

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE
Inquiry into greenfields mineral exploration and project development in Victoria

Melbourne — 10 October 2011

Members

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Mr M. Foley
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Ms K. Tubbs, President
Mr J. Fraser, Vice President, and
Ms D. Porter, Secretary, Moorabool Environment Group

The CHAIR — Welcome. My name is Neale Burgess, Member for Hastings and Chair of this Committee. On my right is Mr Martin Foley, who is the Member for Albert Park and Deputy Chair; on Martin's right is Mr Wade Noonan, Member for Williamstown. On my left is Mrs Inga Peulich, Member for South Eastern Metropolitan; on Inga's left is Mr Geoff Shaw, Member for Frankston. This is an all-party parliamentary committee and is hearing evidence today into greenfields mineral exploration and project development in Victoria.

This is for each witness, so I'll do this en mass. Welcome to the public hearing of the Economic Development and Infrastructure Committee's Inquiry into greenfields mineral exploration and project development in Victoria. All evidence taken in this hearing is protected by parliamentary privilege; however, comments you make outside the hearing are not afforded such privilege.

Could you each at a time please state your name and business address and whether you are appearing on your own or on behalf of an organisation. Would you like to start?

Mr FRASER — Jim Fraser, 7 Underbank Boulevard, Bacchus Marsh, appearing on behalf of Moorabool Environmental Group.

Ms PORTER — Deb Porter, Secretary of the Moorabool Environment Group, appearing on behalf of that, and I live in Bacchus Marsh. It's a Post Office Box address. Do you need a residential address?

The CHAIR — I think we need a street address.

Ms PORTER — 29 O'Keefe Crescent, Bacchus Marsh.

Ms TUBBS — My name is Kate Tubbs, I'm the President of Moorabool Environment Group, and I live at 4256 Geelong Road, Parwan.

The CHAIR — Thank you very much. The evidence you give today will be taken down and become public evidence in due course. Who would like to start?

Ms TUBBS — I will. My name is Kate and I'm a teacher on long service leave. I've been with the Department for the last 35 years and in the education system since I was five. I'm a landowner with my husband of 254 acres in Parwan and we have owned that land for the last 22 years. I'm the Secretary of the Parwan LandCare Group and the President of Moorabool Environment Group, and I'm here to present to you the emotional and social aspects of finding that a coal mine could engulf our property.

Initially I would like to explain to you about our land that we bought. It had a front fence and a back fence and 254 acres of bare land in between with six trees. My husband, just before we got married, was diagnosed with a chronic illness and as a result of dialysis and transplants and all sorts of things, having died twice, when he came good I said, 'What's your dream, what do you want to do?', and he said, 'I want to train my own horses on my own property'. So that's what we aimed towards.

On our land we've got 200 acres of agricultural land that we grow wheat and barley, and the other 54 acres my husband trains harness horses and my daughter also trains harness horses, and she's a professional harness racing driver. We've got a Group One wall, so we're not pathetic at it, and my daughter actually trained and drove her first Group One winner recently. Our harness racing property is one, within about three kilometres of us there are nine, so we're a viable proposition. Being a teacher, and recently being the environmental studies teacher at the primary school I was at, I grow everything organically — the long service leave has been brilliant for composting and organic vegies. I started a solar neighbourhood and in the end I think we've got about 165 homes through working with the Council onto solar in the town. It's a farm that we've built, brought our kids up on, and to us it's our whole life. We get employment from it, we employ a trainee recently bullied who couldn't face up to school anymore and we've taken him on board. We've got two young women working for us as well, so our farm is a place that we live, we work and it's our lifestyle. As far as emotional attachment goes to a piece of property, we've got it.

I came home from shopping one day and my husband said, 'This is a mining exploration manager, he's come to talk to us about what they want to do in our area'. And I was flabbergasted; we had no idea at all that there had been an exploration licence granted for our land, for 38,000 hectares of our Shire. Their target is to take one to

two billion tonnes of brown coal out of our area. This is an area that's got agricultural land — I don't know if any of you know Bacchus Marsh at all with The Avenue of Honour; we grow everything from strawberries, cherries and raspberries through to spinach, lettuce and cabbages. We're renowned for the roadside trading, it's an area that is a food bowl for the rest of Victoria — canola crops; it's just endless what we've got just within our vicinity.

