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Environmental Media Foundation Inc.

1 July 2021.

IAC Document 522: Submission of information relating to other submitters.

Dear Mr Wimbush.

This letter is in relation to document 522 tabled by the IAC on 21 June 2021, apparently in part, a response to my attempt to table two documents relating to a presentation made by [REDACTED]

In this letter I wish to outline my concern with the position outlined in the IAC response, doc 522. I argue that position creates a procedural bias that favours the interests of the proponent, against the interest of the community, to be fully informed during this inquiry.

The two documents I attempted to table consist of [REDACTED]

I sent those documents to the IAC for tabling, as they relate directly to an undisclosed conflict of interest held by [REDACTED]

The response by the IAC was contained in IAC letter Doc 522. The pertinent line reads: " Please note the IAC is not receiving or considering submissions about other individual **submitters** as this is not relevant to the IAC's task which is to inquire into the *environment effects* of the Fingerboards Mineral Sands Project (the Project). "

The document appears to alleges that "strong feelings" in the community, are somehow the motivation for the submission of documents that illustrate a conflict of interest at play for two submitter – with a large commercial interest in the project. The Chairman further explains that, "it is not the IAC's role to inquire into the interests or alleged behaviour of **submitters** to the process."

I contend it is the role of the IAC to examine all relevant information and probe all serious matters brought before it. I can find no separation between the category of a submitter to a hearing, within the Planning Department outline for an IAC Panels process.

However doc 522, appears to suggest that a public submitter has less standing than a consultant or other submitter including the proponent, and therefore should not be subject to any detailed analysis. If that is the case, then it suggests that public submissions are not being considered at an appropriate level by the panel.

I note the panel has engaged with other submitter in relation to their commercial interest to oppose the mine. [REDACTED]

[REDACTED] Therefore, why shouldn't the commercial investment/relationship between a submitter and the proponent be likewise understood by the panel ?

The Chairman's further states in doc 522.

“ Please note the IAC is not receiving or considering submissions about other individual submitters as this is not relevant to the IAC’s task which is to inquire into the *environment effects* of the Fingerboards Mineral Sands Project (the Project). “

However, the statement of [REDACTED]

[REDACTED]

That being the case, then clearly the Chairman's statement in doc 522 “ Please note the IAC is not receiving or considering submissions about other individual submitters...” has not been applied to [REDACTED] submission, as [REDACTED] is clearly referring to [REDACTED]. Therefore according to the logic of doc 522, why was [REDACTED] statement accepted ?

On 1 July 2021 I raised (in person) this issue during the preliminary stage of the IAC panel hearing. The response from the Chairman was that [REDACTED]

However, the submissions by [REDACTED]

[REDACTED] Their submissions contain no reference [REDACTED]

And any statements made as individuals are not covered by any [REDACTED]. Therefore the Chairman was clearly incorrect in his assumptions made at he hearing in relation to this matter, that [REDACTED] are somehow exempt from his ruling contained in doc 522. This show a level of inconsistency developing around who and what can be submitted to this inquiry.

The proponent is now attempting to submit email correspondence that took place between it and certain landowners, [REDACTED]. During my in person comment on 1 July, I raised issue that this attempt is in contravention of the principle already outlined by the Chairman in doc 522, “Please note the IAC is not receiving or considering submissions about other individual submitters”.

The Chairman however dismissed this concern, by elevating the proponent to a new category of submitter, that being the “proponent”. And through that status, the proponent will now be able to make submissions about submitters, while other submitter are not being afforded the same right.

This could be perceived as the leakage of bias into the administration of this panel process, and I submit that the IAC should apply a significant level of legal consideration and seek advice over this matter, as there are commercial issue at play as both [REDACTED] are business entities.

The panel should also consider the apparent hypocrisy, of allowing the proponent to submit communications with a landowner, while then refusing to allow the tabling of documentation detailing conflict of interest matters, relating to submissions made by [REDACTED]

In relation to the [REDACTED] submission. The Chairman today appeared to believe that the IAC is a forum protected by legal privilege, so that defamatory imputations contained within a written or spoken submission, do not carry a legal risk for the IAC. However the Chairman has already stated that the IAC Panel process is not a protected legal environment, and that defamation law is certainly at play. (Warning given by Chairman to Vaughan, relating to Ausenco, 2nd week inquiry).

Therefore I suggest that as the publisher, the IAC is a party to the defamation aired in the presentation of [REDACTED] and those documents are still available to the public on the IAC site.

Regards.

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