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

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Submission to the inquiry into the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill* 2025

Dear Members of the State Development, Infrastructure and Works Committee,

This submission is made in my individual professional capacity as an academic and does not represent the views of Queensland University of Technology (QUT).

I make this submission as an academic with international standing and expertise in urban design, urban planning, and community engagement, with over 20 years of experience researching and advising on equitable, participatory, and environmentally responsible approaches to urban development and governance. My work focuses on the intersection of planning policy, public space, and community-led design, and I have a longstanding interest in how major infrastructure projects impact local communities, cultural heritage, and democratic processes.

This submission urges the State Development, Infrastructure and Works Committee to **oppose and recommend the rejection** of the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 ("the POLA Bill").

This Bill grants extraordinary powers to a newly created Games bureaucracy to override 15 cornerstone Queensland laws, removing safeguards for planning, environmental protection, and cultural heritage. It exempts Olympic projects from meaningful community consultation and judicial review, setting a dangerous precedent for future developments.

Rather than deliver a legacy of community benefit, the Bill risks creating an unaccountable development regime, damaging Country, ecology, and democratic norms in the process.

1. Hollowing Democracy

The *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025* must be understood not simply as a technical amendment to planning law, but as part of a broader pattern of democratic backsliding—**a consolidation of political power at the expense of community rights, environmental protections, and institutional integrity**. The Bill enables Olympic infrastructure to proceed without the checks and balances that usually apply under Queensland's planning, heritage, and environmental frameworks. In doing so, it hollows out the

democratic processes that have been carefully built over decades to ensure transparency, accountability, and citizen participation in decisions that affect the public realm.

This erosion of democracy is cloaked in spectacle. The proposed stadium in Victoria Park / Barrambin and adjacent venues offer a kind of modern-day *panem et circenses*—**bread and circuses**—where the promise of construction jobs, international prestige, and a fortnight of televised pageantry is used to distract the public from the deeper and more permanent cost: the loss of publicly owned green space, the destruction of mature ecosystems, and the silencing of community voices. The infrastructure is not just physical; it is ideological. It performs a diversionary role, turning civic attention away from dwindling public services and towards the emotionally charged symbolism of the Olympic Games.

Layered into this is a political narrative that invokes the language of rebirth and national glory. Queenslanders are told this is a "once-in-a-generation opportunity" to remake the city, that Brisbane will be "centre stage for the greatest show on earth," and that the legacy will last for decades. These are not neutral promises—they draw directly from what historian Roger Griffin has called the **palingenetic myth**: the belief that a nation in decline can be revitalised through heroic, state-led transformation. The danger of such narratives is not just in their theatrical excess but in how they are used to justify the suspension of normal governance. They condition the public to accept that extraordinary times call for extraordinary measures—even if those measures sidestep the democratic institutions designed to protect public interest.

The creation of the Games Independent Infrastructure and Coordination Authority (GIICA), empowered to sign off on Olympic developments without reference to courts, councils, or existing planning legislation, is the most tangible expression of this trend. It concentrates authority in a new body designed to be fast, insulated, and largely unaccountable. The removal of public appeal rights, the exclusion of community consultation, and the shielding of decisions from judicial review all point to a **model of governance that prioritises speed and centralised control over deliberation and democratic input**. The logic is not unfamiliar; it is the logic of exceptionalism, where a supposedly higher purpose—the Games—becomes the rationale for bypassing ordinary law and weakening democratic norms.

What makes this even more troubling is the clear alignment between these legislative changes and the interests of powerful private actors. The AFL and Cricket Australia, major beneficiaries of proposed stadium infrastructure, are not passive observers—they are active stakeholders in the shaping of these plans. When legislation is drafted in such a way that it delivers major public assets into the hands of politically connected sporting codes or opens up green public land to private residential development under the cover of Olympic legacy, it ceases to be democratic planning and begins to resemble **state capture**. State capture, defined as the process by which narrow private interests exert disproportionate influence over public policy for their own benefit, is not a distant threat in this context—it is a present reality.

When democratic institutions are bypassed, when spectacle substitutes for scrutiny, and when private interests help shape public law to suit their agendas, the result is a profound weakening of the democratic fabric. The POLA Bill does not just authorise Olympic construction—it authorises a governance model that subordinates public deliberation, legal accountability, and the rule of law to the imperatives of speed, optics, and elite interests. That is why it must be rejected.

2. Circumventing the Rule of Law

At the heart of the POLA Bill lies a deliberate and far-reaching attempt to circumvent the rule of law. This is not a technical or incidental by-product of the Bill—it is its design. By exempting Olympic-related developments from compliance with 15 cornerstone Acts, including the *Planning Act 2016*, *Environmental Protection Act 1994*, and *Queensland Heritage Act 1992*, the Bill establishes a two-tiered legal system: one where ordinary citizens and local projects must comply with rigorous assessment and consultation frameworks, and another where state-led mega-projects are immune. The principle that everyone is equal before the law is thus eroded, replaced by a regime where exemptions are granted not on the basis of legal merit or public good, but on proximity to political and economic power.

