STATE DEVELOPMENT, INFRASTRUCTURE AND WORKS COMMITTEE

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Ms JM Bush MP
Mr TA James MP
Mr D Kempton MP
Mr CG Whiting MP
Mr BJ Mellish MP

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PUBLIC HEARING—INQUIRY INTO THE PLANNING (SOCIAL IMPACT AND COMMUNITY BENEFIT) AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Tuesday, 3 June 2025

Brisbane

TUESDAY, 3 JUNE 2025

The committee met at 10.00 am.

CHAIR: Good morning. I declare open this public hearing for the inquiry into the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025. My name is Jim McDonald. I am the member for Lockyer and chair of the committee. With me here today are: Ms Jonty Bush, member for Cooper and deputy chair; Mr Terry James, member for Mulgrave; Mr David Kempton, member for Cook; Mr Bart Mellish, member for Aspley; and Mr Chris Whiting, member for Bancroft, who is substituting for the member for Kurwongbah.

The purpose of today's hearing is to assist the committee with its examination of the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025. The bill was referred to this committee for detailed consideration and report. This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphones on before you start speaking and off when you are finished, and please turn your mobile phones off or to silent mode.

HAYTER, Ms Frances, Director, Sustainability and First Nations, Queensland Renewable Energy Council

MULDER, Ms Katie, Chief Executive Officer, Queensland Renewable Energy Council

STINSON, Ms Tracey, State Director—Queensland, Clean Energy Council

CHAIR: I invite you to make a short opening statement before the committee has questions for you.

Ms Mulder: Good morning, committee members. Thank you, Chair and Deputy Chair. I am Katie Mulder. I am the CEO of the Queensland Renewable Energy Council. I am joined by Frances Hayter, our Director of Sustainability and First Nations. I begin by respectfully acknowledging the traditional custodians of this land, the Yagara and the Turrbal people and their ancestors and elders past and present, and their continuing connection to land, waters and sky.

The Queensland Renewable Energy Council, QREC, is Queensland's peak state body for renewable energy, advocating for policy that supports the responsible development and operation of renewable projects across the state. While QREC supports the intent of the bill, particularly the focus on community engagement and benefit sharing, we do not support the passage of the bill in its current form. We would like to emphasise that we are here today to discuss the workability of the bill rather than the industry and QREC's 100 per cent support for impact mitigation and community benefit.

I would like to outline three areas of our submission today. The first is lack of policy integration. The proposed amendments seem to be advanced in isolation, without alignment to a whole-of-government energy policy. We support recommendation 2 of the Local Government Association of Queensland's submission, which calls for a coordinated, cross-agency approach to renewable energy development. The Draft Renewables Regulatory Framework, released in December 2024, proposed exactly this, yet these legislative reforms appear to have proceeded independently of that process, without adequate explanation or engagement.

The bill's explanatory notes make no reference to that earlier consultation or substantial submissions that were received by many of the stakeholders that are to appear today. QREC believes that major reforms affecting the renewable energy sector must be clearly aligned with the forthcoming

Queensland Energy Roadmap, due by the end of this year. Without this coordination, Queensland risks its legislated emissions reduction targets and, more critically, its core promise to Queenslanders for affordable, reliable and sustainable energy.

There is also inconsistency with other land use frameworks. We align with the mining industry in noting that the proposed social impact assessment and community benefit agreement requirements are not consistent with how social impacts are managed in the resources sector. Submissions from AMEC, the Queensland Law Society and others point to existing legislative tools that could better achieve the bill's goals. QREC has developed a developer toolkit outlining leading practice standards for community engagement and benefit sharing already being applied by industry leaders. I have a copy here today and it is also available online. The practices outlined in the toolkit support the bill's objectives but through practical and tested mechanisms that were co-designed with our key stakeholders including AgForce and the Queensland Farmers' Federation. With meaningful early engagement, including through the Draft Renewables Regulatory Framework or an initial advice statement, as per the government's own Better Regulation Policy, more balanced and consultative outcomes could have been achieved.

Lastly, I refer to the timing and structure of the social impact assessment and the community benefit requirements. We are particularly concerned by the requirements to complete an SIA and a CBA before lodging a development application. This approach is unprecedented. We recommend that these be embedded within the DA assessment process, in line with other jurisdictions and the resources sector. This would avoid prematurely binding landholders, reserve local government resources for credible projects, enable a more integrated, staged process aligning CBAs, impact assessment and conditioning. The bill also misses the opportunity to address cumulative regional impacts and benefits, as outlined in the Queensland Farmers' Federation submission.

In this context, and in light of the submissions, particularly from local governments, we request the committee's permission to table a supplementary submission today. This submission outlines an alternative models for integrating SIAs and CBAs as well as a proposed state assessment pathway for battery energy storage systems, BESS, which is another issue that was consistently raised through the submissions in this process. I have here the supplementary submission to be tabled.

QREC and our members remain committed to working constructively with government. The transitional provisions for impact assessable renewable projects through the mandatory requirements for consultation present a valuable opportunity to work through practical implementation of CBAs in partnership with local government, industry and community stakeholders. The recommendations in our submission are grounded in achieving practical, workable solutions that align with the government's broader policy objectives. We welcome your questions.

CHAIR: Frances or Tracey, do you want to add anything at the moment?

Ms Hayter: Not at the moment.

CHAIR: Thank you. It is customary that the deputy chair gets the first question. Deputy Chair?

Ms BUSH: Thank you, Frances, Katie and Tracey for coming in today. I think this question will have a yes-or-no answer. Were you consulted in the development of this bill or these reforms prior to the bill's introduction into parliament? If not, do you believe that the relevant department, being the department of energy, which sits in Treasury, should be required to attend these public hearings and to be on the record about the development of the policy?

Ms Mulder: We were not consulted in the development of the bill. However, we would love to be part of those discussions. Obviously, being the target industry, we believe that there are some practical solutions that we can work through. We also agree that there should be some representation from Treasury and Energy, given our statement that we would like to see the impacts to reliable, affordable, sustainable energy for Queensland.

CHAIR: Member for Cook for the next question?

Ms Stinson: Sorry, Mr Chairman, I do actually have an opening statement. I just want to add to Katie's comment. No, we were not consulted. We were given a briefing, but we were certainly not consulted. If I may just read a brief statement?

CHAIR: That would be great.

Ms Stinson: Good morning. My name is Tracey Stinson and I am the Queensland state director for the Clean Energy Council. The Clean Energy Council is the peak body for renewable energy in Australia, representing around a thousand members across all aspects of the renewable energy supply chain including many operating here in Queensland.

While I understand that this is a planning bill, it cannot be separated from the wider industry impacts this will have. I acknowledge that our industry has not always gotten everything right when it comes to our community engagement and benefit sharing, and that is why we agree with the intent of these changes.

Since 2020, clean energy has delivered some $40 billion of investment across Australia including almost $12 billion here in Queensland. Queensland has to date been considered the state of choice for investment in clean energy. We have some of the best renewable energy resources in the world right here, so we need a planning framework that will enable industry to proactively work with host communities and government to ensure the rollout of renewable energy is fair and timely and delivers legacy scale benefits and economic opportunities for regional Queensland. Retrospective legislation, burdensome red tape and absently defined and ambiguous processes will put Queensland's energy security at risk, as well as the jobs and investment that can come from this once-in-a-generation opportunity. Sadly, in its current form, this legislation will be a major handbrake on all of the above.

Specifically, we have the following concerns: the role of local government as both beneficiary and decision maker and its limited resources to fulfil this role; the lack of clarity around the mediation process and the role of the chief executive of the department; the lack of detail on the level and distribution of community benefits; the absence of First Nations engagement in these processes; the threshold for large-scale solar projects which is too small, at one megawatt; the retrospective application of social impact assessment and community benefit agreements to projects that have already been submitted for assessment; and the limited, one-sided and rushed timeframes for submissions and consultation, which is in direct conflict with the government's own best practice regulation guidelines.

As I mentioned, our industry has not always gotten this right, but the bill in its current form will not improve the situation. I urge the parliament not to support the bill but to accept our recommendations and take the time needed to work with industry and local government to arrive at a more pragmatic and effective means of improving community engagement and benefit sharing. Like other submitters, we also want to see clear and transparent consultation on projects that benefit communities and help deliver cleaner, more affordable energy for Queensland. These are not mutually exclusive outcomes.

Supporting this bill is likely to drive billions of dollars of investment interstate, leaving Queensland with aging and expensive energy generation which will disproportionately impact regional Queensland communities. Thank you for listening and I look forward to the questions.

CHAIR: Thank you, Tracey. Member for Cook?

Mr KEMPTON: Katie, I have a press release that says—

As made clear by stakeholders across Queensland—farmers, councils, miners and legal experts et cetera—this Bill must be substantially amended or withdrawn.

It appears to be in response to our committee hearings in Rockhampton and Biloela yesterday, so I take it the council does not support this proposed legislation. Yesterday we met with three proponents—Ark, Cubico and Westwind—who had some issues around whether or not those conditions should be prerequisite or as a condition of the grant. We spoke to Isaac and Banana councils. We spoke to landholders in Rockhampton and 150 landholders in Biloela. Nobody did not have support for this bill, so it seems that you are on your own. I am interested in your comments.

Ms Mulder: I think you are referring to our media release that went out this morning. Thank you for reading that. Absolutely, we do not support the bill in its current form. We do feel that there are some significant amendments that are required to make the objectives of the bill more workable and practical, not only for our industry but also for other stakeholders. I understand that you will be speaking to Queensland Farmers' Federation and others later. Having said that, though, we 100 per cent support the intent of the bill, which is around better community engagement, participation and community benefits throughout the life of the project on a regional scale as well.

Mr MELLISH: This question is to Katie, but I am happy for you, Tracey, to chime in as well if you have a view. We heard yesterday about different approaches of whether you do a community benefit agreement before or after the DA is lodged, and we heard that New South Wales has a complicated system but at least there is certainty there. Is it workable or unworkable to do the legally binding community benefit agreement before the DA is lodged, in what is proposed in the bill?

Ms Mulder: I might start and then refer to my colleague from the Clean Energy Council who manages overall, from a national perspective, other jurisdictions, so that comparison will be useful. Our supplementary submission that we have provided today suggests further detail through the

community benefit arrangement as well as the social impact assessment. Overall, our view is that those two components should be developed through the development assessment process, given that it is identifying risks, managing risks and conditioning impacts of projects. It should be done through that process. Then on the back end of that, the community benefit agreements are not about offsetting project impacts; they are about going above and beyond, identifying the other benefits the community would like to see within their community for long-lasting regional economic development.

Ms Stinson: I will add to that, if I may. The issue with having the social impact and the community benefit agreement before lodgement for assessment is that these projects often develop over time, and if you are doing that prematurely, before you have really fully scoped and taken on board submissions and made amendments to the project, you could be overstating or understating your community benefit agreements. I think it is probably better to wait until you are into the assessment process where the scope of the project is perhaps more clearly defined.

Ms Hayter: Obviously, the development approval process is not wholly contained to Queensland. We all know about the EPBC Act, and those processes can take two, three or four years, so you do not know what the Commonwealth government is going to come back with. They might want the project reduced by half, so there will be fewer trucks, fewer people building it—all those sorts of things. You cannot consider this legislation in isolation from the whole approval process.

Mr JAMES: The DA process is pretty unwieldy these days. Years ago, when it started off, you could set your watch by when it would start and finish. Now it is anyone's guess and it takes forever. Because you talked about the timing of the social benefits and the lack of detail, do you think it would be beneficial if there were some clear social benefits or details set [up-front—a policy set up-front, put together by the LGAQ or the ROC councils, for example—to support those smaller councils that do not have the capacity so that when the DA is lodged everyone has an expectation of what is coming?

Ms Mulder: Absolutely, and there are some examples that we can provide already that are leading from the front from certain regions. I was recently in Hughenden—I just got back on Sunday—and the Remote Area Planning and Development Board, RAPAD, have developed their own community benefit agreement up-front, so they have been very clear about what is the front door to develop within their region. It is not a project-to-project community benefit system; it is very much based on the region and is community led. What I like about that as well is that it is not just about renewables; it is about broader development coming into that region and what those expectations are.

The interesting thing about standardisation, though, is that what you see in Hughenden is very different to what you see in Biloela and different to what you see in Southern Downs. While there is a level of standardisation that we would absolutely support and would give our industry certainty—and we have outlined that in our supplementary submission—there are nuances in each region. Each region is different. Being able to have that community-led approach is absolutely something that we would support.

Mr JAMES: That is why I mentioned potentially the ROC, regional organisation of councils, because that would be peculiar to those areas. We acknowledge that one size does not fit all. Would something like that work, to set the policy?

Ms Stinson: I might jump in, if I may, Mr James. I have a career based on local government really, not the renewable energy industry, so I come from that world. I have particularly worked for regional organisations of councils in the Hunter and also in South-East Queensland. Going to Katie's point, I think the regional approach is far better. You will get legacy-scale benefits at that level. Individual projects are going to be limited in their capacity to deliver really significant benefits, but once you pool a number of projects and you work with the ROC through a number of councils you can really get legacy-scale planning and mitigation of cumulative impacts and benefits for that regional community.

Ms Hayter: Could I add one more thing, Chair? Apologies, as I know we are getting closer to time. Your question about consultation is really key, and that is why we are so concerned and why we feel that the bill has probably popped out the other side in the format it has, because we were not given any opportunity to consult on the bill. We were not given any opportunity to work with local governments on how we could make this bill look that would benefit most. The only reason you are asking that question, unfortunately, is that there was not that opportunity provided.

Mr WHITING: Does the bill result in renewable energy projects being assessed and approved in the same way as other land uses such as mining? Can you explain where the processes are the same or maybe different?

Ms Mulder: It is a very good question and a very complex question at the same time. The resources sector—and I note that our resources sector colleagues are presenting afterwards—are exempt from the Planning Act. They have their standalone piece of legislation. They come under the social impact assessment process as well as social impact management plans. However, the community benefit agreements are not a formalised, mandatory process for that industry. Having said that, there are very informal processes in the industry, which I am sure our colleagues can talk about later, which show broader economic benefit of their industry. We have prepared a table which looks at a comparison between the industries as set out. We do not have a tenure, however. Resources do. They have mandatory requirements for consultation and now so do we, and we absolutely support that. That is an absolute positive. I am happy to table this one.

