

Cultural Heritage & Social Licence



MFG Day 5 on 7th June 2021

Introduction

- Ms Debbie Carruthers presenting on behalf of MFG
- Before beginning, we want to acknowledge the traditional custodians of the land on which I am speaking, the Gunaikurnai people, and to pay our respects to their elders, past, present and emerging, and to acknowledge their deeply felt connection to country
- My qualifications: BA (Hons) Sociology from a University in Canada
- Work experience:
 - Social research, policy and community education
 - Human Resources Director for several large organisations in Melbourne

Overview

Cultural Heritage

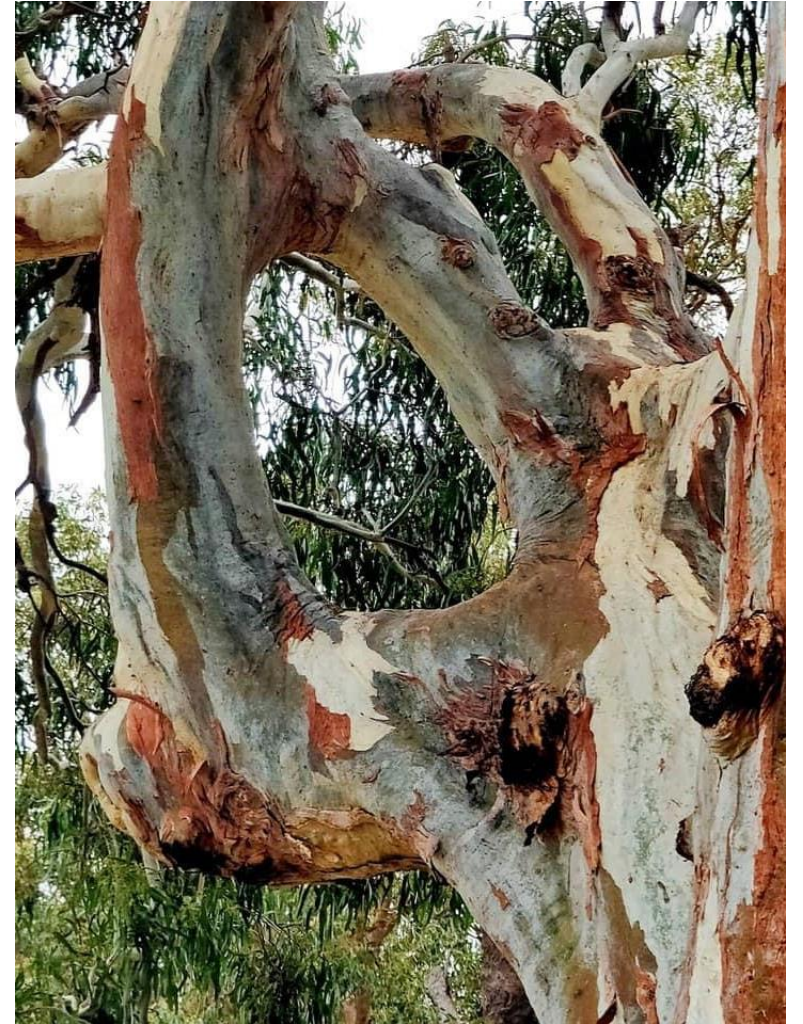
- Submission #813; Chapter 13
- Refer to source documents
- EES scoping requirements
- Findings
- GLaWAC opposition to Project
- EES scoping requirements have not been met

Social Licence

- Submission #813; Chapter 12
- What is it, how it's gained, why it's not been gained for this Project
- Evidence of no social licence
- Sensitive receptors under-reported
- Issues of trust (Attachment)
- EES scoping requirements not met

Cultural Heritage: – Source Documents

- Refer to:
 - GLaWAC - EES submission #662
 - GLaWAC - presentation on 19/5/21
 - MFG - EES submission #813,
(Chapter 13)
 - Public submissions written and oral



