

Energy Roadmap Amendment Bill 2025

Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable David Janetzki MP

The policy objectives of the amendments during consideration in detail of the Energy Roadmap Amendment Bill 2025 (ACiDs) are to:

1. Repeal the *Forest Wind Farm Development Act 2020* (FWFD Act).
2. Provide consequential amendments to the *Land Act 1994* (Land Act) and the *Forestry Act 1959* (Forestry Act) to give full effect to the repeal of the FWFD Act across the statute book.
3. Provide amendments to the *State Development and Public Works Orders Act 1971* (SDPWO Act) for the continuation of the State's compensation protections under section 57 of the FWFD Act following its repeal.
4. Provide amendments to ensure that the SDPWO Act has regulation making power relevant to the Forest Wind Farm development and the FWFD Act following the repeal of the FWFD Act.

In 2025, the Queensland Government announced its intention to repeal the FWFD Act following a re-evaluation of the Forest Wind Farm project (project) by the Department of State Development, Infrastructure and Planning.

The project was re-evaluated after the State was advised of a material change in proponent within the Forest Wind Holdings joint venture. The outcome of this re-evaluation was that the proposal would no longer proceed under the Exclusive Transactions framework.

Subsequently, the government moved to repeal the FWFD Act, through the introduction of the ACiDs, as this project-specific legislation, which provided the necessary legislative framework for the project to proceed, is now redundant.

At the time of its introduction in 2020, the FWFD Act made amendments to the Land Act and Forestry Act to exempt the project from, or to modify, certain provisions within these Acts to enable the project to proceed within State forests and to co-exist with a plantation license. To give full effect to the repeal of the FWFD Act across the statute book, the ACiDs provide consequential amendments to the Land Act and the Forestry Act to remove references to the project and the FWFD Act from these Acts.

The ACiDs make amendments to the SDPWO Act to provide for the continuation of the function of section 57 of the FWFD Act following repeal. Section 57 of the FWFD Act provides that no compensation is payable by or on behalf of the State to a person in relation to the enactment or operation of the FWFD Act irrespective of anything contrary in another Act or law, or a plantation license or plantation sublicense. The ACiDs propose to amend the SDPWO Act to retain the function of section 57 of the FWFD Act to expressly exclude the State from any liability to pay compensation in relation to the project following the repeal of the FWFD Act.

The ACiDs will amend the SDPWO Act to provide this Act with regulation-making power relevant to the project to enable the government to respond effectively to any unforeseen or unintended consequences following the repeal of the FWFD Act.

Achievement of policy objectives

The ACiDs will achieve the abovementioned objectives by:

- amending the following section of the Land Act
 - Section 287 – **Omit** note s.287(1), note
- amending the following sections of the Forestry Act
 - Section 26(1A) – **Omit** s. 26(1A), note 2
 - Section 32C – **Omit** s. 32C(2)(c)
 - Section 61RI – **Omit** s. 61RI(2)
 - Section 73 – **Omit** the reference to an access licence or project lease under the FWFD Act from s. 73(1)
 - Section 73B – **Omit** s. 73B(2)(d)
 - Section 73D – **Omit** s. 73D(3)(b)(ii)
 - Section 73F – **Omit** s. 73F(3)(b)
 - Schedule 3 (Dictionary) – **Omit** the following definitions from schedule 3 – development agreement, project area A and proponent
- amending the SDPWO Act to
 - Create new Part 9 Division 10 to – **Insert** subdivisions repealing the FWFD Act, saving the operation of s. 57 of the FWFD Act, and providing transitional regulation-making power relevant to the FWFD Act.

Under the legislative framework at that time, the Forestry Act prohibited the grant of tenure in State forests which were inconsistent and incompatible with the Forestry Act. Under the Forestry Act, State forests comprising native and plantation forestry are to be permanently reserved for the production of timber and associated products in perpetuity.

