular basis. The staffing cost would amount to \$1.75 million a year, and the total cost to establish the centre would exceed

\$4 million. He said the existing services were inadequate and remote regions had a history of being poorly serviced.

In a recorded conversation played to the Court, Dr Nelson asked YAC CEO Michael Woodley if the problems caused by alcohol before the mine had

“Like kicking a dog when it’s down.”

Psychologist Dr Jeff Nelson

allowed billionaire Andrew ‘Twiggy’ Forrest to do whatever he wanted because the provision of alcohol had weakened Yindjibarndi people.

“It’s aggravating that they’ll come in to people who are struggling and then even cause more harm by splitting the community and maintaining the split ... ,” Dr Nelson says in the recording.

“ ... That’s not acceptable, it’s like kicking a dog when it’s down, you just don’t do that s*** eh?”

Dr Kingsley Palmer told the hearing that many complainants felt they had lost their right to access country and feared they would lose their ability to pass on their culture to future generations.



Dr Palmer leaving the Court. Photo: WAN

“The theory is that young people therefore will not be able to incorporate it into their understanding of their spiritual relationship,” Dr Palmer told the court. “The same understanding as they formally could those things that still be there. There’s a loss in the process.” Dr Palmer also said it was his understanding the Yindjibarndi people felt there had been a “diminution of that spiritual connection to country” as a result of the mining activities.

“They’ve been locked out”

Anthropologist Dr Kingsley Palmer

“The loss is also of course one of the loss of right to access country,” he said. “It’s fundamental from a landowner’s point of view. As I’m sure we’d all agree of those of us who own property, that we have a right to enter our house, he said.

“That’s kind of the analogy some of the claimants have given. They’ve been locked out. So this business about visiting is not just about the innate spiritual value of country.

“It’s also about the loss of a right of access and a whole lot of other rights as well including the right to be asked, which is part of a common theory about how we understand a proprietary right.”



Yindjibarndi Members if you have changed your address please update your details.

Send through to members@yindjibarndi.org.au or call 0499 445 115

Experts tell Court of FMG's damage to ngurra, society and economy



Tootsie Daniel, seated, outside the Federal Court building in Perth. She was accompanied by family members and YNAC chairman Stanley Warrie, left. - Photo: Gerard Mazza

The Court heard evidence from experts on the social, economic and environmental damage wrought by FMG's mining. Evidence on FMG's destruction of heritage—perhaps the most damning subject of all—will be heard in November.

FMG's counsel has agreed that compensation is payable but argue it should be limited to the value of the land, which would be a very small amount. The Yindjibarndi experts have applied a dose of reality to the proceedings. They have focussed on the real-world outcomes that enable traditional owners to achieve settlements that reflect the value of minerals beneath the ground.

The evidence forms part of the Yindjibarndi claim for substantial compensation for Fortescue's mining of the Solomon hub region without the consent of the PBC, the Yindjibarndi Ngurra Aboriginal Corporation (YNAC). Fortescue has extracted more than \$50 billion in iron ore from this region, and officially destroyed more than 240 heritage sites, while refusing to pay a cent of compensation to YNAC. This is despite the claims of the founder Andrew Forrest that he wants to improve the welfare of Aboriginal people in Australia through his charitable foundation Minderoo.

The court sessions were attended by senior elders throughout the nine days, including an appearance by Tootsie Daniel despite there being a tragedy in her family.

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

To get in touch, email enquiries@yindjibarndi.org.au