

# HUMAN RIGHTS WORKING GROUP



Responsible Investment  
Association Australasia



## Post Meeting Papers

### Human Rights Working Group Meeting #4-24

Thursday 14<sup>th</sup> November 2024 | 12:00pm – 1:30pm AEDT / 2:00pm – 3:30pm NZDT

#### Contents

Meeting minutes

Action Register

Attendees

Attachments

- 1) Meeting Slide Deck
- 2) StockWatch Report

#### Minutes

Item	Action required
<b>1. Welcome (5 min)</b> <b>Måns Carlsson (Chair, Ausbil)</b> <ul style="list-style-type: none"><li>• Opening</li><li>• Acknowledgement of Country</li><li>• Minutes from last meeting</li><li>• Purpose and Principles</li></ul>	Submit any amendments to the Minutes to <a href="#">Jackson Rowland (RIAA's Programs Consultant)</a>
<b>2. Special Presentation and Q&amp;A (35 min)</b> <b>Topic: Saliency and Materiality</b> <b>Sam Jones (President and Co-founder of Heartland Initiative)</b> <ul style="list-style-type: none"><li>• Heartland Initiative is a US based non-profit advisory that works with investors to address human rights issues across their portfolios.</li><li>• Heartland recently released paper, "<a href="#">The Saliency Materiality Nexus: Addressing systemic risks to people and portfolios in a turbulent world</a>" by Heartland Initiative, Schroders Asset Management, and Wespath Benefits &amp; Investments.</li><li>• The paper describes the saliency-materiality nexus as a practical, rights-based framework that can focus investors' analytical and engagement efforts on identifying and addressing the most severe and</li></ul>	To access the special presentation, please log in to your <a href="#">Member Portal</a> and select;  1. <b>"LEARN"</b> (top bar), 2. <b>"Member Only Resources"</b> (bottom of drop-down menu), 3. <b>"Working Groups"</b> (Yellow Tile), 4. <b>"Human Rights Working Group"</b> (Scroll Down, Yellow Box),

<p>systemic social risks in their portfolios.</p> <ul style="list-style-type: none"> <li>• 60 countries and territories, according to Heartlands index, fall into Conflict Affected High Risk Areas (CAHRA).</li> <li>• Challenges to managing human rights are escalating as conflicts increase globally (i.e. 40% increase in conflicts globally since 2020).</li> <li>• In a survey, 497 investors identify conflict risk as their second leading ESG criteria, second only to climate change. 85% of another survey identify geopolitical confrontation as a top three risk. The Saliency and Materiality Nexus is a tool to manage these risks.</li> <li>• Material risks include increasing exposure to regulatory regimes, strategic litigation on behalf of impacted rights holders, disruption of company operations due to conflict, expropriation of assets, and loss of social license to operate, and divestment based on ESG considerations.</li> <li>• Ericsson, Hewlett Packard, Investos, Match Group and Cisco Systems were shared as examples of organisations responding well to conflict risks, but there are limited examples of best practice responses to conflict risks.</li> <li>• Heartland have had limited success engaging research advisors and ESG ratings agencies.</li> <li>• Companies are reluctant to talk about risks in markets to not inhibit access to that market.</li> <li>• Human rights can sometimes be treated as the subject for a glossy report, so a lot of work with companies is focused on education about future risks from these issues so it is taken more seriously.</li> </ul> <p><b>Kate Turner (Global Head of Responsible Investment, First Sentier Investors)</b></p> <ul style="list-style-type: none"> <li>• FSI's more formal journey on human rights in conflict affected high risk areas started at the escalation of Russia / Ukraine war. But that was not a good time to engage with companies. That taught them to take a more proactive approach, but that turned out to be difficult due to limited data availability on this topic.</li> <li>• FSI had to do a lot of manual research themselves due to the limited information already in the market. They then worked with Heartland to do a full assessment of holdings across FSI.</li> <li>• The data received from Heartland was extensive, looking at both geographic, relational and operational proximity. Data is also categorised from low risk to high risk.</li> <li>• It has helped FSI get significantly greater oversight of CAHRA risks across the portfolio.</li> <li>• Would love to see mainstream research providers providing this level of data.</li> </ul>	<p><b>5. "2024 Meetings and Special Presentations"</b> (Scroll Down, Underneath Working "Group Details") and then underneath the title: <b>"4 – Thursday 14 November 2024 – Modern Slavery"</b>, you will find the recording of the special presentation, the Pre-meeting papers, and the Post meeting papers.</p> <p>If you require any assistance please contact <a href="#">Jackson Rowland (RIAA's Programs Consultant)</a></p>
<p><b>3. Opening of EOI's for Co-Chair of the Human Rights Working Group (5 min)</b></p> <p><b>Jess Rowe (Manager of Working Groups, RIAA)</b></p> <ul style="list-style-type: none"> <li>• Reminder that nominations for Co-Chair are currently open. Expressions of interest are due before 14 February 2025.</li> </ul>	<p>EOI form <a href="#">here</a>, or contact <a href="#">Jess Rowe (RIAA)</a> or <a href="#">Mans Carlsson (Ausbil)</a> if you have any questions on becoming Co-Chair</p>
<p><b>4. Industry Updates (5 min)</b></p> <p><b>StockWatch Report (Phil Sloane, ISS ESG)</b></p>	