It's viable, productive land so to find that this man was there saying to us — and the only reason he came to our place was that he said, 'I need to send you a letter to say that we might need to cut the fence and come in onto your place to do some drilling and VicRoads won't allow us on the roadside'. So no other landholder had been approached because the roadside drilling could be done without them needing to have access to the land. It's not what you expect to find when you come home from shopping one day, that everything that you've worked towards could just disappear, the uncertainty of what was to happen.

I contacted Parwan LandCare and the Moorabool Environment Group and said, 'This is what's going on around here'. So we started doing some work into it. The lack of consultation was frightening. They had put notices in the local papers but the local papers don't get delivered to the areas that are affected. They put an ad in The Age but, again, being a harness racing family, The Age doesn't do a Form Guide so we buy the Herald Sun so we weren't privy to that as well.

Of the 26,000 people that live in the Moorabool Shire, there was not one objection lodged with the DPI about this exploration licence going through. That was frightening in itself because we're not all apathetic. My background and the people that I've worked with, people like Deb and Jim, we're not apathetic to what happens to our planet, so that was very, very concerning.

We took it upon ourselves to be the awareness people, so we started talking to people and letting people know what was going on. It wasn't our job, it was the mining company's job, and we firmly believed that because our land is in the middle of what's going to be happening that we should have been approached prior to a planning permit being granted for the exploration licence.

Mr FOLEY — By the time it got to you a permit had already been issued through the Council?

Ms TUBBS — Yes, it had. Not through the Council, an exploration licence through the DPI. We started doing some work into what had been happening around and I watched a show that was hosted by Alan Jones about what's happening in Queensland with the coal seam gas, which is also on Mantle's work plan, as well as open cut mining. I was distressed by what's happened in Oakey and Acland, up in that area, that there are no rights for people, and when you realise that you don't own your land, even though you've sweated and you've worked so hard all your life to own a piece of land, to find that you don't actually own anything bar the top of it, that's horrifying.

After watching what happened and talking to people in that area, it's soul destroying, it's taken out of their hands, your life is demolished, and I'm not prepared for that to happen. So as part of a community group we've talked far and wide, we've been attending meetings, we've been organising the meetings because the mining company hasn't, there was no consultation, and it's been left up to us. We're just very concerned that to sell our resources off is only thinking about the now time, we have to be thinking about the future. We need to be thinking about what's going to be happening in the future for my children on my land and the other people that are around us.

I'm just presenting to you today in the hope that you will take that on board, that it is not the right thing to do to destroy lives by granting permission for mining companies to take over, so I'm appealing to you to consider that we are people that don't frequent places like Parliament; we're usually out busy working slashing the paddocks, helping with the horses, doing all those sorts of things, but that we do matter and we do count.

The CHAIR — Thanks very much, Kate. You both actually want to make a submission as well?

Ms PORTER — Yes.

The CHAIR — We might leave the questions until the end.

Mr FRASER — I'm actually a mature age ex-University student and went into University in my 50s and graduated with a Masters of Environmental Management. I had to do a lot of research and in my research I came across a thing called a Kuczera Curve. Kuczera was a researcher here in Australia, particularly here in Victoria, and he studied the effect of bushfires on water coming into the catchment system. Basically the first two years after a bushfire you get a rush of water, and then you wait 30 years before you come back to your normal water runoff because the trees are taking every bit that they can and you only get the surplus. A number of people have quoted Kuczera in their papers, including SKM, which is a company you'd be fully aware of. That means the things like the North-South Pipeline was basically devalued in its capacity because there is going to be less coming through it, and things like the Thompson Dam is now running 50 per cent, even though we've had these massive rains.

The other area that SKM did some research in was what they call the Werribee Formation, and that's the aquifer that sits in basically the Werribee, Geelong, Bacchus Marsh triangle. With their studies they were aiming at using that as a reservoir for water and — —

The CHAIR — To replenish.

Mr FRASER — To replenish. Basically an underground dam. This aquifer, if it was in the Middle East, it would be taking in Jordan, Palestine and Israel and there would be fighting over it; instead it takes in three Shires. The issue we've got is in that Werribee Formation there is also brown coal, and this is the subject of the mining exploration that's going on. By the fact that civil engineering is required to get down to that coal is going to expose the moisture in it and take that aquifer storage capacity out of our availability to the people of Victoria and interfere with the next generation, the intergenerational equity. At this stage I believe the action that should be taken by Parliament is the precautionary principle. Thank you.