Cultural Heritage - EES Scoping Requirements

- The Fingerboards EES was to examine:
 - the effects on Aboriginal and non-Aboriginal cultural heritage values in the vicinity of the Project site including those of the heritage listed Mitchell River
 - the potential for permanent loss of significant heritage values
 - the likelihood of adverse effects and their acceptability
- Under Clause 5(b) of the IAC's Terms of Reference, the environmental effects of the Project and their 'acceptability' are to be judged having regard to the Draft Evaluation Objectives of the Project:
 - **Cultural heritage is one of the Draft Evaluation Objectives as follows –**
To avoid or minimise adverse effects on Aboriginal and non- Aboriginal cultural heritage

Cultural Heritage - Findings

- Proponent states in EES: known and unknown cultural heritage will be lost
- As reported by GLaWAC at the IAC Hearing on 19 May:
 - the Fingerboards is an area of tangible and intangible cultural heritage
 - the Project is in the middle of a significant archaeological area – a trade and travel route, with pre-ice age artefacts being found to support this
 - the traditional owners “feel very strongly that they do not want the Project to proceed” and, “the CHMP is an approval to harm heritage”
- It would be unconscionable to overrule the expressed opposition to the Project from the traditional owners and cause irreparable harm to country
- ‘Likelihood of adverse effects’ is extremely high; the effects can’t be avoided, mitigated or managed; no ‘net community benefit’ is possible
- Draft Evaluation Objective & EES scoping requirements have not been met

Social Licence



What is a Social Licence?

- MFG submission #813, Chapter 12

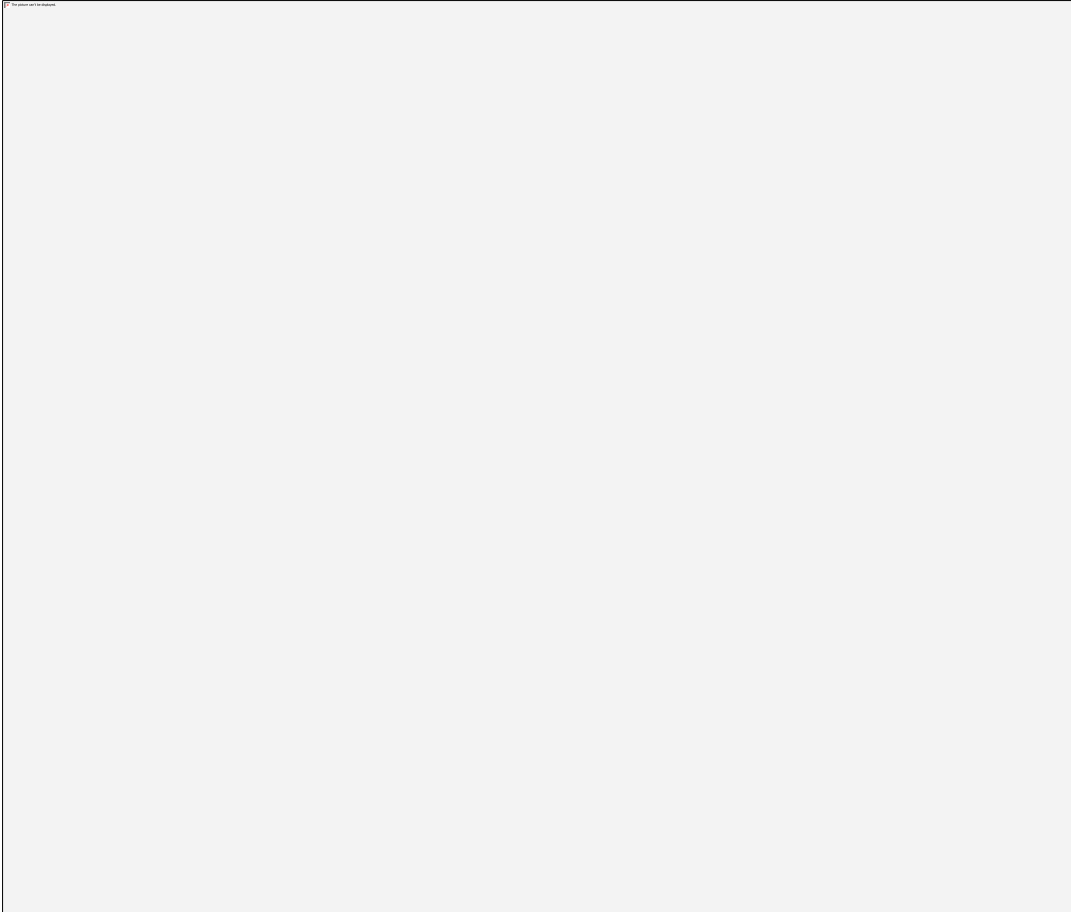
According to CSIRO (2020):