<ul style="list-style-type: none"> <li>• BHP Group Limited: BHP and Vale have reached a US\$31.7 billion (AUD 45 billion) settlement with Brazilian authorities over the 2015 Mariana dam disaster, which caused severe environmental and social harm. The tailings dam, operated by their joint venture Samarco, collapsed, leading to extensive damages. Both companies will contribute equally to cover the liabilities.</li> <li>• Rio Tinto: Communities in Bougainville affected by Rio Tinto's former Panguna mine are urging the company to fund remediation after an independent assessment allegedly confirmed significant ongoing risks and environmental damage.</li> <li>• BHP &amp; Rio Tinto: Apache Stronghold, a Native American group from Arizona's San Carlos Apache tribe, has appealed to the U.S. Supreme Court to block Rio Tinto and BHP's Resolution Copper mine, arguing it would violate their First Amendment rights by destroying Oak Flat, a sacred Apache worship site. Their argument is that the planned mine would create a vast crater, threatening the religious and cultural significance of the federally owned land.</li> <li>• Regis Resources: Regis Resources has filed a Federal Court challenge against Environment Minister Tanya Plibersek's decision to grant an Aboriginal protection order for part of its McPhillamys Gold Project site in NSW. Regis claims this restriction makes the project unviable and that alternative plans would take up to ten years to develop. The company seeks to have the minister's decision declared "legally invalid" and reassessed by a different official. A court date has not yet been scheduled.</li> <li>• New Federal Anti-Slavery Commissioner appointed: Former Labor minister Chris Evans has been appointed as Australia's first anti-slavery commissioner. Starting in December, Evans will serve a five-year term, focusing on combatting modern slavery practices, including forced marriage, forced labour, deceptive recruiting, and debt bondage.</li> </ul>	<p>For more information regarding the Stock Watch Report, please contact, <a href="#">Phil Sloane (ISS ESG)</a></p>
<p><b>5. RIAA's Policy and Advocacy Work (5 min)</b></p> <p><b>Nayanisha Samarakoon (Head of Policy and Advocacy, RIAA)</b></p> <ul style="list-style-type: none"> <li>• Primary work in policy and advocacy in human rights has been within other initiatives, including Future Made in Australia and Investor Front Door consultations. We are looking to mitigate the risk that the influx in funding for climate related projects ignores non-climate sustainability factors, including human rights. We are encouraging that RIAA Working Group members are involved in developing assessments for these risks.</li> <li>• The NZ Sustainable Finance Strategy is currently being developed by the Centre for Sustainable Finance and the NZ Government. RIAA are supporting this.</li> </ul>	<p>For more information on RIAA's policy and advocacy work, please contact: <a href="#">Nayanisha Samarakoon (Head of Advocacy and Policy)</a></p>
<p><b>6. Subgroup Updates (10 min)</b></p> <p><b>Modern Slavery (Måns Carlsson, Ausbil)</b></p> <ul style="list-style-type: none"> <li>• The Australian Federal Labor government announced the appointment of Chris Evans as the first Federal Anti-Slavery Commissioner, starting his term in the first week in December.</li> <li>• This means Australia will have two anti-slavery commissioners; one at the Federal Level and one in NSW.</li> </ul>	<p>For more information regarding the Modern Slavery Subgroup, please contact, <a href="#">Jess Rowe (Manager of Working Groups)</a></p>

