

Rio Tinto Responses to Questions on Notice (SET 2)

Questions on Notice (hearing dated 16 October 2020)

Question no	Questions from Letter of 30 October	Response
Question from Senator Siewert		
1.	<p>In the Milli Milli newsletters issues from No.1 in 1993 through to No.24 in April 2005, surveys were identified over the Duck Creek, Beasley River, Boolgeeda Creek and Brockman areas which encompass the Juukan area. Commentary was made in those documents in respect of these areas: “that significant places are protected from the proposed drilling Programs” and “Hamersley keeps records of the sites so they can be protected during any future work as well”. If this was the gold standard recognised by the establishment of Rio’s Heritage and Liaison Department under Elizabeth Bradshaw and Brian Royce, why did this agreed principle break down?</p>	<p>As we have said in our previous evidence and consistent with the findings of the Rio Tinto Board review, there was not a single event that led to the destruction of Juukan sites. As stated on page 24 of our previous Responses to Questions on Notice, initial surveys were conducted on Juukan 1 and 2 in 2003. The significance of these sites increased as further works were completed over time. A number of surveys and engagements were held with PKKP over a period of nearly 17 years in relation to these sites, including in relation to further cultural heritage surveys of the Juukan region, and the negotiation and implementation of the Participation Agreement and the Regional Framework Deed which involved discussions of areas for mining and significant or Rights Reserved Areas.</p> <p>Records of the Juukan 1 and 2 sites and their importance were kept on our GIS system. As per our previous Responses to Questions on Notice (Group C, question 22, page 60), after the section 18 consent was granted to disturb Juukan 1 and 2 and the salvage had been completed, the areas formally fell into the mine plan and their identification in the GIS system as sites that must be avoided was removed.</p> <p>To be clear, post the 2014 salvage works, our systems no longer recognised this as an area that required preservation as upon completion of the artefact salvage, which was intended to offset the loss of the site, the area was no longer protected. We deeply regret that the systems in place to identify and preserve the sites did not operate effectively in this case and we have taken steps to change our systems, including the establishment of an Integrated Heritage Management Process with a dedicated team.</p>

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		<p>Other places identified in the Duck Creek, Beasley River, Boolgeeda Creek and Brockman areas remain the subject of consultation with the relevant Traditional Owner groups with sites in these areas identified as protected. The principles of the standard developed through the first Heritage and Liaison Department remain in place today. Where practicable, heritage sites are avoided and records of all sites identified are kept in our systems. Given our learnings from Juukan we have adjusted our approach, though, so that the level of alert and visibility of heritage sites remains active in our systems and can be changed or modified easily in the eventuality that new information or circumstances emerge.</p>
Questions from Senator Dodson		
1.	<p>Acknowledging Rio Tinto's responses to Questions on Notice (from hearing on 7 August 2020) at page 49, does Rio Tinto concede that the destruction of the caves is deserving of compensation?</p>	<p>Rio Tinto's Participation Agreements with Traditional Owners include compensation provisions. The remedy process described below is occurring outside these provisions.</p> <p>Rio Tinto is engaged directly with the PKKP on determining an appropriate remedy, and Rio Tinto has provided funding to the PKKP to support genuine participation in this process.</p> <p>We expect the remedy to be a complex process as it includes immediate actions like the moratorium area, rebuilding the relationship and establishing an enduring legacy (these elements are outlined in the PKKP's submission). We remain committed to rebuilding our partnership with the PKKP.</p>
2.	<p>Wintawari Guruma Aboriginal Corporation (WGAC) said in evidence on 13 October that Rio Tinto informed news media first about its decision to save Silvergrass rock shelter from destruction? Is that the case? If so, was that not disrespectful to TOs?</p>	<p>Rio Tinto has been working through the re-design of the Silvergrass East pit for several months.</p> <p>Rio Tinto contacted WGAC on the decision to protect two sites at Silvergrass East on Friday 28 August at approximately 1330. Rio Tinto provided a written statement about the protection of the two Silvergrass East sites to Reuters later that day at 1730.</p>
3.	<p>Has Rio Tinto confirmed in writing to WGAC that it will not destroy the Silvergrass site?</p>	<p>Formal written notification on the protection of two sites at Silvergrass East was sent by the Rio Tinto heritage team to WGAC on 19 October 2020.</p>

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4.	<p>WGAC said TOs have been unable to access the Hammersley pastoral lease. Is that the case? If so, is Rio Tinto willing to enable easy access to Hammersley lease?</p>	<p>An access protocol for Hammersley Homestead was agreed and signed with WGAC in 2018.</p> <p>The intent of the protocol is to enable Eastern Guruma members to safely access Hammersley Homestead, a working pastoral station managed by Rio Tinto. A land access protocol is required to ensure the safety of all parties accessing or working on the pastoral station which could include traditional owners, drilling and exploration teams, pastoral workers, or Rio Tinto environment and heritage survey teams. An access protocol ensures all parties are aware of each others' locations and activities to ensure emergency assistance can be rendered if needed, and people on ground aren't exposed to safety hazards such as light and heavy vehicle interactions.</p> <p>The process to be followed includes notification of intent to access, areas to be accessed and for what purpose. It also asks those accessing to have practical communication and safety resources available such as adequate water and fuel supplies, UHF radios etc.</p> <p>Eastern Guruma members are able to use the Homestead for cultural activities, ranger programs, training programs and on-country meetings.</p> <p>We will continue to engage and discuss access to country for the Eastern Guruma people across Rio Tinto managed land.</p>
5.	<p>In his supplementary submission (08 September) to his primary submission (#19), Mr Bruce Harvey says he has "contacted former cultural heritage and social performance colleagues who left Rio Tinto since 2016 and asked them why they left." He says that all were retrenched, "as a matter of strategic intent, not cost cutting."</p> <p>(i) How many "cultural heritage and social performance" employees were retrenched post-2016?</p> <p>(ii) Why were they retrenched?</p>	<p>According to our Human Resources records, eight employees in our Iron Ore division's Communities team were made redundant from 1 January 2017 to November 2020. Of the employees made redundant in our Iron Ore Communities team, only one was working in heritage management.</p> <p>These individuals were made redundant for a variety of reasons including, in some cases, efficiency measures.</p> <p>The academic qualifications of these individuals include Bachelor's and Master's degrees.</p>

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	<p>(iii) How many others left of their own volition?</p> <p>(iv) What academic or professional qualifications did each employee have?</p> <p>(v) Were the above employees given exit interviews? If so, did any of the departees express regret about Rio Tinto's strategic direction?</p>	<p>Approximately 20 employees in our Iron Ore Communities team resigned of their own volition in the period 1 January 2017 to November 2020.</p> <p>In the most part, Rio Tinto does not conduct exit interviews with people that are in redundancy situations. In relation to those that left of their own volition – there were a range of different reasons as we understand it. Some did so to pursue other opportunities in different areas and other companies.</p> <p>In terms of the global Communities teams, excluding those in Iron Ore mentioned above, according to our records, approximately 20 employees were made redundant over the period from 1 January 2017 to November 2020. A number of these redundancies were due to people leaving as we divested an operation or asset they were working in or the exploration activity changed. In many instances these roles did not report to Corporate Relations and were instead embedded in Rio Tinto's other product groups or teams.</p> <p>As per Rio Tinto's submission to the Inquiry which outlined the circumstances which led to the destruction of the Juukan rockshelters, there were a number of key decisions made over a long period of time including in 2013 relating to the mine plan when Mr Harvey was leading Global Communities at Rio Tinto.</p>