The Forest Wind Farm project development would include extensive clearing of plantation forest, such that ongoing forestry and plantation licence activities could not reasonably continue concurrently with wind farm use. The Forest Wind Farm development was considered to be inconsistent and incompatible with the Forestry Act.

The exclusive function of the FWFD Act was to create a legislative framework to provide tenure within the Toolara, Tuan and Neerdie State forests to enable a proposed major renewable energy project to occur while coexisting with the extant plantation licence.

Following the re-evaluation of the project and subsequent ending of the exclusive transaction process, the legislative framework established by the FWFD Act is no longer necessary and the FWFD Act is to be repealed on the basis that the purpose of the FWFD Act is redundant.

Future wind farm developments are supported by the *Planning Act 2016* including the *Planning (Wind Farms) Amendment Regulation 2025* and the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025*. As such, the repeal of the FWFD Act does not prohibit wind farm developments and does not change that such projects are subject to assessment standards set out in these statutory instruments.

Alternative ways of achieving policy objectives

There are no relevant alternative ways of achieving the stated policy objectives of repealing the FWFD Act.

Estimated cost for Government implementation

As the repeal of the FWFD Act is machinery and deregulatory, and no agreements or licenses had been executed under the FWFD Act, there are no appreciable costs for government implementation of the repeal.

Consistency with fundamental legislative principles

The repeal of the FWFD Act is consistent with fundamental legislative principles (FLPs).

Broadly construed, FLPs provide that legislation exists to achieve an intended policy objective, and that laws have due regard to the rights and liberties of individuals and the institution of Parliament.

When an Act's purpose has been fulfilled, abandoned, or is no longer achievable, continuing the legislation can be inconsistent with the broad constitution of these principles. As such, ending the operation of spent or redundant legislation is consistent with the rule of law and the underpinnings of parliamentary democracy, which fundamental legislative principles are designed to preserve.

Additionally, providing for regulation making powers relevant to the FWFD Act to be time-limited to 12 months following assent ensures that this provision has sufficient regard to the institution of Parliament and is compliant with section 4(4) of the *Legislative Standards Act 1992*.

Consultation

Given that the repeal of the FWFD Act is considered machinery in nature – focused on removing redundant legislation, is deregulatory, and does not impose any new regulatory burden, nor does it affect existing rights, obligations, or operational frameworks, no public or formal consultation was undertaken in relation to the repeal. The public was notified of the government's intention to repeal the FWFD Act via media release on 1 September 2025.

Consistency with legislation of other jurisdictions

The FWFD Act is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another state. Other jurisdictions within Australia as well as the Commonwealth have legislation related to the general development and operation of wind farms. The repeal of the FWFD Act does not adversely affect or otherwise impact other provisions related to wind farm development or operation in Queensland or any other jurisdiction.

Notes on provisions

Part 3A: Amendment of State Development and Public Works Organisation Act 1971

Clause 72A provides that this Act amends the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

Clause 72B amends the heading of Part 9 of the SDPWO Act to reflect the repeal, transitional and declaratory clauses of this Act.

Clause 72C inserts a new Division 10 into Part 9 of the SDPWO Act, which:

- repeals the FWFD Act following the re-evaluation of the Forest Wind Farm project (project) by the Department of State Development, Infrastructure and Planning and conclusion of the project progressing under the Exclusive Transactions framework.
- creates new transitional and declaratory provisions that continue the function of s57 in the FWFD Act that no compensation is payable by or on behalf of the State in relation to the repealed Act.
- Provides a transitional, time-limited regulation-making power, to enable the government to respond effectively to any unforeseen or unintended consequences following the repeal of the FWFD Act.

Schedule 1 (Other amendments) – Forestry Act 1959

Clauses 1 – 10 omit references to the FWFD Act and associated definitions from that Act.

Schedule 1 (Other amendments) – Land Act 1991

Clause 1 omits references to the FWFD Act from the relevant section (s287(1)) of that Act.