Ms Hayter: While that is being tabled, I think the one fundamental difference is that you can apply before you have finished those documents. You have the right to get yourself into the system rather than having to defer it. That is pretty basic.

Ms Mulder: To ensure that it is a bona fide application.

CHAIR: Thank you for your presentation and thank you for your supplementary submissions. We will deal with those shortly. Obviously, this bill has been developed as a result of the lack of consultation. We heard from local governments and community members yesterday that have been very much impacted by the lack of social licence up until the prospect of this bill. There are good actors and bad actors in any situation. Mayor Neville Ferrier from Banana said, 'We are starting to see some change.'

I note your submission about getting the community benefit agreement before the DA. That, to my mind, is contradictory to the purposes of the bill, that they would be doing all this work to get a DA in and not bringing the community on the journey with them. By the 200 people present in Biloela yesterday, they are very angry about what is happening there. It seems to be contradictory to the benefits that the social impact and community benefit parts of this bill will deliver. Can you explain to me why there would be benefits? Surely, you are better off to bring the community on the journey with you.

Ms Mulder: We absolutely wholeheartedly agree that there should be community engagement and participation prior to a development application being lodged—absolutely. That is the behaviour and that is the process that we have outlined in our own toolkit which was released earlier this year and co-developed with our key stakeholders throughout the back end of last year, including the ag sector and others. We absolutely agree that that is leading practice, and where that does not exist we understand and we agree that that project is going to have some difficulties through the assessment process and going forward. You cannot bring the community along for the journey and understand their issues appropriately and address their issues and mitigate those without bringing them the whole way along. Our concerns are solely on being able to continue that engagement through the development assessment process and adjust as we identify issues through the impact assessment process.

CHAIR: Surely, though, what gets measured gets done. If you are just relying on a DA and having a clause in the DA which says you must bring the community along, that is miles away from where the project should be in terms of community engagement.

Ms Mulder: I would say that if the DA process through the Planning Act is not able to properly enable community engagement and participation in the process then the process is fundamentally flawed.

CHAIR: I would agree. In your submission you talk about 110 projects. Are they projects that are being assessed right now?

Ms Hayter: Not all of them are being assessed, but these are projects that are seriously on the books for potentially being progressed. We can take an obvious example: since the changes to the wind farm code at the beginning of February, there have been no wind farm applications. This is where even those projects that are not in assessment are being very cautious now about the environment they find themselves in.

Ms BUSH: I might have been at a different hearing, or I heard something different to the member for Cook. What I heard was in-principle support for the bill but some problems probably from everyone in the implementation of different aspects of the bill. Both QREC and the Clean Energy Council have suggested that the bill could create unnecessary risks, delays and costs, including stakeholder fatigue. Can you outline some of those risks, costs and concerns that you have for Queensland and particularly for Queensland's regions?

Ms Stinson: I think the issue of consultation fatigue is very real under this scenario. You have a situation where community and local government are expected to be consulted on the social impact assessment part of the process and for each individual community benefit agreement and then again throughout the DA assessment process. You are repeatedly asking the same people to provide their input. As my colleague has mentioned, definitely we need better transparency earlier. I think that is really important, and perhaps that is not where we have traditionally gone with the industry. That whole notification is important, but I think you need a process that is ongoing in order to engage the community along the way and to get the best outcome at the end without this repeated consultation for all of these steps.

Ms Hayter: Could I make one final point there? Part of the purpose and the package is that all solar and wind projects are impact assessable. There is a substantial community process being built in now, and already with wind, if they have concerns.

CHAIR: I note that there are two documents. One is a supplementary submission and the other is a table and other additions. Is the committee happy for those to be tabled? All are in favour. We will table those documents. Thank you, Katie, Frances and Tracey, for your time today. No questions were take on notice. Thank you very much and enjoy the rest of your day.

BARGER, Mr Andrew, Policy Manager, Australian Energy Producers

CHURCHILL, Mr William, General Manager, Corporate Affairs, Acciona Energy

KNUDSEN, Mr Keld, General Manager States & Territories, Director Qld, Australian Energy Producers

CHAIR: Good morning. Would you each like to make a brief opening statement before we have questions for you?

Mr Knudsen: Thank you, Chair. I would like to start by acknowledging the traditional owners of the land on which we meet this morning, the Yagara and Turrbal people. We pay our respects to their elders past, present and emerging. Thank you for the opportunity to make a submission and appear today on behalf of the members of the Australian Energy Producers on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill.

My name is Keld Knudsen. I am the general manager for states and territories and the Queensland director at the Australian Energy Producers. I am joined today by my colleague Andrew Barger. Andrew is our Queensland policy manager. Our association, Australian Energy Producers, represents companies that deliver both natural gas and low-emissions solutions across Australia, and our members recognise that the future integration of large-scale wind and solar will rely on firm dispatchable gas generation for our grid security.

We acknowledge that the bill is a broad-ranging and complex omnibus bill, but we contain our comments today and in our submission to the planning reforms proposed. We appreciate that the bill is intended to give regional communities a clear voice in the rollout of large-scale renewables. However, these consultation reforms have been developed with limited engagement with industry, which means some of the key assumptions have not been tested and practical implementation issues have not been fully explored. Our members are concerned about potential unintended consequences of the legislation, not just for renewables but across all assessments in Queensland. Our members are also interested in the role of local governments in assessing social impact for major projects and echo some of the comments made in the earlier hearings that local councils may not have the technical expertise or the capacity to make those sorts of determinations. That could impact on investment certainty and ultimately Queensland communities.

At the same time, we think the bill also presents an opportunity to provide some more consideration to a growing and often overlooked issue, which is the overlap between large-scale renewable projects and gas projects with existing tenure. We are seeing instances across Queensland where these proposals are progressing with limited notice with existing tenure holders, and these overlaps bring with them operational issues such as exclusion zones, constraints on development and a real risk of sterilising gas reserves. These reserves are critical for Queensland's energy security, state royalties and economic prosperity. These are the same gas fields that will firm the grid as renewables scale up and they currently deliver billions in royalties to the state. Gas and royalties must coexist, not compete, and that coexistence requires coordination.

On behalf of the Queensland petroleum industry, we offer three recommendations to the committee. The first is that the bill should recognise or include a requirement to have consultation between tenure holders before the development application stage is reached. Secondly, best practice management of overlapping resource interests would see renewables and gas companies sign an agreement with the overlapping resource tenure holders before lodging a development application. Encouragingly, I want to note that this work is already underway with Coexistence Queensland and the department. It is our position that this work should continue and that the government should undertake genuine consultation in accordance with Queensland's best practice regulation guidelines. Thank you for the opportunity to contribute today. I look forward to your questions.

Mr Churchill: Good morning, Chair and members of the committee. Thank you for the opportunity to speak with you today. My name is William Churchill. I am the general manager of corporate affairs at Acciona Energy. Acciona is one of Australia's leading renewable energy developers, builders, owners and operators, with almost two gigawatts of generation nationally. We have a 20-plus-year history in Australia and currently operate seven sites around the country—five wind farms in South Australia, Victoria and New South Wales and a further two projects in Queensland, including the MacIntyre Wind Farm on the Southern Downs and the Goondiwindi region, as well as the Aldoga Solar Farm located just outside of Gladstone. Our business generates electricity for customers across the country, creating new jobs in regional Australia and the economic development that comes with major projects.

Our two projects in Queensland are currently undergoing commissioning and will supply power to major energy users such as BHP and companies like Stanwell Corporation or, in the example of our partner at MacIntyre Wind Farm, Ark Energy, the zinc refinery at Sun Metals in Townsville. Beyond the provision of electricity to major business and industry, our Queensland projects provide significant economic development opportunities and benefits. For example, in September 2024 at the MacIntyre Wind Farm, 3.9 million hours worked on that project alone was by 30 per cent of locals originating from the area or within 125 kays of the project location. In the same period, we invested $854 million in work awarded to businesses within Queensland as part of the project. $225 million of this project was awarded to businesses with a regional presence. Similarly, our Aldoga Solar Farm has procured $150 million in works, services, waiver and supplies from businesses within Queensland. Our projects create great jobs, economic development and opportunities, and investment in local communities while providing an essential utility in Queensland and across the country. The totality of these projects should be the perspective from which we are perceiving this issue.

While we did not explicitly make a submission on the bill, we were encouraged to appear today given that the MacIntyre Wind Farm is the largest and most recently energised project in Queensland. Acciona Energy supports the intent of the bill, but we have issues with its elements; namely, around how the proposed community benefit agreement will work and the need for guardrails, structure and guidance around this. We believe that a thorough and full consultation process would have avoided these issues. We reiterate and support the views of councils about how the elements of this bill will work in practice and implore the committee to recommend amending the bill in line with the feedback that has been provided to you so far so that we avoid the unintended outcomes that would result from the bill as it currently stands. Thank you for your time today. I look forward to your questions.

Ms BUSH: I will address my two-part question to the Australian Energy Producers. Are coal, oil and gas projects currently required to enter into mandatory community benefit agreements with local communities as part of the planning or the approval process? The bill imposes mandatory community benefit agreements on renewable energy projects. Yesterday in the hearings we heard a lot from people that they would like to see consistency and an even playing field for all energy producers. Would you support oil and gas having that mandatory community benefit arrangement obligated on you as part of the pre-approval process?

Mr Knudsen: As a requirement of the social impact assessments that we do under the state development act, the CSG fields require large EISs that did have a component of social assessment requirements. There is not a mandatory requirement for community benefit agreements. We are invited to explore and produce on behalf of the state and most of that benefit comes back to the state in the form of royalties. That said, there is a lot of engagement already with local councils through voluntary and community benefit agreements that are made with local councils. A lot of that includes the benefits that are provided through the investment in the town but also through things such as the Heart of Australia. There is a lot of voluntary work that is undertaken. There is not a mandatory requirement there. That said, most of it is covered already through strategic impact assessments.

Ms BUSH: The second part of my question is: would you support a change in your legislation that would obligate you to do that mandatory community benefit assessment process before lodgement? If not, why not, and what would that actually do to your industry?

Mr Knudsen: For me, one of the key differences between the resources tenure and the process that we take under a renewable framework is that the state invites the oil and gas producers and resources operators to explore particular areas. Through that process, they engage with local governments and they shepherd us through that process. We are assessed at a state level. The process is done by the resources minister, the planning minister and the environment minister. Having a process that requires an additional agreement with the local council could create a disjointed approach for us so we would not support that. The benefit of the framework that we see from the resources process is that the government takes a role right up-front in order to determine who they think is the most appropriate operator of an area and shepherds us to engage with the local council through that process.

Ms BUSH: Would that be a better fit and a better process to adopt for renewables given we have now proposed parallel and disjointed processes, particularly for those who are looking at maybe a combination of gas and solar?

Mr Knudsen: It would certainly be very different to the framework we have at the moment. Basically, our tenure gives us the exclusive right to apply for more approvals in a particular area. The benefit of that that I see is that the local councils, communities and landholders know what entity they are working with. It is out there on the public record. I think there is a component of this around

bringing more data and more information forward. It is something that we are looking at already with some of our renewable energy colleagues and with the department, but it is a very different framework. It would need serious consideration to see if we could adopt that.

CHAIR: I note your comments about consultation. Were you invited to a briefing or information session with the department on 24 April?

Mr Knudsen: I cannot remember the exact date; my apologies. We were invited to a briefing before the legislation was made public but that was quite a short turnaround.

Mr KEMPTON: Gentlemen, the federal government's Capacity Investment Scheme provides income certainty to the renewables sector. On the one hand, there is an expectation of a contribution to power generation, reliability, emissions reductions and lower prices to be balanced against cost and affordability. I think that is pretty clear. There is also a commitment to community benefit and local content. Doesn't this legislation simply bring some guarantees around that social licence by way of a CBA? Secondly, irrespective of where that CBA might fall, before or after the conditions, is the industry prepared to provide performance guarantees in relation to the imbalance between landholders and large companies, and on decommissioning?

Mr Knudsen: Is that more of a question for William, perhaps?

Mr KEMPTON: I do not mind.

Mr Churchill: You are right: the Capacity Investment Scheme requires project proponents to offer contributions and suggestions of how it could work on local content, local projects, local employment figures and that kind of thing. The specific details and how they are binding is not finalised prior to the Capacity Investment Scheme being awarded. I think, within the context of the planning scheme that we are discussing here, you would propose those suggested ideas through a CIS tender and then negotiate and discuss those with councils over a period, but what is being proposed here is that we would have a community benefit agreement agreed to prior to submitting a development application. It can take years to come to a full understanding of what a project looks like and know the full details. That is why we support having a CBA being part of a secondary consent as a condition of your development approval, not as a prerequisite.

Perhaps I can illustrate that with one example of how long it does take for details to come about. When we first started looking at our local content and workforce commitments as part of the MacIntyre Wind Farm, we greatly underestimated the size that this project would entail. We thought we would have only 12 full-time employees required to operate that one-gigawatt wind farm. It is actually 35 to 40 full-time employees, so a dramatic increase. We underestimated what kind of workforce we would need. We thought we would need only 350 people to build it. On average, we were having about 500 people. The single biggest workforce requirement on a single day was 1,000 people; that is going from the Port of Brisbane all the way out to site. The workforce was much larger than we expected and it was good: we created more jobs.

To have a community benefit agreement set up before you apply would mean that we may not be able to capture that level of detail in our discussions with council and it may let things slip through the cracks. We may overlook options. It does take years for the answers and the detail to start to emerge. Therefore, we would recommend that the CBA be part of a condition on your development approval, not a prerequisite.

Mr KEMPTON: Would you guarantee it?

Mr Churchill: What we commit to in writing?

Mr KEMPTON: Absolutely.

Mr Churchill: Yes.

Mr KEMPTON: 'What was the performance guarantee?' was the question.

Mr Churchill: The performance guarantee to deliver on the CBA items? Yes.

Mr KEMPTON: And on decommissioning.

Mr Churchill: Decommissioning is part of the new requirements under the development approvals, the performance obligations and what you are required to do as part of your DA.

Mr WHITING: We heard from the earlier witnesses about there being little engagement or information about this bill and you have said there was an information session on 24 April, which was about a week before this massive bill was introduced. Who went to that and what was discussed at that information session?

