

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

Submission No: 384
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Publication:
Attachments:
Submitter Comments:

State Development, Infrastructure and Works Committee

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Submission to the State Development, Infrastructure and Works Committee with regard to the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (POLA Bill).

Dear Committee members,

I hereby submit why this Bill must not become law in its current form, specifically s53DD the intent to circumvent 15 existing planning, environmental and heritage laws and s53BB the intent to remove the right to challenge decisions.

These sections allow for existing, promulgated legislation to be ignored and removes the ability for any decision to be challenged or appealed.

Think about that seriously for a moment:

These sections allow for existing, promulgated legislation to be ignored and removes the ability for any decision to be challenged or appealed.

Surely you can only agree that these sections are an outrageous corruption of due process and a misuse of legislative power and must not be progressed regardless of the justification

In summary, I submit:

- Circumventing 15 existing planning, environmental and heritage laws will ensure the Games **directly conflict with commitments made by the State to the IOC and the Host City Contract**. (See Appendix, Part 1);
- Circumventing 15 existing planning, environmental and heritage laws **contravenes the 'Rule of Law'** and **creates inequality in the law**. (See Appendix, Part 2);
- Existing planning, environmental and heritage laws were proclaimed by the State Parliament for a reason - to protect our natural and urban environment and our European and Indigenous Heritage. Circumventing these laws will negatively impact on our natural and environmental values, threatened species and local resident's quality of life. (See Appendix, Part 3);
- Circumventing existing planning and environmental laws has the potential to result in significant environmental impact, particularly for local Koala populations, in direct contravention of Olympic requirements. (See Appendix, Part 4)
- Deputy Premier and Planning Minister Jarrod Bleijie promised "appropriate checks and balances". These so-called "checks and balances" and by whom they will be defined are **unclear, unexplained and opaque**. (See Appendix, Part 5);

- Circumventing 15 existing planning, environmental and heritage laws **contravenes Olympic requirements and commitments to leave a positive legacy**. Brisbane will always be remembered as the Games that disregarded its own existing legislative requirements for commercial expediency; and
- Allowing this Bill to pass will set a **precedent** for future major works that can be arbitrarily declared of 'State Interest' and special legislation passed to circumvent existing legislation.

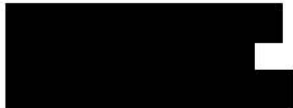
I trust you will reflect deeply on the implications of this Bill and conclude that this will be perceived by the public as an outrageous abuse of power and will only cement the public's distaste for all things Olympics.

The solution to expedite assessment of Olympic projects under the current legislative regime is simple: provide sufficient resources to the Departments within which the current legislative assessments and approvals are determined.

Yours sincerely,

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Keith Eigeland

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APPENDIX

Part 1: Conflicts with the commitments to the IOC.

The State Government's own Questionnaire Response to the IOC¹ (which is an explanation of how the State will deliver the Games), Q31 - Sustainability Programme, clearly states that Queensland's "existing policy framework" will be utilised, specifically calling up State regulatory instruments such as the Planning Act 2016, Environmental Protection Act 1994 and supporting policies for air, noise, water and wetland biodiversity, Nature Conservation Act 1992 and the Fisheries Act 1994 - the very laws that are trying to be circumvented.

By allowing the Bill to circumvent 15 existing planning, environmental and heritage laws you will ensure the Games directly **conflict with the State's own commitments to the IOC**.

Further, the Host City Contract, Part III. Core Requirements, S13. Respect of the Olympic Charter and promotion of Olympism, S 13.1. requires, amongst other things: ". . . the Hosts, the Host NOC and the OCOG shall comply with all international agreements, **laws and regulations applicable in the Host Country**, in particular with regard to planning, construction, protection of the environment, health and safety, labour and working conditions and cultural heritage.

This Bill contravenes the above contractual agreements.

Part 2 - Equality before the Law.

The Australian Parliamentary Education Office² defines the 'Rule of Law' as "the principle that all people are equal before the law and must obey the law."

The 'Rule of Law' means that all individuals and institutions (including the government) are accountable to laws that are publicly promulgated. It ensures that no one is above the law and that laws apply uniformly across society.

Put simply, no-one is above or beyond the law - known as equality before the law.

By excluding Olympic venues, infrastructure and villages from existing environmental, planning and heritage laws creates an inequality.

If I apply for a development (for example, a stadium), I would need to comply with the existing environmental, planning and heritage laws, but Olympic developments would not.

Further, the proposed Bill includes measures to make sure decisions cannot be challenged or appealed in any manner - a fundamental legal principle.

¹IOC Future Host Commission Questionnaire Response Final Submission - May 2021.
<https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/Commissions/Future-host-commission/The-Games-of-The-Olympiad/Brisbane-2032-FHC-Questionnaire-Response.pdf>

² <https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/rule-of-law>

Part 3 - Existing legislation exists for a reason

Existing planning, environmental and heritage laws were proclaimed by the State Parliament for a reason - to protect our natural and urban environment and our European and Indigenous Heritage. For example, the Environmental Protection Act controls construction and operational noise levels and off site emissions of dust and soil, all **which affects the quality of life of local residents over both short and long term.**

Natural heritage laws were implemented to protect flora and fauna, however if circumvented, these become under threat. This is particularly important for the formally endangered Koala at the site of the Birkdale whitewater venue.

Part 4 - Impact on Koala

Koalas are a symbol of Australian wildlife, recognised worldwide. They are currently listed as endangered under Queensland's Nature Conservation Act 1992 (Qld).

Koala populations in Queensland have catastrophically declined over the last two decades due to habitat loss. Already many areas across South-East Queensland have had habitat decimated to fragmented patches which are increasingly at risk of no longer being able to support viable populations.

Relaxation of planning and environmental safeguards will further exacerbate habitat loss and fragmentation.

The amendments proposed in this bill run contrary to those responsibilities and will push them further toward extinction. Already fragile populations will become further isolated, further eroding genetic diversity, increasing the risk of local extinctions which will further impact the viability of koalas across the state.

The Queensland Government has both a legal responsibility for our koalas and a moral responsibility to safeguard them for future generations.

Part 5 - In-appropriate "checks and Balances."

Deputy Premier and Planning Minister Jarrod Bleijie promised "appropriate checks and balances" in lieu of 15 current laws.

'Checks and balances' are no substitute for well considered legislative processes inherent in the current planning, environmental and heritage laws.

There are no details of what these checks and balances will be, if they will indeed be 'appropriate'.

"Appropriate checks and balances" exist - in the existing legislation. If there is an issue with delivery timing, then advocate for additional resources to the Departments that administer those Acts, rather than just throwing them out the window.