

BHP's Pilbara mine expansion say they were forced to 'trade away' heritage

A Senate inquiry has heard statements from Indigenous elders who risk losing up to 86 significant sites to the mining giant's operations



The Banjima people have seven mines, 300km kilometres of railway line and hundreds of exploration tenements on their land operated by BHP, Rio Tinto and Hancock. Photograph: Tim Wimbourne/Reuters/Corbis

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The Banjima people in the Pilbara, who could lose up to 86 significant sites to BHP's South Flank iron ore mine expansion, have told a Senate inquiry that traditional owners have had no choice but to "trade away their heritage" to mining interests.

The Banjima said they had made a significant contribution to the prosperity of the nation and "decades of uninterrupted economic growth for Australians" which should be better recognised and respected.

"The engine room of the Australian resources industry" is located on and around their lands, the senior Martidja Banyjima elder, Maitland Parker, said.

"As such, the Banjima people have made a significant and generational contribution to the prosperity of this nation," Parker, who is chairman of the Banjima native title corporation, said.

"It is time that the role of traditional owner groups as valuable partners to the resource industry is more widely acknowledged and appreciated."

The Banjima have seven mines, 300km of railway line and hundreds of exploration tenements on their land, operated by BHP, Rio Tinto and Hancock. Their relationship with mining companies has been "long and sometimes difficult".

“The cumulative destruction of our country is something which sits uneasily with our people,” Parker said.

BHP have Western Australia’s government approval to destroy more than 40 – and possibly as many as 86 – significant Banjima sites in the central Pilbara.

BHP’s own reports identified sites of art, artefacts and rock shelters that were occupied between 10,000 and 15,000 years ago, while the broader area showed occupation “has been ongoing for approximately 40,000 years”. The company has been aware since at least 2019 that the Banjima do not want any of the sites disturbed.

But under section 18 of the WA Aboriginal Heritage Act, the Banjima people cannot object, and they cannot raise concerns publicly, having signed comprehensive agreements with BHP.

The Banjima were critical of such claim-wide agreements, which they say are common in the Pilbara and were “negotiated in the context of an imbalance of power”.

“A major global mining corporation negotiating with traditional owner groups is not usually conducive to an agreement in which Aboriginal culture and heritage are protected consistent with cultural obligations,” Parker said.

“In the past, traditional owners negotiating these contracts had no real choice but to take the deals that were offered or take nothing.”

But the Banjima are working with Rio Tinto and BHP “to ensure a situation like Juukan Gorge is not repeated”.

“We are working together in what we hope continues to be the spirit of a true partnership.

“Protection of such sites is not only of incalculable value to traditional owners and Aboriginal people more broadly, but is also the cultural inheritance of all humanity.”

In June, Guardian Australia revealed that BHP had approval to destroy the sites. BHP then issued a clarification that it would not damage any of them “without further extensive consultation” with the Banjima.

On Tuesday, the BHP chief executive, Mike Henry, said that “deep consultation” was ongoing, but would not clearly rule out the possibility that sites could be affected.

“It’s an ongoing process that has continued for many, many years. As new information comes to light it is shared amongst all parties, and we revisit past decisions,” Henry told ABC TV.

“I expect that through the process of ongoing engagement, we will land on decisions that are informed by the views of the Banjima, together with them.”

In correspondence seen by Guardian Australia, senior elders made it very clear they do not want any of the sites disturbed.

One Milyarranypa Banjima elder quoted in the letter said he and his family “are angry about it and don’t support the destruction of those sites at South Flank under any circumstances”.

The Senate inquiry has been given an exemption to travel to the Pilbara in September to hold face-to-face hearings with traditional owners.

The inquiry is also seeking access from the Puutu Kunti Kurrama and Pinikura traditional owners to conduct a site visit at Juukan Gorge to see the damage firsthand.