Mr Barger: I guess I am echoing the conversations you have heard earlier this morning, and no doubt yesterday in the region as well, around the speed with which the bill was developed and the lack of input into it. It was an online briefing and my understanding is that there were three segmented briefings back to back for different sectors. We were in the resource briefing and there was us, AMEC and QRC. The three peak resource bodies had an opportunity of a one-hour briefing once we had signed non-disclosure agreements that we were not going to discuss the contents of our briefing with our members or anyone who was not in the meeting. I think to characterise that as consultation would be an overreach.

Mr WHITING: Was local government involved in one of the other two briefing sessions?

Mr Barger: No. We asked about the other processes, and the way the department characterised it was that they had been engaging with local government earlier on and this was sort of a catch-up opportunity for the other stakeholders.

Mr WHITING: Certainly there was no talk about an economic analysis or an impact statement or an impact analysis as part of this bill—the RIS?

Mr Barger: There were some questions about whether there would be a regulatory impact process or what was the problem statement, what was the bill designed to table? The answers made it abundantly clear that a bill was imminent. There had been a cabinet process and so it was very much a briefing. There was a prior announcement—not a prior announcement, because you were not allowed to tell anyone, but a heads-up that a process was going to drop very shortly. As you say, we saw it a week later tabled in parliament by the Deputy Premier.

Mr WHITING: I was trying to get clarity about who might have been at the other two sessions.

Mr Barger: The way it was characterised to us was that there was a renewable energy briefing and an agricultural briefing. I am extrapolating from the people who were at our briefing; you would assume it was also peak bodies.

CHAIR: I will go to the member for Mulgrave.

Mr WHITING: Chair, William was going to say something.

CHAIR: You wanted to add something, William?

Mr Churchill: Yes. We were not consulted. The public briefings were made available. The private briefings were not. The first we knew about it was when it was publicly available.

Mr JAMES: You spoke about the fact that your company has a lot of projects in other states as well. Could you give us a comparison of the process in the other states compared to Queensland or what is proposed in Queensland?

Mr Churchill: Yes, we have a number of projects in operations and in development, predominantly on the east coast but we are also looking at another major project in Western Australia. Queensland has for a number of years been the place to be to develop and build projects: highly qualified workforces, supportive policy, cooperative governments and enthusiastic local councils excited about the opportunities that these projects can bring. Process-wise, it is a bit different, as highlighted earlier, where environmental approvals are run out of Canberra whereas in New South Wales and Victoria they are done by the state.

The process in terms of where we go for consultation has been exactly the same. We publicly advertise our intents to develop a project in the area. We painstakingly go house to house, letterboxing, knocking on doors. We have a thorough and rigorous process about how we communicate with the community and we apply that process uniformly across every project that we develop around the country.

The difference that we are seeing here is that we are bringing a lot of this work forward and front-loading it when it does take years to assess a project—resource availability, how good it is, what is available to us and how we would deploy and build it. That is the challenge we face. In terms of the time for some of these projects to take them from the back-of-an-envelope project idea to a working wind farm, you could be looking at eight, nine or 10 years; it can take a very long time. Front-ending obligations when we do not have the detail extends that process out, makes the development program longer and introduces risk and uncertainty in how we go about trying to bring the project to fruition.

Mr JAMES: Do they have impact assessable applications in the other states for these wind farms?

Mr Churchill: I would need to take that on notice to see how exactly it is defined in the other states. I think the change from the code assessable in Queensland has been different. I would need to check the wording, I am sorry. I will take that on notice.

CHAIR: Surely, though, through your processes you would be making those assessments and doing all those things to make sure there is a viable project, not just a speculative one. Then you could commence the community benefit agreements and social licence and go for the DA after that. Surely that would be a logical process.

Mr Churchill: It could. For example, in monitoring for wind, we could have a met mast out in the field for 12 months to two years. You want to get the right seasons, to really get an understanding about the resource. It takes time before you even know if you have a viable project. As I mentioned earlier, we severely underestimated how many people we would require to operate our wind farm. Now when we are talking about the project's benefits, we want to talk about the total workforce we will have there in operations for the 30-plus years of operational life. It is easier, simpler and more predictable and we still get the outcome to have a community benefit agreement as part of the condition of the DA. However, to do the work up-front when we do not have all the answers—I cannot provide that comprehensive view that councils are asking for about the project.

Mr MELLISH: This question is for Keld or Andrew. Given the gas industry, which 20 years ago was a pretty greenfield industry and took a bit of time to get the regulatory process up and running and sorted but is now operating fairly efficiently and productively, would you be concerned about changes like this that have been brought into the renewable sector and brought into the oil and gas sector as well in terms of the uncertainty that brings such as changes to your current regulatory framework that affect the gas industry primarily at the moment?

Mr Knudsen: That is a really good question. Above all, our industry craves certainty when you are making significantly large capital investments. In Queensland, our industry has invested over $80 billion in developing gas and LNG, so any changes to the regulatory framework can significantly impact our ability to continue to do business. The main concern would be uncertainty in the legislative system.

CHAIR: Can you take us through this, William, Andrew or Keld. We talk about an $8 billion project—and this is an example that we heard about yesterday in North Queensland. There would be a profit of 10 per cent around that. That is a pretty meagre profit, 10-year payable, of $800 million from that $8 billion project. Yet companies are talking about giving $2,000 per tower when there are 100 towers. That is $200,000 a year from an $8 billion project or potentially $800 million a year profit. That seems to be an extraordinarily meagre or small amount. Do you not think there should be some balance? That is what this bill is trying to do to make sure that it is not just a few people who are getting a benefit, that the hosts of these projects and the broader community are actually getting some benefit. That is the intent of the legislation.

Mr Barger: Was that example a transmission project or a generation project? It was not clear.

CHAIR: It was wind.

Mr Churchill: And $8 billion? Okay. Not knowing what project that is, but MacIntyre Wind Farm being a $2 billion capital investment, $450 million was initially expected to be the local content BOP—balance of plant—as part of that project. That number is about $870 million. We well overperformed in that estimation. We drew a lot of business from within Queensland, as I mentioned earlier, without going over it again, in terms of our workforce commitments and what have you. I think you are looking at the total capex of a project inconsiderate of the local BOP capability that comes with it.

We would then start to overlook some of the other benefits that come with such a large investment in a large renewable energy project like this. Using, for example, our recently completed Aldoga Solar Farm, it was a $500 million capex project and $150 million in BOP. However, as part of that work, we established Australia's first supply chain for Australian steel in solar farms taking iron ore from the Pilbara and bringing it over to Port Kembla at the BlueScope factory in New South Wales to make steel tubing that was used on the solar farm that was manufactured right here in Brisbane. That is not strictly a community benefit, but it should be something that is considered as part of the project.

On top of other training programs we have, we have first- and fourth-year electrical apprentices from Queensland Alumina Ltd now training on our project as part of their qualifications in their apprenticeship. This comprehensive thought about what is a community benefit should not just come down to dollars and cents; it is also the economic opportunities and business development opportunities that those major suppliers have to take on major projects that do not come along too often. We think those are part of it. More broadly on the quantum figures, a project that might have a $2 billion capex but 25 per cent to 30 per cent of it is spent here in Australia—the longer piece is that we spend 10 to 15 years paying off the project. These are quite marginal projects around the edges.

Mr Barger: At the risk of stumbling all over the back of William's answer—and, again, we do not know the project—the other context that is important for the committee is that an $8 billion project is not just going to pop up out of the blue. That would be sitting in the middle of a renewable energy zone. That zone sits there because there is a transmission capability or a resource potential. We have existing legislation that was passed last year that regulates the design, operation and management of those renewable energy zones. Again, on the theme of a lack of consultation, this planning instrument does not seem to talk at all to the technical electrical regulatory process that Powerlink runs as the renewable energy delivery zone. As part of that process they have an ability to implement what effectively is a master planning process where they have social impact criteria set out in the Electricity Act that they run a process through and they can condition projects to do.

It is another example when you hear a project called out in isolation. It repeats the mistake that this bill seems to make, which is that it is looking at a project in isolation without considering the existing regulatory framework that that bill exists in and the opportunities the communities have to be heard, to express their concerns and to shape that project so that the project and the community end up with a set of agreements they are happy with.

CHAIR: I understand. William, you said it is a very supportive regulatory environment in Queensland, for energy projects to be coming to Queensland. That was the case because it was open season for many. The Local Government Association of Queensland have been grappling with their local government members to try to get some balance into this, and that is what this bill sets out to do. Surely this bill does give that balance and gives the bad actors who are not engaging with the community some mandatory requirements. Will it stop those bad actors from doing that?

Mr Churchill: I think the legislation to require all proponents to conduct a social impact assessment is raising the bar across the industry. It will not affect Acciona Energy. We do that as standard practice, as do my major peers within the sector. I think it will raise the bar in terms of discussions with councils and the benefits that come as part of that. We want them to be part of the process. We believe in having consultation. Structuring the community benefit part to fall later, as a condition of a development approval, is where it most easily lies so that we are not wasting council's time looking at projects that may never materialise.

Mr WHITING: Chair, before we move into the next session, can I signal that I want us to move into a private meeting where I want to move that the government table details of documents of the three secret consultation sessions on 24 April, including who was present and on what basis they were included and confirming they were asked to sign—

CHAIR: Member for Bancroft, you are an experienced member of the parliament and I am warning you. This is a public hearing and you know that that contradicts standing orders. I am cautioning you.

Mr WHITING: I request that we move into a private session.

CHAIR: Andrew, William and Keld, thank you for appearing before the committee today. There is one question on notice for William regarding the assessable development arrangements. If you could report back to us, please, by 9 June, that would be great. Before we go to the next session we will move into a closed session, so we will suspend the hearing. Thank you.

Proceedings suspended from 11.01 am to 11.04 am.

FLETCHER, Mr Daniel, General Manager, Communities and Livability, Western Downs Regional Council (via videoconference)

JOHNSTON, Mr Paul, Team Manager Development Assessment, Townsville City Council (via videoconference)

NEEDHAM, Mr Paul, Chief Planning and Development Officer, Townsville City Council (via videoconference)

SMITH, Mr Andrew, Mayor, Western Downs Regional Council (via videoconference)

CHAIR: We will now recommence the public hearing. I welcome via videoconference representatives from the Western Downs Regional Council and Townsville City Council. I place on record that I went to school with Andrew. He was a pretty handy halfback! I invite you to make an opening statement, after which the committee will have some questions. We will start with Paul Needham and Paul Johnston from Townsville.

Mr Needham: Thank you for the opportunity to speak. I would like to note at the outset that the submission we made as an organisation followed some informal consultation with our council but was not the result of a formal council decision. Our submission only addresses the renewable energy changes.

We note that Townsville is a significant transport and industrial hub that is expecting significant industrial growth and growth in energy and demand over the next few years. We are also expecting that CopperString and the NEM will connect somewhere in or near the Townsville LGA. We have a significant interest in the development of large-scale solar and battery projects in and around Townsville, including a DA that we currently have in for what we understand would be—if approved and developed—the largest battery storage project in Australia.

Council understands the need for industry of all kinds to build and maintain a social licence to operate, and that includes the renewable energy sector. The assessment of large-scale renewable and storage proposals can include the consideration of complex and often controversial issues in terms of the projects themselves and how they connect into the grid.

Council considers that there are several key issues that could require further consideration by government before making final decisions on the bill and the associated changes to subsidiary regulation and policy. The first one we would note is around the front-loading of the SIA process. One of the particular points we make is that projects can and do change as they progress through the development assessment process. Front-loading the SIA risks creating a situation where the SIA is no longer consistent with the evolving proposal, creating a tension about the need to go back to the start of that SIA process. If that was required, it could then result in proponents being quite unwilling to consider changes to their proposals. It could have some unintended consequences.

The council's experience is that proponents are increasingly moving to integrated renewable generation and storage projects. With storage projects not being subject to the same regulation that is proposed for generation, it is likely to result in separate applications being lodged, resulting in separate approvals and approval processes for basically what are integrated projects. This has the potential to cause significant confusion for everyone, including our communities.

Whilst large-scale projects certainly do require community consultation, the legislation looks to mean that any significant development will require an impact assessment, regardless of what work might have been done by local government in developing a local planning instrument and seeking to identify appropriate locations for this kind of investment. There is the risk of creating third-party appeal rights for all renewable energy projects, noting that unsuccessful and even sometimes frivolous third-party appeals can result in significant cost and uncertainty.

There are two final points. The proposals, whilst certainly we understand some of the issues they are seeking to address, introduce yet another assessment pathway and layer of complexity into an already complex and legalistic planning system. This forces us even further down a path where often the development assessment discussion is not around 'What are the outcomes we are seeking to achieve and is this proposal consistent with the outcomes?' but 'What is the approval pathway?'—very much a process orientated discussion. Finally, if SARA is to take on such a significant role in the assessment of these projects, it is imperative that it is adequately resourced and skilled to undertake that function. I am happy to address any questions from the committee. Thank you.

CHAIR: Thank you, Paul. I appreciate it. Mayor Andrew?

Mr Smith: I am Andrew Smith. I am the mayor of the Western Downs Regional Council. I am joined by Daniel Fletcher, who is our general manager of communities, planning and economic development. On the Western Downs we are located a bit over 200 kilometres west of Brisbane. Our major centres are Dalby, Chinchilla, Jandowae, Miles, Tara and Wandoan and we cover nearly 38,000 square kilometres. We are home to a population of around 35,000 people and have a working-age population of around 60.9 per cent aged between 15 and 64 years. Our region is built on agriculture and thriving in the intensive agricultural, energy and manufacturing industries at the moment. We are focused as a council on making our region a great place to live, work and play.

The Western Downs is the energy capital of Queensland. We have three operating wind farms and another 10 or so in the project planning stage, and we have eight operating solar farms with another 16 that have approval. We have a coal-fired power station, gas-fired power stations, large-scale battery and hydrogen. Our region was built on agriculture and, in fact, we have the second most productive sector in Queensland. Forty-two per cent of the nation's cattle on feed are within 200 kilometres of the Dalby regional saleyards. Ag, intensive ag, energy and manufacturing give us a very strong, diverse economy which delivers a GRP of not much under $6 billion per year. The Western Downs Regional Council works hard to be at the forefront of a changing world. Change is not new to us; however, it still presents challenges. We are a positive council, we look for opportunity and we realise that a diverse economy is critical for us going forward.

