
MINUTE 47 OF THE EXPERT PANEL
Response to MGL's Memorandum and Suspension
Bendigo-Ophir Gold Project
[FTAA-2507-1089]
[25 August 2026]

[1] This Minute responds to MGL's Memorandum dated 24 August 2026.

[2] The Panel notes MGL's request for a further 10 working day suspension, following Minute 46. That Minute identified fairness and natural justice considerations associated with MGL's responses to RFI 11, and resulting compression of the time available for the Panel to evaluate the application and prepare its decision. The Panel acknowledges the request for suspension as a sensible and practical response to those concerns.

[3] The Panel accordingly exercises its discretion to suspend processing of the application from 11.59pm 28 August 2026. Pursuant to ss65(1) of the FTAA, it invites formal notice in due course of the resumption date, noting however that MGL intends this to be 14 September 2026. The timetable set out below will process on that assumption.

[4] The Panel has previously made directions providing for responses by parties/invitees to the evidence filed by MGL on 17 August 2026, by 7 September, with any reply by MGL by 14 September. It cannot compel MGL or any party or invitee to perform in accordance with existing timetables while an application is suspended but it notes MGL's authority for the Panel and EPA to continue work during the suspension period and its commitment to meet "all actual and reasonable cost recovery incurred by regulators in continuing to engage in the FTA

process “through the suspension period”. The Panel encourages all parties/invitees to adhere to the timetable set out below in paragraph 6(iii) as the principal purpose of the suspension will otherwise be compromised. The dates identified below reflect an assumption of cooperation in that respect.

[5] The Panel notes MGL’s assessment (Memorandum paragraph [21(a) and (b)]) that the revised timetable will result in any draft decision declining by the week of 2 November 2026 and any draft decision granting approvals, by the week of 30 November. The Panel is unclear how these dates were arrived at, as there is no fixed date, prior to final decision delivery date, by which draft decisions must be delivered, and the multiple Fast-track decisions already published have adopted a reasonably wide range in that respect (noting however the 10-working day requirement in s72 and the opportunity for response in s70 (4)). In a case such as this, the Panel considers something in the order of 20 working days prior to the final decision date is appropriate both in the case of a draft approval or declinature. It is in that context that the Chair informally indicated (Conference of 7 August 2026) that, at that point, the aim was for the Panel to publish its draft decision by mid-November 2026. As a result of the latest suspension, that date will now move to the week of 30 November 2026. Obviously, if the Panel can release its draft decision earlier, it will.

[6] We set out therefore our timetable through to final decision date, premised on the latest suspension.

- (i) 28 August 2026 – MGL provides workshopped draft conditions/management plans to the Panel, parties and invitees
- (ii) 11.59pm on 28 August 2026 – processing of the application is suspended.
- (iii) 7 September 2026 - parties/invitees (voluntarily) provide their response to MGL evidence filed 17 August 2026, together with their response to any water related draft conditions dated 28 August 2026.

- (iv) 14 September 2026 – processing of the application is resumed.
- (v) 14 September 2026 – MGL files:
 - a) A final set of conditions/management plans following consideration of written feedback in (iii) above;
 - b) its evidential response to the party/invitee evidence identified in (iii) above;
 - c) closing submissions.
- (vi) Week of 14 September 2026 - Panel assessment of impacts and s85(3) proportionality commences (noting that preliminary work will occur in respect of issues not sensitive to closure of the evidential record and that assessment work has already taken place and will continue in respect of sizing national/regional benefits).
- (vii) Week of 30 November 2026 (or earlier) – publication of draft decision (decline or approve – if the latter with draft conditions).
- (viii) 20 January 2027 – final decision issues

A handwritten signature in blue ink, appearing to read 'M. A. Muir', with a stylized, cursive script.

Hon Matthew Muir KC

Bendigo-Ophir Gold Project Expert Panel Chair