

Response to Business and Human Rights Resource Centre: Statement on Juukan Gorge

We refer to the request for our response to recent events concerning the Puutu Kunti Kurrama and Pinikura (PKKP) people, our work with the PKKP people going forward and an explanation of how this incident occurred.

We are very sorry for the distress we have caused. Our relationship with the PKKP people matters a lot to Rio Tinto. We have had a longstanding relationship with the PKKP people. In relation to the Juukan area, we have been working together since 2003.

We signed a comprehensive mutually agreed Participation Agreement in 2011, providing for ongoing engagement as well as financial and non-financial benefits to the PKKP people for mining activities on their country. We have discussed the Juukan area in multiple formal and informal engagement forums with the PKKP people. Since 2013, Rio Tinto has provided on-going updates in relation to the Juukan area, principally at scheduled bi-annual Local Implementation Committee meetings as required by the Participation Agreement as well as other regular forums. These meetings include PKKP Traditional Owners and their representatives, as well as Rio Tinto.

The mining activity conducted in May 2020 was undertaken in accordance with all necessary approvals. It was preceded by a ministerial consent under Section 18 of the *Aboriginal Heritage Act 1972 (WA)* (AHA). This was obtained in 2013 after detailed consultation with the PKKP people over a decade that included research investigations in 2008 under a Section 16 authorisation under the AHA. Following the Section 18 consent, extensive heritage preservation and salvage work was undertaken in 2014 - all with the PKKP people's involvement.

From 2014, the PKKP people and Rio Tinto continued dialogue on the Juukan area, including discussion on the findings from the specialist studies that were conducted on the excavated materials. With the approval of the PKKP people, the preserved artefacts have been deposited at a Rio Tinto storage facility to ensure appropriate protection of the material and we are working with the PKKP people on longer-term options.

We have continued to work closely and collaboratively with the PKKP people on a range of heritage matters and have modified our operations to minimise cultural and heritage impacts.

We proceeded with our operations at Brockman 4 in reliance on our comprehensive agreement with the PKKP people and having all necessary approvals and consents. We are very sorry for the distress we have caused.

We will continue to work with the PKKP people to learn from what has taken place and strengthen our partnership. As a matter of urgency, we are reviewing the plans of all other sites in the Juukan Gorge area.

In relation to our heritage approach more broadly, to support thorough engagement on these issues, we have a range of formal processes in place, which go beyond legal requirements. These activities support ongoing dialogue and engagement to occur as part of these processes on cultural heritage. Our framework for agreement making with Traditional Owners includes working with host communities throughout the life of an agreement to ensure Traditional Owners receive fair compensation and a share of benefits in exchange for secure access to land.

We are conducting a comprehensive review of our heritage processes and how they are applied in our Iron Ore business, with Rio Tinto board and Indigenous leader oversight, to help identify, understand and recommend ways to improve the effectiveness of our processes. We will engage with the PKKP people and other Traditional Owner groups as appropriate, through the review process.

Our application of appropriate legislation will be examined as part of this review and we will provide input into any Western Australian government reform of the AHA.

We continue to work closely with Traditional Owners across Australia, and our commitment remains as strong as ever.