We have submitted to the inquiry and we are happy to answer questions. There are a couple of main points that we make. Firstly, we have requested that state government partner with local councils and not bypass them in this process. We have managed, as I said earlier, the approval of 24 solar farms. This has been done in a timely manner to encourage development in our region. We feel as though, rather than pulling the advanced councils back to the pack, we need to be lifting those that may not be as mature as we are and looking at building long-term capacity. It is about recognising leadership where it exists. I have Daniel Fletcher with me and we are happy to answer any questions.

CHAIR: Thank you, Mayor Smith. I will go to the deputy chair for the first question.

Ms BUSH: Thank you for coming along and for your written and oral submissions. We have learned today about three secret briefings that were offered to some stakeholders on 24 April, prior to the introduction of the bill. Were you invited to those secret briefings and did you attend?

Mr Smith: I do not believe that we were at Western Downs.

Mr Needham: The answer is no and no.

CHAIR: The deputy chair was referring to some briefings with the department on the 24th. They were not secretive. They were with sectors from local government, sectors from agriculture and sectors from energy. They were not secretive. They were briefing sessions.

Mr WHITING: But you needed to sign a confidentiality agreement to attend.

Ms BUSH: And they are not in the explanatory notes.

CHAIR: I will go to the member for Cook for a question.

Mr KEMPTON: Mayor, as you said, you are well advanced in the balance between agriculture, renewables and the other things happening in your shire, and $6 billion a year is no small contribution. In your view, how does this proposed legislation support you moving forward with balancing not only those issues but your community as well?

Mr Smith: I will refer to the solar side of things. If I go back to the start, when proponents first make contact with us, we are very strong on relationships not only between council and proponents but also between proponents and neighbours. We felt that has worked really well in the process. Our concern is that maybe an eight-week approval may turn into an 18-month approval. Development and diversifying our economy is critical. Whilst we have refused an application just recently because of location on A-class land, we are generally pretty smart at approving, or assessing at least, applications that are good for our region. Our concern is that that this process will be held up.

Mr MELLISH: My question is probably to one of the Pauls in Townsville. I note in your submission you make a very good point that consideration of battery energy storage systems has not been included in the proposed bill. How do you see that going forward in terms of the increasing use of battery energy storage systems that are done in conjunction with wind or solar projects?

Mr Needham: When proponents are coming to us, we are increasingly seeing that they are talking about both generation and storage. Generally it is solar for us. We do not have much direct experience of the wind sector here. In some cases, they are actually wanting to integrate those in the same application to make sure they can get both sides of the ledger to work. If we have a different

approval pathway for one rather than the other, that creates some potential for confusion and uncertainty for all stakeholders. It is obviously an important part of making—regardless of the amount of renewables that are in the network, storage is likely to be important. Certainly batteries are important.

In terms of picking up on some of the comments from Mayor Andrew, we feel we have the technical capability to do the technical assessment around the solar projects. We are a reasonably large organisation. Some smaller organisations, I am sure, have that capability as well. The battery space, certainly for us, is a little bit newer. There does certainly seem to be a need for building of skills in our staff in terms of the assessment ecosystem, if you like, in terms of how we deal with those proposals. In a particular context, they can be quite challenging to assess.

Mr MELLISH: Thank you for that. It sounds like you perhaps should have been consulted before the bill was introduced. Thanks for your feedback.

CHAIR: Mayor Andrew, did you have anything to add?

Mr Smith: No. I am pretty similar. I just reiterate that we feel as though we are pretty mature when it comes to assessing both solar and battery. Like Paul, we seem to be seeing more of the best applications, but we feel as though we have the capacity internally at this point in time and that certainly in time gone by we are dealing with that okay.

Mr JAMES: What I am hearing is that the councils and communities generally welcome the investment and that stable policy is what investors require. Communities require a social benefit baseline with clear and consistent guidelines and consistent, transparent community consultation, which is not currently happening. What if there was a policy set up with the support of the ROC councils, for example—because not all councils have the capacity that you have—and that policy was embedded in the DA conditions? Would that help? I am hearing that people do not want the up-front work. If the policy was worked up-front, as I said, with clear and consistent guidelines and that policy embedded in the conditions, would you support that?

Mr Smith: I might throw to my general manager, Daniel.

CHAIR: Could I just rephrase the member for Mulgrave's question? I think that may be something for different councils in different areas. I know there are some that have really strong ROCs. There are some that are not so strong. It would be up to the individual council to decide—whether it be the council or the ROC, but certainly the ROC could be one of those that would assist the CBA or SIA process.

Mr Fletcher: Thanks for the context. It would be worth noting from a Western Downs perspective that we believe we have a competitive advantage as well in the current market given that our systems, our people, our processes and, to the extent, our planning scheme as well is relatively mature in this process, notwithstanding our current minor amendment is being delayed with its approval and attached to that minor amendment was the introduction of the definition of a BESS. We have approved nine batteries in our region and, as the mayor said, 24 solar farms. We would expect any future solar farm to have a battery attached to it as well, just from a viability perspective.

Most of the CBA work that we are doing, in a different terminology though, is happening early on. It is relatively informal and it starts to really crystallise itself as the project itself progresses. The proposal to have something embedded in the DA for provisions could potentially work, but it might also create some challenges with that flexibility. We see some of the really good proponents being agile with our community. An example of that might be when we are exposed to disasters. Some of those proponents will reallocate money that may have been used for community benefits and allocate it to something that is really necessary and timely in that regard. There is opportunity for that to work, but currently we see the system that we have matured through giving us great advantage locally.

CHAIR: Did you have anything else to add, Paul?

Mr Needham: From our perspective, you are probably picking up in our submission and our verbal submission some concerns around everything having to be impact assessable, regardless of the work that the local government has done—the front-loading of the SIA type process, the fact that you are going to end up with a different approval process for storage versus generation. A set of policy options and legislation options that provide that framework around CBA or SIA that are tailored for this kind of development but that did not necessarily complicate the planning system or negate the skills that have been built up by a number of local governments in terms of how to assess these applications would be consistent with the positions we have developed on this over a number of years, noting that there is a little bit of a difference in that obviously Townsville is a significantly bigger urban centre than any of the centres within Western Downs and the scale of the industry overall, by

the sounds of it, and certainly relative to our economy as a whole, is relatively small. We do not have the same issues around community impacts that perhaps the Western Downs does. It sounds as though they are doing quite a good job managing those things themselves.

Mr Johnston: The only other comment is that it could be integrated into the current processes. You have a referral through the state government process already. It could be integrated into that process rather than having to front-load it and then add more time in the process. I think you have current processes in place that you could then introduce that policy.

Mr Needham: What has not come out particularly explicitly is that we do see significant potential for the legislation and policy framework as currently formulated to be a significant brake on investment.

Mr WHITING: You have talked a bit about the unintended consequences of having to negotiate an SIA or CBA for every part of this, for every one of those. Will you struggle with your staff expertise and funding to do this? What support would you like from state government to do that?

Mr Smith: I think we would deal with this internally at this point in time. That is probably something I have not given a lot of thought to. What is important is that I believe it is done through council. When you look at community benefits into our regions, council need to be a strong part of that, because with any additions to infrastructure we have small communities that are at the heart of big developments. It is a tricky web. I will throw to Daniel to see if he has any comments regarding what we can deal with internally.

Mr Fletcher: We currently do it now, so we would not consider it an additional burden to the extent that a number of council senior staff members sit on the community benefit fund panels and advisory panels to a number of those projects that happen now. It currently works very well for us.

Mr Needham: Something in the framework that makes it clear that those things are legitimate as conditions, effectively, on development and to put some guidelines around that would be useful. I think it will be difficult for someone, essentially, who does not necessarily have a pre-existing understanding of the local context and community values to get a good understanding of what are the social impacts and what are the community benefits, other than in a fairly intellectual sense.

Mr Fletcher: From a Western Downs perspective, our current process is an endorsed process by council. It is titled our Communities Partnering Framework. This is all publicly available on our website. We have these conversations up-front with the proponents, prior to them entering our region. They are very well aware of the council's expectations. A part of that document is council's obligations back to them as well. That is the framework that we operate with now.

CHAIR: Thank you for your submissions and for appearing before us today. Mayor Kelly Vea Vea and the Isaac council have a lot of experience around mining and energy projects and are probably leading the field, like you, in being able to have that early conversation and make sure there is community benefit. Until this legislation passes, there is actually no requirement for a social licence. Will these changes help ensure that councils and communities that do not have the capacity you have are not just hosts to renewable projects but genuine community partners that will see a greater community benefit?

Mr Smith: Absolutely. To be fair, since the bill has been in the public we have seen heightened activity in our region of wanting to engage. I think that will benefit and give it a bit more structure. I have no doubts about that.

Mr Needham: It is probably getting a bit outside my experience, but it seems a reasonable proposition.

CHAIR: Unfortunately, the time for this session has elapsed and we have to stay on time because we have a full card today. Thank you for being here today. There were no questions on notice so you do not have any homework, but I do encourage you to read the LGAQ submission, if you have not already. It is on the website.

BONNER, Ms Louisa, Private capacity

COPEMAN, Mr Dave, Director, Queensland Conservation Council

CHAIR: Welcome. I invite you both to make a short opening statement, and then the committee will have questions for you.

Mr Copeman: Thank you. It is great to be able to present here. The Queensland Conservation Council is a peak body for environmental organisations in Queensland. We represent tens of thousands of Queenslanders across 60-plus member groups, all of whom want to see strong climate action and nature protection. We want to make sure that Queensland is able to welcome the world to the Olympics in 2032 and show visitors a vibrant, living Great Barrier Reef and opportunities to see koalas and iconic species living in the wild in South-East Queensland while also showcasing the ongoing cultural practices of the oldest living cultures on earth. We are very concerned that we are not heading in that direction to achieve those goals and that most of the elements of this bill will make them harder to achieve.

The first thing to say about the amendments is that they are poorly drafted. We do not think they are actually achieving some of the goals you are trying to achieve with them. It is a very dangerous precedent to exempt development from planning and environment laws or to weaken cultural heritage. You should not do that lightly. While we welcome the rhetoric around community benefits and community consultation, we question whether this bill will actually achieve this for renewable energy projects. We think you should probably go back to the drawing board and do a bit of work to make sure the bill achieves those goals, because we do not think the current revisions do it effectively. It is incredibly inconsistent that this bill is trying to apply greater consultation to renewable energy projects while literally ripping up any process for community consultation or our existing laws for Olympic facilities. The hypocrisy is blinding.

I think we have a set of laws that we can use. We have had lack of clarity around the decision-making process for the games, but that has had nothing to do with our planning processes; that has had to do with changing our mind about where stadiums are. We have enough time to build the facilities we need while honouring our existing laws. To rip them up just feels like it is going to be risky. It is going to endanger the timeline towards the Olympics by creating legal hurdles, and it is going to create a terrible story to tell to the visitors who are coming: 'Welcome to this great facility where we got rid of the rights of First Nations people but we want to celebrate their culture here.'

Both of these bills are dealing with urgency. We have real urgency on the renewables transition and we have real urgency in getting the games built, but I think it is one of these cases where you probably want to hasten slowly. If you create fundamental legal challenges because you are trying to get rid of the inherent rights of the Supreme Court to review processes, that seems like a way to risk a timeline, not to protect it, in relation to the Olympic bills. Also, if you are putting complicated barriers on councils for the assessment of community benefit schemes and social impact assessments, you are actually delaying the transition instead of assisting it.

We think good planning is at the heart of both a good Olympics and a good rollout, but this bill is not achieving good planning. In the renewable space, we should be doing renewable energy zones where the community is told, 'This area is where we want things to go,' and then you look at the community benefits and the social impacts but with some guidance to where things should go, instead of putting a somewhat arbitrary review mechanism over each individual project with no clear guidance of how we should design our grid and how we should design our transmission and the generation in a way that is going to work most effectively.

That is what we would encourage the committee to think about, but I would take your pencils out. We do not have much of a review process in the Queensland parliament—we are unicameral; you are it—so I think there is some real work for this committee to do to make a strong recommendation to fundamentally review some of the problems we have in these bills on both the Olympics and the renewables rollout.

CHAIR: Thank you. Louisa, would you like to make an opening statement?

Ms Bonner: I am all for the advancement of our country and our nation for our people, but I am a First Nations people from this country as well and I have grown up with stories and history, not all of it being pleasant and a lot of it being struggles. I do not mean real struggles for me; I was very blessed with my mum and my dad. Our First Nations people have been dispossessed in the history of this nation. We are a people still grappling with the ability to stay ahead with government. There is

no support for us. We do not have a place like ATSIC anymore—it no longer exists—that can be a voice or lead or talk for us. We are fragmented all throughout the country and we only have leaders come up once a year on Australia Day, sadly.

Our voices are very distant and we do not get heard because we are not up there; we are not leading; we are not consulted. I believe our consultation as First Nations people is at a different level to the everyday lay community. The government is trying to do consultation with us through developers and all these fantastic ideas and businesses that are coming forward but, to be honest, if something like this goes forward for us as First Nations people, our cultural heritage and our rights depend on having some kind of a benefit from it. The cultural heritage act is already weak legislation. We have to rely on the local governments to link us up with developers. Even then, they do not have to do that; they can still move ahead without us, without consultation. It is up to the integrity, the generosity and the kindness, if you like, of those developers that come to do work. That is how weak our bill is. This will disadvantage us even further. What negotiation rights will my people actually have? They will be watered down to virtually nothing.

The gentleman sat here and said that he did consultations with community. I am just trying to put it into my words, but my understanding is that if this bill passes they are in control of further consultations. I can guarantee you now, because I have already seen things happen before—and I sit as a member of our Danggan Balun applicant and I am also a member of Yugenbeh. My country goes right along to Bundjalung and back through Warwick to Githabul and I know a lot of these other mob. I am losing my train of thought. Let me stop and think for a second, if that is okay.

CHAIR: Louisa, while you are thinking about that, I will just go to your reference to a question I asked of the other gentlemen. It does not mean that they are in charge of the consultation. Until this passes, there is no requirement for them to do consultation so this bill will make sure they have to make requirements with the community and local government and it must be meaningful. It is not that they are in charge of the consultation.

