

19 March 2021

The Chair
Fingerboards Inquiry and Advisory Committee
C/- Planning Panels Victoria

By email only: Fingerboards.IAC@delwp.vic.gov.au

Dear Mr Wimbush

Fingerboards Project Inquiry and Advisory Committee – Conclave statement issue

1. We continue to act for Mine-Free Glenaladale (**MFG**).
2. We refer to the letters to the Inquiry and Advisory (**IAC**) dated 18 March 2021 on behalf of East Gippsland Shire Council (**EGSC**) and Kalbar Operations Pty Ltd (**Kalbar**) respectively. We also refer to the email to Darren Wong on behalf of the IAC of the same date.
3. Our client understands that, pursuant to Direction 61 of the Consolidated Directions issued on 19 February 2021, the IAC is considering the matter and will make further directions or issue a ruling as necessary.
4. Notwithstanding the above, we are instructed to advise that our client supports the EGSC's request that the IAC issue a direction that the conclave reports identify the areas of agreement and or disagreement with respect to:
 - a. the exhibited EES; and
 - b. the centrifuge option.

5. For substantially the same reasons as set out in MFG’s written submissions made pursuant to Direction 59,¹ our client considers that it is important for the IAC (and the parties) to understand where the witnesses agree and or disagree on both the exhibited EES and the centrifuge option.

6. In particular:

a. Our client submits that the IAC’s Terms of Reference (**the Terms**) require the IAC to consider the project in its original form in the first instance. Accordingly, it would be of assistance to the IAC (and the parties) to understand where the witnesses agree and or disagree on both the exhibited EES and the centrifuge option.

Moreover, whilst MFG acknowledge that the Terms contemplate the consideration of project modifications and the provision of additional information, our client maintains the position that the IAC’s review and consideration of any such material during the public hearing should be in addition to – rather than in place of – the IAC’s review and consideration of the exhibited EES.

b. Our client submits that there are practical and prudent reasons for considering both the exhibited EES and the use of centrifuges. In circumstances where there is no precedent for the use of centrifuges in mineral sands applications and where the economic implications on the project are not addressed by the proponent and yet to be determined, it is prudent to consider the project in its original form and as modified by the use of centrifuges in the event that Kalbar abandons the use of centrifuges for technical and or financial reasons following the Minister’s Assessment.

7. Please contact Nick Witherow [REDACTED] and Virginia Trescowthick [REDACTED] should you have any questions.

Yours sincerely

[REDACTED]

Nick Witherow
Principal Lawyer
Environmental Justice Australia

[REDACTED]

Virginia Trescowthick
Lawyer
Environmental Justice Australia

¹ Submission on the consideration of centrifuges on behalf of Mine-free Glenaladale ([Tabled Document 175](#)).