Shirley Ruescher
[redacted]

11 October, 2012

Parliamentary State Development
Infrastructure & Industry Committee

Re: proposed amendment under consideration to the Sustainable Planning Act 2009

To the Members of Committee:

I wish to make comment on the amendment under consideration that affects the "own costs" rule in this act.

I believe that if the part of the act which supports both parties bearing their own costs within the Planning & Environment Court was scrapped, this would result in ordinary citizens like myself being unable to appeal development applications in the court system as we would not have the resources to pay costs in the event of such actions not going in our favour.

Scrapping the "own costs" rule would favour large developers, large councils and government bodies with plenty of resources, against individuals, small groups and small councils, who would have to weigh up the financial risk of a possible loss before taking any action.

I have been personally involved recently in an appeal in the Planning & Environment Court which has stretched the resources of all the individuals participating in the case. The developer in the case has spent at least 5 times what we have in mounting the appeal. If we had also had the threat of possible costs for both parties being awarded against us, I know that we would not have been able to consider an appeal.

In this case, the community would have been subjected to a development which they did not want, did not need and which did not adhere to the local regional council plan, without any right to justice in the court system. This is not acceptable in our Australian democracy, or indeed in any democracy.

I urge you to consider the democratic rights of your citizens to seek justice through the judicial system and reject this part of the amendment.

Yours sincerely

Shirley Ruescher (Mrs)