This **double standard** is thrown into sharp relief by the Bill's treatment of renewable energy projects compared to Olympic infrastructure. On the one hand, the Government proposes to slow down the approval process for renewable energy developments by requiring proponents to "build social licence" and demonstrate how their projects will deliver long-term benefits for affected communities. While fostering social licence is, in principle, a worthwhile goal, its introduction here functions as a regulatory brake on the very projects Queensland urgently needs to tackle the global climate crisis. In a state already grappling with destructive cyclones, floods, and rising temperatures, creating new hurdles for renewable energy approval—at precisely the moment when acceleration is needed—signals a deeply conflicted policy stance. Meanwhile, Olympic infrastructure is given the green light to proceed at breakneck speed, exempted from the very planning, environmental, and heritage laws that supposedly safeguard the public interest. The message is clear: when it comes to responding to the existential threat of climate change, the Crisafulli Government is happy to take its time. But when it comes to staging a spectacle for two weeks in 2032, there is no time to waste, no law too important to override, and no community voice too inconvenient to silence.

This affront to the rule of law is compounded by the Bill's **direct interference with the separation of powers**. In a functioning democracy, the legislature enacts laws, the executive implements them, and the judiciary ensures that both act within the bounds of legality. This balance is fundamental to safeguarding individual rights, preventing abuse of power, and maintaining public trust in the system. The POLA Bill disrupts this equilibrium by curtailing judicial oversight in matters related to Olympic infrastructure delivery. It removes rights to judicial review and appeals, except in narrow circumstances where jurisdictional error can be proven. In doing so, it neuters the role of the courts as a check on executive overreach and reduces legal redress to a technicality, rather than a meaningful avenue for public accountability.

The High Court of Australia has consistently warned against legislative attempts to create "islands of power immune from supervision and restraint." In *Kirk v Industrial Court of New South Wales* (2010), the Court held that **State Parliaments cannot pass laws that wholly shield administrative bodies from judicial scrutiny**. Yet this is precisely what the POLA Bill attempts to do. The Games Independent Infrastructure and Coordination Authority (GIICA), vested with expansive powers to approve or fast-track Olympic developments, operates in a legal vacuum—its decisions largely immune from community challenge or court oversight. The Bill's provisions do not merely sidestep established processes; they attempt to immunise a new class of planning decisions from any meaningful test of fairness, legality, or procedural propriety.

The justification offered in the Bill's Statement of Compatibility—that these changes are necessary to ensure Olympic infrastructure is delivered on time—cannot be accepted as a legitimate reason to suspend core democratic principles. The rule of law does not exist for convenience; it exists precisely to constrain power when it is tempting to override due process in the name of urgency or

expediency. When government decisions are placed beyond the reach of the courts, and when laws are selectively disapplied to benefit specific projects or agencies, the result is a diminished legal order in which compliance is optional for the powerful and obligatory only for the rest.

What the POLA Bill proposes is not simply a planning shortcut. It is a legal architecture for exceptionalism—a model of governance in which political imperatives trump legal consistency, where statutory rights are rendered conditional, and where the judiciary is sidelined. Such a departure from constitutional norms should not be passed over lightly. The rule of law and the separation of powers are not ornamental features of democratic government; they are its foundation. To compromise them in service of an Olympic deadline is to concede that our institutions are negotiable—and that is a concession no Parliament should make.

3. Curtailing Human Rights

The *Planning (Social Impact and Community Benefit) and Other Legislation Amendment* Bill 2025 constitutes a serious and systemic erosion of human rights protections in Queensland. It authorises Olympic-related developments to proceed without the need to comply with 15 cornerstone laws—including the Planning Act 2016, Environmental Protection Act 1994, and Queensland Heritage Act 1992—effectively stripping communities of the right to be consulted, to participate in decision-making processes, or to seek redress through the courts. The Bill explicitly curtails the right to a fair hearing by limiting who can challenge planning decisions or appeal development conditions, restricting access to independent judicial review. It removes requirements for public notification and consultation under planning law, thereby undermining the rights to freedom of expression and to take part in public life, both of which are protected under the Human Rights Act 2019.

The Bill's cultural heritage provisions introduce a diminished and time-constrained version of the standard management process, allowing the State to impose default cultural heritage plans if agreement with Aboriginal or Torres Strait Islander parties is not reached quickly enough. This disempowers Traditional Owners and erodes their right to maintain and protect connection to Country, in breach of section 28 of the Human Rights Act. Property rights are also weakened, as landowners may face new obligations—such as infrastructure levies or compulsory acquisition—without the full procedural protections that would ordinarily apply. Even the right to privacy is potentially affected by the loss of amenity and disruption caused by major construction projects that bypass environmental and health impact assessments.