Ms Bonner: But how does that happen? How does this bill ensure our rights as traditional owners that government is negotiating with us? Governments are up here dictating these things. Let me talk plain, and I do not mean to be rude. I never grew up racist, but whitefellas have the advantage in every aspect in every area. To even come up to the desk and sit and talk like this, I have never seen that. I thought, 'Wow. This is how it happens. Is this what we should be doing as well?' Maybe that is what I am supposed to be doing here today—to make sure that bill does not go through without proper consultation and so the government treats us like the applicants, that you are actually negotiating with us. Do you know what I mean? Not down here, not anywhere else; negotiate with us first. Give us an opportunity. We are disadvantaged socially and economically and, I would say, in knowledge and wisdom that is far-fetched from our cultural ways and things like that. We are having to learn white man's language, the knowledge of the European settings, as in states and governments and legislation that we barely understand how they work. That is all for now.

CHAIR: Thank you, Louisa. I will go to the deputy chair.

Ms BUSH: I thank you both. Louisa, you are a fantastic advocate and you have done a great job today and we will have some questions for you, but I will put my first question to Dave. We were in the regions yesterday and heard from many locals who are neighbouring solar and wind projects who do have some concerns about the environmental impacts these projects are having on their local ecosystems, with water degradation and microplastics. Does the Conservation Council share those concerns? Could you speak to any feedback or comparisons you have on the impact of coal and gas versus wind and solar in terms of both emissions and potential impact on environmental ecosystems?

Mr Copeman: By the way, this is the first time the QCC has been consulted. We were not invited into any other processes.

We do note the incredible inconsistency that these new laws would create. What we are seeing here is that it requires community benefits and social impacts, but, at the same time, if you are proposing a coalmine which is less than two million tonnes, you have no requirement for an environmental impact assessment and as a result you have no social impact assessment required for that. There is an example we reference in our submission where there is a coalmine that is just surprisingly below two million tonnes a year. That impacts some 2,000 hectares, yet there is no requirement for a social impact assessment. This would mean that a small wind farm or a small solar farm that is only a couple of hectares would have to have a social impact assessment. It really is inconsistent. Those coalmines—particularly in the Bowen Basin, where they are really gassy—are emitting huge amounts of methane which is having a big impact on the Great Barrier Reef because it is driving climate change.

It is also important to state that these laws do not do anything to improve environmental protection. In spite of the fact that people are raising concerns around the environmental impacts of wind farms in particular, there is nothing in these laws that does anything to improve that. What we are seeing instead is a very arbitrary system. With the mechanism at the moment for the review of projects that have already been approved, there is no clear guideline about whether a project would be exempt or not. It is at the discretion, it seems, of the Deputy Premier to decide if something is exempt, and that is consistent with some recent decisions we have seen where projects have been called in and then it is not clear on what basis some have been rejected and others have not.

As a general principle, when we are making planning approvals it should not be arbitrary. There should be guidelines and criteria in terms of the natural impact. What we are seeing in here, particularly with the retrospective part of the legislation, is the creation of an arbitrary mechanism. That is not good. That is not good policy. It is not good practice. In the worst-case scenario it leads to corruption. In the best-case scenario it leads to inconsistencies and a lack of clarity about what proponents are actually meant to do.

Mr KEMPTON: David, you just seem to cast this law aside. Yesterday we inspected a site called Lotus Creek, which was approved for wind farms under existing legislation, and it turns out there are over 100 koalas on that site. We are now bringing in a regime—and the EPBC Act will not be pushed aside—that will create far greater community consultation and community benefit beyond just some token couple of thousand dollars per wind farm and will mandate consultation and agreement with traditional owners impacted on the land and beyond. I have seen a terrible inconsistency in how you are not supporting this legislation. You have cast it aside and told us to get our pencils out. I do not understand that because those koalas would be protected under this regime, not just bulldozed.

Mr Copeman: To clarify: we support the intent; we just think you have done it very badly. The intent of community consultation is something that the Queensland Conservation Council has supported for a long time. For a long time we have been raising the key problem that we saw with state code 23, which is the code that makes wind farms code assessable. One of our main objections is that there was a lack of community consultation and there was no adequate environmental protection. These new provisions do not increase the environmental protections. You mentioned the 100 koalas—I cannot verify that fact but I cannot say that anything in here will change that.

It is important to note that there are no improvements to the environmental protections here. If we are to plan wind farms correctly, we need to get renewable energy zones so we can ask, 'Where can we build the transmission, the network and the wind farms where there is a good wind resource that avoids remnant forest which has significant biodiversity values?' We have been pushing that for years. We have been banging the table on that for years. The previous government, I think, was progressing towards that too slowly, but this government does not seem to be progressing renewable energy zones. Instead, we have a mechanism that puts up procedural requirements for consultation but includes no protection of the environment.

Mr MELLISH: Mr Copeman, I note that in your opening statement you said that no specific environmental values are listed, protected or furthered by this proposed bill. In yesterday's committee hearings, we heard from some renewable energy proponents who said that this would delay projects by six to 12 months, add to their costs and make the projects less viable and less likely to get up. Do you agree that that is one of the main outcomes of this bill, rather than protecting environmental values?

Mr Copeman: Yes, as it is currently drafted. I was not here earlier, but I am guessing that the renewable energy proponents said the same thing as I am saying because I saw their submissions. In many cases you have a gigawatt of capacity in a particular network and 10 proponents in that area all trying to get up a half-gigawatt sized wind farm. Only two of them will get up. If you are saying that each of them has to do the community service obligation and the social impact application at the DA level, you are delaying them all and you are putting greater pressure on the council and on the community because eight out of the 10 proponents are actually wasting everyone's time and slowing things down.

We need to see the rollout built in an orderly, measured manner. This bill does not help us with that. We want to see the community benefits and we want to see community involved in the planning process. This bill does not provide the mechanism to achieve that because it is looking at it individually and at the wrong time in the cycle. If you keep your community benefit scheme and your social impact assessment but do it at a renewable energy zone level and do it at the point where you have your DA and you are moving towards the process of implementing the projects, we would thoroughly support it.

CHAIR: I have a couple of questions and a couple of things to clarify for you. Firstly, David, this bill in no way impacts on the renewable energy zones. They are there. It certainly is not about stopping renewable energy projects. Renewable energy projects are important for our community, but so is affordability and reliability. Before this bill, did you think the system was okay when there was no consultation?

Mr Copeman: No. I literally just said that in the last answer. We strongly opposed state code 23 and we called for its reform because there was no community consultation. We wanted to see consultation. There are currently no renewable energy zones that are planned. The Australian Energy Market Operator specifies a renewable energy zone where you have a network or transmission and a range of different projects all connecting up to the grid in an integrated process. The previous government was progressing that. We do not yet have the kinds of renewable energy zone plans that we want to see and that the community deserves that say, 'Okay, we're going to build the network or the transmission connection points here, and this is where you connect.'

You are right: this bill does nothing in relation to those renewable energy zones, and that is the problem. That is how you should be planning the implementation and the community benefits instead of having every single project that may or may not progress do a community benefit scheme that may or may not be of any use to the community and do a special impact assessment that may or may not connect to their interests. If you actually got the REZs sorted before asking, 'What's the social impact?' you will get economies of scale. You will be able to say, 'As a community, let's be involved once in what we want to see in this area. Let's be involved once in what we want to see as a benefit for our community,' instead of having every single proponent coming in and doing it in a different way.

CHAIR: You mentioned before the Deputy Premier's call-in of the Moonlight project. Did you know that at about the same time two other renewable energy projects were approved?

Mr Copeman: Yes.

CHAIR: Good.

Mr Copeman: What I do not know, though, is why. I do not have any clarity about the ecological values, the criteria or the mechanisms that were used to call in the three projects and why Moonlight was rejected and the other two were approved. I understand that there is concern around the ecological impacts, but I do not think they were the primary ones. I do not know. It is not good policy to make planning approvals in a manner where there is no clarity around the elements of the decision-making.

CHAIR: The committee went for a tour yesterday in a charter plane to see some of these projects. When you see the expanse of remnant vegetation in that area, you can understand why there are some concerns.

I want to go back to your submission and touch on a couple of things for the Olympics as well. I note that the bill continues to require games venues to adhere to the federal EPBC Act and you have commented that there is now no heritage protection. Do you acknowledge that, as described in the explanatory notes of the bill, it maintains the requirement for engagement and meaningful consultation with the relevant parties and the preparation of a cultural heritage management plan?

Mr Copeman: Sorry. When we said there was no consultation, we meant under the state regime. We are not suggesting that this law changes federal law. Yes, there will still be federal requirements to consult under the federal cultural heritage provisions. If you hold up the rushed process that this bill suggests for consultation and replicate it with the rushed process that this bill suggests for cultural heritage consultation, you have almost done an experiment in how effective the new bill will be. In this process of consulting on the bill, I do not believe you have had significant First Nations engagement because the process has been really rushed.

I think you are setting yourselves up to fail again in terms of the new mechanism that you have created, which is a very rushed process. You are establishing a whole new mechanism for cultural heritage review and assessment. We do not believe that the existing cultural heritage laws are working and we actually prioritised the review of the First Nations cultural heritage in line with the environmental defenders organisation's advice into this. We are deeply concerned that we will see a rush through this process.

Your own legislation is incompatible with human rights. You have a human rights compatibility statement that says it may interfere with people's ability to practise their cultural rights. As I said in my submission, you have extremely short timeframes to engage with a proponent—a minimum of two weeks in most cases. This is not what we should be doing. How do we say to the world, 'Let's celebrate the most incredible old traditions here, but we stuffed up their culture and we gave them a

two-week period to have a say about it'? That is what we think we are doing when we are inviting the world here and saying, 'Let's celebrate these cultures.' That is not what we should be doing. It makes me feel sick to my stomach that, once again, this parliament is dispossessing Aboriginal people of what limited rights they have for the sake of a political football.

CHAIR: Hang on, David. You just agreed that under the previous regime there was no requirement for consultation and now we are embedding that in this process. Louisa, did you want to say something with regard to my question?

Ms Bonner: There is just so much when it comes to addressing this sort of thing. Like I said, we do not have any party, group or finances to address these things or an entourage or an army. I am a single working mother. I have been out there doing cultural heritage works and understanding how the local councils work and can work if they want to. The legislation is very weak and disempowers any negotiation rights that we can have with community. We are not having a whinge, but we are talking about the whole First Nations trying to deal with the system that we have.

Consultation—what is consultation? What is it? What am I sitting up there for as an applicant in negotiation with the government? Do you know what I mean? These things are being passed and we do not have the knowledge or any input into the legislation about First Nations people's rights and negotiation rights. They are being taken right out from under us or weakened.

It is not that we do not love our country. We care about the koalas. We care about the gum trees. We care about the rivers. We care about the waterways. For us, that is our life. Anything that goes wrong with them lessens our longevity on this earth, and we care about that for both black and white.

CHAIR: The last question is with regard to your submission, David. You talk about being able to celebrate cultural heritage at the stadium at Victoria Park. Louisa, you could think about this, too. How could we best celebrate cultural heritage at that stadium, as you reference in your submission?

Mr Copeman: I am not an expert, and I will defer to Louisa on the cultural heritage of that site. I will just give an example. I am on the stakeholder reference group for Borumba pumped hydro. In the process of planning and developing, there has been quite strong engagement with the Gubbi Gubbi as the traditional owners. They have been involved in reviews and they have gone out on country and looked at particular areas. Some of those areas they have not had access to and now they do. I think both this government and the previous government have done a good job in adapting to things that they have found. The problem with this legislation is that you have a 60-day window to nominate and negotiate an agreement, and then you explicitly prohibit that default plan from being amended or replaced. If as part of a process you discover new cultural heritage—you are digging things up and you find a Bora Ring or other things like that—you are explicitly prohibited from amending or replacing the plan. I do not think that is good practice.

Ms Bonner: I can rattle on all I want but, unless we are involved in the initial consultations about what is happening in country and how that affects us and impacts us as well, we feel like we are being dragged along and have to agree with something. It is not that we either agree or disagree; it is just that we do not have that depth of relationship, consultation or understanding around that or even consideration. That is all I can really say on that.

Mr WHITING: Louisa, I note the current practice is that you have one month to notify instead of the two weeks under this bill and you have three months to negotiate under the existing law instead of the proposed two months. You said, 'Negotiate with us first.' What do you want to see happen at Victoria Park, at Barrambin?

Ms Bonner: It is really hard to continue that conversation when I just said what I previously said. You are forcing me to respond to something that could possibly be very good for community. There is a lot of positive stuff that has been said. For me, it means going along with something that impedes upon my rights and my responsibilities to community, to the land and to the waterways. How do I really engage in this conversation? That is where I am at.

CHAIR: That is fine, Louisa.

Ms BUSH: Can I follow-up on that?

CHAIR: We are out of time.

Ms BUSH: I am happy to go over time. I think it is really important that we hear from Louisa. We do not have many people on this panel speaking about the cultural framework, and I think it would be useful to unpack a little bit about that if they are happy to stay on for an extra five minutes.

CHAIR: The time for this session has now ended. Thank you, Jonty. We do have other cultural traditional owners appearing later on today. Louisa just answered the member for Bancroft, saying that she felt she should be talking to her community to develop those things. That was quite clear. I thought that was very respectful. Thank you, Louisa, and thank you for representing your community. The time for this session has now concluded. There are no questions on notice, so you do not have any homework to do either.

Ms Bonner: I am happy to talk afterwards with you out there, if you like.

Ms BUSH: I would prefer if we talked on the record, to be fair. I think that is actually important.

CHAIR: That is not going to happen.

Ms Bonner: I can talk really fast, Jim.

Ms BUSH: It is really one quick question.

Mr MELLISH: I am happy for us to go into the lunchbreak too.

Ms BUSH: We are happy to give up the lunchbreak to hear from Louisa.

CHAIR: Thank you. We will now take a 45-minute break and resume at 12.45 pm.

Proceedings suspended from 12.01 pm to 12.48 pm.

CHAIR: Good afternoon. We now resume this public hearing for the inquiry into the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025.

KING, Ms Sandra, Private capacity

CHAIR: I welcome Aunty Sandra King, one of our traditional owner representatives. Would you like to make an opening statement and then the committee will have questions for you?

