

Mining Certification Evaluation Project (MCEP)
Working Group Meeting 5 – ‘Open House’

Wednesday 24 - Friday 26 September, 2003
Rio Tinto offices, Melbourne

Participants:

Andrew Minns, Newmont (*Wednesday and Thursday*)
Andrew Rouse, WWF
Fiona Solomon, CSIRO
Ian Wood, BHP Billiton
James Ensor, Oxfam Community Aid Abroad (*Thursday*)
Kristina Ringwood, Rio Tinto (*Wednesday and Thursday*)
Malcolm Forbes, Environment Australia (*Wednesday*)
Margaret Donaldson, on behalf of Aboriginal and Torres Strait Islander Social Justice Commissioner (*Thursday*)
Martin Webb, WMC Resources (*Wednesday*)
Melanie Stutsel, Minerals Council of Australia (*Thursday and Friday*)
Michael Rae, WWF
Nick Currey, Placer Dome
Peter Colley, Construction Forestry Mining and Energy Union (*Thursday and Friday*)

Guests:

Petrina Czislowski, University of Queensland / WWF volunteer (*Assisting project team*)
Christine Charles, Newmont (*Friday only*)

Apologies:

Francis Grey, Sustainable Asset Management
Libby Rankin, PricewaterhouseCoopers
Martha Macintyre, University of Melbourne

Acronyms:

MCEP = Mining Certification Evaluation Project
WG = Working Group
WPC = Working Principles and Criteria
ICMM = International Council on Mining and Metals

Summary of main points of discussion

1. Welcome and Aims of Meeting

- a) The meeting was informally called the ‘Open House’. It was facilitated by the project team and sought consensus on a range of thematic and editorial issues over three days. Attendance at all three days was not expected - WG members could select a subset of issues on which they wished to contribute to discussion.
- b) The aim of the Open House was to finalise the draft of Working Paper 1 before professional editing and layout.

- c) It was agreed that potential audit questions and/or issues would also be captured when they arose during discussions.

2. Day 1: Wednesday 24 September, 2003

- a) Themes for discussion:
 - ~~///~~ Environmental management
 - ~~///~~ Protected areas
 - ~~///~~ Corporate threshold
 - ~~///~~ Other
- b) A number of editorial changes to the Working Principles and Criteria in the above topic areas were agreed among the Working Group. These were captured during the meeting in a copy of the document projected on screen.
- c) Topics identified which would need further definition and/or guidance for auditors included: repetition of concepts across several criteria, acceptability of in-situ processing, perpetual treatment vs. successful closure, risk management standards, certification to an environmental management system standard, stakeholder participation in planning.
- d) The 'corporate threshold' discussion in the document was updated to reflect issues about the relationships between mine sites and their corporate entities: the role of corporate policies and governance processes and reducing the potential for 'fig-leaf' certification.
- e) The 'retrospectivity' discussion in the document was considered in depth. Greater clarity was identified as needed in the section discussing the potential use of cut-off dates for certain activities or compliance. It was agreed that this section aimed to present the range of options available to a certification institution to deal with the issue of retrospectivity.

3. Day 2: Thursday 25 September, 2003

- a) Themes for discussion:
 - ~~///~~ Transparency
 - ~~///~~ Security
 - ~~///~~ Free prior informed consent
 - ~~///~~ Resettlement
 - ~~///~~ Indigenous
- b) A number of editorial changes to the Working Principles and Criteria in the above topic areas were agreed among the Working Group. These were captured during the meeting in a copy of the document projected on screen.
- c) Topics identified which would need further definition and/or guidance for auditors included: transparency and business conduct, relevance test for cultural awareness training, scenarios for security issues, compensation and/or land tenure in resettlement, Indigenous people's connections to land.
- d) The 'free prior informed consent' discussion in the document was expanded to provide additional guidance as to process. The WPC stipulate consent processes for all affected communities, not just Indigenous peoples. A few sentences were added to the relevant footnote identifying the potential for competing outcomes to consent processes from different communities. The Working Group discussion differentiated

between community consent and individual consent, with the free prior informed consent concept embodying the former through the right to self-determination for all peoples.

4. Day 3: Friday 26 September, 2003

- (a) Themes for discussion:
 - ~~///~~ Labour and employment
 - ~~///~~ Risk
 - ~~///~~ Other
 - ~~///~~ Summary
- (b) A number of editorial changes to the Working Principles and Criteria in the above topic areas were agreed among the Working Group. These were captured during the meeting in a copy of the document projected on screen.
- (c) Topics identified which would need further definition and/or guidance for auditors included: the absence of an international risk management standard, ILO Conventions as benchmarks, collective representation of employees, health monitoring for employees.
- (d) It was agreed to include a new section on 'Labour' in the preamble to the WPC, which would introduce the relevant International Labour Organisation (ILO) Conventions and make clear their relationship to the relevant criteria.
- (e) The upcoming presentation on the MCEP to the Minerals Council of Australia's Sustainable Development Conference (Brisbane, November 2003) was discussed. One of the key issues to discuss for this audience is how the MCEP fits with the ICMM initiative.
- (f) The concept of a 'pre-field trial' was discussed. The idea is to have a 'reality test' for the Working Principles and Criteria at a site, perhaps February 2004, before more formal field trials commence. Participation in this pre-trial would be sought from Working Group members, relevant mine site staff, and auditors with relevant experience.

5. Actions

- a) *Project team to circulate a final draft of Working Paper 1, with marked changes arising out of Open House, to Working Group by Thursday 2 October, 2003.*
- b) *Comments and submissions on final draft from Working Group to project team by Friday 10 October, 2003.*
- c) *Project team to contact professional auditor for independent edit of document.*
- d) *Project team to draft scoping document for 'pre-field trial' for discussion at next meeting.*

6. Next meeting:

- a) Thursday 11 December, 2003: Working Group meeting 6 – one-day meeting in Melbourne to discuss feedback on Working Paper and commence design of field trials.