

Peter Vaughan
Environmental Media Foundation Inc.

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**THIS DOCUMENTS REPRESENTS A FORMAL SUBMISSION TO THE IAC
FINGERBOARDS INQUIRY PANEL.**

ATTENTION MR NICK WIMBUSH.

Dear Mr Wimbush.

Further to the question I raised by email regarding the Coffey Tetra “Terms of Engagement” and the request by legal council for Mine Free Glenaladale yesterday, that the document be produced, I would like to put on the record these further points.

The EES process and the Public Inquiry underway, are the sole avenue for business owners neighbouring the project, to have input that may affect the decision by the Planning Minister to recommend that the project is either approved or rejected.

Those business owners obviously have a commercial interest in the out come. As such it could be later argued in court, that access to all pertinent information would have put them in a better position to defend their commercial interests through presentations and arguments to the Inquiry Panel. And such arguments may have had a significant impact on the Minister decision.

The Crown would be the defendant in future damages claims bought by business or groups of business seeking damages for impacts from the mine. The Panel is appointed by the Crown.

Since the Bastion Point Supreme Court case, there have been a number of EES decision based on the Planning Ministers recommendations resulting in a decision being made, the recent AGL case to point. This raises the legal issue, that in a civil damages case, it could be shown that the Planning Minister, and the process undertaken to inform him in the EES process, are the factors responsible for the losses incurred by affected businesses.

You can see from the correspondence that I supplied with my letter, that when I originally sought access to the Terms of Engagement from Kalbar in September 2020, I also approached senior managers at the Planning Department to intervene to release the document. I even made a number of direct attempts through email to contact those manager. Those approaches were ignored. I intend to lodge all that communications during my Panel presentation. This communication may have bearing on any future damages claims bought by business adjoining the mine site.

It is also of note the EES draft was approved by the Planning department as adequate without the inclusion of the Terms of Engagement.

You can see from the limited email chain I supplied, that Mr Jozsef Patarica the CEO of Kalbar Operation, claimed Coffey Tetra, was responsible for refusing to release the Terms of Engagement. I dispute that, and believe Mr Patarica misrepresented the situation for the to advantage of his company.

I spoke to a Mr Dan Moriarty at Coffey by phone on about 17 September 2020, he told me the authority to release the document lays with Kalbar, which is the owner of the document. It appear Ms Caroline Balint was the Senior Coffey manager responsible for all aspect of the contract

between Coffey and Kalbar Resources/Limited/Operations.

If Kalbar or Coffey Tetra refuses to release the document, Ms Balint and Mr Patarica should be called before the Panel for cross-examination over this matter.

Thank you.

Regards.

Peter Vaughan
EMF Inc.