<ul style="list-style-type: none"> <li>Establishing a commissioner was one of many asks in response to the statutory review of the Modern Slavery Act in 2022-23, but it also requires adequate funding, and current allocations may be too low.</li> <li>Anecdotally, the expectation is the federal commissioner will recommend most of the changes from Professor John McMillan's review of the Modern Slavery Act are implemented.</li> <li>NSW Modern Slavery commissioner published his annual report recently, available <a href="#">here</a>. <ul style="list-style-type: none"> <li>Over 300 referrals for modern slavery</li> <li>Establishment of the assistance and support hotline</li> </ul> </li> <li>There is also an inquiry in NSW currently: <a href="#">Modern Slavery risks faced by temporary migrant workers in rural and regional NSW</a>, open for submissions until January 2025.</li> <li>On behalf of RIAA, recently attended meetings in Canberra to meet with key people before the government responds to the McMillan review. Met with Senators, MPs and their advisors to discuss and encourage politicians to implement more effective regulation, and find out more about what they were thinking. The three main asks were: <ul style="list-style-type: none"> <li>1) Consider mandatory human rights due diligence</li> <li>2) Increase the funding for the Federal Anti-Slavery Commissioner</li> <li>3) Discuss an import ban on goods made by forced labour</li> </ul> </li> <li>Broad support for these issues across conversations, although mandatory human rights due diligence is not a consideration before the next Federal election.</li> <li>UN Special Rapporteur on contemporary forms of slavery is in Australia now, and will write a report on Australia's response to modern slavery.</li> </ul> <p><b>Digital Tech (Janelle Morrison, Ausbil)</b></p> <ul style="list-style-type: none"> <li>In September, the Australian Government released two major updates relating to AI in Australia: a proposals paper and a voluntary standard. They highlight the Government's intended direction in relation to AI, and generally seem promising.</li> <li>Emphasis on terms including responsible and ethical AI, which are more accepted now.</li> <li>The proposals include a guardrail in relation to human rights.</li> <li>Ausbil recently engaged with Telstra on their AI practices, informed by these proposal documents, which provide tangible things to ask companies within engagements.</li> <li>The Australian Human Rights Commission recently submitted on the Privacy Act and Guardrails for High Risk settings publication, and indicated support for introducing a Children Online Privacy Code.</li> </ul>	<p>For more information regarding the Digital Tech Subgroup, please contact <a href="#">Janelle Morrison (Ausbil)</a></p>
<p><b>7. General Updates (20 min)</b></p> <p><b>Updated Terms of Reference (Jess Rowe, RIAA)</b></p> <ul style="list-style-type: none"> <li>Updated Terms of Reference are available <a href="#">here</a>. The main change is to include the co-chair governance structure, and updating the context since it was last written.</li> </ul> <p><b>2025 Working Group Plan (Jess Rowe, RIAA)</b></p> <ul style="list-style-type: none"> <li>Updated Working Group Plan was summarised, available <a href="#">here</a>.</li> <li>It now aligns to a calendar year. Inclusions are generally based on survey responses and discussion had.</li> </ul>	<p>Working Group Plan approved.</p> <p>Form to volunteer for any aspects of the Working Group Plan is available <a href="#">here</a>.</p>

<ul style="list-style-type: none"> <li>Approval of Working Group Plan was moved by Mans, Jackie Radisich seconded.</li> </ul> <p><b>Update to Human Rights with a focus on Supply Chains toolkit (Måns Carlsson, Ausbil)</b></p> <ul style="list-style-type: none"> <li>The Human Rights with a focus on supply chain toolkit was first published in 2021. Given the amount that has changed in this space since then, we're looking to update this toolkit in the coming months.</li> <li>As always, we want to involve this working group in the process, and are looking for two key types of contributors: <ul style="list-style-type: none"> <li>1) a small group of experts with a strong background in this area to support with the writing of the toolkit, and</li> <li>2) Contributors of relevant case studies to be included in the guide</li> </ul> </li> <li>The aim is to have the toolkit updated by the RIAA Australia 2025 Conference</li> <li>If you're interested in joining one of these working groups, please.</li> </ul>	
<p><b>8. Closing remarks (5 min)</b></p> <p><b>Måns Carlsson (Ausbil)</b></p> <ul style="list-style-type: none"> <li>Next Meeting: Wednesday March 5 12-1.30pm AEDT / 2pm-3.30pm NZDT - <a href="#">Register here</a></li> </ul>	For noting

