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Aboriginal Group Goes to Court Against Australian State Over Mining Area

By Reuters

June 19, 2020

MELBOURNE — An Aboriginal group has gone to court seeking compensation from the Western Australia government for cultural losses on land granted to businesses in the state's goldfield regions, the group's chief executive said on Friday.

Two compensation claims filed on behalf of the Tjiwarl people address actions by miners, farmers and others like the building of fences and roads that had restricted their access to sacred heritage sites and hunting and fishing grounds, impeding their ability to pass down cultural knowledge to young people.

"Something so wonderful that has been preserved for tens of thousands of years is potentially at risk," Greg Ryan-Gadsden, chief executive of the Tjiwarl Aboriginal Corporation, which filed the claims in Federal Court on

Wednesday, told Reuters.

The court action seeks compensation for cultural damage and loss of access to land as a result of acts by the Western Australia government, Ryan-Gadsden said.

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The Tjiwarl already have a native title compensation agreement with BHP from 2018 linked to the company's Mount Keith nickel mine that provides for financial, health and job support measures. "We are very pleased with BHP," he said.

The court action comes amid greater scrutiny of Aboriginal rights in Australia following the destruction of a sacred cave by Rio Tinto last month.

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Greg McIntyre, a leading expert on Aboriginal heritage, told state broadcaster ABC that under the Native Title Act, the state government is responsible for compensation claims.

"But it does have a power under the legislation to pass on any compensation (claims)...to those it has granted titles to".

Australia recorded its first case of Native Title compensation last year when the High Court awarded A\$2.5 million (\$1.72 million) to traditional owners from Timber Creek in the Northern Territory for their losses, including spiritual connection to the land.

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(Reporting by Melanie Burton; Editing by Mark Heinrich)

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