

ABORIGINAL HERITAGE IS SHORT-CHANGED BY CLEARANCE PRACTICES

No convincing explanation has yet emerged as to why Rio Tinto destroyed the Aboriginal sacred site at Juukan Gorge which had universal human value and deserved UNESCO listing. It was not done for gain. Leon Davis said it was not worth the few tons of iron ore the company might achieve. Did the Aboriginal custodians agree with the blasting? To answer that it would be necessary to look closely at the full extent and nature of the non-disclosure obligations reportedly placed on Traditional Owners by Rio Tinto's resource access agreements. These were identified by academics at Griffiths University and may well have constrained both complaint and comment by Rio Tinto's Aboriginal neighbours.

Rio Tinto has been following its own stripped-down version of Cultural Resources Management (CHM) in the Pilbara. The focus has been on the development of the skills and procedures needed to secure quick clearance - the removal of impediments to mining - something that too frequently results in the destruction of sacred sites. This clearance thinking would have encouraged Rio Tinto to think the caves could be destroyed without too much fuss. Aboriginal heritage would have been better served if Rio Tinto had promoted CHM with a broader intellectual remit and a higher skilling requirement. That would have emphasised protection, conservation, and education as well as clearance and would have given the company the ability to better inform employees, management, and the public, both in Australia and around the world, about the variety, the meaning, and the significance, of their Aboriginal neighbours' unique cultural heritage.

With an emphasis on clearance but without the heavyweight archaeologists and anthropologists in London and the Pilbara that CHM with a broader remit would have relied on to advise senior managers Juukan was at risk. Heavyweight advisors would have had the visibility, the personally-earned authority and the experience to caution against the destruction of the caves. In denying the charge that the company did not have these heavyweight specialists Rio Tinto said there were 100 personnel working on CHM in the Pilbara, a quarter of whom had tertiary qualifications 'in a discipline related to social performance.' That 100 number was arrived at by counting as core CHM personnel all those with general degrees in arts, economics, and business, as well as those with qualifications in hydrology, geology, health, environmental sciences, economic development, human rights, international relations, and communications. Rio Tinto has still not provided hard evidence to show that it did have heavyweight archaeologists and anthropologists on staff in London and the Pilbara.

What is to happen to the 7,000 items reportedly removed from the Juukan Gorge caves before their destruction? Rio Tinto has said nothing publicly about their disposition in the weeks since the caves were destroyed although the assessment of these artefacts, and arrangements for Aboriginal, scholarly, and public access, is of the highest urgency and importance. If Rio Tinto had indeed possessed the heavyweight advisors in London and the Pilbara that the company now claims this issue could have been sorted out long before now.

WESTERN AUSTRALIA'S HERITAGE REGIME IS NOT FIT-FOR-PURPOSE

Relying on Rio Tinto and other mining companies to perform the full range of CHM intellectual responsibilities that need to be discharged has not worked and will continue to disadvantage Aboriginal people if the miners continue to concentrate on clearance. While legal changes may discourage bad behaviour they cannot necessarily promote the good behaviour and enlightened stewardship that is now missing. Inevitably the industry's CHM personnel will find it difficult to avoid a conflict between their professional and their company responsibilities. State and Federal Governments in need of funds will continue to find it difficult to resist industry pressure for section 18 decisions under the 1972 legislation.

Clearly, Western Australia's institutional arrangements for Cultural Heritage are broken. The present assignment of powers, duties, and responsibilities needs rethinking. To ensure a sustainable balance between protection, conservation, commercial interests, and the rights of Aboriginal people, different institutional assumptions are needed. It might make sense to look at the feasibility of establishing a Western Australia Cultural Heritage Authority. This could be funded by an industry levy as a prelude to developing a new public/private/Aboriginal partnership. It could be invested with the necessary authority to perform the full range of activities, including the employment of archaeologists and anthropologists, that a progressive CHM regime requires.