

Mineral and Energy Resources and Other Legislation Amendment Bill 2024

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Mineral and Energy Resources Other Legislation Amendment Bill 2024

Submission to the Clean Economy Jobs, Transport and Resources Parliamentary Committee

2 May 2024



The Queensland Renewable Energy Council works with industry, communities and all levels of government to deliver a thriving renewable energy sector for Queensland.

We are a not for profit industry body that represents solar, wind, pumped hydro, electricity transmission, battery storage and hydrogen proponents, operators and their suppliers.

Our role is to be a leader in policy development and connecting stakeholders to build a clean, reliable and affordable energy future where Queensland communities prosper.

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Introduction

The Queensland Renewable Energy Council (QREC) welcomes the opportunity to provide comment on the *Mineral and Energy Resources and Other Legislation Amendment Bill 2024* (MEROLA Bill).

QREC is a not-for-profit organisation that is focused on providing policy leadership and advocacy on matters relating to the development and operation of renewable energy projects in Queensland. We act in the best interests of our members in policy areas including social licence, co-existence, health & safety, environment, planning, assessments and approvals. QREC's vision is to connect and collaborate with stakeholders to build a clean, reliable and affordable energy future where Queensland communities prosper.

While the content of the MEROLA Bill is extensive, the majority of the Bill is of limited relevance to the renewable energy industry, hence this submission focusses on Part 4 in relation to amendments to the *Gasfields Commission Queensland Act 2013* (GFCQ Act) and Part 7 with regards to proposed amendments to the *Land Access Ombudsman Act 2017* (LAO Act).

1.0 Part 4 Amendment of the GFCQ Act

QREC is pleased to see the introduction of amendments to expand the remit of the GasFields Commission to the renewable energy industry and has advocated for this approach in its submissions to the *Renewable (Energy Transformation and Jobs) Bill 2023* and the *Clean Economy Jobs Bill 2024*.

As per previous submissions and comments in relation to the expanded remit, QREC believes the newly renamed Coexistence Queensland will require a change in focus with the inclusion of the renewable energy sector as the fundamental land use rights and land access process are significantly different between the resource and renewable energy industries. It will be important Coexistence Queensland is adequately funded and resourced so as to be able to expand its focus to the renewable energy sector and ensure it is effective in the role it is now being asked to perform.

QREC offers the following comments in relation to specific aspects of the proposed amendments.

1.1 Clause 14 Amendment of s3 (Purpose)

The amended purpose of the GFCQ Act is proposed as, “.....to establish Coexistence Queensland to manage and improve the sustainable coexistence of landholders, regional communities and the resources industry and the renewable energy industry”.

It is not clear from the proposed amended wording whether Coexistence Queensland will seek to manage and improve coexistence between landholders, regional communities, and a second, amalgamated group being the resources industry and the renewable energy industry, or three distinct groups, being: landholders and regional communities; the resources industry; and the renewable energy industry.

QREC supports Coexistence Queensland undertaking its key functions across coexistence between all three sectors identified in the proposed purpose, and suggests minor wording and/or typographical amendments are required

to ensure appropriate distinction between the resources industry, and the renewable energy industry, reflective of each industry's very different access rights, drivers and potential impacts.

For example:

...to establish Coexistence Queensland to manage and improve the sustainable coexistence between:

- *landholders and regional communities; and;*
- *the resources industry; and/or;*
- *the renewable energy industry."*

1.2 Clause 16 Replacement of S7 (Functions)

QREC supports the amended functions as proposed in the MEROLA Bill.

1.3 Clause 18 Amendment of S9A (Appointment as Member)

QREC welcomes the inclusion of, "a member who has knowledge of, or experience with, the renewable energy industry;....."

Further to this requirement, QREC would suggest that the member should have specific experience with the renewable energy in Queensland. The Queensland policy setting for renewable energy is significantly different than other jurisdictions in Australia and the specific coexistence issues that are and may arise are also different due to both the different policy settings and the differing experiences of communities in Queensland with other industries, such as the mining and gas sectors.

The renewable energy industry is also reasonably diverse with multiple forms of generation, transmission and storage aspects all being relevant. Ideally, a renewable energy member of Coexistence Queensland would have experience across multiple areas of the renewable energy industry in Queensland or, alternatively, multiple members with relevant experience may be required.

Given the expanded remit, it would also be beneficial to ensure there is equal resources and renewable energy representation in members of Coexistence Queensland. It may be that more than one member with experience in each sector is required to reflect the diverse nature of both the renewable energy and resources industries.

1.4 Clause 25 Replacement of S29 (Gasfields Community Leaders Council)

QREC is supportive of the establishment of a Community Leaders Council (or councils) as proposed in the MEROLA Bill.

However, QREC notes that there are numerous consultative committees, leaders councils and reference groups currently proposed as part of the renewable energy transition in Queensland and required by various documents, policies and legislation such as the recently passed *Renewable (Energy transformation and Jobs) Act 2024*, the *Queensland Renewable Energy Zone Roadmap* and the *Regional Energy Transformation Partnerships Framework*.

While not a specific issue for the MEROLA Bill, the community engagement and consultation space for renewable energy is becoming increasingly complex and

there is significant potential for both community and industry confusion and fatigue as a result.

Given the diverse geographical spread of the renewable energy industry in Queensland and the differing priorities and needs of various communities and regions in which the industry operates, it is likely that more than one Community Leaders Council will be required and this has the potential to exacerbate the issue of engagement fatigue.

Ideally, QREC would like to see greater coordination across government departments and intertwining/interconnected policies, legislation and frameworks that relate to the renewable energy industry so as to provide greater clarity and a simplified approach for both communities and the renewable energy industry. A coordinated regional engagement framework and program could then be devised so as to minimise engagement fatigue and ongoing consultation impacts upon communities.