Ms King: First off, I would like to say welcome to Yagara country and to Magandjin, the traditional name for Brisbane. It is not 'Meanjin' as everybody has thought; it is Magandjin. That is the traditional name for Brisbane. I welcome you all here and pay respects to my ancestors and to all the ancestors and to elders past and present.

My opening statement: I have no idea what to do. I think, as a Yagara person, I would like to see something change with regard to the law where it states that if two groups of people have put in a statement or claim for country then nobody else can put in a claim. We cannot put in a claim as Yagara people. That is what I would like to put first.

I was Magandjin born and bred. In fact, my first home was Victoria Park and I have photographs of that. I do not approve of the Olympics being set at Victoria Park, especially when there has been no consultation with the traditional people as well as with Aboriginal communities.

Ms BUSH: Thank you, Aunty Sandy, for coming along today. Have you had a chance to look at the bill? Are you aware of all the elements of the bill?

Ms King: No, I only received something this morning but I had a presentation to do this morning and I have not looked at everything, I apologise.

Ms BUSH: No, that is okay. There is no pressure at all. One of the things that we are interested in that we did not have the chance to unpack in our last session is that an aspect of the bill looks at the Olympics. If GIICA approves a place to be a stadium then, basically, it circumvents 13 or 15 different acts, including the cultural heritage act. It sets up a whole new cultural engagement framework. Under that framework, the proponent has to identify the traditional owner groups and issue a notice to them or publish it on their website. The traditional owner group has 14 days to respond and then, if they want to negotiate, there is a 60-day negotiation period. I was interested in your views around that as it is quite different to the heritage act at the moment. Do you have any thoughts on that? Would that be beneficial for your community or would it be difficult for your community?

Ms King: The cultural heritage act at the moment I have reservations about only because it has stated that the last man standing can put a claim in to Brisbane. That is where Maroochy had put a claim in to Brisbane because of the cultural heritage lists—she is still claiming to be an elder even though she does not come from this country—so I do have an issue with the cultural heritage lists. If you are going to change it then I would like to see that part taken out, but I would like to see something else put in. We as the Yagara people can put in a claim, but because of the law it states that we cannot so we are in a difficult situation at the moment and we always will be until that law is changed. With the cultural heritage act, however it is written, it needs to be approved or be looked at by the First Nations peoples.

Ms BUSH: Under this bill, the proponents, the people doing the stadium essentially, would be able to do what they like. They would be required to do a cultural assessment and framework and make that available to a traditional owner group, but if that group cannot be found or does not engage in the timeframes or does not agree with it then it will simply default to the proponent. Things that you might like to see included in that will simply not be seen. Does that concern you?

Ms King: It does. I think we have to try to do something. I would like to see something happen. As for the cultural heritage act, I think you would like to work with First Nations people, the Yagara people. We do have a Yagara elders group, the Yagara Magandjin Elders Group, so we could look at it. We have a few people who are on that committee who will be able to look at it—so either way.

CHAIR: Sandra, it may be of some comfort to you that the explanatory notes of the bill establish and maintain the requirement for consultation and engagement with relevant parties and also the preparation of a cultural heritage management plan. Some submitters have talked about the opportunity to make sure that cultural heritage is included in some of the places. One submission said there could be opportunity for cultural heritage involvement with the stadium at Victoria Park, in fact. If you turn your mind to that, what sort of things could you do or what process would you like us to take on board to make sure that there is meaningful engagement in that cultural protection?

Ms King: If the Olympic stadium goes ahead, I would like to see a cultural heritage shelter set up there or something for everybody to attend. Aboriginal groups could put in their history about Brisbane. We can show our ancestry line going back thousands and thousands of years. I think it is a step in the right direction if that does happen. I hope it does happen because we can put a lot into that. For people who are born and bred in Brisbane, they can also put a lot into it. My family could put in information. My father, I suppose you could say, was a storage person; he held on to things. We found so much information that my father had regarding his family going back to the late 1800s and mid-1800s. That information could be added because it would help people to understand the history of Brisbane. The truth-telling is so important at this stage so I feel that it can benefit everybody.

Mr WHITING: Aunty Sandra, focusing on process, if a cultural heritage management plan comes through, it will be negotiated over a shorter timeframe of 60 days instead of 90 days. For example, if there are artefacts or evidence discovered there, how important is it to preserve those and make sure they are not lost?

Ms King: It is everything. It is everything to who we are and the history of this state more than anything and of this city. There are no two ways about it: that heritage is so important. It should be looked into, if anything. I know Gaja Kerry, who is with the Yagara Magandjin Elders Group, has tape recordings of her grandmother speaking traditional language. That is how she is correcting all of the incorrect information that has been written down before. That is how she found out about Magandjin, even though it has been recorded as Magandjin. Her recordings of her grandmother you cannot put a price on. You really cannot. She is speaking traditionally.

CHAIR: Aunty Sandra, can you tell us about how the Magandjin name came about and why there was a confusion with the other name? Why are there two different names?

Ms King: 'Magandjin' means tulipwood tree. The landscape of Brisbane was full of tulipwood trees. In fact, they are still on the footpaths of some of the city streets. That is where 'Magandjin' came from. It is because of that. Meanjin is one little circle within Brisbane. 'Meanjin' means a tree, as well. You will find most of the traditional names of people are from trees and plants. That is how that name came about. It has been recorded in some of the history books, but it was when Kerry looked at it that she found the name.

Ms BUSH: Following on from the last question, Aunty Sandra, do you think the loss of cultural artefacts and heritage and history would cause irreversible harm to you, your community and our First Nations people in Queensland?

Ms King: To put Victoria Park as an Olympic stadium would destroy a lot of the history. Victoria Park was a camping ground so a lot of people did congregate in that area and because it is so close to the Brisbane River as well. To see something like that go up, it will affect the Aboriginal history of Brisbane.

Ms BUSH: Given that significance, would you have liked or preferred to have seen a comprehensive briefing offered to you and to your communities prior to the introduction of the bill or alongside this committee process?

Ms King: Yes, definitely. We would like to see something, yes.

CHAIR: Fortunately, this bill does set up that opportunity for consultation and we look forward to seeing that delivered. Aunty Sandra, thank you for coming in at short notice. We appreciate your input today. Unfortunately, the time has now expired for this session. No questions were taken on notice so you have no homework, which is very good. Thank you for representing your community.

LUNT, Ms Andrea, Save Victoria Park

O'HAGAN, Ms Rosemary, Save Victoria Park

CHAIR: I now welcome representatives from Save Victoria Park. Good afternoon. Would you like to make a brief opening statement before the committee has questions for you?

Ms O'Hagan: Yes. Thank you very much for the opportunity to speak today. It is very important for us. Save Victoria Park, if you do not know, is a community advocacy group working to protect Victoria Park, Barrambin—Brisbane's biggest inner-city parkland—to ensure it is kept open, free and green for not just our generation but for generations to come. Today here we are talking about the POLA bill, or the planning and other legislation amendment bill. We contest that this bill is an affront to fundamental democratic principles. It seeks to silence and dismiss the voice of the community, stripping us of our democratic rights to have a say in or challenge major developments that will have a long-term impact on our lives and our livelihoods. It creates inequality. It increases community rights on one hand for those members of communities that are dealing with renewable energy projects whilst at the same time completely bulldozing the rights and freedoms of those impacted by Olympic related construction.

The impact of Olympic infrastructure by no means has a lower impact on a community than that of renewable projects, as was communicated with the 12 May bill and explanatory session. To drive this home, let me explain. Over the past year we have heard a lot in the media about, 'Oh, we can have a park and a stadium. Oh, the stadium will only take a small bit of the park.' Our expert analysis now indicates that at least 58 per cent of Victoria Park—and that is a conservative figure—will be impacted by the Olympic infrastructure, so you have swathes of the last remaining inner-city parkland in a city with comparatively low inner-city green space—of all cities in Australia, Brisbane has the lowest and internationally it also ranks low—and swathes of this culturally important, heritage listed land which is significant for First Nations taken away in the name of an Olympics which is supposed to be underpinned by sustainability principles.

Victoria Park, Barrambin, is protected by law because it holds environmental, heritage and First Nations cultural value. That is without a doubt. What this act will do by stripping away its protection under other acts such as the Environmental Protection Act, Heritage Act, Nature Conservation Act and planning acts will ensure that Victoria Park, Barrambin, will transform now from a mainly free, open green space to a predominantly hard-surface, pay-for-use commercial facility. This is exactly the opposite of what this park was granted to the people of Brisbane to be 150 years ago this year. We consider the build justifications for this bill completely disingenuous. It tries to justify bulldozing 15 pieces of vital legislation, stating that it is required to meet Queensland's obligations with the International Olympic Committee. However, we would argue that this bill is changing the law to flout the agreements with the IOC. Why do we think this? Because the pre-election bid for the Olympics nominated Victoria Park as a site for increased greening, not permanent sports stadium construction.

Secondly, we strongly contend that the POLA bill is misleadingly marketed as being required for streamlining due to Labor's delays. This is not the reason for the bill. The reason for the bill is because the state picked Victoria Park as a stadium site despite knowing that it was legally protected and therefore creates the need to get rid of the critical laws protecting the site. There were and are far more suitable sites for stadium construction. It is important to note that Victoria Park is a high-risk site inherently unsuitable for stadium construction. It has a sloping terrain, it is hard granite and it is located in an already congested area with 5,000 school students. It is also next to the biggest hospital in the state. The cost of the build is at higher risk of budget blowouts and time delays. If the government was so concerned about delays for this Olympics, it would not have chosen such a high-risk site. It would have chosen a brownfield site like they did in Sydney or in London. It would have chosen a flat site or it might have gone with its actual pre-election promise of no new stadiums.

A number of critical factors have to be highlighted. First of all, this bill circumvents the rule of law, and that is so important. If I decide to modify a Queenslander or knock down one fig tree, the impact on the environment, the culture and the heritage of this city is going to be small in the grand scheme of things, but if I decide to build Olympics infrastructure where the risk, particularly in terms of Victoria Park—the magnitude is so great—is more, we are getting rid of the safeguards, so the bill is completely illogical. Second of all, the gravity of the bill will inevitably dominate the park. We have seen so many architects renders of this where it makes the stadium look like it is surrounded by mature trees. This is misleading. It marks the enormity of the proposed build. The community has no idea of the real impact of these projects, yet they will be faced with the rule of law being replaced by non-enforceable and undefined requirements and considerations that will not protect the park and will be subject to an arbitrary rule.

This bill disregards the separation of powers. As a teenager I sat and we talked around the dinner table and in the Fitzgerald inquiry about the importance of the separation of powers. The fact that this does not allow judicial review is a retrograde step in terms of our whole legal process. As elected members, you surely must understand the importance of that, especially in Queensland with what historically we have been through. We know that the Olympics has a real bad history of incidents and allegations of fraud and corruption. The separation of powers and judicial review is the mechanism to ensure that this sort of corruption is at least able to be curtailed or identified and addressed, but what we are doing, even though we have heightened risk of corruption, is we are then dismantling the ability to control that through this bill.

The application to the villages is really important. This is a really concerning part of this bill for us because the villages are not listed as authority venues. That raises a really high risk. The POLA bill does not specify any villages in its schedules. The removal of both the rule of law and the separation of power poses a significant risk of additional private sector developments encroaching even further on Victoria Park. Under the bill, the executive can make captain's calls on Victoria Park. The public land can be transferred into the hands of the private sector without public consultation, and we have seen that since March 2024 of people proposing more private developments in Victoria Park under the guise of the Olympics.

I also want to say this, and this is highly important and following on from Sandra King's speech: we have gone through this bill very thoroughly and we find it highly disrespectful to First Nations. The state chose this site. It clearly did not consult with First Nations. We have heard that this morning. They chose the site knowing it was important to First Nations culture and heritage, but they did not want this to get in their way of having this as the desired site for their stadium. They did not want to have the inconvenience of having to negotiate the best outcome for the members of this community, so they decided to truncate the consultation.

In conclusion, you would have seen an overwhelmingly negative response in the submissions as relate to Olympic infrastructure that you will have read through hopefully over the last few days. I understand that not all of them are up yet. We do not support this bill. We believe it is poorly conceived and represents a retrograde step for a society that values transparency, accountability and a true democratic process. Thank you.

CHAIR: Thank you, Rosemary. Andrea, did you have anything else to add?

Ms Lunt: No, that is fine.

CHAIR: Okay. We will go to the deputy chair.

Ms BUSH: Thank you, Rosemary and Andrea, for coming along today. The first question is simply this: the Deputy Premier has said that this bill is about giving communities a voice and a stronger voice, but your submission said that you were not consulted and that in fact you feel ignored. Do you think the government has lived up to its promise to empower local communities through this bill?

Ms O'Hagan: It clearly does not. We have actually said that it increases community rights for the people who are affected by renewable projects but it strips us of our rights, so we do not get to have the same level of consultation as we would under the normal planning acts. The heritage and the culture and the environmental acts are discarded, so how can we be having a voice? Also, judicial review is not available as an avenue for us to challenge what is happening, even though we do not know the magnitude of these bills. Andrea, do you have anything else to say?

Ms Lunt: I will also add that in the bill the government does acknowledge that the construction of these Olympic legacy venues are of utmost importance to Queenslanders and they are obviously going to be impacting us for generations to come, so one would think that that justifies increasing consultation with communities rather than stripping away rights to have a say in developments that are going to affect us and to appeal them in any way. To us that seems illogical and it creates, as Rosemary said, a sense of inequality because it is valuing the rights of the community members who are involved or affected by renewable energy projects over the rights of those who might be impacted by Olympic authority venues.

CHAIR: I will just clarify a couple of things. You said, Rosemary, in your opening address that there was 58 per cent of the build. Where did you find that?

Ms O'Hagan: Okay. We have some experts who work in the background. You will be speaking to Neil Peach later on. I think Neil is probably here already. Andrea, you can talk to it please.

Ms Lunt: Yes, Neil Peach is here and he is our researcher who came to that figure.

CHAIR: Okay; no worries. Thank you. I was interested to understand where that came from.