### Action Register

Ref.	Action	Delegation	Status
<i>New</i>			
37/24	Register for the next meeting on Wednesday March 5 (12-1.30pm AEDT / 2pm-3.30pm NZDT) - <a href="#">Register here</a>	All	Ongoing
36/24	Submit any amendments to the Minutes to <a href="#">Jackson Rowland (RIAA's Programs Consultant)</a>	All	Ongoing
35/24	EOI form <a href="#">here</a> , or contact <a href="#">Jess Rowe (RIAA)</a> or <a href="#">Mans Carlsson (Ausbil)</a> if you have any questions on becoming Co-Chair	All	Ongoing
34/24	For more information regarding the Stock Watch Report, please contact <a href="#">Phil Sloane (ISS ESG)</a>	All	Ongoing
33/24	For more information on RIAA's policy and advocacy work, please contact <a href="#">Nayanisha Samarakoon (Head of Advocacy and Policy)</a>	All	Ongoing
32/24	For more information regarding the Modern Slavery Subgroup, please contact <a href="#">Jess Rowe (Manager of Working Groups)</a>	All	Ongoing
31/24	For more information regarding the Digital Tech Subgroup, please contact <a href="#">Janelle Morrison (Ausbil)</a>	All	Ongoing
30/24	Form to volunteer for any aspects of the Working Group Plan is available <a href="#">here</a> .	All	Ongoing
29/24	Form to indicate your interest for contributions to updating the Human Rights toolkit is available <a href="#">here</a> .	All	Ongoing
<i>Previous</i>			

28/24	Register for the next meeting on Thursday, November 14, 2024 (12pm to 1:30pm AEDT / 2pm to 3:30pm NZDT) – <a href="#">Register Now</a>	All	Closed
27/24	Submit any amendments to the Minutes to <a href="#">Jess Rowe (Manager of Working Groups)</a>	All	Closed
26/24	For more information regarding the Stock Watch Report, please contact, <a href="#">Phil Sloane (ISS ESG)</a>	All	Ongoing
25/24	For more information regarding the Digital Tech Subgroup, please contact <a href="#">Janelle Morrison (AusBil)</a>	All	Ongoing
24/24	For more information regarding the Modern Slavery Subgroup, please contact, <a href="#">Jess Rowe (Manager of Working Groups)</a>	All	Ongoing
23/24	For more information on RIAA's policy and advocacy work, please contact: <a href="#">Nayanisha Samarakoon (Head of Advocacy and Policy)</a>	All	Ongoing
22/24	If you have any inputs on the Human Rights Working Group's work plan, Please contact <a href="#">Jess Rowe (Manager of Working Groups)</a>	All	Ongoing
21/24	Next Meeting – <b>Thursday, 22<sup>nd</sup> August</b> (12pm to 1:30pm AEST/2pm to 3:30pm NZST) – <a href="#">Register Here</a>	All	Complete
20/24	Submit any amendments to the Minutes to <a href="#">Noa Godsell (RIAA)</a>	All	Ongoing
19/24	For more information on RIAA's Policy Work, please contact: <a href="mailto:policy@responsibleinvestment.org">policy@responsibleinvestment.org</a>	All	Ongoing
18/24	If you have any inputs on the Human Rights Working Group's work plan for 2024, Please contact <a href="#">Jess Rowe (RIAA)</a>	All	Ongoing
17/24	For more information regarding the Conflict Subgroup, please contact, <a href="#">Jess Rowe (RIAA)</a>	All	Ongoing
16/24	For more information regarding the Modern Slavery Subgroup, please contact, <a href="#">Jess Rowe (RIAA)</a>	All	Ongoing
15/24	For more information regarding the AI and Human Rights Investor toolkit, please contact the Subgroups point person, <a href="#">Janelle Morrison (AusBil)</a>	All	Ongoing
14/24	For more information regarding the Rights Intelligence Major Project, please contact, <a href="#">Anne-Marie Brook (Rights Intelligence)</a>	All	Ongoing
13/24	For more information regarding the Stock Watch Report, please contact, <a href="#">Phil Sloane (ISS)</a>	All	Ongoing
12/24	To access the special presentation, please log in to your <a href="#">Member Portal</a> and select; 1. <b>"LEARN"</b> (top bar), 2. <b>"Member Only Resources"</b> (bottom of drop-down menu), 3. <b>"Working Groups"</b> (Yellow Tile), 4. <b>"Human Rights Working Group"</b> (Scroll Down, Yellow Box), 5. <b>"2024 Meetings And Special Presentations"</b> (Scroll Down, Underneath Working "Group Details") and then underneath the title: <b>"2 – Thursday 30 May 2024 – Mandatory Human Rights Due Diligence"</b> , you will find the recording of the special presentation,	All	Ongoing



