

## Andrew Forrest's Fortescue rejects national laws to protect Indigenous heritage



Fortescue Metals Group CEO Elizabeth Gaines.

By Peter Milne and Nick Toscano  
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Fortescue chief executive Elizabeth Gaines has pushed back against the idea of national laws protecting Indigenous heritage and giving traditional owners the right to refuse developments threatening significant sites.

The recommendations are among many made by the federal inquiry into fellow Pilbara miner Rio Tinto's destruction of 46,000-year-old rock shelters at Juukan Gorge.

"At Fortescue, we do support the WA government retaining responsibility for the protection of Aboriginal cultural heritage here in WA," Ms Gaines said on Thursday.

"We don't actually think it makes sense to have duplication of legislation."

Revised indigenous heritage legislation strongly supported by the WA mining industry is before the state parliament.

After 16 months of hearings, the Joint Standing Committee on Northern Australia recommended in mid-October that federal legislation set minimum standards for state and territory heritage protection laws and traditional owners be given "primary decision-making power".

Ms Gaines said it was important that legislation balanced protecting Aboriginal heritage and the "broader public interest in jobs and economic growth" and that

governments make the final decision when traditional owners and project proponents could not agree.

In May 2020, the High Court rejected Fortescue's application to appeal a historic 2017 Federal Court decision that the Yindjibarndi people have exclusive rights to more than 2700 square kilometres of land in the Pilbara, including Fortescue's Solomon mine.

Speaking to investment analysts on the release of the miner's quarterly result, Ms Gaines said Fortescue was yet to receive a claim for compensation from the Yindjibarndi Aboriginal Corporation.

"Fortescue remains open to entering into a native title agreement with the Yindjibarndi people on terms consistent with our other land-use agreements," she said.

Investment analysts focussed on the drastic reduction in the average price Fortescue is receiving for its ore, which has dropped \$50 to \$US118 a dry metric tonne in one quarter.

Fortescue marketing director Danny Goeman said a number of events, including COVID-19-related supply chain impacts, widespread power shortages, and production curtailments to reduce emissions had dampened steel output in China.

Ms Gaines said heavy competition in the lower grade of iron ore that Fortescue mainly produces had contributed to its prices falling more than other Pilbara miners.



*Rio Tinto damaged 46,000-year-old culturally significant rock shelters at WA's Juukan Gorge.*

Fortescue green energy subsidiary Fortescue Future Industries is anticipated to spend US\$400 to US\$600 million this financial year with two-thirds of the budget going to

operating expenses. FFI has been heavily recruiting and now has between 500 and 550 employees.

Fortescue's quarterly update revealed that a deal with US firm Plug Power to supply technology for electrolyzers to be manufactured in a Gladstone plant announced by Fortescue chair Andrew Forrest earlier this month is at the very early stage of commercial negotiation – a letter of intent.

At the announcement, Mr Forrest said the first electrolyzers, that separate hydrogen from water, would be produced in 2023. Ms Gaines said she expected the schedule would be achieved.

FFI plans to sanction its first project, a 250-megawatt hydrogen plant in Tasmania, by the end of the year. Ms Gaines said the timing of the project depended on discussions with the Tasmanian government about the supply of water and hydroelectric power.

Fortescue shares closed at \$14.02 a share, up 0.1 per cent over the day.