



27 July 2020

Honourable Mark McGowan MLA
Premier of Western Australia
5th Floor, Dumas House
2 Havelock Street
West Perth WA 6005

Re: Destruction of the significant rock shelters located in Juukan Gorge, Hammersley Ranges

Dear Premier McGowan,

Like many Australians, Quakers were shocked and saddened to hear of the destruction of those 46,000-year-old sacred and archeologically significant rock shelters located in the Hamersley Ranges by Rio Tinto.

Although artifacts had been removed from the site and there was consultation with Traditional owners in 2014, Rio Tinto in expanding a mine, has destroyed a place of significant cultural heritage to Australia and the world. A consequence is unknown loss of cultural and other significant artifacts and scientific evidence of ancient human civilization. Further, Traditional Owners stated they were only informed of the scheduled destruction when making a request to enter the area for NAIDOC week celebrations, nine days before the detonation took place. They describe the loss was "soul destroying". We share in their grief.

The company's action was an act of cultural insensitivity and departed from most measures of corporate social responsibility. It also highlights serious deficiencies in state oversight. Subsequent plans by other companies planning site destruction have alerted the world to Western Australia's inferior heritage legislation.

We are greatly disturbed to hear that numerous section 18 exemptions held by a range of mining companies and other organisations throughout Western Australia remain in place. Many that are granted over culturally and possible internationally significant sites. Aside from the grief this causes to local communities, such exemptions bring Australia into international disrepute, reflecting badly on all of us.

We observe that, since 2010, all 463 applications to the Aboriginal Cultural Material Committee to excavate, destroy, damage, conceal and alter Aboriginal Cultural sites were granted with no right of appeal or the ability to overturn the decision even by the Minister. Further the Committee overseeing the application was not required to consult or involve Traditional Owners in their deliberation.

Australia Yearly Meeting

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We welcome Minister of Aboriginal Affairs Ben Wyatt's commitment to remove section 18 from the new 'The Aboriginal Cultural Heritage Bill' to be brought before the WA parliament later this year.

Further it has been reported that the new heritage legislation would focus on mutual agreement between traditional owners and proponents. That "It will ... include a process to consider new information that may come to light, and allow the parties to be able to amend the agreements by **mutual consent**," and "The legislation will also provide options for appeal should either party not be compliant with the agreement."

If so, this is deeply troubling. It would suggest that the legislation fails to acknowledge the power difference between multinational mining companies with immense wealth and political influence and traditional owners—among the most disadvantaged people in our society, a consequence of generations of racist laws and attitudes developed and implemented by successive Australian Governments.

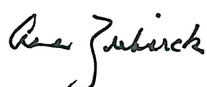
The behaviour and limited response from Rio Tinto in relation to the demolition of Juukan Gorge rock shelters highlights the gap between community expectations and corporations that fail to live up to these expectations.

Quakers encourage you, your Government and all parliamentarians to reflect on past wrongs perpetrated on First Nations People. Act so that we, the current generation, play our part in stopping a continuation of wrongs on our watch.

Here is an opportunity to right a wrong. Provide Traditional Owners with the real power to negotiate with mining companies for their and our future. Make the new Aboriginal Cultural Heritage Bill one that truly recognises the unique contribution First Nations People have made to the broader human family, and their ongoing custodianship of this ancient land.

We hold you in divine light in your work on this crucial piece of legislation.

Respectfully,



Ann Zubrick
Presiding Clerk
The Religious Society of Friends (Quakers) in Australia

cc: Honourable Bill Johnston
Honourable Ben Wyatt

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