- *“In Australia, community concerns strongly influence the way the minerals industry operates and how governments regulate it. The industry is required to fulfil its formal regulatory conditions (its licence to mine) as well as taking into consideration these community concerns (its social licence to operate).”*

According to Shinglespit Consultants (2020) social licence exists:

- *“when a project has the ongoing approval within the local community and other stakeholders. Social licence is granted by ‘the community’.”*

Gaining the Social Licence



- Over the more than 7 years of this Project the Proponent has failed to gain trust and acceptance by the impacted community
- Kalbar has failed to be transparent, and to consult and respond meaningfully to community questions and feedback
- Social impact expert evidence has not been presented by Kalbar at the Hearing
- Social impact mitigation strategies are limited, simplistic and lack substance
- Kalbar has no experience operating a mine – this is a highly complex project
- Kalbar Resources, Kalbar Ltd, KOPL – complex, constantly changing company structure – why; what company will be liable

Social Licence Failure

Why do I need this licence?



- Minimises disruption to the project
- Allows companies to get on with operations
- Minimises cost to the company
- Enables companies to pursue projects or expansion opportunities



A presentation to 16th Annual Mineral Sands Conference
15 March 2016

- Social licence isn't addressed in Coffey's 208 pg EES Socioeconomic Impact Assessment because Kalbar failed to develop the necessary trust with the community and build confidence about the Project
- Coffey cites financial drivers not a 'responsibility to the community'
- Many changes to the Project before and during the EES without consultation; it has eroded acceptance and trust
- Mitigation actions that rely on community co-operation and engagement will fail as a result
- No faith by those who are directly impacted of being treating fairly



Evidence of No Social Licence

- East Gippsland Shire Council decision in December 2020 to oppose Project
- 910 submissions – largest response to a mining EES; 1% support Project
- 85% of directly impacted landholders (within 3km) oppose Project (survey)
 - Importance of their voice; likely resistance very high; mitigation measures will fail
- Large proportion of the land on mine footprint is not secured, with landholders prepared to contest access to their land
- 75% of horticulture business owners openly oppose Project since Jan 2019
- 100% of impacted certified organic growers oppose Project since Jan 2019
- 31 community groups are partners with MFG opposing the Project including the Organic Agriculture Association which has over 150 members
- Petition of 4,558 signatures presented to Parliament on 19 June 2019

Evidence of No Social Licence (cont'd)

- Over 240 signatures on a petition from business owners
- GetUp and Change.org petitions (over 6,000 signatures)
- Amount of communication to Minister Wynne from community
- MFG Facebook following is 2,611; Kalbar's Fb Project page likes is 182
- Over 100 people made the early 4-hour train trip to Melbourne to participate in a rally on the steps of Parliament on 19/6/2019
- Over 400 people rallied at Glenaladale Recreation Reserve on 3/5/2021
- Media - MFG website: minefreeglenaladale.org nearly 200 press items from print, radio and TV since website launched a couple of years ago
- The IAC will hear further evidence of no social licence from written and oral submissions and from reviewing MFG's submission #813

