

[REDACTED]

From: Environmental Media Foundation [REDACTED]
Sent: Wednesday, 27 January 2021 11:15 AM
To: Fingerboards Inquiry and Advisory Committee (DELWP); Environmental Media Foundation
Subject: AMENDMENTS TO KALBAR DOC. Directions No.26.

[REDACTED]

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Attention IAC Advisory Panel.

I have just read through the Kalbar Operations response to Directions No:26, and have issues with the way in which our submission, No 610: The Environmental Media Foundation Inc was categorised by Kalbar. I request that the IAC request this document be edited to more accurately reflect the issues we raised.

At Sect 2.22 of the document, point 2. our submission No:610 has been included. We do not believe Kalbar has accurately reflected the nature of our concerns. It states :

"Concern that not all relevant information has been disclosed in the EES, including the full analysis of the ore body and **feasibility studies undertaken by previous tenement holders**".

That is not an accurate description of the study that we cite in our submission. We referred to the "Scoping Study" conducted by R.J Robbins & Associates, on behalf of a **potential buyer of the tenement lease, not the lease owner**, as Kalbar has stated at Pt 2. above. In addition, it is incorrect to describe that Scoping Study as a, "**feasibility Study**" as Kalbar has at Pt. 2. A "Scoping Study" has a clear meaning when used in the mining context, that has a different meaning to a "feasibility study". The exchange by Kalbar of the accurate term for a generic term must be amended. Kalbar has also omitted the fact that the T.J Robbins Scoping Study also analysed the **feasibility of mining the deposit**, and the **economic risks**. Those terms should have been included to more accurately reflect the main point of our submission.

Our submission also stated clearly that Kalbar **has intentionally omitted** that Scoping Study from the EES document p1: Kalbar, "**has been intentionally omitted from the Kalbar Operations Fingerboards Project, EES.**" Yet in Doc 26, Kalbar has failed to record that point. Yet at the next point, pt 3. S2.22, Kalbar has included the following point. "**Concern that Kalbar has no legally enforceable obligation to tell the truth in the EES**". Clearly our submission focuses on Kalbar **intentionally omitting** important data to affect public perception of its project proposal. I.e. it has not told the truth about the proposal, therefore that point should also have been included at Pt 2.

Point 2 amendments:

Kalbar should amend Doc 26, 2.22, Pt 2. to read:

"Concern that important studies, including scoping studies undertaken by prospective purchasers of the tenement, which supply independent analysis of the ore body and feasibility of mining the deposit, have been intentionally omitted from the EES documentation. Such omission is designed to mislead the public.

In addition, our submission No: 610 should also be added to P3, which should be amended to read: "Concern that Kalbar has no legally enforceable obligation to tell the truth in the EES, and that it has lied and supplied misleading information in the EES."

In addition, as our submission clearly details errors, inconsistencies and inaccuracies in the EES **it should be included in the list accompanying Pt 4.**

Add to Pt 4. Our submission should be added to Pt 4, as our submission raised issue with Kalbar's failure to produce the Coffey Terms of Engagement - Disclaimer. That disclaimer relates to the ability of the public to understand the meaning of the complex studies supplied with EES documentation, when one of the main consultant authors of that documentation, clearly state their reports should not be considered without first reading the terms of engagement under which they were commissioned to participate in the EES.

Add to Pt 8. Our submission also detailed concerns about the correspondence we entered into with the Victoria Planning department senior managers overseeing the EES process. Specifically in relation to the failure of Kalbar to produce the Coffey Tetra, terms of Engagement document, and the failure of those senior DELWP managers to force Kalbar to produce it. And indeed we stated in our submission that correspondence relating to those events would be supplied at the panel hearing.

Therefore as have clearly raised the issue that the EES process is flawed, and even stated the names of government managers who appear to have failed to uphold the integrity of that process, The EMF submission needs to be added to Pt 8.

Issue of description at Pt 8.

Our submission should also be included in Section 2.17. Community Engagement.

The Environmental Media Foundation Inc is a stakeholder in the EES process. We are the only media organisation producing a documentary film examining the issue. We have interviewed all major players including the CEO of Kalbar Resources Mr Victor Hugo.

Our submission detailed the failure of the current CEO of Kalbar Operation, Mr Patarica, to respond to our concerns. This relates to the failure of the proponent to engage meaningfully with stakeholders and the community. Therefore the submission of the EMF should also be added to S 2.17 Pt 1.

It is also of note that Kalbar has left the description for P 1. to only 8 words. That is an inaccurate description of the problems described in public submissions with Kalbar's public engagement process. It is notable that due to the large number of cited submitters in the right hand column, Kalbar has chosen to describe the issue with only 8 words, and leave the left hand column otherwise empty.

What should be added to that column, is the nature of problems detailed in the public submissions, which in our case should include; failure to respond to written correspondence at all, and, failure to respond in a meaningful, or respectful way.

Thank you.

Peter Vaughan
Environmental Media Foundation Inc.