

NOTICE OF FILING

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File Title: YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC (ICN 8721) AND STATE OF WESTERN AUSTRALIA & ORS
Registry: WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



FMG Respondents' objections to affidavits of Margaret Read (23 Feb 2023) and Tootsie Daniel (24 Feb 2023)

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondent

Filed on behalf of (name & role of party)	FMG Pilbara Pty Ltd, Pilbara Energy (Generation) Pty Ltd, Pilbara Energy Company Pty Ltd, Pilbara Gas Pipeline Pty Ltd and the Pilbara Infrastructure Pty Ltd		
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The FMG Respondents take the following objections, but accept that the Court need not rule on them now. They can await trial.

Paragraphs of affidavit of Margaret Read (23 Feb 2023)	Ground
[11]-[15]	Relevance: The way in which Ms Read considers compensation should or will be spent is not relevant to any matter in issue.
[16]; [23]-[32]; [34]; [36]; [37]; [40]; [43]	Relevance: The FMG Respondents submit that social disharmony is not compensable under Part 2, Division 5 of the <i>Native Title Act 1993</i> (Cth) (NTA).
[18] (11 th sentence - “My son-in-law, the CEO, asked FMG for permission, and we were refused permission to our country.”)	Hearsay: Ms Read is providing evidence of a communication between Mr Woodley and FMG.
[23] (5 th sentence - “The trouble they have caused came from Andrew Forrest really.”); (6 th sentence - “FMG has some kind of hold on them.”)	Relevance: The FMG Respondents repeat the points made in their objection to [16]; [23]-[32]; [34]; [36]; [37]; [40]; [43] above. Conclusion, without any evidentiary foundation.
[29]	Relevance: The FMG Respondents repeat the points made in their objection to [16]; [23]-[32]; [34]; [36]; [37]; [40]; [43] above. Conclusion, hearsay, opinion and speculation, without evidentiary foundation.
[30]	Relevance: The FMG Respondents repeat the points made in their objection to [16]; [23]-[32]; [34]; [36]; [37]; [40]; [43] above. Hearsay: Ms Read appears to be recounting a video she has seen.
[33] (5 th sentence - “Now <i>nyinyaard</i> is not being followed by the splinter group people, they keep money and food vouchers to themselves”);	Conclusion, without evidentiary foundation, hearsay.
[45]-[46]	Relevance

Paragraphs of affidavit of Tootsie Daniel (24 Feb 2023)	Ground
[13] (8 th sentence - “Everyone in Roebourne was happy then in the 1960s and 1970s and there were no fighting between those families who are fighting now.”), [16], [17], [18], [39]-[44], [46] (3 rd sentence - “The Wirlu-Murra are breaking the rules that should be followed through the Galharra”); (7 th to 10 th sentences - “The Wirlu-Murra are not following these rules... The split has broken the Galharra between the families”); [47]-[50]	Relevance: The FMG Respondents submit that social disharmony is not compensable under Part 2, Division 5 of the NTA.
[25] (2 nd sentence; reference to “industrial deaths”) (3 rd sentence; reference to “because it is dangerous”)	Hearsay Opinion
[33] (2 nd sentence; reference to “[t]hose caves have all been destroyed (I have seen photos)”	Hearsay
[35]	Hearsay: Ms Daniel speaks to what she has heard from unnamed third sources.
[51]-[52]	Relevance