The CHAIR — Thank you.

Ms PORTER — While you've heard a lot about Bacchus Marsh here, this sort of stuff is popping up all over Victoria at the moment and we have actually been contacted by other community groups as well who are just starting on the journey that we've started on, which is concerning for them, and they're using us as a resource to try and find and access information.

One of the things that we've touched on is about the notification for landholders. This can quite easily be fixed with minor changes in relation to a requirement that the mining company actually send out notification letters prior to the actual application being approved, so the things that we're bringing up is not stuff that can't be easily rectified. The overriding of rights, well that's another big one; the Act is actually based on the premise that the resources are actually owned by the State and therefore that you only own the top, that's a more challenging thing to actually rectify because, of course, the State is not going to want to let go of that resource. However, we believe that there's a balance that can be reached in relation to that and that there needs to be a balance of rights both for the landholder and also in relation to the rights of the people of Victoria.

One of the other things that we've looked at is the difficulty in relation to getting information from DPI and DSE. Whilst I've quoted examples there, a more recent example is one of the questions that we've asked is in relation to the endangered grasslands and the field assessments in our area, how old is the data? When was it done? Who did it? We sent a request on 14 September, received a response saying, 'We need more information'. On the 16th, we replied to that. We received a response on the 19th saying, 'We've sent it off'. This is September. Nothing else since. I started to try and chase it up, can't get information. So consistently what we're coming up against is that we try to get the information to answer the questions so we can take the information to the community, and we can't get the information so the community then run riot with misinformation in the absence of anything that's real and credible.

We also had a look at what's the data around in relation to frogs. We know as a community group that there are endangered frogs in the area. What's the data that's going to be important if it moves to a mine for assessment? There is no data available. We started making enquiries about that, it's up to volunteers to actually collect that data so now MEG is embarking on a volunteer program to try and collect the data so it's there when we need it for the assessment to take place. And this is going to happen all across Australia, these sorts of activities.

When we look in relation to the economic assessment for mining, which I'm aware that one of Mr Shaw's areas of expertise is economic assessment and development, we start to ask questions about when the assessment is

done, how is it done? What's actually included in that assessment? What does it consider? Does it consider the contradiction that's been made over the years by the community, by the businesses that are already there, or does it consider only what the possibility going forward is? What's the possibility of the one-off payment in relation to the coal return? Does it consider those things? We've also been unable to get these answered.

We've also been looking at personal loss for the community, for the work that Kate, myself, Jim and others in our group have been doing. The impact personally on me to date is \$4000. That's from my time loss, bringing people into my farm so that I can go off and do meetings, so that I can do research. Where can you get that back? I can't recoup that anywhere.

The other thing that came to light just on the weekend was in relation to our infrastructure and our volunteer resources in the community. If you put a coal mine somewhere, you need infrastructure to be able to actually support that. I recently found out that the mines don't pay rates, the resources are going to come from the rates, our rates will go up in the area. That's of considerable concern to us. Our water and food security could be threatened. Our rates will increase, as I've said, and we're also looking at what about our community resources like our CFA. Just yesterday there was a 380 tonne coal smouldering fire in Bacchus Marsh. 15 fire units, over 50 volunteers, risk of carbon monoxide poisoning and explosion. This is within a couple of kilometres of my house. So who is considering all of those aspects and who is actually funding those aspects back into the community when you put a mine in there?

I'd just like to say that we are not paid to come here, we have voluntarily come here today, we submitted and did our research voluntarily, we did it on our own backs, we think it's important that the Committee actually hears from the community about what's happening out there and what sort of affect it's having on us, and we thank you for the opportunity to come to speak.

The CHAIR — Thanks very much, Deb. Thank you very much to all of you. We might just ask a few questions if that's okay. One of the one most important aspects of this inquiry is about something you've touched on fairly strongly, but I would like to get a little bit more information if we could. The balance between the Government needing and wanting to get hold of a valuable resource, whether that be through private enterprise or whichever way that's done, and that of land rights for people who live and work on the property. You've suggested getting that balance right through more information being available. Are there any other ways that you would like to see that balance balanced more than it currently is?

