



## *Forrest's meetings in park with YAC over \$1b claim*

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### **Body**

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**Fortescue** executive chairman Andrew Forrest arranged private talks with Yindjibarndi Aboriginal Corporation boss Michael Woodley in a Perth park as part of attempts to settle a billion-dollar case unfolding in the Federal Court.

Two of three meetings between the billionaire iron ore miner and the Indigenous leader occurred at Kings Park at Dr Forrest's request, despite the pair falling out in a fiery clash in 2011.

A third meeting was held in Karratha, about 35 kilometres from the town of Roebourne where **Fortescue** is accused of dividing the Yindjibarndi community.

The talks failed as the warring parties remain hundreds of millions of dollars apart on what represents an appropriate financial compromise.

**Fortescue** said yesterday that it was ready to settle and make an offer of compensation to the Yindjibarndi Aboriginal Corporation.

"We would like this matter with the Yindjibarndi people resolved. We are committed to seeing this matter settled so the Yindjibarndi people can receive the benefits they deserve," a **Fortescue** spokeswoman said.

"**Fortescue** has offered compensation to the Yindjibarndi people in the past, and we continue to be ready to settle this by paying compensation."

The company refused to answer questions about why Dr Forrest opted to meet Mr Woodley in a public park, and would not discuss whether it had put forward a settlement offer that varied from its standard compensation agreements with other traditional owner groups in the Pilbara.

**Fortescue**, valued at \$79 billion, also declined to comment on whether its settlement offer diverged from its legal arguments made in the Federal Court.

## Forrest's meetings in park with YAC over \$1b claim

**Fortescue** has argued any compensation should be funded by the State of Western Australia because it granted the mining tenements covering the traditional lands of the Yindjibarndi. The WA government maintains **Fortescue** should pay.

The Yindjibarndi Aboriginal Corporation is arguing it is entitled to compensation for economic losses estimated by one expert witness at more than \$500 million, and more because it alleges **Fortescue** destroyed more than 240 culturally significant sites - including rock shelters - for which it is also seeking around \$500 million.

It is also arguing **Fortescue** divided the community by backing a breakaway group known as the Wirlu-Murra Yindjibarndi Aboriginal Corporation in a novel third element to its legal fight.

The scope of potential damages is \$1 billion.

**Fortescue** was left exposed to the compensation claim in 2020 after the High Court denied the company special leave to appeal earlier Federal Court rulings that in effect meant a large part of its Solomon iron ore mining hub was built without permission of traditional owners.

The Federal Court had granted exclusive native title over 2700 square kilometres in the iron ore-rich Pilbara. This in effect recognises the Yindjibarndi as private owners of the highest legal standing with a spiritual connection that allows them to decide who mines the land.

Yindjibarndi Aboriginal Corporation previously rejected **Fortescue**'s offer of a \$4 million annual payment over the anticipated life of the Solomon project, worth around \$120 million.

**Fortescue** pays capped compensation as part of seven native title agreements with other traditional owner groups.

In court yesterday, lawyers for WA questioned mining economist Murray Meaton about his assertion that exclusive possession under native title entitled the claimant to a 1 per cent annual royalty on iron ore mined at Solomon, which would be double the royalty paid to some traditional owners with non-exclusive possession.

Mr Meaton estimated last year that the economic loss suffered by YAC from not having an agreement with **Fortescue** was \$502 million. The court has asked him to update his figures based on the latest **Fortescue** production forecasts. A ruling in the case is expected next year, with the parties not due to deliver closing arguments until around October.

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