

## 1. Introduction

The standard aims to achieve the safe and secure management of mine tailing facilities. Safe - meaning zero fatalities and secure - zero environmental damage from accidental release of mine waste for the life of the tailings facility (including post closure).

The Introduction states – the standard **anticipates** that individuals in the highest positions of authority within the organisational hierarchy will be accountable for the Operator's decisions. Would like to see anticipates changed to **requires**.

### Topic 1 Knowledge base

Requirement 1.2: The site characterisation overlaps with Principle 11 of this Standard, so it should be possible to require **annual** updates, as opposed to the vague **"regularly update"**. These updates could be in the form of summary reports.

Requirement 1.3: Inundation studies need to be publicly available and if they reveal potential impacts on communities, they should inform emergency response plans, evacuation training etc. See Principles 4 and 6 of ICMM's 10 Principles <https://www.icmm.com/en-gb/members/member-commitments/icmm-10-principles/the-principles>

Requirement 2.2: Is the ITRB going to be a formal organisation with a public profile e.g. an intergovernmental organisation? Or is this just at the company discretion – if the later there needs to be some sort of disclosure.

Requirement 2.5: revert to previous text – "guarantee full cost of closure and post closure". Otherwise it's the company that reaps the benefits during operation and the community/future generations that bear the risk and pay the cost of remediation or impact of ongoing degeneration. This is more in line with the existing Principle 6 of ICMM's principles: **Rehabilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses; Design and plan adequate resources to meet the closure requirements of all operations.**

Requirement 2.6: the recommendation to obtain insurance/ provide financial assurance for catastrophic failures and post closure impacts is included in the UNEP report Mine Tailings Storage: Safety is no Accident. It is my understanding that appropriate insurance products do not currently exist, but having discussed with a number of insurance experts, it seems developing such products is eminently feasible. Other industries such as oil tankers, nuclear etc have appropriate schemes.

Laurence (2002)<sup>1</sup> notes that almost 70% of the mines that have closed over the past 25 years in Australia have had unexpected and unplanned closures – often leaving insufficient financial resources to complete rehabilitation/ address safety and environmental issues.

### Topic II Affected communities

Requirement 3.2: Suggest to reinstate the original text - *Meaningfully engage project-affected people (PAP) throughout the tailings facility lifecycle* in a manner that enables their participation in decisions that affect them, including decisions that affect their risk exposure level. This seems more in line with the spirit and intention of ICMM's Principle 3- **Respect human rights and the interests**, cultures, customs and values of employees and communities affected by our activities; and Principle 10 - **Proactively engage** key stakeholders on

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<sup>1</sup> Laurence, D (2002), 'Optimising mine closure outcomes for the community: lessons learnt', Minerals and Energy, (17):27–34.

sustainable development challenges and opportunities in an open and transparent manner. Effectively report and independently verify progress and performance.

### **Topic III Design etc.**

Requirement 4.3 As Morgenstern states – **accountability** is the key. Therefore, the Board should be accountable.

Requirement 5.1 – note: in the implementation of the standard, innovation and risk minimization could be linked to the insurance scheme to provide incentives

Requirement 5.3 As stated by Morgenstern - *Experience with recent failure investigations highlights the need to have complete as-built data and other records compiled, preferably on a GIS platform, and accessible so that a technical audit could be conducted at any time.* I would also add publicly available.

Requirement 5.6 should incorporate recommendation from Mine Closure (2016)<sup>2</sup> *It is imperative that the stakeholders and proponent arrive at an agreed set of closure objectives and completion criteria as part of the approvals process that will allow the company to relinquish the site in a manner that meets regulatory requirements and community objectives.*

### **Topic IV: Management and Governance**

Requirement 9.1 – Board not senior management

Requirement 9.2 ditto

Requirement 10.1 – all JV partners should also sign off on this

Requirement 10.2 – reinstate text *The Board of the parent corporation shall appoint a person on its Executive Committee as the Accountable Executive – accountable to the Board for the safety of tailings facilities and for minimizing the social and environmental consequences of a tailings facility failure.*

Original Requirement 10.4 - *Where performance incentive payments are part of the remuneration system, the RTFE and all people in the reporting line from that position up to and including the Accountable Executive, shall have performance incentives that are independent of production, profit, or cost reduction.* Since deleted. I am not an expert in this field, but I feel this needs further discussion and scientific evidence that incentives for production, profit, or cost reduction do not compromise TDF management

Current Requirement 10.4 Is there evidence that incentive payments work? Are there other types of motivation that can change behaviour culture?

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<sup>2</sup> <https://www.industry.gov.au/sites/default/files/2019-05/lpsdp-mine-closure-handbook-english.pdf>