

## PKKP Second Supplementary Submission

### Puutu Kunti Kurrama People and Pinikura People's Second Supplementary Submission to the Joint Standing Committee on Northern Australia's inquiry into the destruction of 46,000 year old caves in the Juukan Gorge in the Pilbara Region of Western Australia

1. The PKKP people provided a submission to this inquiry on 25 September 2020 and a supplementary submission on 15 October 2020.
2. It is not PKKP's intention to provide a running commentary of the evidence given to the inquiry. We have been deeply hurt by these events, and our continued involvement in this process has been painful for us.
3. However, as custodians of our traditional lands, we feel it is our obligation to correct the record in relation to the events surrounding the Juukan disaster and to assist the Joint Standing Committee to get to the truth.
4. We fully support and continue to engage with the inquiry in the hope that nothing like this happens to us or other traditional owners ever again.
5. Representatives of Rio Tinto gave further oral evidence to the Committee on 16 October 2020, and responded to questions in relation to matters raised in our supplementary submission.
6. In that oral evidence it was clearly noted by Mr Salisbury, Rio Tinto's former Chief Executive of Iron Ore that:

*"on 13 May...we loaded 226 holes, some 60 percent of the complete pattern. That included all of the holes around both Juukan 1 and 2. We then continued to load some holes on the 16<sup>th</sup>, 17<sup>th</sup> and finally, 19<sup>th</sup> but all of the primary drivers of the damage that would have resulted to Juukan 1 and 2 all occurred from the holes that were loaded on 13 May"*

and later

*"I will just reinforce that those 226 holes which were loaded on 13 May were the primary cause of damage so subsequently loading the other holes would not have had a material effect on the outcome at Juukan 1 and 2"*

7. This submission appears to be a rebuttal of paragraph 12.a of PKKP's Supplementary Submission in which it was noted that Rio Tinto's decision to continue to load charges after PKKP had raised its concerns "*contributed directly to the destruction of the Juukan shelters*".
8. For the Committee's ease of reference, **Annexure A** to this submission is an annotated version of Rio Tinto's photograph of the blast pattern as at 15 May 2020 based on information provided by Rio Tinto on 12 October 2020.<sup>1</sup> With reference to Annexure A, it is difficult to understand how Rio asserts that the "unloaded holes"

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<sup>1</sup> The blast loading sequence provided by Rio Tinto on 12 October 2020 is set out at Annexure C of PKKP's supplementary submission submitted to the Inquiry on 15 October 2020.

(which were loaded on 16 and 17 May) would not have had a material effect on the outcome at Juukan 1 and Juukan 2.

9. In its oral evidence to the Committee on 16 October 2020 Rio Tinto also asserted the difficulty in unloading the blast holes is a matter of practicality.

*"if you imagine a blast pattern, its literally a grid. The holes are laid out on a grid and they are all wired together. You can't simply drive a truck into the middle of that field and suck out which holes you like. You actually have to start at the edge of the shot, like clearing a minefield, if you like, and work your way in. That also prevented us being able to access the holes directly around the Juukan caves".*

10. With respect to that submission it is clear from Annexure A that if Rio had stopped loading holes at the time PKKP raised its concerns on 15 May 2020 there would have been:

- a. fewer holes to unload;
- b. multiple "edges" to work in from in unloading the holes; and
- c. more time and opportunity for Rio Tinto to undertake this difficult task.

11. PKKP acknowledges that decisions were made by Rio Tinto in the lead up to Juukan disaster in view of the inherent dangers to human safety posed by the explosives. Whilst PKKP took a number of steps to prevent and minimise damage to the Juukan rockshelters, the risks of human safety have always been very significant to us and we have never asked Rio Tinto, nor expected Rio Tinto, to put the lives of its employees in danger.

12. Whilst PKKP acknowledged that danger, the fact is that Rio Tinto did unload a number of holes. It did so in order to mitigate possible damage to sites over which it did not have Section 18 approval to disturb.

13. As a general theme of its various submissions to this inquiry, Rio Tinto laments what it describes as "missed opportunities" in the lead up to the Juukan disaster. The use of such passive language ignores the intentional acts that led to the Juukan disaster - including the loading of explosives into holes immediately above or close to the Juukan rockshelters after PKKP had expressed its grave concern about their destruction.

14. To the extent that an opportunity was missed, it was the opportunity not given to PKKP – to be involved in, or consulted by Rio Tinto, in relation to Rio Tinto's decision-making process surrounding the unloading of those holes.

15. PKKP has never contended that it was practical for Rio Tinto to unload the entire blast. Knowing what we now know, we can say that additional time and increased access points from which to unload the blast pattern may have lessened the ultimate impact on the Juukan rockshelters.

**ANNEXURE A**