Ms PORTER — We're in the infant stages of looking at what sort of compensation has been paid to people because I know that myself personally the property that I have was previously valued, so just as a matter of course I got them out to have a look at it again. It's dropped \$150,000 just with the exploration, that's just with them putting a drill hole in. So if it was to move to mining and they were then to come and say, 'Okay, we'll compensate you now at the value that the property is at'. Well, just the sniff of the exploration actually significantly drops the value of your property so already you're on the back foot if you're getting compensated for your property and you then have to move to another location to actually re-establish yourself.

Mrs PEULICH — You've got those two valuations in writing?

Ms PORTER — No, they're verbal ones but I can pursue them in writing.

Mrs PEULICH — No, no. Obviously time has elapsed, there are other factors given that everyone's properties have declined.

Ms TUBBS — Likewise for us. Tabcorp Park, which is the new home of harness racing, is only 18 kilometres from our property so our land went up because there are interstate people that would want to come down and purchase it but, again, the sniff of a coal exploration licence we won't have those people interested. During the race carnivals, the interstaters come to our farm because it's quiet and peaceful and horses are such fractious creatures that, you know, they treasure that and the open paddocks and that sort of thing, but were there to be mining around, all that disappears as well and our property, instead of being our superannuation and something for the kids, just won't have grown in value.

Mr FOLEY — Thanks for that submission and I've read the whole Tubbs' family submission there in your appendix; it was a good story, it humanised the whole broader issues so thanks for the submission as a whole. We're certainly [inaudible] the public meetings and material in various papers, and this review started basically

the same time that your campaign started pretty much, from what I could see. One of the terms of reference is all around how to manage those conflicts you highlight. The consistent theme has been that of notification and conflicting economic agendas, social agendas and how to resolve them.

One of the key things it keeps coming back to is the issue of notification and information and processes, which a lot of groups, even some of the miners, have brought up as to how all that works. You indicated the first you heard about it for your property was literally when they showed up to do some notes on drilling. Do we know is that the only property, has there been other areas, and has anyone actually refused entry or do they not know? How does any of that work? How is the conflict initiated, I suppose?

Ms TUBBS — What it was, he came to our house, he said he had a letter he was just going to post informing us that they might need to cut the fence and drill on our land. So my husband said: I think you better come and talk to us about it rather than just post a letter. So he was in the house when I got home, the mining exploration manager. Because at that stage everything else was to be done on road verges on country roads they were able to get permits for it, but because our road fronts a VicRoads, the Bacchus Marsh-Geelong Road, the road verge wouldn't have been wide enough and that is the only reason why we were being informed.

Mr FOLEY — And you were the first one that you're aware of?

Ms TUBBS — Yes; we were definitely the first one. And I indicated at that stage that, not that it would be over my dead body but — —

Mr FOLEY — He was going to have some difficulties.

Ms TUBBS — He was going to have some resistance, yes.

The CHAIR — That he'd be sorry you actually came home.

Ms TUBBS — Yes. Because actually he looked at me and I think I must have been looking a bit angry, and he just basically went like that and said, 'But don't worry, we won't want your land for about 30 years'. I took that as, 'Well, you'll be old and dead and buried by then so what are you worrying about?'. I just said something about, 'You've never heard of future generations, have you?'. And he was just quite gob smacked because I firmly believe that they came in all squeaky clean and wonderful and they just expected us to be accepting. I know that is what happened in Queensland, a lot of people up there basically said, 'You need to come and have a cup of tea and talk to us about it'. And that was taken as acceptance and the next thing they knew they were being steamrolled. So all those sorts of issues are a great concern.

Mr FOLEY — Just following on from that in terms of what you also say in the submission and presentation about the range of different economic and social uses the land has been used for at the moment. Does the group have a view on the ranking of different uses of the land and where those different uses equate mining in that ranking?

Ms TUBBS — We probably haven't come together and talked about that.

Mr FOLEY — Your group's focuses is much more around the process and consultation?

Ms TUBBS — Prior to this issue coming up, when I put my hand up and said, 'Yes, I'll be President this year', we were doing the frog census, we were doing the community garden at the Ballan Hospital; we're volunteer people who were doing small community environmental issues, and this has just been bigger than Texas.

Mr FOLEY — Based on your experience, a rapid learning curve as it is, what do you think the notification and consultation process should be?

