

Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

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Inquiry into Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

Introduction

As a citizen of Brisbane and I'm deeply concerned with the QLD governments' plans to use Victoria Park as the site to build two new Olympic venues and the legislative actions it wants to take to achieve this.

This story is going from bad, building stadiums in Victoria Park, to worse, violation of democratic principles brushing long established laws aside to rush this project through without avenues for legal recourse by individuals or organisations. This is not a good look for our democratic process and certainly not a good look for the government who wants to do this.

Below the list of the fifteen (15) pieces of Legislation the government wants to change. The government is leaving no stone untouched. The governments' way of thinking: better to remove more laws than not enough so we cannot get sued and we can do whatever we want because the law is on our side. The list is breath taking!

Proposed amended Laws:

- The City of Brisbane Act 2010
- The Coastal Protection and Management Act 1995
- The Economic Development Act 2012
- The Environmental Offsets Act 2014
- The Environmental Protection Act 1994
- The Fisheries Act 1994
- The Integrated Resort Development Act 1987
- The Local Government Act 2009
- The Nature Conservation Act 1992
- The Planning Act 2016
- The Queensland Heritage Act 1992
- The Regional Planning Interests Act 2014
- The Regional Planning Interests Act 2014
- The South-East Queensland Water (distribution and Retail Restructuring) Act 2009
- The Vegetation Management Act 1999

I ask the committee to have a good look at what is happening here and be mindful of the core principles of law and therefore not allowing the laws to be amended for the sole purpose of fast tracking the building of stadiums at Victoria Park.

Core Principles of Law – Reminder of principles

The core principles of law, often embodied in the Rule of Law, include fairness, rationality, predictability, consistency, and impartiality. These principles ensure that laws are applied equitably, are accessible and understandable, and are enforced consistently by independent bodies.

In addition to these core principles, the Rule of Law also emphasizes: **(1) Accountability:** The government and all its actors should be accountable under the law. **(2) Separation of Powers:** The powers of government should be separated into distinct branches (legislative, executive, and judicial) to prevent the concentration of power and promote checks and balances. **(3) Fair and Public Trials:** Everyone is entitled to a fair and public trial, including the presumption of innocence until proven guilty.

These principles are fundamental to a just and democratic society, ensuring that laws are applied fairly and consistently, and that individuals are protected from arbitrary or unjust treatment.

Can the committee keep the core principles of law in mind while making recommendations. Can we confidently say that the government is abiding by these principles? I don't think so. The committee upon balance shouldn't think so neither.

Why are the amendments a bad idea – violation of democratic principles – Rule of Law-Equality before the Law – Separation of Powers

Prior to the election of the Crisafulli government, Mr. Crisafulli had on multiple occasions stated that there would be no stadiums in Victoria Park. Based on these statements Mr. Crisafulli was elected. This is deceitful behaviour and not worthy of a Premier as our elected representative. As if one betrayal and breach of trust was not enough, the proposed

amendments of the law constitute in my view another betrayal of the citizens' trust in their elected representatives. They violate all the principles a good law is based upon.

More disturbingly the QLD government thinks that in a democracy it is perfectly fine to override fifteen (15) laws that have been extensively debated and legislated, some of them decades ago (eg. the Queensland Heritage Act 1992, the Vegetation Management Act 1999). They are designed to protect its citizens and the environment; they protect Indigenous and citizens' rights and prevent corruption and greed. The mindset and arrogance of the government that laws can be overridden without proper community consultation and rush it through parliament without thorough parliamentary debate, not allowing any challenges in the courts (apart from a Judiciary Review) is only seen in autocratic regimes, not in a democratic country like Australia.

Can the committee pause for a moment, take a deep breath and think about this: Olympic/development only made possible by amendments of fifteen pieces of Legislation and by compromising democratic principles along the way! We are clearly on a slippery slope if the amendments of the laws go through parliament. Let's uphold the Rule of Law, Equality before the of Law and the Separation of Powers. This is the bedrock of our democratic system. We cannot just sweep these under the carpet. Each time we have a project, an application for eg a new mine are we going to amend legislation so all environmental rules, heritage rules and others can be discarded? This opens the floodgates for any government from any persuasion to make unfair laws. We cannot create a precedent.

Our parliament should legislate well thought through, considerate and fair laws. Laws that apply to all and not only apply for Victoria Park but for all venues big and small (like the heritage laws that don't allow a citizen to demolish his heritage listed home). Let's play the game fairly in the spirit of the Olympics. Let's not change the rules halfway through the game so the government can get its way and win. Olympics is about fairness and sportsmanship. Amending these laws are nor fair nor do they show sportsmanship. The Olympic venues should comply with all the current laws, not watered down laws. These long-established laws were written for a good reason. If the government wants to build stadiums at Victoria Park, they can try to do this, but the process should be transparent and open to scrutiny through the courts. The amendments try to prevent any legal recourse. In darkness democracy dies (Washington Post slogan) and sunlight is the best disinfectant.

In the rush to get this through parliament one can assume that due process has not been followed and a Judiciary Review will show this. Not all hope is lost, there will still be a Judiciary Review under the Act and it's going to be interesting to see what the Land Court will decide and what delays this is going to cause (Ref. Whitehaven versus Australian Conservation Foundation). The lawyers are going to have a field day with this.

