

**Never Again:
Juukan Caves Inquiry
Interim Report,
9 December 2020**

Inquiry Process

- The Inquiry was originally scheduled to report by 30 September 2020.
- Interim report extended to 9 December 2020 due to “sheer volume of evidence”.
- Final report, expected in 2021, will among other things,

“look more closely at the evidence concerning the destruction of the shelters at Juukan Gorge—including the role of Rio Tinto, the Western Australian Government and other stakeholders”

“The Puutu Kunti Kurrama and Pinikura People (PKKP) “faced a perfect storm, with no support or protection from anywhere. They were let down by: Rio Tinto; the Western Australian Government; the Australian Government; their own lawyers; and Native Title law”.

Key Findings / 2: Rio Tinto

“Rio Tinto’s role in this tragedy is inexcusable. Rio knew the value of what they were destroying but blew it up anyway. It pursued the option of destroying the shelters despite having options which would have preserved them.”

Key Findings / 3: Rio Tinto

- “Rio Tinto’s conduct reflects a corporate culture which prioritised commercial gain over... meaningful engagement with Traditional Owners... This corporate culture belied Rio Tinto’s public rhetoric of working in partnership with First Nations people, as reflected in the company’s (now dis-endorsed) Reconciliation Action Plan”.
- [There are] “Severe deficiencies in [Rio Tinto’s] heritage management practices, internal communication protocols and relationship practices with the PKKP... these deficiencies have not been fully grappled with in Rio Tinto’s Board Review.

Key Recommendations / 1

To State of Western Australia

- Replace the *Aboriginal Cultural Heritage Act 1972* including to align it with requirements of FPIC (“meaningful involvement and control” over CH decisions)
- In the meantime:
 - Moratorium on issuing further s.18 permissions to destroy heritage
 - Adequately support the Aboriginal Cultural Materials Committee
- With Commonwealth, establish “mapping and truth-telling” project.

Key Recommendations / 2

To Rio Tinto

- Restitution to PKKP
- Reconstruction of Juukan Gorge caves and permanent moratorium on them
- Review all agreements to align with best practice, including no “gag” clauses
- Stay on action under current s.18 permissions
- Return of artefacts to PKKP and funding of keeping place

Key Recommendations / 3

To WA Mining Industry

- Review current agreements for alignment with FPIC, incl. no “gag” clauses
- In the meantime, commit to a stay on currently-held s.18 permissions
- Voluntary moratorium against seeking new s.18 permissions pending introduction of new CH protection laws

Key Recommendations / 4

To Commonwealth Govt

- Review *ATSI Cultural Heritage Act 1984*- “serving no purpose” -Entsch
- Publish procedures for those who wish to access the *ATSI CH Act*
- Prohibit use of “gag” (confidentiality) clauses in CH agreements
- With WA, establish a “mapping and truth-telling” project about cultural heritage destruction in WA.

Rio Tinto Commitments to Shareholders

Per Hesta Media Release 23 March 2021

“Regular disclosure on:

1. Ongoing progress against Rio’s own commitments and internal work-streams, external obligations and recommendations.
2. How Traditional Owners’ views are being sought and considered in shaping these commitments and Traditional Owners perspectives on how successfully these commitments are being met.
3. The enhanced governance arrangements in place to oversee the company’s progress against these actions.
4. How the company is working to advocate for enhanced sector-wide cultural heritage management and how this is consistent with our internal standards.”

Further Information

Juukan Inquiry Interim Report: Never Again

[https://www.aph.gov.au/
Parliamentary_Business/Committees/
Joint/Northern_Australia/CavesatJuukanGorge/Interim_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge/Interim_Report)

For further information go to

www.accr.org.au

Or contact James Fitzgerald at:

james@accr.org.au