

Carol and Fred Newton

**RE: SUBMISSION INTO THE RECENT DESTRUCTION OF CAVES AT JUUKAN GORGE, WA BY RIO TINTO**

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Northern\\_Australia/CavesatJuukanGorge?fbclid=IwAR1b5swutRzp0LwAeALXHrWlroH3ZWxLiw3-fw-zFzIAAM0DEhMTz9AA64M](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge?fbclid=IwAR1b5swutRzp0LwAeALXHrWlroH3ZWxLiw3-fw-zFzIAAM0DEhMTz9AA64M)

Dear Parliamentary Commission Members,

We were **deeply shocked, very distraught** and **completely outraged** to learn about the destruction of the Juukan Caves near Tom Price in the Pilbara, WA very recently by Rio Tinto. It's certainly expeditious to call for an inquiry now and rightly so. This submission is based on an email we sent on 11.6.20 to the WA Premier, Mark McGowan and Ben Wyatt, WA Minister for Indigenous Affairs, for which we received an acknowledgment.

**We call for all destruction of all Indigenous cultural and spiritual sites Australia wide to stop now.**

Further reports at the time disclosed the extent of such destruction, which has gone on for years. That was also very shocking.

*Juukan Gorge won't be the last priceless record of human history to be legally destroyed by mining - ABC News*

<https://www.abc.net.au/news/2020-06-11/juukan-gorge-aboriginal-heritage-site-just-one-of-many-destroyed/12337562>

*BHP to destroy at least 40 Aboriginal sites, up to 15,000 years old, to expand Pilbara mine*

[https://www.theguardian.com/business/2020/jun/11/bhp-to-destroy-at-least-40-aboriginal-sites-up-to-15000-years-old-to-expand-pilbara-mine?CMP=Share\\_AndroidApp\\_Email](https://www.theguardian.com/business/2020/jun/11/bhp-to-destroy-at-least-40-aboriginal-sites-up-to-15000-years-old-to-expand-pilbara-mine?CMP=Share_AndroidApp_Email)

It is **UNCONSCIONABLE** to destroy Indigenous peoples' precious sites.

We have **NO** right to allow this to happen; mining companies have **NO** right to do this.

It is an **OUTRAGE!**

Blowing up the cave shelters at Juukan Gorge of significant cultural and historical, archaeological importance was akin to blasting Notre Dame and Westminster Abbey to create materials to make cement!!!!

COVID19 has shown that significant decisions can be made within a very short timeframe.

(And we are very grateful for all the hard work speedily, successfully and effectively done at all levels of government.)

Our point is that we can no longer, as a community, state and nation, allow the wanton destruction of cultural heritage and allow high offence to Aboriginal people to continue and we demand speedy change.

We call for laws to change to protect Indigenous places.

We are in a new era and it is high time.

We stand ABSOLUTELY with those declaring “Black Lives Matter.”

We stand with the Puutu Kuntji, Kurruma and Pinikura people who have been treated with such blatant disregard and disrespect.

All lives matter. The cultural heritage and special sacred places of the First Nations people matters.

We implore you to rectify these issues and immediately halt all imminent destruction and make illegal any further destruction of Indigenous sites across Australia to increase mining areas or for any other purpose. Such places need legal protection and valuing by all Australians, including by overseas owned businesses.

**Furthermore, we call for Rio Tinto to be required to significantly fund indigenous programmes as an act of contrition and compensation** for their wanton and shameful actions. As they added insult to injury, we were disgusted with their despicable efforts to blame the indigenous communities.

We can no longer blame those that are victimized!!! We are living in a different world now!

We value our First Nations people, their history, culture, their aspirations for equality and respect.

Australians are watching. The world is watching.

People are marching, against this.

<https://www.afr.com/rear-window/ancient-cave-scandal-deepens-for-rio-tinto-20200601-p54yas>

Please see further answers to term of reference below.

Thank you for your attention to our submission.

Yours sincerely,

Carol and Fred Newton

## **ADDRESSING TERMS OF REFERENCE:**

The Joint Standing Committee on Northern Australia will inquire into and report on, by 30 September 2020:

The destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia with particular reference to:

(a) the operation of the Aboriginal Heritage Act 1972 (WA) and approvals provided under the Act; **We call for this to be updated – patently out of date. Even Ben Wyatt, WA Minister for Indigenous Affairs has stated his frustration in aiming to protect Indigenous sites re this law.**

(b) the consultation that Rio Tinto engaged in prior to the destruction of the caves with Indigenous peoples; **We call for Rio Tinto to be held account for their shambolic engagement with the Puutu, Kuntji Kurruma and Pinikura people, whilst claiming to be working respectfully with them and furthermore to be required to make significant restitution to them.**

(c) the sequence of events and decision-making process undertaken by Rio Tinto that led to the destruction; **We call on Rio Tinto to be required to undertake a microscopic analysis of their**

actions and motivations and be transparent about this to all Australian, shareholders and World Heritage organisations.

(d) the loss or damage to the Traditional Owners, Puutu, Kunti Kurrama and Pinikura people, from the destruction of the site; How can the traditional owners EVER be compensated for this action? Yet they must be compensated in a way by Rio Tinto that is agreed to by the traditional landowners.

(e) the heritage and preservation work that has been conducted at the site; Rio Tinto to be sanctioned and increasingly regulated by World Heritage organisations

(f) the interaction, of state indigenous heritage regulations with Commonwealth laws; We call on these to be vastly updated Australia wide.

(g) the effectiveness and adequacy of state and federal laws in relation to Aboriginal and Torres Strait Islander cultural heritage in each of the Australian jurisdictions; We call on these to be vastly updated Australia wide.

(h) how Aboriginal and Torres Strait Islander cultural heritage laws might be improved to guarantee the protection of culturally and historically significant sites; **LISTEN TO ABORIGINAL AND TORRES STRAIGHT ISLANDER PEOPLE. HAVE THEM MORE EFFECTIVELY INVOLVED AT ALL LEVELS OF GOVERNMENT. LISTEN TO THEM RATHER THAN OVERRIDE THEIR CONCERNS.**

(i) opportunities to improve indigenous heritage protection through the Environment Protection and Biodiversity Conservation Act 1999; **We call for greater protection under these laws which includes making environmental destruction ECOCIDE under the law, because all land and environment is important to indigenous peoples, as it needs to become for every Australian and all who live and visit Australia.**

(j) any other related matters. **Please see above submission letter.**