

**JOINT STANDING COMMITTEE ON NORTHERN AUSTRALIA  
DESTRUCTION OF THE 46,000-YEAR OLD CAVES AT JUUKAN GORGE  
COMMITTEE CHAIRMAN SENATOR WARREN ENTSCH,  
PARLIAMENT BUILDINGS,  
CANBERRA, ACT.  
3 SEPTEMBER 2020.**

**Dear Chairman:**

Senator Entsch, at the conclusion of my testimony on 28<sup>th</sup> August you kindly said that if I had points I wanted to add to what I said I should forward them before 11 September 2020.

I now forward these points and want to thank you for the opportunity to do so and to have been able to contribute to this Inquiry.

Yours Sincerely,

Professor Glynn Cochrane

## **1. INADEQUATE COMMITMENT TO COMMUNITY ENGAGEMENT**

Rio Tinto, even after its Board-led Inquiry, will not be organised to do what it says it wants to do. When a company, such as Rio Tinto has no professionally qualified and industry-experienced social scientist either on the Board or the Executive committee it is hard to believe that social performance and heritage management is being taken seriously. This impression is added to when the Rio Tinto board-led Inquiry says that the function charged with improving community engagement will be in the basement of the organisation and run by an executive with no known community background.

Similarly, it is hard to believe community engagement is being taken seriously if the company cannot clearly and equivocally identify just how many subject matter specialists it has on staff. So far inquiry into Juukan has failed to obtain the detailed information that would enable Aboriginal landowners, investors, insurers, shareholders and the public to assess whether Rio Tinto – and the same may well be true of other mining companies - had the necessary anthropological and archaeological expertise on staff that were needed to manage its cultural heritage management risks.

For geological issues, the JORC (Australasian joint Ore Reserves Committee) code provides a mandatory system for the public reporting of exploration results, mineral resources, and ore reserves. The enormity of the Juukan disaster and Rio Tinto's so far inadequate response to queries about its stock of skills suggests that the industry needs a JORC report, an inventory of available human resources – skills, qualifications, experience, job titles, and location, and details of cultural resources landscaping, sacred site and their artefacts that have or will be impacted by mining operations. This, as is the case with JORC, could be signed off by a senior executive on a regular basis.

## **2. USING WORK AREA CLEARANCE IN THE PILBARA**

The Sacred sites and places of archaeological significance should be taken out of agreements by using the 'Work Area Clearance Model' (not to be confused with 'Whole of Area Agreements') which has been used in the Northern Territory under ALHA for the past thirty years, and by Rio Tinto at Ranger. With the Work Area Clearance model, Aboriginal people themselves stipulate how a company can safely access a lease and where they can and cannot work. Before an investment decision is made, the company (and their lenders) need to know all the "no go" areas. This is crucial to determining how much economic ore is available, and where waste rock dumps, tailings dams and infrastructure can and cannot be located. They do not want to find out in year 10 that the place where they planned to put a second pit and a second tailings dam is now a "no go area". This usually involves initial cultural heritage surveys. The delineation of such "no go" areas up front is obviously relatively easy for smaller mines such as ranger where Rio Tinto used the model, but becomes more difficult with large mines in the Pilbara due to the scale of the lengthy survey work required. But that is what must be done and, given Juukan, that is a cost Rio Tinto must now accept to ensure that Aboriginal people are to be able to manage and protect their own cultural heritage.

When sacred sites are taken completely out of agreement-making there would be less demand for setting a price on sacred sites and their artefacts. This arrangement could have the capacity to reset the relationship to a healthier premise whereby miners focus on mining and

Aboriginal people on their heritage within the clearly defined boundaries that Aboriginal people themselves have set on their own land. They would then be able to avoid being bounced into a survey-salvage-destruction outcome.

Mining companies should pay for professional provenance and museum standard storage of all the items that have been disturbed or moved by their operations and for the costs of constructing keeping places in accordance with the wishes of the Aboriginal owners. [https://www.amaga.org.au/sites/default/files/uploaded-content/website-content/SubmissionsPolicies/continuous\\_cultures\\_ongoing\\_responsibilities\\_2005.pdf](https://www.amaga.org.au/sites/default/files/uploaded-content/website-content/SubmissionsPolicies/continuous_cultures_ongoing_responsibilities_2005.pdf)

### **3. A WESTERN AUSTRALIA CULTURAL AUTHORITY**

In my submission I suggested the creation of a Western Australian Cultural Authority because improved cultural heritage management require arrangements that can keep mining companies needing permission to destroy a sacred site, and governments needing revenue, at arm's length to avoid the unnecessary destruction of sacred sites and their artefacts. There is also an important educational role to be performed in Australia and around the world explaining the importance and significance of the Pilbara's Aboriginal heritage. Already some extractive industry companies with operations in the Pilbara have begun to recognise and participate in these cultural initiatives - all those that have sacred sites within their area of operation should be encouraged to actively participate.

Such an authority should have sufficient subject matter specialists to perform an Inspectorate role. It should regularly examine and publicly report on the planning, organisation, staffing, management, and impact of mining company heritage management.