



**THE HON MELISSA PRICE MP  
MINISTER FOR THE ENVIRONMENT**

PDR: MS18-001247

Mr Tim Langmead  
Director, Community, Environment and Government  
Fortescue Metals Group Ltd  
Level 2, 87 Adelaide Terrace  
EAST PERTH WA 6004

25 OCT 2018

Dear Mr ~~Langmead~~ *Tim,*

I refer to the application under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the ATSIHP Act) that sought protection of the area of Ngajanha Marnta (Spear Hill) (the Specified Area). The application was submitted by Wintawari Guruma Aboriginal Corporation on 8 December 2017. Under the ATSIHP Act, I can make declarations to protect and preserve significant Aboriginal areas from threats of injury or desecration.

I have carefully considered the evidence available, including the heritage significance of the area and objects to Aboriginal people, the level of threat, the impact of such a declaration and the report by Mr Tom Keely SC provided under section 10 of the ATSIHP Act. While I have accepted that the Specified Area contains discrete significant Aboriginal areas, and is under the threat of injury or desecration, I have made the difficult decision to balance the interests of primary parties to best fulfil the purposes of the ATSIHP Act and provide a practical and positive heritage outcome. Therefore, I have decided to decline to make a declaration under section 10 of the ATSIHP Act.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Melissa Price'.

MELISSA PRICE