Ms Lunt: No, that is fine. I will let Neil go into it a bit more, but just as a precis we are relying on information in the GIICA 100-day review in addition to the government's delivery plan. This is just for the main stadium initially, so I will take you through. For the main stadium GIICA has said they will need 32 per cent of the park. So out of 60 hectares, which is a more accurate calculation of the land at the park, that is around 20 hectares. It is unclear exactly what is included in GIICA's 32 per cent for the main stadium, but Neil has then done a comparative analysis with other Olympic stadium precincts around the world taking into account critical factors like transport integration. We know that the stadium has been proposed to be in the middle of the park, which has no accessibility. It is going to need massive redevelopment in order to enable a stadium precinct. Neil can talk further to this, but for the main stadium he has then looked at comparative precincts around the world and come to this figure of 58 per cent. He has done a comparative analysis for the main stadium and also for the aquatic stadium and combined those two together and it comes to about 35 hectares that is required for both stadiums and their enabling infrastructure, and that is 58 per cent of the park. So it is not a figure that has just been pulled out of thin air; there has been some quite in-depth investigation that has gone into it.

CHAIR: You recognise though that there is no actual agreed committed design for the project and there is an opportunity to maximise the green space in that design?

Ms O'Hagan: I think we have to be very clear here: regardless of the design, an Olympic stadium is going to dominate that park. Olympic stadiums, as we know as well, have to have certain provisions. You are having a lot of people moving in and a lot of people moving out. This is not just a bit of green space and then you walk in. Whatever they do in terms of putting in stadiums—and now they are looking at not just one but two, and you have a warm-up track—you are going to basically have a stadium with maybe a little bit of greenery around it. The park, in the intents and purposes of being a park for which it was designed to be—might I add this park was originally 130 hectares and now we are down to 64—is not going to be as it was. Somebody used this analogy, and it is very true: it is like putting a billiard table in your lounge room, sticking some chairs around it and asking people over to your lounge room. It is a billiard table; it is a billiard room. That is probably the best analogy I could use for this. That is going to be the domineering aspect of this.

Remember also that this is hilly terrain. You are going to have flatten it—bulldoze it. The amount of gravel and rock that is going to come out of that next to the Royal Brisbane and Women's Hospital and 5,000 schoolchildren—we do not understand why this site was chosen other than somebody wanted a new city stadium, but there were other options. I think that we need to look at the town planning respectfully for Brisbane and not just go, 'There's a bit of space, so put it there.'

Mr MELLISH: Given this bill allows the government to override existing planning and environmental laws including processes that normally provide transparency and good public input, do you think there should be a requirement for genuine community consultation and clear public criteria for how this is going to be assessed and approved?

Ms O'Hagan: It is so hard because there is complete inconsistency here. Where is the middle ground? On 12 May, when I was listening to the session they talked about requirements and considerations. They are not laws. What is the point in having a law? The Olympics are not more important than the law. We are not more important than the law. What is the point in having laws if we are just going to replace them with considerations and maybe some requirements and then get the community to consult on them? This bill fundamentally, when it comes to Olympic infrastructure, is not right.

Ms Lunt: I know there are several parts of the bill. Speaking to the Olympic authority venue part, which does reduce protections, as we can see—I know there are still some bits that need to be clarified—we think any kind of amendment that the government would accept to this bill would not be sufficient to protect Victoria Park/Barrambin as it should be protected by the law today. In terms of whether we would work within the bill to achieve our outcomes, I just do not think anything we could put forward would be able to meet our objectives to protect the park.

Mr KEMPTON: Rosemary, no matter where this venue went in Brisbane, there was always going to be discontent. We accept that, and I certainly understand how you feel. At this stage of the game—sorry about that. At this stage of the proceedings, GIICA says that is the only feasible option for the stadium given the time taken. Taking into account what Aunty Sandra said, could the last 1,200 days have been better utilised by having greater community consultation and planning about where a stadium might go?

Ms O'Hagan: I think there is a lot of talk about the 1,200 days et cetera. We know there was a road map for this. We know that the first review by Graham Quirk which happened over 60 days was not based on true community consultation because nobody knew about the stadium. We met with Graham Quirk for 20 minutes on a Friday morning. We talked about equestrian and BMX freestyle temporary venues as per the host contract, which we thought the Olympics was actually going to be underwritten by. There was no community consultation. The stadium was put on the table by one per cent of the submissions that went to Graham Quirk. It was then propelled into the stratosphere by a lot of people with a lot of influence. We will contest that this stadium in Victoria Park should never have been put on the cards. It is unacceptable. That is why we continue to fight this. There are other places in Brisbane that could have been used that are flat and less risky. If you were concerned about delays you would not be putting in a stadium at Victoria Park, because you are going to have increased risk of delays with that particular site.

Mr WHITING: I note that Aunty Sandra and Louisa Bonner are back in the room. I want to ask about the cultural heritage and environmental significance of the park. You said that you had serious concerns about this proposal and you talked about that in your submission. What is at risk if these protections are bypassed and why does the park hold such unique views?

Ms O'Hagan: We were talking about this before.

Mr WHITING: I know.

Ms O'Hagan: There is so much significance to this park. There are heritage listings for this park for a reason. They are under local heritage listing and on the southern side they are also under state heritage listing. The northern side has also been put forward for state heritage listing. That does not happen lightly. It is not just someone writing something through; it takes years of work. For it to get to this stage is very important.

Before that, we know that there were centuries of history for First Nations. That is clearly documented. How that can be pushed aside for an Olympic Games where they are talking about First Nations? It does not show the respect and it does not show what I thought our society was. For an Olympic Games, is this how we are showcasing ourselves to the world—to be putting Olympic sites on heritage protected land which is environmentally important in a city with comparatively hardly any inner-city green space and which is important for our Indigenous communities? Every day I wake up feeling dumbfounded that I am even sitting here discussing this.

Mr JAMES: Given that the bill still requires games venues to comply with the federal EPBC approvals and your comments imply a lack of heritage protection, do you acknowledge, as outlined in the explanatory notes, that the bill continues the obligation for engagement and consultation with relevant stakeholders as well as the development of a cultural management plan?

Ms O'Hagan: I was just saying that it is all grey in terms of what that means. It does not match up to a law. A law is a law. A truncated process is just a truncated process.

Ms Lunt: As I understand it, with the cultural heritage management plan under the bill there is actually no requirement to have an agreement with the custodians and, if there is not a consensus or if there is disagreement, the proponent can default to what they have proposed anyway. If there is no requirement for an agreement then I personally would not see that as true consultation, because there is no incentive for the proponent to be negotiating in good faith. For us, if that is what the bill is proposing then that is how we would view it. That is for the Aboriginal cultural heritage part of the bill. There is no provision for community consultation with other members of the community affected by Olympic venues.

Mr MELLISH: I have tried to get my head around how the public transport links would work on this site. We have seen a lot of glossy brochures but not any connections to existing or new public transport. Do you have any idea in your mind how on earth this site is going to work in terms of public transport?

Ms Lunt: That is one of the factors that Neil Peach looked at. Some of the sites that have been recommended by GIICA are one kilometre away from Exhibition station, which was not designed to handle stadium crowds. It opens tomorrow, I understand. It was not redesigned thinking there would be a 63,000-seat stadium there. What Neil did look at was how well integrated a stadium at Victoria Park would be to transport, and it would not be. There would have to be a massive redevelopment around the park to enable a stadium precinct there to manage tens of thousands of people at a time, remembering that Olympic crowds could be up to 120,000 people. There is the morning session of 60,000 changing over to the afternoon session of 60,000.

It is not just the stadium itself that is going to have the impact on the park; it is going to redevelop this park. Not many people have been there because it was closed off for so long, but it has been opened up to the public for the last three years and it is something that my family and I have just treasured having in our backyard. It is this incredible green space. There is nothing else like it in Brisbane. There are beautiful green rolling hills. You can feel the First Nations history there. There is a sacred waterhole at York's Hollow for the First Nations. It used to be a place of springs and waterholes. That is why Spring Hill has its name. It is because this area was a place of waterholes and springs. It is such a special place.

Putting an Olympic-sized stadium there and redeveloping it into pathways to deal with thousands of people, concourses and all the other amenities you need to deal with stadium crowds, the project itself will be enormous and the cost—we cannot really speak to the cost but I cannot imagine that the current price tag we have seen would be a ceiling; it would be more a floor.

CHAIR: I would like to go back to one of your opening comments about the contradictory nature of the bill. Are you aware that before this term of government there was no requirement for renewable energy projects to be impact assessable? In fact, now all renewable energy projects will be impact assessable. This bill enlivens the requirement to have a social impact and community benefit for all of those. We are actually making that happen in those spaces, and those communities are very grateful for that. That is actually the same thing. Again, as the member for Mulgrave's question outlined, this bill includes the obligation for engagement and consultation about these things and also the development of a cultural heritage management plan. I do not think they are at opposite ends at all. We are enlivening that in terms of the renewable energy projects and there is a still a requirement and an obligation of consultation here.

Ms O'Hagan: But you are strengthening one and watering down the other—more than significantly watering down the other. You are strengthening this so people over here get more rights of consultation and then over there you are restricting those rights, so it is inconsistent.

CHAIR: There was none, though, in that space. It was a free-for-all.

Ms O'Hagan: Yes. What we are saying is that you are increasing that and decreasing this and assuming that it is more significant for the people who are impacted by renewable energy, whereas the disproportionate number of people who are going to be impacted by Olympic stadium developments, not just now but in the future, in a growing population is significant. That is what we are saying: one increases rights for these people but the other one strips us of our rights.

Ms BUSH: I am not in your electorate. I am very close to it and I am very aware of that area. Our boundary is very close to you. I am aware that when people move into these areas they are doing it looking at planning codes and heritage acts. They are very aware of what they are moving into and the type of area they want to buy into. I want to ask you whether that has come up in consultation with your members—the frustration that those codes have now been completely abolished, essentially. Is that what you are alluding to when you mention there are going to be delays? Is part of that going to be legal challenges to this? Can you expand on the delay part as well?

Ms O'Hagan: What we are saying in terms of delays, firstly, is that we hear, 'We have to streamline this. We have to move forward and make sure there are no other delays.' What we are saying is that you are choosing with Victoria Park an inherently risky site. It is tough granite. It is sloping terrain. It is not naturally suitable for a stadium. Therefore, you increase your risk of delays and budget blowouts. If you built on flat land and you did not have to worry about the laws because it was not zoned for heritage protection and it did not have First Nations cultural importance, we would not have to be sitting here now. What I am saying is that, if you are looking at the risk, the risk of delays with Victoria Park and the risk of budget blowouts that will cost the taxpayers so much more money is inherently higher because you have chosen Victoria Park than if you had chosen elsewhere.

In terms of the other delays, as you well know, we are still going down the path of challenging this on any legal front possible. This land is too important for Brisbane to lose not just for our generation but for every single generation to come. If we lose this, it is gone for good and you cannot protect it with a stadium.

CHAIR: Thank you very much, Andrea and Rosemary. The time for this session has now expired. Thank you for the representation that you have made for your community. There were no questions taken on notice. Thank you very much.

HANDLEY, Ms Elizabeth, President, Spring Hill Community Group in association with Brisbane Residents United

PEACH, Dr Neil, Project Coordinator, Spring Hill Community Group in association with Brisbane Residents United

CHAIR: Welcome. Would you like to make a short opening statement and then the committee will have questions for you?

Ms Handley: Thank you for welcoming us today to present to the committee. We appreciate the opportunity. Brisbane Residents United represents the interests of community groups across Brisbane. This bill seeks to evade the fundamental democratic principle of the separation of powers by saying that other laws do not apply to us. We regard this bill as a serious overreach that may not achieve its stated ends. We do not support this bill.

Today, we will express two primary areas of concern to us. I will present our first and my colleague, Dr Neil Peach, will present the second. The new legislation puts Olympic development behind closed doors. There are no public governance procedures. There is no transparency with regard to how this legislation supports the published contract documentation between the government and the IOC. Our focus is the Olympics element of this legislation. Our specific concerns are that this proposed legislation has been deemed necessary because the government seeks to do currently illegal things on land set aside for other purposes. We will use Victoria Park as a case study, but our concerns extend to other sites and other city venues.

One, our community seeks clarity about what will be done. This bill hides the development process. Our community seeks participation. This bill gives none. Our community seeks recognition that the land for a venue has a history and existing legal status—for example, state heritage listed within a deed of grant in trust. Under this bill, Victoria Park remains a deed of grant in trust but anything goes will be legal. This is bizarre and dangerous. Our community wants responsible governance of public lands, not hidden arrangements that will ultimately convert prime public land into private controlled land and profit. The initial sport venue review suggested that it would diminish 12 to 13 per cent of Victoria Park's parkland. This increased to 30 per cent and then to approximately 60 per cent. What is next? This bill writes a blank cheque for Olympic development of Victoria Park and other locations. This is a bill that enables whatever happens to be legal. The alarm bells should be ringing loud for all.

Our suggested pragmatic remedies are as follows. There must be specification of all sites. Their purpose and the boundaries of all Olympic sites must be identified, cadastral and published before any further work. There must be a defined process. There must be phased steps for development in line with standard development practice. There must be explicitly staged collaboration with relevant departments and the community built into the development process, scope for impact without having impact level resource and certainty as to the status of the land—if Victoria Park and other sites become subject to this bill's Rafferty's rules then the Olympics will just be the start of a development festival of public lands. The formal support of the IOC for the construction of the National Aquatics Centre within Victoria Park must be made available and formal published approval by the IOC for all sites because they do not, in fact, adhere to the IOC's initial contract documentation.

We suggest that these seven basic remedies would give the bill and the Olympic project a better chance of achieving their desired outcomes. This proposed construction in Victoria Park is in breach of the original Olympic contract. We note that the core Olympic sport—athletics—despite having the second-most used venue in the state at QSAC, has received very little legacy development in this process, yet cricket and AFL, neither of which are core Olympic sports, will profit handsomely. The decision that spectator sports are more important than participant sports has clearly been made. Is the Olympic legacy we want for Queensland that our government chose unbridled development for the Property Council and other special interests over preservation of our community assets? This poorly constructed bill sets a dangerous precedent and should not proceed. Thank you.

CHAIR: Dr Peach, do you have an opening statement that you would like to make?

