

Consultation response

Part 1: Your details

Original language of response: English

Name: Jon Crosbie

Country of residence: Australia

Are you willing to let us publish your response publicly on the Global Tailings Review website? Yes

Please select which stakeholder group you are representing: Other

If 'Other', please specify below: Individual

Are you responding on behalf of an organization? No

Please give the name of the organization:

Your level within the organisation:

Part 2: Your views on each of the Principles and Requirements in the Standard Topic I: Knowledge Base

Principle 1

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 1 do your comments relate to?

Requirement 1.4, Requirement 1.2

Your comments on Principle 1

1.2: consider adding embankment construction materials to the baseline information 1.4: Remove the text 'other aspects of their lives' as this is an open ended definition of those most at risk.

Principle 2

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 2 do your comments relate to?

Requirement 2.6, Requirement 2.5

Your comments on Principle 2

2.5 and 2.6: These requirements are outside the scope of the review and should be removed.

Topic II: Affected Communities

Principle 3

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 3 do your comments relate to?

Requirement 3.3

Your comments on Principle 3

Could raise expectations of resettlement and compensation, and encourage speculative land ownership/economic use. Change the word 'could' to a more specific consequence and likelihood category, to minimise unnecessary resettlement and related social impacts and costs.

Topic III: Design, Construction, Operation and Monitoring of the Tailings Facility

Principle 4

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 4 do your comments relate to?

Requirement 4.1

Your comments on Principle 4

4.1 (c): 'Safely Closed' is outside the scope of the review. Also Footnote 20 may be difficult to prove compliance with, when using the terms 'confirmed' and 'permanent'.

Principle 5

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 5 do your comments relate to?

Requirement 5.1, Requirement 5.6

Your comments on Principle 5

5.1: Opportunity to add closure thinking to this assessment. So could add a comment to investigate relocating tailings to in-pit or underground at closure, but not necessarily during operations. 5.6: Suggest this wording is qualified by 'all relevant requirements', as not all of the Standard's requirements are applicable. 5.6: 'allows immediate implementation' should be reworded to 'timely implementation' or similar, as immediate implementation of closure will not be possible in all circumstances/sites for many reasons.

Principle 6

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 6 do your comments relate to?

Your comments on Principle 6:

Principle 7

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 7 do your comments relate to?

Requirement 7.1, Requirement 7.7

Your comments on Principle 7

7.1: A definition of 'qualified' could be included. Could also include 'experienced' in here. 7.5: Consider combining 7.3 and 7.5 to minimise potentially unnecessary reporting. 7.7: Duplication with 7.1 and prescribing how an ESMS should be designed/maintained is outside the scope of the review. Remove 7.7, or consider combining with 7.1.

Principle 8

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 8 do your comments relate to?

Requirement 8.2

Your comments on Principle 8

Clarify if 'publish the results' is meant to be internal or also external.

Topic IV: Management and Governance

Principle 9

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 9 do your comments relate to?

Your comments on Principle 9

Principle 10

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 10 do your comments relate to?

Requirement 10.1

Your comments on Principle 10:

Mandating requirements for Joint Ventures may not be enforceable within existing commercial agreements for non-ICMM partners. So suggest removing, or change to 'encourage JV compliance' or similar wording.

Principle 11

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 11 do your comments relate to?

Requirement 11.1

Your comments on Principle 11:

11.1: Suggest adding 'experienced' in here also. Qualifications does not mean experience. 11.2: 'developed to manage risks' are unnecessary words, as risks are known key components of these standard systems.

Principle 12

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 12 do your comments relate to?

Requirement 12.4

Your comments on Principle 12:

'not influenced ... by procurement personnel'. This is unnecessary wording, as the Accountable Executive makes the decision, and it explicitly states not 'decided by procurement personnel'.

Principle 13

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 13 do your comments relate to?

Yes

Your comments on Principle 13:

Should use 'encourage' instead of 'recognize'.

Principle 14

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 14 do your comments relate to?

Requirement 14.1, Requirement 14.2

Your comments on Principle 14:

14.1: 'pose a risk to public health, safety, or the environment' - previously in the standard there has been a focus on land use & livelihoods, so please consider including 'land use & livelihoods' also.

14.2: Combine 14.2 and 14.4, as there is unnecessary duplication.

Topic V: Emergency Response and Long-Term Recovery

Principle 15

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 15 do your comments relate to?

Requirement 15.1

Your comments on Principle 15:

15.1: reword 'experts trained' to 'experts trained and experienced'. 15.4: 'training and testing performance results will be disclosed'. This seems unnecessary to publicly disclose. Could provide to the public sector agencies/first respondents perhaps though.

Principle 16

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 16 do your comments relate to?

Requirement 16.4

Your comments on Principle 16:

're-establishment of functional ecosystems' has a too narrow focus on just environment. Suggest adding built infrastructure, landuse and livelihood restoration also.

Topic VI: Public Disclosure and Access to Information

Principle 17

In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?

Yes

Which aspects of Principle 17 do your comments relate to?

Requirement 17.1

Your comments on Principle 17:

'Publicly disclose relevant data and information'. Consider rationalising the material to be disclosed, as this seems way over the top and would be an enormous administrative burden and cost.