	the Pre-meeting papers, and the Post meeting papers.  If you require any assistance please contact, <a href="#">Noa Godsell (RIAA)</a>		
11/24	Next Meeting - Thursday 30 May - Register <a href="#">HERE</a>	All	Completed
10/24	Submit any amendments to the Minutes to <a href="#">Noa Godsell (RIAA)</a>	All	Completed
9/24	Contact <a href="#">Jess Rowe (RIAA)</a> or <a href="#">Måns Carlsson OAM (Chair)</a> with any inputs on the working work plan for 2024	All	Ongoing
8/24	For more information on RIAA's Policy Work, please contact <a href="#">Nayanisha Samarakoon (RIAA)</a>	All	Completed
7/24	For more information on the 2024 Working Groups or the RIAA conference, please contact <a href="#">Noa Godsell (RIAA)</a>	All	Completed
6/24	Reform Armed Conflict Sub-Working group	Kate Turner (First Sentier)	Ongoing
5/24	For more information on the Armed Conflict Toolkit, please contact <a href="#">Kate Turner (First Sentier)</a>	All	Completed
4/24	For more information on the AI and Human rights investor toolkit please contact <a href="#">Jess Rowe (RIAA)</a>	All	Completed
3/24	For more information on the stock watch report, please contact <a href="#">Phil Sloane (ISS ESG)</a>	All	Completed
2/24	For more information on regulatory changes in relation to labour rights and the workplace, please contact <a href="#">Dr Meredith Nash (KPMG)</a>	All	Completed
1/24	For more information on regulatory changes in relation to labour rights and the workplace, please contact <a href="#">Samantha Ramsay (HRC)</a>	All	Completed

#### Attendance (40):

	First Name	Last Name	Company
1	Megan	Coffey	Adamantem Capital
2	Alex	Safran	Alvarium/Pathfinder
3	Grace	Ritchie	ANZ New Zealand Investments Limited
4	Mitch	McNae	ANZ New Zealand Investments Limited
5	Janelle	Morrison	Ausbil Investment Management Limited
6	Mans	Carlsson OAM	Ausbil Investment Management Limited
7	Ella	Robinson	Australian Ethical Investment
8	Gemma	Porter	Aware Super
9	Kutlu	Karayol	Cbus Super
10	Gabriel	Le	Challenger Limited
11	Caroline	Paterson	Colonial First State

12	Claudia	Mah	Ethical Investment Services
13	Andrea	McKay	Ethical Investment Services Pty Ltd
14	Kate	Turner	First Sentier Investors
15	Jackie	Radisich	Future Group
16	Sue	Walker	Harbour Asset Management
17	Samuel	Jones	Heartland Initiative
18	Caitlin	Medley	Individual supporter
19	Phil	Sloane	ISS ESG
20	Els	Termaat	Loftus Peak Pty Limited
21	Anita	Stanley	Macquarie
22	Jacqueline	Stokes	Magellan Asset Management
23	Ayesha	Azeem	Maple-Brown Abbott Limited
24	Jillian	Reid	Mercer Australia
25	Timothy	Stamp	Mercer Australia
26	Frida	Panayi	Metrics Credit Partners
27	Bella	Sigley	Milford Asset Management
28	Rodger	Spiller	Money Matters (NZ) Ltd
29	Sonia	Auld	QIC
30	Nikitha	Kariyawasam	Regnan
31	Conlan	Mackenzie	Rest
32	Briony	Doyle Galovic	RIAA
33	Jackson	Rowland	RIAA
34	Jess	Rowe	RIAA
35	Eleanor	Fels	RIAA
36	Nayanisha	Samarakoon	RIAA
37	Anne-Marie	Brook	Rights Intelligence
38	Pai	Liu	Schroders Investment Management Australia Limited
39	Michelle	Davey	TelstraSuper
40	Ines	Ivankovic	UniSuper



