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2011 Healthy Waterways Community Group Award; 2009 Queensland Landcare- Urban Landcare Award; Winner 2005 National RiverPrize; 2005, 2004 & 2003 Healthy Waterways Community Group Award; 2004 Arbor Day Regional Award Winner; 2004 Australia Day Award;

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12 October 2012

The Research Director
 State Development, Infrastructure and Industry Committee
 Parliament House, George Street
 BRISBANE QLD 4000

sdiic@parliament.qld.gov.au

Dear Sir or Madam:

RE: Proposed Amendments Bill to Parliament on changes to the Sustainable Planning and Other Legislation Amendment Bill 2012.

Bulimba Creek Catchment Coordinating Committee Inc (B4C) is a not-for-profit environment group working in the south-eastern suburbs of Brisbane. We have been incorporated since 1997. Our volunteers, members and staff work towards protecting and enhancing natural areas through on ground works, educational programs and submissions to all levels of government. We won the National River Prize in 2005 and several Healthy Waterways Awards for our projects.

B4C is greatly concerned about one of the above-proposed amendments in the Bill to Parliament on Sustainability Planning and other Legislation. *Proposal 6 - Greater discretion given to the Planning and Environment Court regarding costs.* At the present time costs are borne by each of the parties (unless otherwise ordered by the Court). Under this Bill, this will change such that costs will follow the event (and can be inclusive of the costs of any dispute resolution process), unless the Court orders otherwise.

One implication of this amendment is that the losing party (of the challenge) will automatically be required to pay the legal costs of BOTH parties. The legal costs that may accrue in these cases can be hundreds of thousands of dollars. Community groups or individuals acting on behalf of the public domain common good or environmental concerns are extremely unlikely to be able to afford, or willing to take on the risk of losing even when they may have a strong case, due to the financial risk involved.

We believe that the proposed changes are likely to have a potential suppressing effect on community engagement around local and broader development issues. It is also making it the communities fault if they cannot afford the potential risk of paying both sides. This subtle and suppressing change to the legislation may see questionable applications go through without genuinely accessible opportunities for communities and concerned individuals to have their say. The current system in place allows frivolous or vexatious challenges to adequately be handled by the court at its discretion.

Therefore our organisation requests that the proposed amendment 6 not be included, with the losing party having to pay the full costs of court proceedings in the interest of public domain and community good.

Yours sincerely,

Heather Barns (Secretary)