Part 3: Your views on the Standard

Your view as to whether the content of the Standard meets your expectations

Your view as to whether the content of the Standard meets your expectations (closed question):

3: Meets my expectations

Please summarize why you chose this option:

Will lead to better industry practice, and should lead to less failures and disasters. Does however go too far outside the original scope in some areas, has some unnecessary duplication, some inconsistencies and also too onerous reporting/disclosure requirements.

Your view on whether the Standard will create a step change for the industry in the safety and security of tailings facilities

Your view on whether the Standard will create a step change for the industry in the safety and security of tailings facilities (closed question):

4: Will deliver improvements across all aspects of the safety and security of tailings facilities

Please summarize why you chose this option:

Mandates additional controls that are not presently implemented consistently across the industry..

Does the content of the Standard address all aspects of tailings facility management adequately?

Does the content of the Standard address all aspects of tailings facility management adequately (closed question)?

No

Please explain why and/or what is missing:

Closure - but that is outside the scope.

Part 4: Suggestions for topics to be included in the accompanying Recommendations Report

On which topics would you expect to have further clarification or guidance in this document?

Pragmatic social/human rights guidance, that is fit for purpose and not cut and paste from other documents.

Other information

Non-fitting response text (text submitted which did was not in response to one of the questions above)

Attachment 1 reference (if applicable)

ref:0000000754:Q83

Attachment 2 reference (if applicable)

Document
Title
Revision
Date of
issue

GLOBAL TAILINGS STANDARD
Draft for Public Consultation
Nov-19

Item No.	Reference	Page	Item / Text	Comment/concern	Suggested changes
1	1.2	7	TSF site and tailings characterisation	Does not include embankment materials	consider adding embankment construction materials to this
	1.4	7	Stakeholder identification	Footnote 8 is too prescriptive	Remove the text 'other aspects of their lives' as this is an open ended definition of those most at risk.
2	2.5	8	Financial assurance	Outside of scope of the review	Suggest removing this requirement completely
	2.6	8	Insurance	Outside of scope of the review	Suggest removing this requirement completely
3	3.3	9	Pre-emptive resettlement for potential of a TSF failure	Could raise expectations of resettlement and compensation, and encourage speculative land ownership/economic use.	Change the word 'could' to a more specific consequence and likelihood category, to minimise unnecessary resettlement and related social impacts and costs
4	4.1 c)	10	'Safely Closed'	Outside of scope of the review: 'Standards for rehabilitation of affected areas will not be part of the review or the standard to be developed'	Footnote 20 may be difficult to prove compliance with, when using the terms 'confirmed' and 'permanent'.
5	5.1	10	Alternative options, not on surface.	Opportunity to add closure thinking to this assessment.	Could add a comment to investigate relocating tailings in pit or underground at closure.
	5.6	11	'meets all requirements of the Standard'	Not all are applicable.	Suggest this wording is qualified by 'all relevant requirements'.

	5.6	11	'allows immediate implementation'	Immediate implementation of closure will not be possible in all circumstances/sites for many reasons.	Suggest this is reworded 'timely implementation' or similar.
7	7.1	12	'using qualified personnel'	How is qualified determined?	A definition of 'qualified' could be included. Could also include 'experienced' in here. (I now see this is included in 10.5)
	7.5	12	Deviance accountability report	may be some duplication with the construction records report	Consider combining 7.3 and 7.5 to minimise potentially unnecessary reporting.
	7.7	12	Environmental and social management system (ESMS)	Duplication with 7.1 and prescribing how an ESMS should be designed/maintained is outside the scope of the review	Remove 7.7, or consider combining with 7.1
8	8.2	13	'publish the results'	Is this internally or externally also? May raise stakeholder expectations if not made clear.	Clarify if internal or also external.
10	10.1	14	'joint ventures'	Mandating requirements for JVs may not be enforceable within existing commercial agreements for non-ICMM partners.	Suggest removing, or change to 'encourage JV' or similar.
11	11.1	15	'qualified multidisciplinary team'	Qualifications does not mean experience	Suggest adding 'experienced' in here also.
	11.2	15	'developed to manage risks'	Unecessary words, as risk are known key components of these systems.	remove this text.
12	12.4	16	'not influenced ... by procurement personnel'	Unecessary wording, as the Accountable Executive makes the decision, and it explicitly states not 'decided by procurement personnel'.	remove this text.
13	13.5	17	'recognize'	Should use 'encourage' instead	change to 'encourage'.

14	14.1	17	'pose a risk to public health, safety, or the environment'.	previously in the standard there has been a focus on land use & livelihoods	Consider including 'land use & livelihoods' also.
	14.2	17	Duplication with 14.4	Unnecessary duplication.	Combine 14.2 and 14.4
15	15.1	18	Footnote 28	'experts trained'	add 'and experienced'
	15.4	18	Footnote 33	'training and testing performance results will be disclosed'	This seems unnecessary to publically disclose. Could provide to the public sector agencies/first responders perhaps.
16	16.4	19	're-establishment of functional ecosystems'	Too narrow focuss on just environment.	Suggest adding built infrastructure, landuse and livelihood restoration also.
17	17.1	20	'Public disclose relevant data and information'	This appears over the top.	Consider rationalising the material to be disclosed.