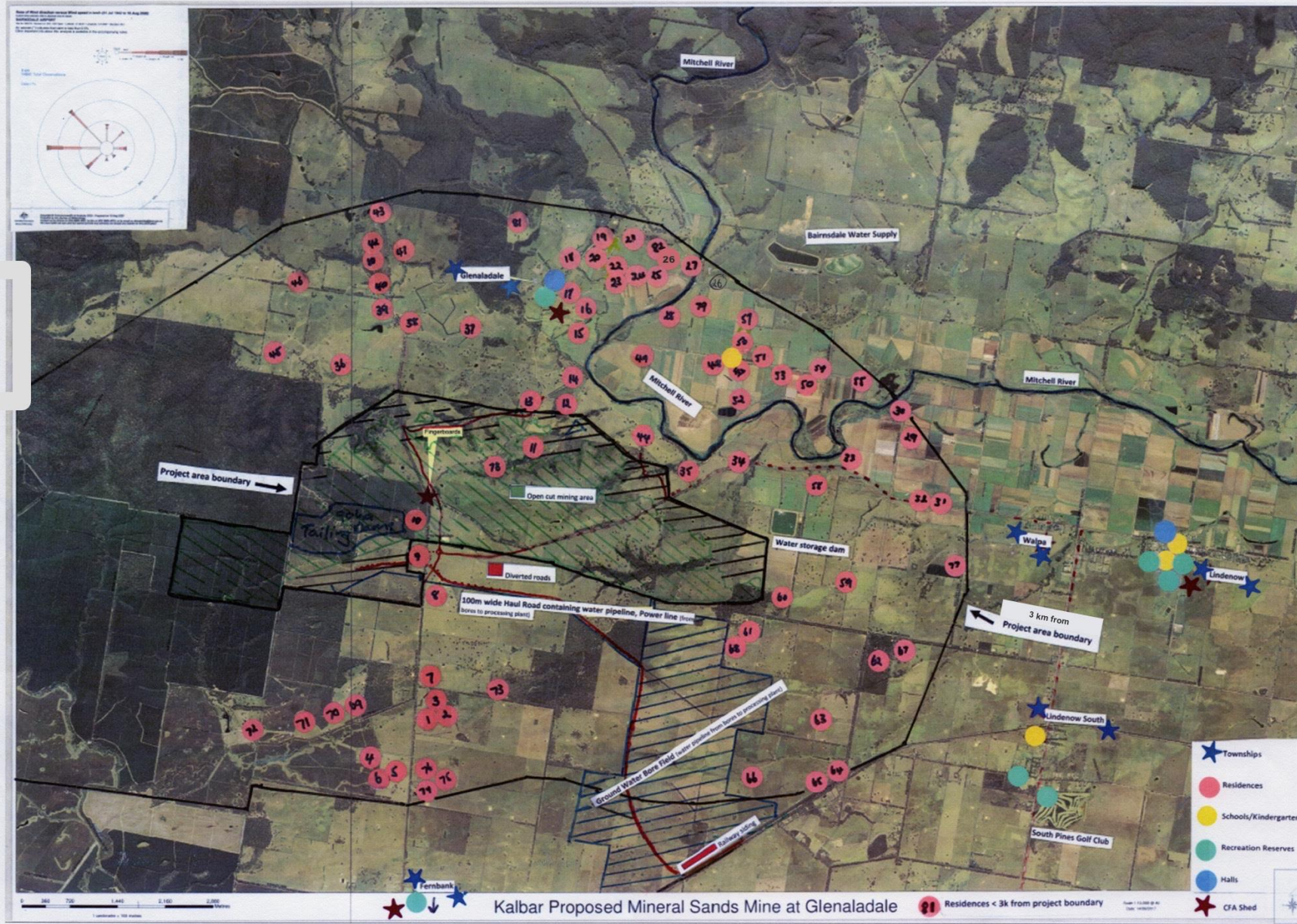
Sensitive Receptors – EES Scoping: section 4.4

- Community meeting 22/8/2019 Kalbar asked to put houses on their map
- Our survey of landholders revealed many people weren't contacted
- EES: 49 sensitive receptors within 3km of mine boundary (Fig 8.25;Tbl 8.33)
- MFG #813: pg 478 map shows 82; Kalbar only identified 60% of receptors
- MFG advised DELWP, but this wasn't fixed before EES was released
- Technical studies rely on receptor locations; underreporting to reduce impact
- Primary schools (1 is < 2 km), rec reserves, golf course, community halls, CFA - EES incorrectly states there are none within 5 km {pg 8 -114; 8-162}
- 24/7 mining operation and radiation exposure from dust is dangerous so close to where many families live, especially to children - at their home, school, kindergarten or playing sport (including cricket) at the local recreation reserve

Residences



5



Kalbar Proposed Mineral Sands Mine at Glenaladale

Issues of Trust

Refer to Part B (Attachment)

- **Who are the “Real” Experts?**
- **Who is Kalbar Operations Pty Ltd and Why is Trust an Issue?**
- **What are Potential Consequences?**
- **Why are EES Scoping Requirements Not Met?**

Iluka's Douglas Mineral Sands Mine Pit 23 abandoned

