

# CMSI Consultation Response

## Respondent Details

NAME

David Brereton

COUNTRY

Australia

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Academia

ORGANISATION

The University of Queensland

## COMMENTS & QUESTIONS BY DOCUMENT

Document:  
Governance

### QUESTION 1

**The governance principles that guided the development of the governance model are inclusive, effective, credible, impact-driven, pragmatic and efficient. From your perspective, does the proposed governance model meet expectations for consistency with these principles?**

Response: 3: Meets expectations

### QUESTION 2

**Does the proposed governance model ensure no single group is able to unduly influence decisions?**

Response: unsure

Document:  
Assurance

### QUESTION 1

**From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?**

Response: No Response

Document:  
Standard

## Overarching Glossary

### COMMENT:

*There is no stand-alone definition provided of 'human rights' although in the definition of 'sustainability risks' there is a reference to 'human rights as defined by the UNGPs'. To provide guidance to readers who are not familiar with the intricacies of the human rights discourse, it would be helpful to provide a more detailed*

*description of what the term 'human rights encompasses, rather than requiring people to go searching for themselves in the UNGPs and other documents such as EU Directives.*

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COMMENT:

*The definition of 'sustainability risks' is not helpful, as it introduces another concept and requires readers to peruse very dense and lengthy EU documents to understand what this concept encompasses. Also, I wonder whether the term is needed at all, given that only two of the Performance Areas ('Corporate Requirements' and 'Responsible Supply Chains') actually use this terminology.*

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### **Performance Area 13: Community Impacts and Benefits**

SECTION: 13.1 Identify and Address Community Impacts, Foundational Practice

COMMENT:

*Following the approach taken with several other performance areas, Foundational Practice here should include a public commitment to 'avoid causing harm to people in adjacent and connected communities across the mining life cycle' (or words to that effect).*

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SECTION: 13.1 Identify and Address Community Impacts, Good Practice

COMMENT:

*Facilitating and encouraging the participation of women and vulnerable and under-represented should really be considered as foundational practice these days.*

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COMMENT:

*In a separate submission I and my two colleagues have argued that the language of 'harm' and 'harm avoidance' should be used here, rather than the blander term 'adverse impacts'.*

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COMMENT:

*See specific comments.*

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### **Performance Area 14: Indigenous Peoples**

SECTION: Intent

COMMENT:

*I suggest inserting the words 'and impact assessments' after 'human rights due diligence'. The issue here is not just impacts on rights, but potential impacts on well-being, social cohesion, etc.*

*Also, the focus should be on Indigenous Peoples' well-being more broadly, not just on their rights.*

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### **Performance Area 15: Cultural Heritage**

SECTION: 15.1 Cultural Heritage Identification and Management, Foundational Practice

COMMENT:

*Foundational Practice should require not just the identification of cultural heritage that could be impacted/damaged, but also that there is some kind of plan in place to manage this.*

*It would also be better to use terms such as 'harm", or 'damage", rather than the euphemistic term 'adverse impacts', as this communicates more about the nature of the impact.*

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### **Performance Area 3: Responsible Supply Chains**

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Foundational Practice

COMMENT:

*The bar is set very low for 'Foundational Practice". All that is required is that a company (a) has a policy; (b) has prioritised its risks; and (c) responds to inquiries. There does not seem to be a requirement for facilities to demonstrate that they are taking - or have taken - action to actively manage and reduce their 'sustainability risks'.*

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### **Performance Area 4: New Projects, Expansions and Resettlement**

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Foundational Practice

COMMENT:

*PA 9 (Safe, Healthy and Respectful Workplaces') makes it a requirement of Foundational Practice that facilities 'publicly commit to safe, healthy and respectful workplaces that are free from psychological harm, including bullying, harassment, discrimination and violence, including gender-based violence.*

*There should be a similar requirement for PA 4 that facilities publicly commit to "avoid causing harm to people in adjacent and connected communities across the mining life cycle" (or words to that effect).*

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SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 3

COMMENT:

*The development and implementation of management plans to 'avoid, minimise, mitigate, and/or compensate for significant adverse impacts identified in the ESIA," should be a requirement of Foundational Practice, not just Good Practice. Otherwise, what is the point of collecting baseline data and undertaking an ESIA?*

*Contrast this with Performance Area 10, Emergency Preparedness and Response, where the definition of Foundational Practice includes 'Develop Emergency and Crisis Preparedness and Response Plan(s)".*

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SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 1

COMMENT:

*Conducting separate consultations with women, vulnerable and underrepresented groups, would now be considered foundational or good practice, not leading practice.*

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SECTION: Intent

COMMENT:

*A statement of intent should specify the desired outcome, not just describe the activities that are - or should be - undertaken. 'Assessing environmental and social risks and impacts' and 'developing management plans' are means of getting to an outcome, not the outcome itself. The desired outcome, presumably, is to minimise - or ideally avoid altogether - the risk of causing harm to people and communities (and, on the positive side, ensure that impacted communities benefit from new projects and expansions).*

*Also, the issue of avoidance is addressed only in relation to physical or economic displacement. There are a range of other impacts that need to be avoided when new projects are being developed or existing ones expanded. These include deleterious health impacts, damage to key environmental resources, etc., uncontrolled population influx, social conflict and division, etc.*

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## Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Good Practice, 1

COMMENT:

*Publicly disclosing a human rights policy should be a requirement of Foundational Practice., not Good Practice.*

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QUESTION 1

**Does the scope, content, and narrative style of the consolidated standard meet your individual expectations and the collective industry expectation for responsible production practices?**

Response: 2: Below expectations

QUESTION 2

**Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?**

Response: 2: Below expectations

QUESTION 3

**From your perspective, does the three-level performance structure (Foundational, Good, Leading) of the Consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of good practice and effective path to continuous improvement?**

Response: 2: Below expectations

Document:  
Claims

QUESTION 1

**We would value perspectives on a few additional questions related to threshold of performance associated with achievement claims. Please click here/ see page 11 of Reporting and Claims Policy.**

Response: No Response \begin{quote}Sorry, I do not have the time to provide a detaield response.\end{quote}

The 80% threshold looks OK, but to state the obvious not all PAs are of equal significance. For example, given the emphasis placed on human rights, a relatively low score on this PA would arguably over-ride good performance on others.\end{quote}