1.5 Clause 30 (insertion of a new pt 7, div 2 (Transitional Provisions))

QREC notes that s53 in this part has provision for existing Commissioners to continue as a member of Coexistence Queensland until the persons appointment as a member ends under the Act. The clause also has s54 which states that the Minister may, within one year of the commencement of the Act, remove an existing member from office.

While the intent of these transitional provisions is understood, QREC seeks that at least one member with relevant Queensland renewable energy experience is appointed to Coexistence Queensland in a timely manner.

As mentioned earlier in this submission, QREC supports the work of the soon to be renamed Coexistence Queensland and welcomes the expansion of the remit to renewable energy and wishes to see renewable energy representation in the governing arrangements of Coexistence Queensland as soon as practically possible. Given the differences between the resources and renewable energy industries in terms of access rights, drivers, connecting infrastructure and impacts (to name a few), it is important that Coexistence Queensland has the right balance of Board members, resources and experience to adequately and effectively perform its additional functions as soon as possible. QREC further believes that the resources and renewable energy industries should be equally represented as members of Coexistence Queensland.

2 Part 7 Amendment of the LAO Act

QREC notes the proposed amendments to the role of the Land Access Ombudsman (LAO) in relation to its consideration of agreements and disputes in relation to the resources industry.

The recently released *Australian Energy Infrastructure Commissioner – Community Engagement Review* (AEIC Review) contained recommendation five which recommended (in relation to the renewable energy industry) that the, “*State and Territory governments to establish and implement a new ombudsman function focussed on handling complaints about the prospecting, development, construction,*

operation and decommissioning of renewable energy generation, large scale storage and new transmission infrastructure".

In relation to this recommendation in the AEIC Review, QREC would support the expansion of the LAO to consider similar complaints and concerns for the renewable energy industry in Queensland as it currently does for the resources sector. The scope and specific remit for the LAO in relation to renewable energy would require further consideration as having an ombudsman consider any type of grievance or complaint. The suggestion in the AEIC review was a very broad responsibility and seemed of limited value.

A more beneficial approach may be to limit the scope of any such consideration to complaints associated specifically with the negotiation and execution of agreements with host landholders of renewable projects, similar to what currently occurs with the LAO in relation to Make Good Agreements and Conduct and Compensation Arrangements with the resources industry. It would be a potential waste of LAO resources to be considering community complaints or complaints regarding the existence or otherwise of a neighbouring renewable energy development. Addressing these types of concerns would be better dealt with through the planning and approvals process and could be assisted by the newly expanded remit of Coexistence Queensland through its education and information programs.

It would also be necessary to clarify the role of the AEIC if this approach was to be adopted. Currently, the AEIC has a specific role to receive and refer complaints from concerned community residents about renewable energy projects. Although the suggestion for an ombudsman has come from the AEIC report, it would seem an unnecessary confusion to have both a State Ombudsman and the AEIC playing a role in complaints management and review.

In relation to the proposed amendments in the MEROLA Bill, should the LAO have a role in the renewable energy industry in the future, QREC does not support the base funding of the office of the LAO via a levy upon industry. While a fee for service (described as a *cost recovery fee* in the MEROLA Bill) upon industry is considered justifiable, it is QREC's belief that the base funding of the office should be provided from government.

3 Miscellaneous considerations

3.1 Adequate funding and resourcing

QREC seeks assurances that there will be adequate resourcing for the broadened remit of Coexistence Queensland so as to ensure it has the necessary expertise and funds to successfully consider coexistence issues that may pertain to the renewable energy industry.

When compared to the resources industry, the renewable energy industry can and will occur over a large geographical area of Queensland and will involve localities and regions not previously of much relevance to the GFCQ. There are also fundamental differences in access rights, approvals processes and impacts as mentioned earlier in this submission.

Increased resources, funds and expertise will be required if Coexistence Queensland is to perform its broadened remit effectively.

3.2 Consultation on the MEROLA Bill

QREC notes the extremely short timeframe provided for consideration of the MEROLA Bill and provision of submissions to the Clean Economy Jobs, Resources and Transport Parliamentary Committee.

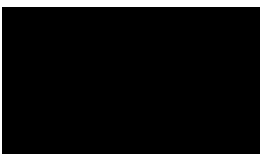
While the elements of the MEROLA Bill relevant to the renewable energy industry are limited, the timeframes allowed from introduction of the MEROLA Bill to the provision of a report from the Parliamentary Committee are extremely short and do not allow adequate time for proper consultation on the Bill with QREC members.

QREC does not believe that such a short consultation period provides adequate time for relevant stakeholders to fully analyse and comment on proposed legislative amendments, particularly in the absence of an exposure draft ahead of the Bill's introduction. QREC is concerned that such short timeframes do not allow for proper due process in relation to the consideration of draft legislation.

Thank you for the opportunity to provide comment on the MEROLA Bill. In summary, QREC is supportive of Part 4 of the Bill and welcomes the expansion of the remit of the GasFields Commission to the renewable energy industry and the change of its name to Coexistence Queensland. As per this submission, QREC would also support an appropriate expanded remit of the LAO to the renewable energy industry.

I look forward to discussing the details of our submission and would welcome the opportunity to further discuss the matters raised with the members of the Clean Economy Jobs, Resources and Transport Committee. The QREC contact on this submission is Andrew Brier, who can be contacted on [REDACTED] or [REDACTED]
[REDACTED]

Sincerely,



Katie-Anne Mulder

**Chief Executive Officer
Queensland Renewable Energy Council**

