

## Pat Dodson attacks ex-WA Aboriginal affairs minister for joining Rio Tinto board

*Dodson criticises 'poor judgment' but Ben Wyatt says move will pressure other companies to appoint Aboriginal people*



*Ben Wyatt at WA parliament in October 2020. He has been appointed a non-executive director of Rio Tinto.*

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Fri 4 Jun 2021

The Labor senator Pat Dodson has launched a scathing attack on the former Western Australian Aboriginal affairs minister Ben Wyatt for joining the board of the mining giant Rio Tinto, saying it showed “poor judgment” and would “do nothing” to restore Rio’s reputation after the Juukan Gorge disaster.

Wyatt, a Yamatji man, was the Aboriginal affairs minister and treasurer in WA from 2017 to March this year when he retired from parliament.

The state Labor minister was responsible for approving applications to destroy Aboriginal heritage – the same mechanism under which Rio received approval from a previous minister to destroy Juukan Gorge.

Rio blasted the 46,000-year-old heritage site in May 2020, resulting in the departure of its chief executive, two senior executives and two board members, including the chairman.

Wyatt will take up the non-executive director position vacated by Michael L'Estrange, who wrote the company's internal review of the Juukan Gorge disaster in a process the academic Marcia Langton called "inadequate" and lacking transparency.

The former state minister was also responsible for drafting WA's new Aboriginal heritage laws, which are due to be introduced to parliament this year. The laws remove the contentious section 18 under which Juukan Gorge was destroyed but still allow the minister final say.

"Having left high office in the WA Labor government, Mr Ben Wyatt is entitled to pursue new career pathways," Dodson said on Friday. "But his decision to join the board of Rio Tinto shows poor judgment and makes a mockery of the WA government's ministerial code of conduct, which says ministers should exercise care in taking up employment immediately after leaving government."

Rio Tinto said Wyatt would join the board as a non-executive director in September. The announcement comes less than three months after Wyatt left politics and days after he announced he would join the board of Woodside Petroleum.

"Mr Wyatt's appointment will bring no credit to Rio Tinto and will do nothing to restore its reputation after the Juukan Gorge disaster," Dodson said.

"The company inherits the legacy of Mr Wyatt's ministerial role in having approved harm to sacred sites under section 18 of the existing Aboriginal Heritage Protection Act. Rio Tinto may think it's bought respectability by appointing Mr Wyatt, but Aboriginal people – especially those whose sacred sites are endangered by mining – will rightly be sceptical."

Wyatt declined to respond directly to Dodson's criticism.

But he told the ABC his appointment was a "win" which would increase pressure on other corporations to appoint Aboriginal people to their boards.

"Me going on a board, whether it's now or 12 months from now, I suspect I would have copped the same critique," he said. "But I often put this to those critiquing: if I had gone on the board of an organisation that puts photovoltaic cells on roofs I suspect I wouldn't have got a similar critique, I suspect that there's bias against some of the mining companies."

Wyatt said it was "in the interests of every Australian" for Rio to get back to a position of leadership in the industry and reconnect with the Pilbara.

"One of the biggest employers of Aboriginal people in the Pilbara is Rio Tinto, so I want it to be successful. It is not going anywhere but we need to recalibrate its relationships back with those key relationships."

Friday's news comes after the two major explosives companies operating in WA, Dyno Nobel and Orica, granted their employees the right to refuse to undertake works they believed would pose an "unacceptable risk" to Indigenous cultural heritage.

Wyatt had campaigned to reform the outdated Aboriginal Heritage Act while in office but approved applications for mining companies to destroy heritage as recently as February.

He released draft heritage laws for comment last year but did not support a moratorium on approving any applications to destroy or damage heritage until the new laws are passed.

At the time, Wyatt argued that a moratorium was “not a practical solution in light of their use across a vast array of different projects most of which are uncontentious”.

He has also written publicly opposing the introduction of a veto power, which was recommended by a federal parliamentary inquiry, saying that would undermine the ability of traditional owners and mining companies to negotiate.

Dodson, a member of the inquiry committee, said Wyatt had supervised the drafting of heritage protection laws “which, although they are yet to be enacted, have been criticised as too weak – in particular because they don’t give traditional owners a right to veto destruction of their sacred sites”.

But the chairman of the inquiry, the Queensland Liberal National MP Warren Entsch, said Wyatt had a chance to guide Rio Tinto towards “positive change”.

“He certainly has had criticism that he deserves, but at the end of the day, I think he will very much learn from what happened there,” Entsch said. “He is in an excellent position, from his political contacts, and working with Rio, to make sure he can be the one spearheading the changes that are necessary to avoid it happening again.”

Rio’s chairman, Simon Thompson, said he was delighted by the appointment.

“With family links to the Pilbara and an impressive track record in public life, Ben’s knowledge of public policy, finance, international trade and Indigenous affairs will significantly add to the depth of knowledge on the board at a time when we are seeking to strengthen relationships with key stakeholders in Australia and around the world.”

Brynn O’Brien, the executive director of the Australian Centre for Corporate Responsibility, said Wyatt’s experience made him an “attractive candidate” but would raise questions about political influence.

“Given Woodside and Rio Tinto face enormous challenges in bringing their Western Australian operations into line with community expectations and ESG standards, it is fair to be concerned about their political influence,” she said. “From that perspective, the appointment of a very recently retired WA government minister who had responsibility for key portfolios should raise eyebrows about the revolving door between government and industry.”

Guardian Australia has sought comment from the Puutu Kunti Kurrama and Pinikura people who are the traditional owners of Juukan Gorge.