Ms TUBBS — I believe that prior to an exploration licence being granted that all affected landowners and the community should be notified, that way you're given the chance to put in an objection that you can galvanise people at that early stage. I mean, what happened down at Deans Marsh, Senator Richard Di Natale wasn't aware that there was an exploration licence pending and it was only that somebody was on the ASX site that contacted him and he had land in the middle of it. For people like us — I mean, I'd never even been on the ASX website before and I've learnt lots. I mean, it's just been mind-boggling.

Mr FOLEY — When you say notified, how notified?

Ms TUBBS — We should have a letter, we should receive in our mail a letter stating that this is an activity that could go ahead if everyone is in agreeance, otherwise lodge an objection.

Mrs PEULICH — Kate, could I just ask another question — and it was interesting, we were talking about this very thing just before in our meeting, because that sort of equates to the process that applies to planning. If that occurred, what would be — this is just very personal and we are hearing your personal story — what would have been the substance of your objection should that letter have been received?

Ms TUBBS — We would have objected on the fact that our land is a viable, productive employment based industry and that we could not coexist with mining in our area; that it would be detrimental to the environment, to the water and food security; and to our lifestyle.

Mrs PEULICH — So it's the broader objection rather than the point that specifically interested me was the manner in which potential mining, and I'm not sure what percentage of exploration permits actually translate into a full-on mining operation, it's like 1 to 3 out of 1000 so it's a very, very small percentage. But the point that interested me most was the manner in which your concern that your harness training business might actually be negatively impacted on because of the noise of a mining operation. I was surprised that you didn't mention that as your number one concern.

Ms TUBBS — Well, I mean, I've done public talks and all sorts of things and in your head things shuffle around. With our horses, for example, we've got one called Melpark Major and he's won \$800,000, which in harness racing is exceptional.

Mr FOLEY — It's exceptional in any walk of life.

Ms TUBBS — And unfortunately we don't own him, we train him for another fellow. If there is a towel from the stable clothesline on a table which wasn't there yesterday, that's enough to send him off. A plastic bag flapping on a fence, that's enough. One day the wind changed and a piece of rubbish flew in the air and he kicked up his heels and split his hoof clean through on one of the water troughs. At the moment we've got kangaroos that have been coming onto the property; in 20 years we've rarely had kangaroos and seeing something jump a fence is enough for them to lose it.

Mrs PEULICH — So he's a bit idiosyncratic, and horses can be — —

Ms TUBBS — But they all — —

Mrs PEULICH — I was going to say, what would be the effect on the other horses?

Ms TUBBS — We've got a young thoroughbred and she's as silly as a wheel. They're fractious creatures and when you've got half a ton of a fractious creature behind you it's really concerning. This young 15 year old lad that we've taken on as a traineeship, he hasn't been allowed to jog the horses yet because we need to make sure that he understands the importance of how a horse behaves before we will let him into the cart, in the sulky. But in the likelihood of him jogging slowly around our 1200 metre racetrack and a truck driving in, or something happening that's not the regimented way it normally happens, it's enough to set them off.

Mrs PEULICH — So follow-up question: so on your other 200 — did you say acres?

Ms TUBBS — Yes.

Mrs PEULICH — What sort of crops do you have?

Ms TUBBS — Wheat and barley.

Mrs PEULICH — Given the impact that you've outlined on your horses, and I can understand that having been born on a farm, would you say that that was a more dramatic impact than what the impact would be on your crops, of an exploration activity, not a full-on mine but an exploration activity?

Ms TUBBS — Exploration activity would probably have minimum impact on the crop, maximum on the horses, I rate it as such.

Mr SHAW — Thanks for your submission too, by the way. In the Shire of Moorabool, is there any mining at the moment?

Ms PORTER — We have Maddingley Brown Coal currently operating and my understanding is the coal was on fire on the weekend.

Mr FRASER — And the clay pits.

Ms TUBBS — And as with Maddingley Brown Coal, it hasn't been an operating coal mine as such since 1960. They use the coal dust to produce fertiliser as a soil conditioner but it's not mined as a coal mining business; the hole is used as non-putrescible land fill.

Mr SHAW — Can you see any area in your Shire that you would say would be okay for mining, in your view?

