



[WA:Mine giant denies it's to blame for community division](#)

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Body

An iron ore miner accused of stoking division in a Western Australian community says it is not to blame for the "internal disharmony" among Traditional Owners.

Fortescue Metals Group argued the granting of its mining tenements did not cause community disharmony, as it began closing submissions in the long-running legal battle in the Federal Court on Monday.

Yindjibarndi Ngurra Aboriginal Corporation is seeking \$1.8 billion compensation from **Fortescue** over cultural and economic loss at the Solomon Mine Hub.

The Aboriginal corporation is also seeking compensation for specific destruction of sites and for the cost of healing the trauma caused by social disruption.

Fortescue began mining at the hub in the Pilbara in 2013 without agreement from the Yindjibarndi Aboriginal Corporation, instead dealing with a breakaway group.

In its closing submissions, Yindjibarndi Aboriginal Corporation said a "remarkable document" had been discovered in August, in the form of an invoice and corresponding purchase order from law firm Corser & Corser to FMG for \$107,000.

The invoice refers to a meeting to be held on March 16, 2011, for more than 200 members of the breakaway group to be paid \$500 expenses each, said the document, filed in the Federal Court.

"This is a clear and significant measure of support for one side of what was already a serious division in the community," the submission reads.

"There should be no difficulty in inferring that FMG gave the support to further its own commercial interests."

Yindjibarndi lawyers said the community division had prevented the practice of cultural ceremony, and therefore had impacts on Country.

But **Fortescue** barrister Brahma Dharmananda told the court on Monday the miner was not the cause of internal disharmony, nor was the granting of its tenements.

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"The in-fighting arose because of difference of view about doing a deal with FMG," he said.

"Any inability to regenerate the land was not caused by FMG. It arose because the Yindjibarndi were and continue to be in internal conflict about how to deal with FMG."

The court is considering how much compensation the Yindjibarndi native title holders should receive from **Fortescue**.

Lawyers for Yindjibarndi argue compensation should take into account the amount the native title holders would have been able to negotiate with **Fortescue**.

More than 200 sites have been damaged or destroyed, according to Yindjibarndi's closing submissions.

Yindjibarndi lawyer Vance Hughston previously told the court Yindjibarndi Country was being physically and culturally destroyed.

Fortescue is arguing compensation should be calculated without reference to the value of any minerals on or in the ground.

"Valuing spiritual or cultural loss by reference to the value of minerals never owned by the Yindjibarndi is not correct," Mr Dharmananda told the court on Monday.

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