

10 December 2020

The Chairperson
Fingerboards Inquiry and Advisory Committee
C/- Planning Panels Victoria
1 Spring Street
MELBOURNE 3000

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

Dear Mr Wimbush

Fingerboards mineral sands mine project

1. We act for Mine-Free Glenaladale Inc. (**MFG**) in the Environment Effects Statement (**EES**) process for the Fingerboards Mineral Sands Project (the **Project**).
2. We refer to the Directions Hearing Notification letter issued by the Inquiry and Advisory Committee (**IAC**) on 16 November 2020, and we confirm that we will be in attendance at the Directions Hearing scheduled for Monday 14 December 2020.

Hearing format

3. Due to the current coronavirus pandemic, physical distancing restrictions and maximising community participation, our client is supportive of the public hearings being held by a combination of both video conference and in person.
4. In particular, MFG is amenable to the first part of the hearings being conducted by video conference. This includes the presentation of its case, including the leading of evidence from experts and submissions made by its legal team on behalf of MFG.
5. It is submitted that the first part of the hearings should be conducted by video conference rather than in person to maximise the potential for community participation, noting that there are submitters from both East Gippsland, Melbourne and Bendigo.
6. However, our client is firmly of the view that individual submitters – many of whom are members of MFG – should have the opportunity to be heard in their local community in person (i.e. in or near Bairnsdale).

7. It is particularly important for local submitters to have the opportunity to make their submissions in person. We are instructed that many members of the community suffer from poor and/or unreliable internet. Further, East Gippsland is an area identified by the Victorian Government as having a 'lack of general digital proficiency'.¹ Accordingly, consistently with the principles of natural justice and equity it is important for local individual submitters to be heard in their local community in person.
8. The combination of on-line hearing and local in person hearings may be able to be conveniently accommodated by first conducting the on-line hearings, including the presentation of the parties' cases, followed by hearing from non-local submitters. The Panel could then conduct its site visit and while in (or around) Bairnsdale, conduct in person hearings to hear from the local submitters.

Hearing times

9. We refer to the proponent's request that the hearing, currently scheduled to commence on Monday 1 February 2021, be deferred by two weeks to commence on Monday 15 February 2021.
10. Our client does not oppose the proponent's request for the commencement date to be deferred. However, we advise that MFG's preferred barrister has limited availability from 9 March 2020. Therefore, if the start date of the public hearings is deferred by two weeks, our client requests that MFG be scheduled to make submissions and call evidence prior to 9 March 2020.

Allocation of time

11. Our client plans to call evidence from at least five experts and possibly seven. We therefore advise that our client requires at least five days to speak to our clients' submissions and call evidence. We will update the panel as soon as our client's expert witness list is finalised.

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 *Gippsland Digital Plan* (August 2019) <https://www.rdv.vic.gov.au/_data/assets/pdf_file/0010/1872946/Gippsland-Digital-Plan-Final-25-September.pdf>.