



## Kimberley Land Council

**MEDIA RELEASE**

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### **Sheffield Resources decision response**

An appeal by Kimberley Traditional Owners from the Mt Jowlaenga #2 native title claim group against mineral sands miner Sheffield Resources Ltd and the State of Western Australia has been dismissed in the Federal Court of Australia.

Traditional Owners appealed against the granting of a mining lease for the company's Thunderbird Mineral Sands Project on the Dampier Peninsula on the grounds that the company failed to negotiate in good faith.

Good faith is imposed by the Native Title Act (1993) on parties seeking to reach an agreement relating to activities that may affect native title rights and interests. It's intended to ensure parties negotiate on an equal footing.

Nolan Hunter, Chief Executive Officer of the Kimberley Land Council, says putting the legal review of the Federal Court's decision to one side, the Kimberley Land Council will not waiver in its support of native title groups faced with negotiation tactics such as those demonstrated by Sheffield Resources.

"Sheffield has undermined the native title party's ability to give consent to resource development on a free, prior and informed basis. No development should happen in the Kimberley without the consent of Traditional Owners. Sheffield hasn't respected our governance processes, and hasn't consulted with the right people who speak for country.

"Sheffield publicly claims to have overwhelming support from the region, but it is consistently marginalising the native title party whose land it is seeking to operate on for the next 50 years, and shows disregard for their native title rights and interests.

"Any company seeking to exploit resources on native title lands in the Kimberley must treat native title parties with respect," Mr Hunter says.

While there is currently no native title agreement in place for Sheffield's Thunderbird mine, the Kimberley Land Council did negotiate a Heritage Protection Agreement on behalf of the native title group with Sheffield Resources over Sheffield's exploration licences.

But the Kimberley Land Council is concerned that the company has been acting in breach of the fundamental terms of this agreement.

"We are concerned that Sheffield has carried out ground-disturbing work without clearances through the proper process of engagement with the named applicants," Mr Hunter says.

Mt Jowlaenga #2 native title group is carefully considering its position on the Federal Court decision and the consequences of that decision on their native title rights and interests.