# Human Rights Working Group Meeting #4

Thursday 14 November



Responsible Investment  
Association Australasia



# Human Rights Working Group Meeting #4



**Måns Carlsson OAM**, Head of ESG at Ausbil Investment Management Limited, RIAA Board Member, and Chair of RIAA's HRWG

# Purpose

The HRWG is a forum for members to:

- exchange information and resources
- update on members' activity
- collaborate on policy and research, implementation and advocacy opportunities on matters relating to human rights relevant to investors, researchers and advisers.

All this is aimed at building members' understanding and capabilities for assessing and respecting human rights, mitigating risks in investment and strengthening the companies in which funds are invested.

# RIAA Working Group – Principles

- Confidentiality
- No self-promotion
- Declaration of conflicts of interest
- Representation
- Collaboration between members
- Positive change in practice / policy
- Not engage in or discuss competitively sensitive information
- Apolitical

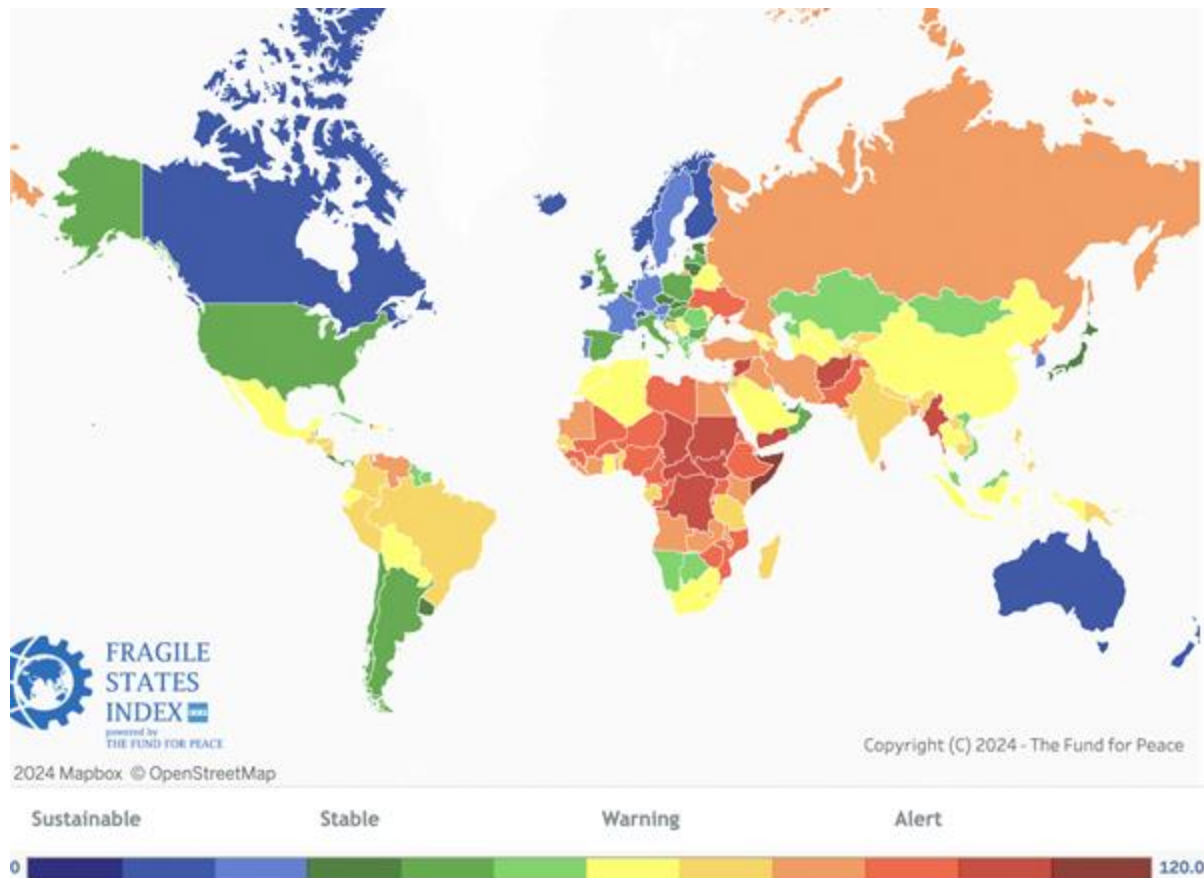
# Special Presentation & Q&A: Saliency and Materiality



