

From: [REDACTED]
To: [State Development Infrastructure and Industry Committee](#)
Subject: SPOLA Bill 2012
Date: Wednesday, 10 October 2012 2:18:59 PM

Via email to SDIIC, Parliament House, Brisbane Queensland.

Dear Sirs,

Regarding Section 6, Planning & Environment Court.

Please maintain the "own costs rule" and delete Clause 61.

As the secretary/treasurer of a small body corporate in Queensland 6 years ago I experienced an issue with the P & E Court in being taken there by a major municipal council. Despite our best efforts to have the council officers understand the facts and history of the issue, and despite seeking deputations and discussions with responsible councillors, the council staff were determined to have their day [or days, as it turned out] in court to set a precedent and teach us a lesson about their planning rules and approvals.

At great cost in terms of time and money, common sense and practicality prevailed and it was a victory [albeit a hollow one] for the status quo as the body corporate situation prevailed over the council. Our costs exceeded \$115,000 and this caused a significant special levy on all the owners causing much distress on many. Had we lost and been liable for costs of both sides there would have been exceptionally serious financial and emotional stress on many people.

If one of the aims of the amendments is to eliminate frivolous or vexatious submissions/applications/appeals surely at an early stage the court could rule on that and impose a pre-set penalty.

Please maintain a system that works and is fair.

Robert V. Mirams

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Bob