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The Federal Court building in Perth. *Photo: Gabriel Oliveira*

## Claim for Goldfields compensation

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An Aboriginal group that gets most of its funding from [BHP Nickel West](#) [6] has launched a Federal Court claim it says will guide compensation negotiations with native title holders across the country.

[Tjiwarl Aboriginal Corporation](#) [7] filed two compensation claims in the Federal Court today.

The extinguishment and impairment claims together cover 7,800 square kilometres in the northern Goldfields.

The claims seek compensation for multiple acts by the Western Australian government and mining companies that have affected Tjiwarl native title rights and interests.

[Tjiwarl Aboriginal Corporation](#) [7] chair [Brett Lewis](#) [8] said the case would go further than the landmark Timber Creek case, which was the first ever judicial determination of a native title compensation claim.

In that case, the High Court awarded \$2.5 million in compensation for the loss of native title rights over an area of 127 hectares in and around the town of Timber Creek in the Northern Territory.

It was based on the loss of economic value as well as cultural and spiritual loss.

“Our claim goes further than the Timber Creek case,” [Mr Lewis](#) [8] said.

“Tjiwarl is also seeking compensation for impairment of our rights.

“Many of us are still on country looking after Tjukurpa (dreaming) sites.

“We can’t access all of the areas and this causes a lot of shame for our people because we can’t meet our cultural responsibilities.”

The native title holders are seeking compensation for activities such as the development of segments of the Goldfields Highway; gravel pits and water bores; segments of the Goldfields Gas Pipeline; the renewal of pastoral leases in 2015; and various mining projects.

The group noted that some of the mining projects had been the subject of Aboriginal Heritage Act section 18 consents – the same mechanism that has caused controversy after Rio Tinto destroyed ancient rock shelters

[Tjiwarl Aboriginal Corporation](#) [7] chief executive Greg Ryan-Gadsden alluded to this controversy.

“Recent events have demonstrated that little consideration is given to the special value of Aboriginal culture and heritage,” he said.

“Mining and infrastructure project developers need to appropriately compensate for the impacts that they have which prevent native title holders from exercising their native title rights and interests on their country.”

“This is a landmark case that will guide compensation negotiations with native title holders across the country.

“The state and mining companies understand they have a liability for compensation and sorting this out will provide certainty for everyone.”

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