**Sam Jones**, President and Co-founder at The Heartland Initiative



# **The Saliency Materiality Nexus: Addressing Systemic Risks to People and Portfolios in an Increasingly Turbulent World**







# \$85 BILLION IN FINANCIAL IMPACT



## REGULATORY

- BNP Paribas - \$9 B
- ZTE Corp - \$8.6 B
- Wespac Banking - \$9.3 B
- Import Restrictions 1 B



## LEGAL

- Chiquita - \$63 M
- Lafarge - \$778 M
- Shell - \$226.5 M
- EDF - \$348 M



## OPERATIONAL

- Hikvision - \$26 B
- TotalEnergies - \$27.5 B



## REPUTATIONAL

- NSO Group - \$2 B

# Current Challenges to Social Risk Management

- **Increased Demand**
  - **Rise in global conflict and fragility**
  - **Diverse human rights impacts (“whack-a-mole” effect)**
  - **Increase in financial losses**
  - **Growing mandatory due diligence legislation**
- **Unmet Supply**
  - **Lack of fit-for-purpose social data**
  - **Under-resourced staff to interpret available information**

# Opening of EOI's for Co-Chair of the Human Rights Working Group

- EOI's open until 14th February 2025  
(Jess Rowe, RIAA)



# Industry Updates

- StockWatch Report  
(Phil Sloane, ISS ESG)

# RIAA's Policy and Advocacy Work

- Update on RIAA's Policy Work  
(Nayanisha Samarakoon, RIAA)

# Subgroup Updates

- Modern Slavery

(Måns Carlsson, Chair HRWG)

- Digital Tech

(Janelle Morrison, Ausbil Investment Management Limited)



# General Updates

- Terms of Reference Updates  
(Jess Rowe, RIAA)
- 2025 Working Group workplan  
(Jess Rowe, RIAA)
- Motion to approve workplan  
(Måns Carlsson, Chair HRWG)

RIAA Human Rights Working  
Group - Workplan 2025 Volunteer  
Form



## Other Business and Updates

- Update to the Human Rights with a focus on Supply Chains toolkit  
(Måns Carlsson, Ausbil)

Please complete this  
Slido if you're interested  
in contributing



# Working Group Member Portal

All Working Group meeting minutes and recordings are uploaded to the RIAA Member Portal. Access the portal using your [Blue Up credentials here](#):



## Final Working Group Meetings for 2024

**Nature Working Group #4,**

Thursday 28 November- 12pm – 1pm AEDT / 2pm – 3pm NZDT

**Aotearoa Collaborative Working Group #4,**

Thursday 5 December 2pm – 3:30pm NZDT/12pm to 1:30pm AEDT

Hybrid event, Wellington (ANZ Centre) & online

## Next Human Rights Working Group Meeting

Wednesday 5 March 12-1.30pm AEDT / 2pm-3.30pm NZDT

View full list of [RIAA's events here](#).