Ms TUBBS — Considering the quality of the coal or the lack of quality of the coal — —

Mr SHAW — I'm talking about any mining.

Ms TUBBS — Personally I wouldn't like to see it happen.

Mr FRASER — There are gold mines towards the Blackwood area, some open cut, but they're chasing a different thing. I worked in the basalt quarry area at one stage and they're all open cut, take out cropping land and they leave a pretty big mess. One of the problems is when they've got to put up a bond for reclamation and that bond is usually inadequate by the time you get to the reclamation.

The CHAIR — Because of the extended period of time?

Mr FRASER — Extended period of time. When you rip the topsoil up, about that much of it is good soil, the stuff below it is dead. Quite often when you buy soil from soil suppliers and it grows nothing, that's why, because it's coming out of topsoil from these areas. When they do put it back again, it's inert, it grows weeds, so that's what it's like in the real world.

Mrs PEULICH — But there are ways that that can be treated?

Mr FRASER — Yeah.

Mrs PEULICH — And they don't do it, you're saying?

Mr FRASER — Yes. The bond, I believe, is totally inadequate because they're only looking at the landscaping aspect.

Mrs PEULICH — Not the structure.

Mr FRASER — Yeah, you've got to look at the structure.

Ms PORTER — We were told by the DPI that 1 in 1000 moved through, but that was 2000 data and they can't give us any new data.

Mr FOLEY — One in 1000?

Ms PORTER — One in 1000 moved from a mine to exploration but that was 2000 data.

Mrs PEULICH — There hasn't been a lot of — —

Ms PORTER — That's 11 years ago.

The CHAIR — Just as a little bit of background, Victoria is really lagging way behind the other states as far as producing anything from the extractives, and that's one of the reasons for the Inquiry, but the other one obviously is to make sure that the people's rights are protected.

Mr FRASER — When you say extractives, you are talking minerals or are you talking all bodies like your basalt and — —

The CHAIR — More the minerals but more so in the greenfields perspective rather than brownfields.

Mr NOONAN — Thanks, Chair. I've got two questions and, firstly, I was drawn to this source, the interaction you've had with DPI and I have to say that in reading some of your quotes it's been less than satisfactory. Can you just elaborate for the Committee's reference who made those contacts and anything else that may not be in your written submission that you want to share with this Committee about your interaction with DPI?

Ms PORTER — I've been making all the enquiries with the Department of Primary Industries and all the follow-up enquiries as well and, yes, it has been tenuous and difficult at times. A lot of the issues, I believe, are focused around the inadequacies of the website in relation to community interaction; it's incredibly difficult to find information on there. You go into the community section it's basically got a blurb that says you've got no rights. It's like: who do you contact, who do you make objections to, who can provide you with advice in relation to what is a reasonable objection and what's not, where is the information about what has moved through or what's been turned down?

The CHAIR — Someone who doesn't have a vested interest.

Ms PORTER — Whilst it recognises the community as a stakeholder on the website, the relationship with the community is not there in relation to you actually going and trying to find something there. I've spent probably over 200 hours on that website, I've been through almost every document on that website trying to find information.

Mr NOONAN — There's been no reference to Bacchus Marsh or the issue at stake for you as a group on the website that you've found?

Ms PORTER — I've tried to go to the community section and find out who do we contact to find out who do we contact about issues? As I put in the submission, my initial contacts were all about: okay, we're setting up this community meeting, we need a speaker, but I've got all those other questions. I was told, right at the start, any communications with Bacchus Marsh community are to go through one person, everything was getting directed to the media person.

Mr NOONAN — Was that explained?

Mr FOLEY — This mysterious 'Alex'?

Ms PORTER — Yes, Alex.

Mr NOONAN — Was it explained why, because that seems unusual. Did you ask?

Ms PORTER — I did think it was unusual. I did say, 'Why?'. Oh, well, we got a letter. Or there was some sort of notification — he indicated that everything was to go through there. I understood — I've worked in government — so I understood that because of the amount of media attention we were already receiving that it was a sensitive issue and that they may want to contain it to just one person for communication, but in doing that you need to make sure that that one person is then following up on enquiries, is putting you through to the right people because otherwise everything stalls.

Mrs PEULICH — It's not that unusual. As a member of an Opposition, let me tell you there are many times when I've been told to deal with a media person on legitimate questions, even such as health. That's when they want to control the messages and make sure there are no conflicts.

