

**Peter Vaughan**  
**Environmental Media Foundation Inc.**

**15 July. 2021**

**Attention: Chairman, Fingerboards Mineral Sands Project Inquiry and Advisory Committee.**

**Mr Nick Wimbush**

Dear Mr Wimbush.

I am writing to express dispute with your decision today (15 July 2021), denying my application to record video and sound, from certain submitters before this inquiry.

During discussions this morning, I note that both legal council for the EPA and the Mine Free Glenaladale group, did not object to that application, and the solicitor for East Gippsland Shire Council, at that time could not establish contact for advice. Although it can be presumed that Council will not object in line with its position regarding the ABC request to record events, earlier in the proceedings.

I also raise concern with your unreasonable objection this morning, when I appeared before the panel via audio only. The reason being as I said, I am working from a desktop computer, with only a microphone and not a camera. You made a demeaning public statement to the effect; "You want to film us, yet you don't want us to see you".

If there was a requirement to participate in this inquiry via a video image and audio, the Panel's assistant, should have informed me when he requested my attendance this morning via email. As it was, I found your comments unjustified and it certainly appears to show, that you had assumed a predetermined position in relation to my application, before hearing any input from myself or other parties.

Kalbar predictably objected to my application, with Mr Morris the agent for Kalbar, presenting a suite of objections including that: video recording somehow makes the proceedings become a circus; that it was a defamation risk; that public hearings usually only have media enter the room and take images, which they then mate-up with spoken comment taken somewhere else. These are clearly weak arguments.

The Chairman asked why, if the panel has already been proceeding for many weeks, did I leave it until today before making this request.

I responded that a special event occurred on Monday, when Kalbar suddenly revealed, it had been granted an application for a Mining License, by the Earth Resources Regulator. I explained this is a consequential political development, in relation to the EES process; this inquiry panel process:: And the government administration, and the public role in, the Victorian mining approvals process. Political interference in assessment and licensing approvals.

It is for that reason that we applied at short notice, to record selected public submitters and the final arguments and summing up of the proponent, government agencies, the Council, and the MFG group.

Regardless of the support for my application from those three parties (presuming the Council will not object), Mr Wimbush has instead agreed with the Proponent Kalbar Operations, to refuse a

media request to record these sessions.

It is also of note that Mr Wimbush made his decision, before the Councils solicitor could receive instruction. If he had reserved his decision, until Councils support was known to support the application, then that would have displayed agreement from all three non-Kalbar participants. Acting before Councils position was known, was premature, and raises questions about natural justice and procedure fairness.

On face value and without further detailed and substantive justification, what has been decided appears to be a political decision to suppress public coverage of these important public events. This is in line with Kalbars objective to reduce wider public awareness during the approvals process, and institutional concerns within government, including the Planning and Mining department, over the film we are producing.

This is a bad and anti-democratic decision, at odds with the principles of open and accountable government, it has clearly been made to reduce public exposure to a mining related issue.

Regards.

Peter Vaughan  
Environmental Media Foundation Inc.