

Bill Pender
Inquiry Secretary
Joint Standing Committee on Northern Australia
08 September 2020

SUBMISSION TO THE INQUIRY INTO JUUKAN GORGE
Additional Question(s) on Notice
Bruce Harvey

Herein my response to the questions received on notice subsequent to the public hearing for the Juukan Gorge inquiry held on 28 August 2020.

“In regards to the issue of staff who previously worked at Rio with expertise in cultural heritage and social performance, do you believe they left Rio due to financial reasons (eg. cost cutting) or strategic decision making? Were people retrenched or did they leave voluntarily or a combination of both?”

I address the second question first - *were people retrenched or did they leave voluntarily or a combination of both?* In seeking to answer this question, I have contacted former cultural heritage and social performance colleagues who left Rio Tinto since 2016 and asked them why they left. I had not previously done this because I did not consider it any of my business, hence my comments at the hearing on 28 August that I thought people had probably left of their own volition for a range of reasons. It turns out I was mistaken - all the people I have spoken with in the past week inform me they were retrenched.¹

In regard to the first question – *do you believe they left Rio due to financial reasons (eg. cost cutting) or strategic decision making?* - I believe they were retrenched as a matter of strategic intent, not cost cutting. The evidence for this is that a period of major cost cutting matching the financial cycle had been instituted from 2014 to 2016, including a full review of staffing and capability in which some people left but cultural heritage and social performance specialist roles were otherwise maintained. During the period of the post-2016 retrenchments of these specialists under new leadership, Rio Tinto simultaneously set about recruiting into corporate positions a range of new people with skills in brand promotion, corporate marketing and international relations. Hence, I do not believe any costs savings were forecast nor achieved in this period. The ‘switch out’ of specialists for those with a different skill set was part of an intended strategic remake of Rio Tinto post 2016.

This is substantiated by much of Rio Tinto’s public communication and written responses to Inquiry questions on notice, including *“This really is the key to sustainable change in this area and modern communities’ management. It is no longer about anthropologists running around a field”*². This statement indicates that Rio Tinto’s earlier strategy of attempting to understand affected community concerns³ and respond to them was replaced in 2016 to one of ‘managing communities’, presumably to achieve their compliance with Rio Tinto’s imperatives. Much more in Rio Tinto’s written and oral submissions will doubtless emerge under close inquiry with an anthropological mindset. Were there hidden strategies that might contrast sharply with Rio Tinto’s publicly stated mission, vision and values?

Despite the diminished status of local, field-based social science work in the new post-2016 strategy, thankfully for other communities where Rio Tinto operates the vast majority of

¹ If the Committee wants to know the names of the individuals concerned, I will undertake on notice to speak with them and ask if they want to be identified to the Committee.

² Item No.18; page 58 of Rio Tinto’s response to questions on notice.

³ Including unstated concerns that often lie behind in any human society and can only be understood through empathetic anthropological inquiry.

women and men working for Rio Tinto are people of honour and integrity who quietly ignore the strategy of 'managing communities' and continue to do the right thing by their neighbours.

As stated in my earlier submission to this Inquiry, the new strategy implemented after 2016 directly led to the destruction of the Juukan shelters because, amongst other things, it did not recognise that Social Performance and Corporate Affairs professional competencies and accountabilities are fundamentally different and cannot be substituted one for the other. This is not *post-hoc* analysis on my part - my critique of the strategy and recommendations for how Social Performance and Corporate Affairs functions should work together were contained in a short article '*Social Performance – a new professional discipline*' published in August 2017. Nor am I alone in my critique of the strategy – analysts with strong track records of research have consistently identified it as flawed and have published their findings; for instance, '*The industrial ethic, corporate refusal and the demise of the social function in mining*' by Kemp and Owen (2018).

The openly declared (and critiqued) strategy adopted by Rio Tinto post 2016 appears to have been aimed at enhancing Rio Tinto's brand image through international marketing at the expense of maintaining social performance and strong relationships with land-connected communities near Rio Tinto mines and other assets. The strategy has manifestly failed, as evidenced by the events at Juukan and acknowledged by Rio Tinto in its recently stated intention to reconstitute its corporate social performance function, reporting lines, governance and assurance systems essentially as they existed prior to 2016.

In the face of everything that is coming to light, I am reluctantly drawn to an abhorrent conclusion. In addition to the international marketing strategy, there appears to have been another in play, undisclosed and restricted to a few senior executives and legal advisors. In light of the growing account of events, and particularly those involving legal advice and privilege in the days leading up to the Juukan blast, the destruction looks less like an act of innocent vandalism born of miscommunication, and more like a monstrous and deliberate attack on cultural property rights reminiscent of colonial-era tactics in a frontier war.

References

- Harvey, B (2017). *Social Performance – a new professional discipline*. AusIMM Bulletin Magazine August 2017. Pages 46-50
<https://www.ausimmbulletin.com/feature/social-performance-new-professional-discipline/>
- Kemp, D. & Owen, J (2018). *The industrial ethic, corporate refusal and the demise of the social function in mining*. Sustainable Development. 2018; **26**: 491-500.
<https://onlinelibrary.wiley.com/doi/full/10.1002/sd.1894>