

WA must toughen laws after revelation Rio Tinto dumped priceless Indigenous artefacts, heritage expert says

Archaeologist Peter Veth says 'traumatic' mistake at Marandoo iron ore mine cannot be allowed to happen again



Rio Tinto has been accused of allowing hundreds of irreplaceable Aboriginal cultural artefacts salvaged from its Marandoo iron ore mine (pictured) in the Pilbara, Western Australia, to be thrown away at a rubbish dump in the 1990s, and failing to tell traditional owners.

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One of Western Australia's leading heritage experts says the government must toughen up its heritage laws in the wake of allegations that mining giant Rio Tinto allowed the dumping of priceless Aboriginal cultural materials and did not inform the traditional owners for 25 years.

Peter Veth, a senior archaeologist and heritage commentator who was involved in surveying of the artefacts, said new laws must ensure such a "traumatic" mistake cannot happen again.

"The state has to show leadership. It's a really tough portfolio. It's big money. And if they can't get the compliance right in an area worth tens of billions of dollars – and of the Pilbara, which is one of the great heritage estates in the world – then we're not a modern state. We're locked in the 50s," said Veth, a professor at the University of Western Australia.

Rio Tinto has been accused of allowing hundreds of irreplaceable Aboriginal cultural artefacts salvaged from its Marandoo iron ore mine in the Pilbara to be thrown away at a rubbish dump in the 1990s, and failing to disclose the disposal to Aboriginal traditional owners.

Eastern Guruma elders say they learned of the dumping after uncovering documents which show Rio Tinto and the WA government knew artefacts salvaged from their important and sacred sites in the 1990s had been thrown away, but failed to tell them.

The Wintawari Guruma Aboriginal corporation (WGAC), representing the Eastern Guruma traditional owners, made the claims in a powerful submission to the federal parliamentary inquiry into Rio Tinto's destruction of Juukan Gorge.

In 1992, Rio Tinto – through its subsidiary Hamersley Iron – sought approval for a large-scale iron ore mine at Marandoo, in the eastern part of traditional Eastern Guruma country within Karijini national park.

Concerned that a large number of heritage sites would be destroyed, traditional owners organised a survey, in which bones, rock art, scarred trees, stone quarries and places of “outstanding cultural significance” were identified over a six-day visit in January 1992.

Veth was part of that survey team. He recalls a senior colleague “begging” Hamersley's representatives not to go ahead with the mine until a more thorough investigation of the sites had been done.

“She was crying. She actually sat there and she finally burst into tears – a senior heritage person – saying ‘please, why can't we just do [our] work, why can't there be a higher level of observation of the heritage?’

“It required a different scale of excavation, of collection, of recording, and that wasn't allowed to happen in a normal process ... because the state and Hamersley basically took a very aggressive line,” Veth said.

Rio Tinto outsourced the 1992 salvage work to a private engineering company, which shipped the bulk of the material to the Northern Territory University (now Charles Darwin University).

In documents seen by Guardian Australia, materials salvaged from an 18,000-year-old rock shelter were accidentally “taken to the tip” by the university in a “devastating accident” in 1995. A large number of the remaining materials were then disposed of, with Rio's approval, two years later.

But salvage work was done at only 28 of an estimated 300 sites in the path of the Marandoo mine. According to WGAC, materials from 20 of those 28 sites are now gone.

“For some of the sites, what was taken to the tip was the only remaining material left after the site's destruction. There are no reports, data, photographs or documents of any kind that relate to this part of the salvage program,” WGAC's submission says.

The WA government granted consent for the mine on 2 February 1992 under the Aboriginal Heritage Act, the same legislation which allowed Rio to blow up Juukan Gorge in May 2020, and which is now under review.

But on 5 February 1992, it passed a separate law, the Marandoo Act, which gave Rio additional security for the mine and effectively prevented any legal challenges from Aboriginal people.

Rio Tinto CEO Simon Trott said the company supports repealing the act and has been engaging with traditional owners and the WA government on “this important issue”.

Trott reiterated Rio’s apology to the Eastern Guruma people.

“We are not proud of many parts of our history at Marandoo and we reiterate our apology to the Traditional Owners of the land, the Eastern Guruma People, for our past actions. We know we have a lot of work ahead to right some of these historical wrongs.

“Our leadership team are engaging regularly on this important work and are committed to meeting with the WGAC again when they are ready,” Trott said.

A Rio Tinto spokesperson said materials remaining from the 1992 salvage works are in a safe-keeping place at its Brockman 2 and Dampier operations.

Veth said the WA government must oversee how this work is contracted in future.

“We believe that standards and accreditation [are] imperative for consultants, we’ve said this for 30 years,” Veth said. “Secondly, you want to have decent upfront time to assess the values. It’s a basic thing: where are the sites? What are the values? How can they be mitigated, managed? Why don’t we have proper interpretation and holding centres and keeping places on country? Why doesn’t the state invest in it?”

Veth said while these questions are unanswered in the law, the risk remains that priceless material could be mined and thrown away.

“There are protections that allow a ministerial intervention, that allow an area to be made a protected area, that allow fines to be imposed for deliberate and wanton destruction of sites, but the missing component of actually evaluating values and knowing what you’re dealing with ... is not there.

“There’s absolutely no trigger here to fund or support or, in a timely fashion, to have the values documented and discoverable, so we can manage them ... and that’s why there’s major opposition [to the current heritage bill].”

The WA government said it has been in discussion with Rio Tinto and traditional owners about this matter, but had no prior knowledge of the allegations made by the WGAC on Friday.

“The McGowan government continues to make improvements to the draft Aboriginal cultural heritage bill based on feedback from stakeholders, as we work towards the historic reform of Western Australia’s outdated Aboriginal cultural heritage system,” a spokesperson said.