



Yindjibarndi prepare for Federal Court ruling on compensation

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More than two decades since they first filed their successful native title claim, Yindjibarndi Traditional Owners in the Pilbara await a Federal Court determination on the amount of compensation payable to them for cultural and economic losses.

On Tuesday, 12 May 2026, Justice Stephen Burley of the Federal Court will hand down his judgment in the Yindjibarndi native title compensation case (*WAD37/2022 Yindjibarndi Ngurra Aboriginal Corporation RNTBC v State of Western Australia & Others*).

The judgment will be only the third time the Federal Court has ruled on the amount of compensation payable to native title holders.

Justice Burley's judgment will arrive swiftly after the McArthur River Project compensation judgment was delivered in February of this year, in which Traditional Owners in Northern Territory were awarded compensation of approximately \$55 million for their cultural and economic losses (*Davey on behalf of the Gudanji, Yanyuwa and Yanyuwa-Marra Peoples v Northern Territory of Australia (No 5)* [2026] FCA 153).

The Yindjibarndi compensation case was filed in February 2022, following a successful claim recognising exclusive native title rights on a substantial part of Yindjibarndi *ngurra* (country), in a judgment of Justice Stephen Rares in 2017 (*Warrie (formerly TJ) on behalf of the Yindjibarndi People v State of Western Australia* [2017] FCA 803).

The native title claim was filed in 2003, and the judgment of Justice Rares was the culmination of a long-running fight by the Yindjibarndi people for recognition of their native title rights in this part of Yindjibarndi *ngurra*.

The claim area includes a large part of the Solomon Hub mine operated by Fortescue. The 2017 judgment of Justice Rares was unsuccessfully appealed by Fortescue and a subsequent application



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Ganalili Centre, 38 Roe Street, Roebourne WA 6718
PO Box 111, Roebourne WA 6718

by Fortescue for special leave to appeal to the High Court also failed. Fortescue has opposed the compensation claim together with the State of Western Australia.

Justice Burley travelled to the Pilbara in May 2024 to hear lay witness evidence on-country and view significant Yindjibarndi cultural sites. Expert evidence was heard later in 2024 and the Yindjibarndi people have been eagerly awaiting the judgment since closing submissions in 2025.

The Yindjibarndi people seek substantial compensation of over \$1 billion for their cultural and economic losses. Fortescue seeks to limit compensation to no more than approximately \$8.1 million. The State contends that compensation should be awarded in the vicinity of \$5 million to \$10 million.

The Yindjibarndi legal team is led by Vance Hughston SC, Tina Jowett SC and Justin Edwards SC, instructed by Blackshield Lawyers.

For further information contact: media@yindjibarndi.org.au.



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