

10 December 2020

The Companies Officer
Australian Securities Exchange Ltd
Level 40, Central Park
152-158 St Georges Terrace
Perth WA 6000

Dear Madam or Sir

FORTESCUE METALS GROUP STATEMENT REGARDING THE JOINT STANDING COMMITTEE ON NORTHERN AUSTRALIA INTERIM REPORT

Fortescue Metals Group Ltd (**Fortescue**) (ASX: FMG) acknowledges the interim report of the Joint Standing Committee on Northern Australia Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia.

Fortescue acknowledges the Puutu Kunti Kurrama and Pinikura peoples and their grief over the loss of cultural heritage at Juukan Gorge that is considered highly significant to them.

Since the commencement of its operations in the Pilbara, Fortescue has worked closely and transparently with Native Title partners to protect and avoid almost 6,000 heritage places with a primary objective of avoidance of heritage places of cultural significance. The Company has seven Land Access Agreements and many dozens of Aboriginal heritage agreements in place.

Chief Executive Officer Elizabeth Gaines said Fortescue appreciated the opportunity to address the Committee and will be reviewing the recommendations that have been developed for consideration by all affected parties.

"Fortescue is committed to the protection of Aboriginal heritage and we believe that by working together, the mining industry can continue to enhance processes, working within the framework of the relevant legislation.

"We support the modernisation of Western Australia's Aboriginal Heritage protection law, including legislating an increased voice for Aboriginal people and equitable rights of appeal for all parties. We believe that the focus should be on ensuring the progression of appropriate legislative reform in Western Australia rather than adding additional oversight or duplication at a Federal level."

Ms Gaines also noted that in July 2020 Fortescue made a significant change to its existing heritage management process.

"We wrote to our native title partners with whom we have existing agreements to advise that in future, Fortescue will notify the relevant Traditional Custodians in writing prior to undertaking an activity that will impact a site, on land that is the subject of a Section 18 consent," Ms Gaines said.

"This amendment allows for additional consultation with native title partners, in circumstances where there is new information that should be considered and is an important additional step in the consultation process.

“We note the Committee’s recommendations that propose a stay on actions under currently held Section 18 approvals, as well as a voluntary moratorium on applying for new Section 18 permissions. We do not believe that this is either a feasible or practical solution. It is important that an appropriate balance is found between progressing important legislative reform while supporting the continued economic benefit provided by the mining industry in Western Australia.

“As Senator Dean Smith has noted in his additional comments to the report, the mining and resource industry has provided the economy with significant support during the COVID-19 pandemic and we should not undermine the importance of existing operations, ongoing investment and confidence in the sector.”

Commenting on the additional measures proposed by Recommendation 3 of the Interim Report with regard to gag clauses, Ms Gaines said, “Fortescue’s native title agreements do not hinder or restrain the native title party from opposing Section 18 consents over any culturally, spiritually or scientifically significant place, from seeking relief under Federal laws or WA environment law, or from making public commentary.”

Ms Gaines said Fortescue supports a number of the recommendations in the report relating to sharing of information, supporting mapping and truth telling initiatives as well as working with Traditional Owners.

“We acknowledge that data is the property of native title groups, and there are complexities with sharing culturally sensitive data. With the permission and collaboration of native title groups, Fortescue believes there is an opportunity to work with other mining companies on sharing mapping data and establishing and funding keeping places,” Ms Gaines said.

In 2016 Fortescue was a foundation partner in the funding and establishment of The Keeping Place project, led by several Western Australian Prescribed Body Corporates (PBCs) and the National Trust of Australia. The Keeping Place is now owned by PBC’s and provides a holistic solution to empower them to hold and manage their own heritage data in a culturally appropriate and user friendly interface that enables native title holders to access information about their Traditional Lands and cultural heritage.

“We are committed to providing training and employment opportunities through our Vocational Training and Education Centres and to building the capability and capacity of Aboriginal businesses through our procurement initiative Billion Opportunities,” Ms Gaines said.

Since it was founded in 2011, Billion Opportunities has awarded A\$2.7 billion in contracts and subcontracts to Aboriginal businesses and joint venture partners

Fortescue was founded with the vision that the communities in which we operate should benefit from our success and Fortescue is proud to be one of Australia’s largest employers of Aboriginal people. As at 30 June 2020, 10 per cent of Fortescue’s Australian workforce and 14 per cent of our Pilbara-based workforce are Aboriginal.

Yours sincerely
Fortescue Metals Group Ltd

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