

28th June 2010

Transforming VCAT
Victorian Civil & Administrative Tribunal
via email to comment@transformingvcat.com.au

Dear Sir/Madam

TRANSFORMING VCAT: Discussion Paper

The Construction Material Processors Association (CMPA) welcomes the opportunity to provide input into the Transforming VCAT discussion paper.

The Construction Material Processors Association (CMPA) membership comprises a broad spectrum of small to medium enterprises (SME) located throughout Victoria. Our members are involved in construction material processing businesses, principally extracting, processing or otherwise working in quarries¹, and the expanding construction materials recycling business.

These businesses are the driving force behind Victoria's highly competitive extractive industries and process almost half of the state's tonnage output, which in 2008/09 totalled over 48 million tonnes valued at \$703 million, excluding recycled materials².

The CMPA would like to refer you to its submission of the 10th July 2009 to the related VCAT President's Review and point out that all of the issues then identified still stand and require addressing, being in summary:

- That the ever-increasing cost being placed upon the proponent,
- That the commission's findings remain relevant to the issues of the hearing at hand, and
- That outcomes, where practical, ensure re-submission would be a last resort.

The *Transforming VCAT* discussion paper goes some way to addressing some of our issues but as it presently stands does not sufficiently address the issue of promoting a fair hearing.

The proponent's costs are disproportionate to the objector and have become beyond the finances of most of the family businesses as represented by the CMPA. The escalating costs of participating in a panel hearing are vividly identified in the CMPA report *An Unsustainable Future: The Prohibitive Costs of Securing Extractive Industry Access in Victoria, 2009* (posted via mail with a copy of this submission). The actions proposed in the discussion paper will not sufficiently address our member's concerns.

The continual expansion of expert witness bases and legal counsel being provided by the proponent to address objectors (often unsubstantiated) concerns is not sustainable. Consideration should be given to this issue with the aim of creating more cost effective ways of achieving the same end must be developed otherwise we fear the panel process will fall outside the reach of many of our members in the future.

I would be more than happy to expand on any of these issues in person if required.

Yours sincerely



Ron Kerr
Honorary CEO

¹ Including hard rock, gravel, sand, masonry, clay, lime, soil and gypsum

² p.27, *Victoria's Minerals, Petroleum and Extractive Industries - 2008/09 Statistical Review*, DPI, Earth Resources Regulation Branch