



WINTAWARI GURUMA ABORIGINAL CORPORATION NEWSLETTER

This edition of the Wintawari Guruma Aboriginal Corporation's (Wintawari) Newsletter is to provide information to our members about the developments on our traditional lands and the efforts Wintawari is making to prevent further significant and unwelcome damage to country.

The highlights of this edition include information about:

- Eastern Guruma Pty Ltd and Wirilu-Murra Enterprises Pty Ltd have been contracted by FMG to undertake earth works at the Ngajanha Marnta area causing significant damage to this culturally important place
- Wintawari's action against the Minister for Aboriginal Affairs and FMG in the Supreme Court of WA to protect country
- FMG's application for environmental approval for their Eliwana railway
- State Government investigation into damage to Aboriginal heritage sites on Eastern Guruma country
- Section 18 applications from Rio and FMG which may involve damage or destruction to Aboriginal heritage sites

FAST FACT

FMG's Eliwana railway will connect a new mine located on PKKP country and the Solomon railway on Yindjibarndi country. The railway will cut across 90km of Eastern Guruma traditional lands disturbing nearly 4,000 hectares of country.



Developments On-Country

DESTRUCTION OF NGAJANHA MARNTA - SPEAR HILL

FMG commenced earthworks and infrastructure installation at Ngajanha Marnta on 1 August 2018. These works are expected to go on for about 18 months. Wintawari has been negotiating with FMG since March 2018 to try and prevent damage to this important and significant area.

Wintawari's application in the WA Supreme Court challenging the section 18 approvals issued by the Minister for Aboriginal Affairs to FMG at Ngajanha Marnta (which enables FMG to access this area to undertake earth works) is scheduled for a hearing on 10-11 October 2018 with a decision expected shortly after.

Wintawari is seeking an order from the Supreme Court that the Minister's consent to grant the section 18 approvals were not valid, which would remove FMG's ability to access the registered sites within Ngajanha Marnta to undertake any ground disturbing works.

COMMONWEALTH APPLICATION TO PROTECT NGAJANHA MARNTA

Wintawari applied to the Commonwealth Minister in December 2017 under section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth), seeking protection for Ngajanha Marnta from FMG's proposal for the Eliwana railway that would result in damage to this area. Wintawari requested that the Minister make her decision as soon as possible.

FMG has commenced earth works in and around Ngajanha Marnta despite the Commonwealth Environment Minister, the Hon. Melissa Price MP, not having made her final decision on Wintawari's section 10 application.

PROFIT BEFORE CULTURE?

FMG has contracted a Pilbara-based Aboriginal owned and operated Joint Venture whose participants are Eastern Guruma Pty Ltd (EGPL) and Wirilu-Murra Enterprises Pty Ltd (WMEPL), to carry out the earthworks through the Ngajanha Marnta area. Wintawari is extremely disappointed that an Aboriginal owned and operated Joint Venture has chosen to participate in a contract that is causing damage to a place of such spiritual and cultural significance to Aboriginal people across the Pilbara. Wintawari has written to EGPL and WMEPL requesting they stop these works immediately because of the damage that is being done to country and the upset they are causing to our elders. Neither EGPL nor WMEPL has confirmed it will not cease works.

BEFORE



AFTER



Eliwana Railway

Public Environmental Review

On 27 August 2018 the Environmental Protection Authority (EPA) published FMG's environmental approval application. It has now invited the public to provide comments before 25 September 2018. The EPA has granted WGAC an additional five weeks to provide its comments in recognition of Eastern Guruma's native title rights and interests. All comments will be considered by the EPA in its assessment of FMG's application before a recommendation is made to the Environment Minister, the Hon. Stephen Dawson MLC.

