

State Development, Infrastructure and Industry Committee.
Parliament House.
George Street,
Brisbane. 4000

11th October, 2012.

Dear Sir/Madam,

RE: Sustainable Planning OLA Bill.

I wish to object to the proposed changes to the "Own Costs" rule, in favour of "Loser Pays" in relation to actions brought before the Planning and Environmental Court.

My objections to the proposed changes are:

- * "Loser Pays" will deny the community and the average citizen the ability to take legitimate cases before the Planning and Environment Court through fear of having to pay crippling costs.
- * The costs under "Loser Pays" are inequitable.
The person bringing a case before the Planning and Environment Court usually does so on a very limited budget. A developer or business appearing before the P & E Court naturally uses its larger pool of capital to fund the best representation possible, as they have the most to gain from a positive outcome.
Upon a loss, this difference in expenditure makes the comparative costs inequitable, putting the person at the greatest disadvantage.
- * Under "Loser Pays", the threat of increased costs upon a loss in the P & E Court will impact on City Councils, Local Councils and State Agencies, by not only inhibiting these Authorities ability to protect the Public Interest, even to the extent of stopping illegal activities, but from also enforcing essential planning and environmental laws.
- * Some of the matters brought before the Planning and Environmental Court effect the community and future generations.
For example: A proposed Quarry development with an expected life span of 100 years. The Quarry main interest is profit.
The community is concerned about the impact on the community - dust, noise, heavy transport movements, water contamination, health issues, environmental issues, the effect on land values, quality of life, etc.etc.
With a growing community, the detrimental impact of the quarry will be significantly greater in 10, 20, 40 years time.
The "Own Costs" Rule, gives the community the ability to have this matter determined by an impartial, uncorrupted Planning and Environment Court, without fear or favour.

I respectfully request you consider the foregoing and do **NOT** alter the " Own Costs " rule.

Yours faithfully,

Gary Thomasson.

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