Conclusion:

Building stadiums at Victoria Park is a bad idea, amendment of fifteen (15) laws to achieve this fast by removing all previously legislated protections if even worse.

Brushing aside our bedrock democratic principles of the Rule of Law, Equality before the Law and the Separation of Powers creates a dangerous precedent and should be avoided.

In this submission I urge the Committee to think carefully before proceeding with this. I know the government has painted itself in a corner with the IOC and the Australian Olympic Committee but that is not a good reason to compromise its integrity and ethics. A government with some foresight could have avoided all of this by selecting existing venues or building on brown field sites. Now all a hundred fifty-year-old park need to give way to all protections it has enjoyed over all these years.

In the end the government can pass the amendments through parliament but the one with the best arguments will win, not the one that changes quickly the rules mid-game. The government clearly thinks of the later. I hope the committee recommend the former.

I thank the committee for taking the time to read my submission and considering the concerns raised.

Annex:

Additional arguments why Victoria Park should not be used to build Olympic Venues

Victoria Park should not be used as a site for two new venues for the Olympic games. The reasons are self-evident. The most disturbing one is the deceitful conducts of Mr. Crisafulli.

1. Deceitful conduct of Mr. Crisafulli

Prior to the election of the Crisafulli government, Mr. Crisafulli had on multiple occasions stated that there would be no stadiums in Victoria Park. Based on these statements Mr. Crisafulli was elected. This is deceitful behaviour and not worthy of a Premier. Why this change of mind when there are plenty of other venues that could have been used? If a company would make these sorts of statements, the ACCC would impose penalties and hold company directors to account. Now the Government wants to change the laws because they are with their back against the wall because of the bad decisions they made.

2. Alternative sites available

Once Victoria Park is destroyed there won't be any 'undo button', once it's gone it is gone forever. There are plenty of other options to build stadiums on brown field sites instead of using a pristine green space.

3. In violation of IOC rules

The IOC states: this will be the first 'green Olympics', carbon neutral. They furthermore state that existing infrastructure should be used and if new infrastructure is built it should be legacy building. QLD definition of heritage/legacy: 'what we inherit from the past, cherish today and pass on to future generations', under this definition building stadiums in Victoria Park does not meet these criteria. Building at Victoria Park is against the IOC rules and guidelines.

This has been reported to Mr. Thomas Bach. It will be reported again with this additional information to Mrs. Kristy Coventry once she becomes IOC president in June and to Mrs. Michaela Cojuangco Jaworski (co-chair Brisbane Olympics).

4. The Space is of cultural significance to the First Nations People

The Park itself is heritage listed and an additional heritage listing for the part that is not heritage listed will be approved in the coming months. The park is of significant Indigenous Significance and destroying the park will harm the wellbeing of the Indigenous Peoples. Why do we not respect our Indigenous Peoples?

This has been reported to the UN Special Rapporteur for Indigenous Rights (Doctor Barume). After the UN has done due process on the Indigenous significance, I expect the Rapporteur will send a letter to the Crisafulli government and the IOC in protest of using Victoria Park to build stadiums.

5. Negative impact on the wellbeing of the citizens of Brisbane

Green spaces provide social and health benefits both physically as mentally. Concrete does not. Building in Victoria Park is diminishing the liveability of the city.

6. Negative impact on the climate and accelerating climate change- Human Rights litigation

Trees sequester carbon, concrete constructions produce carbon. How many floods, fires, cyclones do we need for a government to understand that trees help mitigate these catastrophes and destroying green spaces is not a good idea?

The government has a duty of care to protect its citizens from climate change harm. It is a human right to live in a healthy and safe environment. Australia has signed several international climate treaties, there is also the Queensland Human Rights Act, and the Principle of Legality. The Australian system of representative and responsible government, and the rule of law, are not separate from the natural environment but are constituted by and dependent on it. On this reasoning, it is arguable that a safe climate might be able to be seen as so important to the rule of law and governmental systems that it falls within the class of fundamental rights protected by the principle of legality (ref. 'Trends in Human Rights-Based Climate Litigation: Pathways for Litigation in Australia' Keynote address delivered at the 2021 Castan

7. Royal Brisbane Hospital: lives at risk

During the construction over a period of 3 years there will be traffic chaos and noise. Is the QLD government going to take responsibility when somebody dies because the ambulance did not get in the hospital on time because we are giving the Olympics priority over a human life. Furthermore, can somebody explain why the building of the approved new cancer research centre has been delayed by three years until after the Olympics? How many lives is this going to cost?

8. Overbudget and too late

The stadium is not going to cost three billion but where will be almost certain cost blow out (up to 50%). Labor shortages mean that labour is going to be hugely expensive. There are still material shortages too. Due to the topography of Victoria Park, it might cost 100 million dollars to level the site. Where is the money going to come from? Cuts to the civil service? The Cancer research institute has been put the back burner because there is no money? What if the Federal Labour government is not willing to contribute to the Victoria Park development? The money would be better spent on affordable homes to alleviate the housing crisis.