Ms PORTER — There is one other issue in relation to obtaining the work plan, which wasn't obtained until after it was mentioned in Parliament, so thank you very much to Parliament for getting us access to that.

Mr FOLEY — You've got a good local member.

Ms PORTER — Whilst I was communicating with them, trying to get access, and trying to find out why the Act would say that I can have it but they won't tell me how much to pay so I can't get it, every email communication had to be cc'd to three people. And then I started to ask why, who are these people?

The CHAIR — Which three people?

Ms PORTER — There was two tenement officers, there was another person who apparently makes operational decisions, and there was a manager. When I asked why, I was emailed back, 'To make sure that my enquiry went to the right person'.

Mr NOONAN — We're short of time but I suppose the burning question really goes to the Chair's question and Mr Shaw's question about where does mining sit in relation to the State, and that's at the heart of this Committee. We will shortly hear from a mining company who will proudly probably tell us that they employ hundreds of people in this state, and indeed the obvious economic benefits associated with that sort of activity are real, and indeed there should be more of that. You mentioned that you're not opposed to mining but there can be some better balancing. I'm not clear just in my own mind about what that balance might look like against Kate's comments that ideally wouldn't see more mining in Moorabool, for example. How does the State deal with this conundrum, if you like, where there are real economic benefits associated with mining but there are real issues in relation to perhaps where that mining should happen, agricultural, environmental, social issues? What do you see from a practical point of view — you don't have to be experts in this area — but from a practical point of view, what do you see as the answer so that this Committee can deliberate on that very vexed question?

Mr FRASER — I can speak to this one because I came off a farm, I worked in the quarry industry where we had the Department of Minerals and Energy, and now these are combined. First step, separate them and get rid of the Chinese walls because otherwise it doesn't matter which party is in power; you've got this thing that is [inaudible] which door you go in, you don't know which one you're going to come out. That is the biggest problem. Make them separate.

Mr NOONAN — Any other observations you want to share with us?

Ms TUBBS — I was just going to say there is degraded land around, use that rather than the agricultural land, the productive land. And with the population going up and food security necessary, I can't see the value of damaging good land. Add water to our land and it will grow anything.

Ms PORTER — And I would say that the process needs to have sufficient rigor in it and we need to know what is a viable objection because at the moment we don't; we don't know how the Minister or the assessment goes about it so we don't know what is going to be important to put forward.

Mrs PEULICH — Needs to be more open and transparent.

The CHAIR — To wrap up — —

Mrs PEULICH — Sorry, can I just say that the point you made about the notification of landowners I think is a really pertinent issue. I'm sure that your response wouldn't have been — and I've been in similar situations on various community issues where you feel that the entire bureaucracy or levels of government are conspiring against you because of that absence of information.

The CHAIR — Just on the Moorabool Shire website, and they have a copy of the work plan, it just says in there that Maddingley Number 2 open cut is still operating today. Is that right?

Ms TUBBS — It's operating but not as an open cut mine.

The CHAIR — What's it operating as?

Ms TUBBS — A non-putrescible tip.

The CHAIR — It doesn't make that distinction.

Ms TUBBS — I was on the Landfill Consultative Committee for that because they wanted to turn that into a putrescible tip for Victoria at one stage.

The CHAIR — I recall that.

Upon the request of Ms Kate Tubbs, President of Moorabool Environment Group, the Committee determined a short section of the transcript should not be reproduced on the grounds that it did not relate to the terms of reference and had the potential to impact negatively on third parties.

The CHAIR — At its peak it did 500,000 tonnes per annum.

Ms PORTER — One of the things with the work plan too is the lack of rigor in that. It's all possible, might, it's not: we will do it.

The CHAIR — A bit of cut and paste?

Ms PORTER — It's not, this is how we are going to do it. When you start to read through it and challenge it, it's like, 'Oh, yeah, they did say "possible"'. We can't breach them on something that's 'possible' because they might need to go and drill deeper.

The CHAIR — Thank you very much. Certainly your presentations today were fantastic and we really appreciated your submissions. You will receive a copy of today's proceedings, in about two weeks, and you can make alterations to typographical errors and things like that, but nothing to the substance of the document. So thank you very much.

Mr NOONAN — Thanks for your time.

Witness withdrew.