Responsible Investment  
Association Australasia

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## Recent human rights controversies – Update

### BHP Group Limited

BHP and Vale have reached a US\$31.7 billion (AUD 45 billion) settlement with Brazilian authorities over the 2015 Mariana dam disaster, which caused severe environmental and social harm. The tailings dam, operated by their joint venture Samarco, collapsed, leading to extensive damages. Both companies will contribute equally to cover the liabilities. This agreement fulfills all framework obligations and public authority claims related to the disaster and builds on US\$7.9 billion already spent on remediation. Samarco will begin payments 30 days after court approval, with annual payments for 20 years. This deal may resolve over a hundred lawsuits in Brazil, though BHP still faces a \$70 billion liability case in London's High Court. [\[Business & Human Rights Resource Centre, 25/10/2024\]](#) [\[ABC News, 26/10/2024\]](#)

### Rio Tinto Limited

Communities in Bougainville affected by Rio Tinto's former Panguna mine are urging the company to fund remediation after an independent assessment confirmed significant ongoing risks and environmental damage. Conducted by Tetra Tech Coffey, the study follows a 2021 complaint by 170 community members, supported by the Human Rights Law Centre. The assessment, which highlighted contamination of rivers, mine-related flooding, and safety hazards from collapsing infrastructure, has sparked demands for Rio Tinto to address these issues. Although Rio Tinto has acknowledged the findings and expressed intent to partner on a remediation framework, no concrete commitment has been made. Bougainville leaders emphasize that the assessment provides essential data for understanding the mine's impacts on health, water, and food security. They now seek action to restore safe living conditions. The study is the largest of its kind in Bougainville and is managed by an Oversight Committee with stakeholders from the community and regional governments. [\[Human Rights Law Centre, 15/10/2024\]](#)

### BHP Group Limited and Rio Tinto Limited

Apache Stronghold, a Native American group from Arizona's San Carlos Apache tribe, has appealed to the U.S. Supreme Court to block Rio Tinto and BHP's Resolution Copper mine, arguing it would violate their First Amendment rights by destroying Oak Flat, a sacred Apache worship site. The planned mine would create a vast crater, threatening the religious and cultural significance of the federally owned land. The appeal follows a federal decision in March allowing a land swap for the project, which Apache Stronghold argues disregards religious freedom. The U.S. government contends it has authority over federal land management, but Apache Stronghold, represented by the Becket Fund for Religious Liberty, argues this undermines religious rights. Rio Tinto, which has spent over \$2 billion on the project with BHP, maintains that the case is settled law and opposes Supreme

Court review. The project is a joint venture owned by Rio Tinto (55%) and BHP (45%). [\[The Guardian, 12/09/2024\]](#)

### **Regis Resources Limited**

Elders from the Wiradyuri Traditional Owners Central West Aboriginal Corporation (WTOCWAC) defended their opposition to a proposed dam at the McPhillamys gold mine site in NSW, citing cultural and spiritual connections to the Belubula River. In August, Environment Minister Tanya Plibersek granted protection for the river's headwaters, halting the mine's plans, which sparked political and public backlash. WTOCWAC members report harassment following the decision and emphasize the site's cultural significance, including artefacts linked to Wiradyuri heritage. The case highlights criticism of NSW heritage laws, which experts say inadequately protect Aboriginal spiritual values and rely heavily on archaeological perspectives. Calls for reform suggest more inclusive consultation processes are needed for projects impacting Indigenous sites, as current laws fail to address diverse Aboriginal perspectives and often lead to division among Indigenous groups.

Regis Resources has filed a Federal Court challenge against Environment Minister Tanya Plibersek's decision to grant an Aboriginal protection order for part of its McPhillamys Gold Project site in NSW. Regis claims this restriction makes the project unviable and that alternative plans would take up to ten years to develop. The company seeks to have the minister's decision declared "legally invalid" and reassessed by a different official. A court date has not yet been scheduled. [\[ABC News, 05/09/2024\]](#) [\[ABC News, 07/11/2024\]](#)

### **Australia's first anti-slavery commissioner**

Former Labor minister Chris Evans has been appointed as Australia's first anti-slavery commissioner. Starting in December, Evans will serve a five-year term, focusing on combatting modern slavery practices, including forced marriage, forced labour, deceptive recruiting, and debt bondage. Evans previously served as immigration and workplace relations minister and led the Global Freedom Network, an anti-slavery organization. Attorney General Mark Dreyfus emphasized that modern slavery strips victims of dignity and fundamental rights, underscoring the significance of Evans's new role. [\[The Guardian, 11/11/2024\]](#)