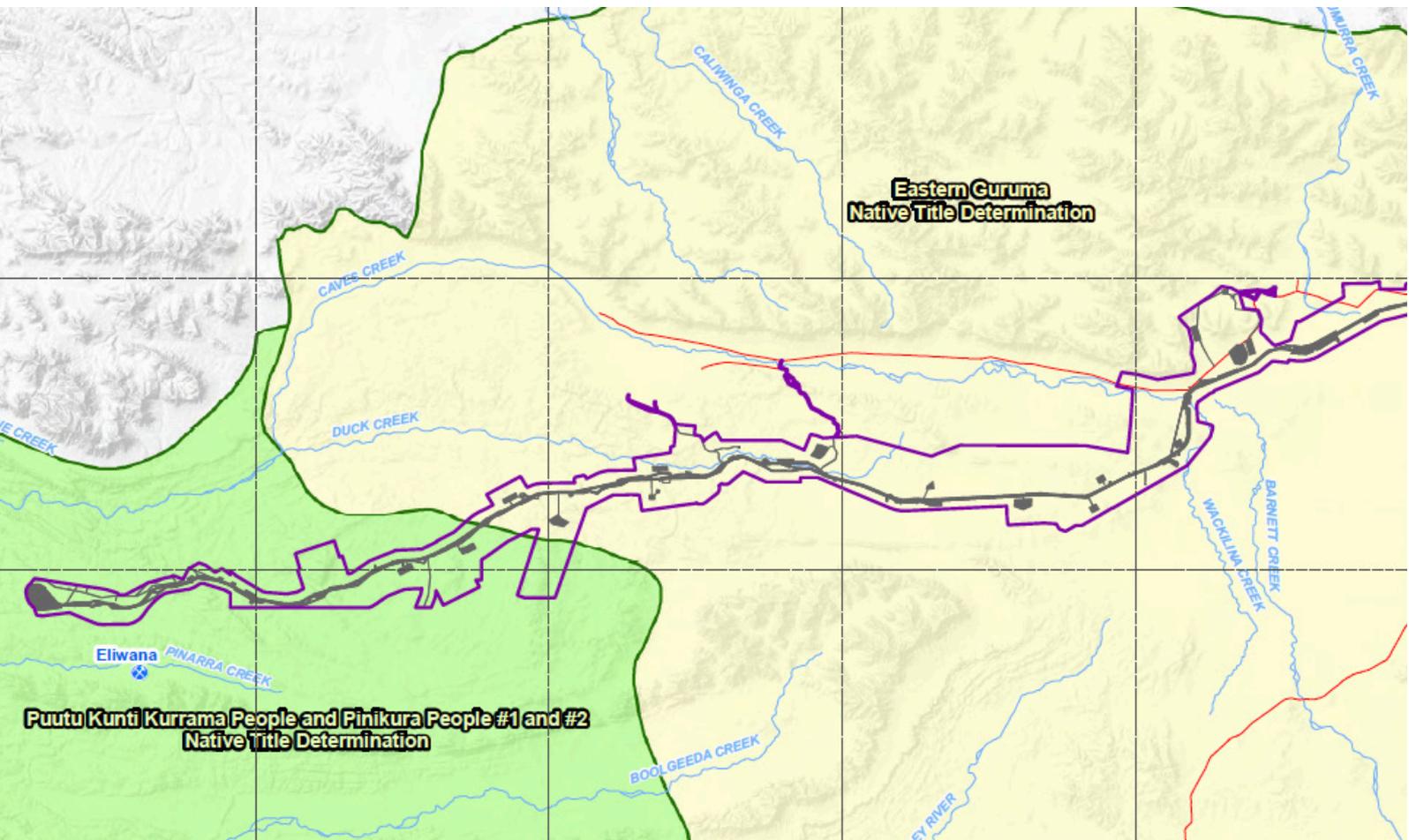
FMG's application, or Environmental Review Document, is some 362 pages excluding attachments. Wintawari is preparing a response to the application focussing on what the EPA must consider in assessing the impacts to the environment caused by a railway.

The factors that the EPA must assess include impacts to:

- Eastern Guruma's Social Surroundings or social environment
- Flora and Vegetation
- Animals
- Water flow and quality

Wintawari's response will be published on the EPA's website. Any members who would like a copy of the response once submitted should contact the Perth Office on 9277 5516.

It is anticipated that the EPA will make its recommendations to the Minister in early 2019.



SIGN PETITION

Wintawari calls upon its membership to demand that EGPL cease using the words "Eastern Guruma" which suggests by association that it is the Eastern Guruma People that own the it's the company. Please sign the on-line petition urging the EGPL Directors to cease their participation in these destructive works. It is an insult to the Eastern Guruma People, our ancestors and inconsistent with the work that Wintawari does to protect Eastern Guruma heritage that a company carrying that name is destroying one of our iconic areas for financial benefit. Our elders who fought for our native title rights and country would be ashamed.