While the Statement of Compatibility acknowledges that these provisions may limit rights to equality before the law, cultural freedom, property, privacy, public participation, and environmental integrity, it attempts to **justify them solely on the basis of administrative convenience and project delivery timelines**. This prioritisation of expediency over rights protection stands in direct contradiction to the promises of the Brisbane 2032 Human Rights Statement, and raises serious concerns about whether Queensland's democratic institutions are being subordinated to serve the political and commercial interests of a select few.

4. Negative Impacts and Consequences

The impacts of the POLA Bill are profound and irreversible, cutting across environmental integrity, cultural heritage, community rights, and democratic governance. By removing the requirement to comply with the *Environmental Protection Act*, the *Nature Conservation Act*, and the *Queensland Heritage Act*, the Bill enables the destruction of ecologically sensitive and culturally significant sites without assessment, oversight, or legal recourse. Victoria Park / Barrambin exemplifies what is at

stake: a site of profound importance to Traditional Owners—described as both a Songline and a massacre site—was promised to the public as a revitalised inner-city parkland under the $30 million Victoria Park Master Plan. That promise is now imperilled. Under the Bill, this public green space may be carved up, paved over, and partially privatised to meet construction timelines for the 2032 Olympics, with no requirement for heritage protection or community consultation. Once lost, this cultural and ecological value cannot be reclaimed.

The Bill also comes at a time when Queenslanders were promised a different Olympic legacy—one grounded in environmental sustainability, community benefit, and accountability. As outlined in my recent article[1] for *The Conversation*, the Brisbane 2032 organisers have already **walked back their commitment to delivering a "climate positive" Games**, a defining pledge that was central to winning public and political support. The POLA Bill accelerates this retreat by removing obligations to assess environmental impacts, manage carbon emissions, or mitigate biodiversity loss. No serious legacy can be built on exemptions, shortcuts, and the suspension of rights. What is being created instead is a developer's Olympics: a fast-tracked construction agenda, detached from the community and delivered in legal isolation, that transfers public land and resources into private hands under the guise of global prestige.

This is not only a betrayal of the promises made to the people of Queensland; it is a profound shift in the values that are meant to underpin the Olympic project. The Games were sold as an opportunity to uplift communities, celebrate culture, and advance sustainability. This Bill does the opposite. It weakens environmental laws, ignores heritage protections, removes avenues for community input, and concentrates power in a central authority insulated from judicial review. It privileges speed and spectacle over substance and legacy. The result is a planning regime that not only fails to safeguard Queensland's land, water, and culture—it actively places them at risk. This is the real legacy the Bill threatens to leave behind: a city reshaped not through vision and inclusivity, but through expediency, exclusion, and irreversible loss.

5. Case in Point: The Victoria Park Stadium Artist Impression Already Deceiving the Public

We need more public scrutiny, not less, when it comes to decisions that will permanently reshape our city. A clear case in point is the artist impression released by GIICA for the main stadium. This rendering is a **masterclass in bedazzlement**—an image so carefully staged and aesthetically pleasing that it distracts from the real and irreversible consequences it hides. It shows a stadium nestled harmoniously among mature gum trees, as if it could simply materialise in the park without noise, dust, concrete or loss.

But what it omits is even more telling: the extensive tree clearing, the vast construction footprint, the required plazas and evacuation zones, the 30-metre elevation change that demands deep cuts and retaining walls, and the concrete-heavy Olympic infrastructure that will dominate the landscape for years.

This kind of visual misdirection is not innocent—it is political, it is deceiving, and it misleads the public in thinking they can have their cake and eat it too. It shapes public perception before a single

[1] https://bit.ly/brisbane2032

development application is lodged. And now, under the POLA Bill, those very applications could proceed without the required checks, balances, or public input.

If the government has to dismantle Queensland's core planning and environmental safeguards to push this through, and justify it using renders that mislead the public, it's not a sign of vision—it's a red flag.

6. Recommendation

Instead of fast-tracking a deeply flawed plan through legislative shortcuts, the Queensland Government should pause and subject the Victoria Park proposal to the full rigour of proper planning, transparent public consultation, and independent review. At a minimum, a comprehensive and publicly released business case, detailed environmental impact assessment, and genuine community engagement process should precede any irreversible decisions.

There are multiple lower-impact alternatives that deserve proper assessment—such as Northshore Hamilton, Woolloongabba, Albion Park, Doomben, and Mayne Yard—all of which are previously developed sites with far fewer environmental trade-offs than building on inner-city parkland. Reusing or upgrading existing venues, as most recent Olympic host cities have done, would also offer a significantly lower-carbon, lower-cost path forward.

If Brisbane 2032 is to deliver a true legacy, it must be based not on bedazzling renders and bypassed laws, but on trust, transparency, and respect for the people and places that make this city worth celebrating.

Sincerely,

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