



[WA:Yindjibarndi compensation case returns to court](#)

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Body

For almost 20 years, Yindjibarndi people of the Pilbara have been battling iron ore miner **Fortescue** Metals Group, the company founded by billionaire Andrew Forrest.

Some traditional owners say the rifts between family and community members caused by the dispute may never heal.

The long-running native title fight is back in the Federal Court on Monday after years of legal action.

The case will finally determine whether Yindjibarndi native title holders should be compensated for **Fortescue** mining on their land for years without agreement.

A **Fortescue** spokesperson said in a statement the company was committed to seeing the matter settled and was prepared to pay compensation.

But in court documents the company contends the amount should "not entitle a claim for royalties calculated by reference to the value of iron ore at the FMG tenements or any rent or royalties paid by FMG to the State".

"The question that must be answered is: what is the value of the native title rights and interests held by the YP (Yindjibarndi people) that have been lost, diminished, impaired or affected?"

In 2017, the Federal Court recognised the Yindjibarndi had exclusive possession over the area of land where most of FMG's Solomon mine is located.

FMG's Solomon hub, made up of the Firetail, Kings Valley and Queens Valley iron ore mines, together have an annual production range of 65 to 70 million tonnes.

When **Fortescue** began planning the Solomon hub it started negotiating with the Yindjibarndi Aboriginal Corporation (YAC), whose members including Stanley Warrie conducted heritage surveys for the project, thinking that would mean protection of important sites.

The relationship began to sour in 2007 when Yindjibarndi people realised FMG could legally destroy their sacred sites and was doing so in construction of the mine.

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When YAC refused to accept FMG's royalty offer, the miner gave financial backing to a break-away group, Wirlu-Murra Yindjibarndi Aboriginal Corporation, which paid people \$500 each to attend a meeting that voted in favour of the deal in 2010.

"The split between YAC and WYAC has changed everything ... some of the young people go against each other from each side, fighting in the streets," Mr Warrie told the court in an on-country hearing in April 2023.

"We try to tell them 'No, we don't go about it this way' and we try to do the right thing but I don't think we will ever be able to bring peace back to the community.

"FMG has caused this split."

FMG says social disharmony isn't compensable and the company did not cause it.

Since mining began at Solomon in 2013, FMG has shipped iron ore reportedly worth about \$50 billion, legally destroying dozens of significant Yindjibarndi sites.

FMG has not paid the recognised native title holders a cent.

In the upcoming hearings expert witnesses will give evidence on the economic, environmental and social damage resulting from the mine.

Their exclusive native title rights over this land were affirmed by the High Court in 2020, which refused FMG special leave to appeal.

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