Sign up: www.signforguruma.com.au

FAST FACT

The Environment Protection Authority is independent of government. They will provide independent advice to the Minister for Environment on whether he should give approval to FMG to build their railway. The Minister's decision is subject to appeal.

STATE GOVERNMENT INVESTIGATES DAMAGE TO HERITAGE SITES

The Department of Planning, Land and Heritage (DPLH) is investigating whether FMG may have breached the Aboriginal Heritage Act 1972 (WA). In July 2018 some Eastern Guruma elders discovered a new access track close to the Duck Creek rock art precinct. It has come to light that FMG installed the track as part of their planning for the proposed Eliwana railway and in doing so may have caused unauthorised damage to known Aboriginal sites. The DPLH investigations team attended the area on 23 August 2018 escorted by two Eastern Guruma elders. The result of the investigation will be known in the next few months.

NEGOTIATIONS WITH FMG

Wintawari directors met with the FMG CEO, Ms Elizabeth Gaines, at Hamersley Homestead on 9 August 2018 to discuss how the relationship between our respective organisations could be improved. It was a difficult meeting but the FMG CEO agreed to consider different alignment options that move the proposed Eliwana railway much further away from Hamersley Homestead and the Duck Creek rock art precinct, and to avoid the Dancing Ground near Four-Mile. The proposed alignment near Hamersley includes a 10-metre-high bridge over the current Rio rail line. Wintawari will continue to negotiate directly with the FMG CEO to seek to ensure that FMG selects a different route for the Eliwana railway that avoids these important places.

MORE EASTERN GURUMA HERITAGE SITES UNDER THREAT

Both Rio Tinto Iron Ore (RTIO) and FMG have notified Wintawari that they intend applying for section 18 consents from the Minister for Aboriginal Affairs that involve activities which may have the effect of damaging or destroying heritage sites. RTIO's section 18 application relates to the expansion of their Silvergrass project. FMG will make two section 18 applications in October 2018 for Stage 1 of their Queens Valley Project, which is located between Weelumurra and Kangineerina

FAST FACT

Corporations that are prosecuted for breaching the Aboriginal Heritage Act 1972 can be liable for fines of up to \$100,000. Perth Airport was the last corporation to face prosecution under the Act in 2007. It was fined \$10,000.

Creeks. Their second application is for phase one of the construction of the proposed Eliwana railway. Wintawari is in negotiations with both companies to ensure that the impact to our heritage sites is minimised.

FMG has notified Wintawari that it intends making an application to the Registrar of Sites for a permit to carry out excavation and research on Eastern Guruma sites with or without the involvement of Eastern Guruma people. Wintawari has pointed out to FMG that their approach is inappropriate and that any research about Eastern Guruma heritage must be led and managed by Wintawari on behalf of the owners of the heritage, the Eastern Guruma People.

BETTER PROTECTION, BETTER INFORMATION

Wintawari is working with all mining companies operating within Eastern Guruma country to obtain copies of heritage and cultural information that has been collected over the years. With so many mines operating within Eastern Guruma country, there has been a lot of information about heritage sites over the years which are held by mining companies.

In the last twelve months, Wintawari has been increasing its capacity to access and store information about important heritage places and increase the understanding of these places for the benefit of Eastern Guruma people.

MINING TENEMENT APPLICATIONS ON EASTERN GURUMA COUNTRY

Since January 2017 there have been 54 tenement applications from 8 different companies.

COMPANY INDIVIDUAL	NUMBER OF TENEMENTS
Rio Tinto	10
FMG	34
Forge Resources	4
Windfield Metals	1
Maria Resources	1
Mobile Concreting Solutions	1
David Ryan	1
Barry Keys	1
Peter Gianni	1

FAST FACT

There are over 275 mining titles granted on Eastern Guruma country. Combined, RTIO and FMG own and control more than 90% of these interests.



REMINDER-SIGN PETITION

Wintawari calls upon its membership to demand that EGPL cease using the words "Eastern Guruma" which suggests by association that it is the Eastern Guruma People that own the it's the company. Please sign the on-line petition urging the EGPL Directors to cease their participation in these destructive works. It is an insult to the Eastern Guruma People, our ancestors and inconsistent with the work that Wintawari does to protect Eastern Guruma heritage that a company carrying that name is destroying one of our iconic areas for financial benefit. Our elders who fought for our native title rights and country would be ashamed.

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