Dr Peach: Thank you. Mine will be very brief and it deals with that second issue—there is no transparency with how this legislation supports the published contract documentation. Our concern is that this legislation will slow and confuse the development process, it will increase the likelihood of cost overruns, it excludes stakeholders and the community from knowing and participating in what is happening, it obscures critical elements of the contract between Queensland and the IOC, and it creates uncertainty as to who is responsible for what. The reasons we have these concerns is that

the legislation depends on a set of hierarchies: the GLG, the OCOG, GIICA, the state departments, local governments and distributor-retailers. In the absence of clear lines of delegation many hands make for confusion.

Secondly, there are at least six key contractual obligations ignored by this bill. Thirdly, there are no checks and balances at play that can interrupt a bad decision reverberating through the implementation. Fourthly, the legislation may make legal what action is taken by GIICA or distributer-retailers, but it does not take away the existing obligations of those responsible for the subject land, and this goes to portfolio ministers in the Queensland government as well as local authorities, because the land apparently will retain its current legal and legislative status.

Our conclusion is that based on the *Olympic host contract operational requirements—October 2022 (with addendum)* there are six key areas where specific obligations are placed on the host regarding venue selection, cultural heritage, sustainability and legacy. We have categorised these under the following headings and we see that there are clear obligations and the real potential for uncertainty and confusion if these are not covered in this legislation. Specifically, the six areas are venue selection and location; land associated with those venues; venue obligations; arrangements for cultural heritage sites; sustainability impact and legacy; and pre-election commitments. These obligations are not made clear in this legislation. The success of developments required for the games will be doubtful if these matters are not dealt with now in the legislation. Thank you.

Ms BUSH: The Deputy Premier has cited the timing of these Olympics as one of the justifications for this bill to expedite developments. You are a heritage architect and you have looked at similar Olympic sites and host cities. Do you see a world in which the government can still introduce a planning framework that would be transparent, that would allow for consultation and consideration of key issues, like environmental, cultural and heritage impacts, and still get these stadiums approved on time and on budget?

Dr Peach: Thank you. Yes, I think that is a really important point. The suggestion is that the legislation is required for timing. Even in an impact assessable development, the time for community consultation is a matter of three, four, five weeks. The issues are not about timing here, they are about illegality. The status of the land, part of it cultural heritage, part of it Aboriginal cultural heritage and all of it deed of grant in trust, comes with a whole lot of baggage and what this legislation does not do is remove that status. It simply makes what GIICA does legal. Portfolio ministers are in for a hell of a time because they do not have control of what GIICA—I mean, potentially they might circuitously—but they are still liable for the status of the land and the contract requires that and the legislation appears to be framed on that basis. This is making it far muddier than an impact assessable development.

CHAIR: You recognise the legislation does create—you rattled off those acronyms before—that leadership group as well so thank you. I will go to the member for Cook for the next question.

Mr KEMPTON: Dr Peach, the games have been around for a number of years and prior to the election it was progressing in a certain direction. Are you confident, had that direction continued on until 2032, that none of these issues would have arisen; they have only arisen as a result of this proposed legislation?

Dr Peach: I know lots of stuff, but I cannot conject about what might have been. Really, I suppose, we can only deal with what we have been presented and we are coming to you to try to present to you that this is not the best way of achieving timeliness. We can assure you there are more cracks in this than in the most contentious impact assessable development and they are all over the place. Elizabeth has suggested eight changes and in my paper I am suggesting six changes. You need to look at this or this is going to become a bugger's muddle.

CHAIR: Sorry, what was that? What did you say?

Dr Peach: I was saying that the governance arrangements are there and there are clear bodies in place, but there is no clarity about a process so, in effect, unlike an ordinary development or even a PDA or an MID, there is a structured development process and we are suggesting in an open way this needs to be considered for it to be open to a normal process, otherwise you are going to have multiple Olympic sites all being developed by different distributor-retailers in different local government environments where there is no agreed development process.

CHAIR: There are certain parliamentary rules and some words that are unparliamentary. I was just wanting to make sure that did you not say something that I had to get you to withdraw.

Mr WHITING: Chair, I am sure he said beggar's.

CHAIR: Yes.

Mr WHITING: You have talked about the fact that the government has announced it will build a stadium on a place with cultural and heritage value then introduced legislation to retrospectively legalise that and then you have talked about no structured development process; do you think this all sets a dangerous precedent?

Dr Peach: I think it is dangerous at multiple levels. Rosemary and the team at Save Victoria Park have approached it from the point of view of, I will call it, the broader community level. What we are talking about is the actual pragmatic level. We do not agree with the legislation, but if someone was going to have legislation to do this more quickly you would do quite a lot of different things in this legislation, and I will just reinforce the point: this bill only makes an action to do something on the site legal, it does not change the status of the land. The ministers responsible—the minister for resources, the minister for environment, the minister for cultural heritage—are all on duty for this whole process and they are liable under that process for their existing obligations. Why would someone do that to themselves when you want to streamline this process, let alone the topographical and geographical issues put on top and I suppose, to talk to the issue of, there is no requirement for this bill to ever tell us what the site is at Victoria Park. It can process its way through. We started at 12 to 13 per cent under the sport venue review. We got to 30 per cent with the GIICA review, but then the Queensland government chose to put further developments there, and conservatively it cannot be less than 58 per cent. So we have already gone from 12 to 58 per cent and there is no obligation to actually specify the site. You can just keep on doing, I will say, salami tactics for the whole development process and no-one will know where you are up to and no-one will know what you are going to do. That is our pragmatic concern.

Mr JAMES: Neil, are there any examples of developments that you have supported in your area that you would point to as gold standard?

Dr Peach: We have made contributions on multiple developments undertaken by Queensland governments over the last several years, including ministerial infrastructure designations and priority development areas. Everyone in the community understands what you are dealing with and there is a predetermined approach where these things go through a process. We are very happy to participate—and that is the keyword. Participation is about bringing people on board, not just obfuscating or slowing it down.

The danger in this is that no-one will know what they should say or should not say because there is no structure for anyone to know that. If you said the state government was going to do a PDA on this land, there is a bible on it and you can go and look at it and see what is going to happen. With this, you have sites all over South-East Queensland and Queensland in different local government areas where there is no process and there are no checks and balances, so all of those governance bodies are going to have a hell of a job trying to work out where they are up to and who has done what to whom. It really is serious at a pragmatic level as well as at ethical and other levels.

I suppose I am trying to convince you: we are not trying to get in the way with these suggestions. These suggestions are about trying to reduce the damage.

Mr MELLISH: I am not sure if you heard some of the comments of the Save Victoria Park group earlier. You have put a lot of work into your submission, and I thank you for that, Neil. How much of the site would need to be used and do you have any idea how the transport links would possibly work on this site?

Dr Peach: Because of the work we did over a couple of years researching the heritage of the northern side, we know there are no urban services in Victoria Park. It is quite a unique piece of land in the sense that there are no water mains. There is nothing in the land that is on the northern side. Outside of the boundaries where they have some connections, there is not anything inside it. It has never been built on.

In fact, one of the major issues about the whole site from a cultural heritage point of view, which is managed by the department of the environment, and an Aboriginal cultural heritage point of view, which is managed by the Aboriginal partnerships minister, is that there has never been any development here. The archaeological issues at stake on this site have been recognised by the department of environment and tourism itself and they have recommended that the northern side be culturally heritage listed under the Queensland Heritage Act. The southern side is already heritage listed for exactly the same reasons—cultural heritage and social history as well as First Nations significant history. That is a long introduction to answering your question.

This is not a Wembley Stadium where you can just build a stadium and everything is already connected. You actually have to make all of the major arterial connections into this facility. You have to have probably at least one from the east, one from the west and a major pedestrian access from the south. This piece of land is going to be sliced and diced to the point where there may be X hectares

if you add up that bit over here and that bit over there, but there is not going to be what you would call a park that constitutes a park in the ordinary sense of the word. Our estimate is based on a comparative analysis across the world, to the best of our endeavours.

We have listened and looked at what the experts have said about transport circulation and so on. Our estimate of 58 per cent is extraordinarily conservative. I am happy to make that available with all of the background references if the committee would like to have a look at that report.

Mr MELLISH: I think that would be useful. If you are happy to present it here, we would be happy to accept it.

CHAIR: Thanks, Dr Peach. We will have a look at that and see if it meets with the standing orders. You have mentioned the opportunity to do things more quickly. Obviously, there would be processes that a government could use to do that but we are not; we are actually putting forward a bill and we are going through a public consultation process now. Given your expertise, I would be interested to hear from you on this point: given there is no committed design for Victoria Park and the stadiums, is there an opportunity to maximise the green space in any development and design there?

Dr Peach: Yes, there is always an opportunity to maximise, but the issue at stake here is that you want certain facilities that have certain functions. What I have looked at is not, I would say, the Rolls Royce. What we have looked at is: what is the footprint if you are going to have an Olympic 60,000-seat venue? What is the footprint for a secondary track? What is the footprint for a national aquatics centre? What are the likely access and circulation requirements? When you take that into account, it is almost impossible to get under 58 per cent, and that is more than half the park, obviously.

At the moment, we do not even have a report with regard to the justification for a national aquatics centre. The Queensland government has made the decision to do that. GIICA was strongly against it. It recommended strongly an alternative site, and that is the site that is the existing state heritage listing under deed of grant in trust. The area that we are talking about cannot get much less than 58 per cent. Over the next 10 to 15 years, Brisbane, if it was to retain its park-to-people ratio, would need 30 new Victoria parks. Maximising a hectare here or there at the corner of the park where the road cuts through and so on is not going to make a lot of difference. This land and this process will be scarred if you take nearly 60 per cent of it for a stadium and its associated facilities.

CHAIR: For your awareness and the awareness of the member for Aspley, on the Cross River Rail website there is provision for a 165-metre-long platform with the ability to have nine carriage trains. I understand that is the design capacity for a stadium.

Mr WHITING: I think it is going to be much bigger than that.

Mr MELLISH: How far away is that station, Chair? It is more than one kilometre away.

Ms BUSH: Neil, picking up on the question from the chair, you can offset green space but I imagine it is quite difficult to offset cultural and heritage value. Once that is gone, it is irreplaceable. I am interested in your views on that in the context of Victoria Park. Do you also have any observations on what Brisbane and Queensland stand to lose around that loss of cultural heritage space and maybe observations generally about cultural and heritage space degradation in Queensland?

Dr Peach: The status of the park at the moment is that the southern side is held under state heritage/cultural heritage listing. There is an area of First Nations cultural heritage listing. On the northern side, on 13 June the Queensland Heritage Council is hearing from me and others with regard to the department's recommendation for the cultural heritage listing of the whole of the northern side. In that regard, there were more than 350 submissions in support of my submission to the Heritage Council and there were four objecting submissions. From the point of view of people who walk the talk, there is a lot of support within the community for recognising its cultural heritage. I have worked closely in association with Queensland and Brisbane historian Ray Kerkhove to make sure that I understood the First Nations implications of that. Included in our submission is a summary of that Aboriginal cultural heritage value.

At the moment, the department of environment believes that the whole of the park meets the cultural heritage standards of the Queensland Heritage Register. That is a rigorous process. We had spent probably two to three years working on the submission that is now going through the process. We believe that there are at least four and maybe five of the standards for state cultural heritage listing that are clearly met by the whole of the site. I am not meaning to be negative, but the existing requirements on the Minister for the Environment for the existing state heritage listing are that, unless the government put this legislation through, the minister would be unable to agree to the national aquatics centre on the south part of Victoria Park. It simply would be unacceptable.

Without going into the details—and it was 100 pages of detailed submission—about all of the values intrinsic in the site, not only from 1824 but from a period prior to that, recognising the significance for the First Nations people, the recent study done by erbas with regard to the Brisbane

City Council's LGID proposal for the site referenced the fact that Victoria Park had features that were unable to be replicated in New Farm Park, in Newstead Park and in any of the other significant heritage parks. That submission, done by the cultural expert, said that Victoria Park was unique in that sense.

Mr KEMPTON: Coming from North Queensland, I am familiar with the location but I have not been to the park. Elizabeth, can you walk me through its current use and its history?

Ms Handley: Victoria Park was originally 130 hectares and it is now approximately 60, so already it has been halved. It has been used for various uses. It was used as a golf course, but as a golf course it was still used by the local people. The thing that I find most distressing about some of the stuff that has been said about Victoria Park is that it implies that as a golf course it was a totally closed off area. That is not true. It has been used by the local people in Kelvin Grove and Herston for many years as an open area, as I imagine a lot of golf courses are. It was probably more of an open golf course than most golf courses because it was a way for people to get from point A to point B. It was a shortcut, if you like. It is incredibly important to have the green space of Victoria Park where it is.

One of things we seem to have forgotten is that it is by a major educational institution. It is also by a major health institution. There are 8,500 people who work at RBH. There are huge numbers of health facilities there. There are also huge numbers of support health facilities that are around Victoria Park that all use Victoria Park as areas to recreate because it is a lovely area just to walk around. I must state I find it incredible that nobody has mentioned exactly how hilly Victoria Park is. I am getting on in age and I would not like to be walking from the train station at the RNA grounds up to Victoria Park. It is quite a steep incline that you are coming up through there. This business that it is easy to get transport to that park is absolute nonsense.

The other thing I would point out is I worked at RBH for 25 years and at least three of those years was spent with them jackhammering into the RBH hillside to build new property there. That is what you are proposing at Victoria Park—exactly the same thing.

I live near Lang Park in the Paddington area. I live over a kilometre from Lang Park; I can hear the noise from Lang Park—noise travels. We are proposing to put a large stadium, the largest stadium in the state, beside our largest hospital.

People have said, 'Oh, but they have the RNA there for two weeks a year.' Yes, they do. The reason you can have the RNA there very easily for two weeks a year is because you have people coming and going at different times. What you are proposing is a stadium where 65,000 people come at various times, but they all leave at the same time, and that is a very different business. We already have congested roads in Brisbane. To suggest that you could put this type of development in a park close to our major hospital with absolutely no influence on what is going to happen with traffic in that area is sheer nonsense.

The other thing I would like to point out is if you look at the size of Suncorp Stadium, it is literally a city block. It is huge and it has around it a whole lot of other infrastructure. It has buses that go past. It has a train station that is near it. It has actually two train stations because you can come up from Milton or you can come up from Roma Street. That is not what we are proposing here. We are not saying that there are a whole lot of areas around it where people can recreate after an event. I am trying to explain to you that this is not the ideal place to be putting a stadium. In fact, it is almost the worst space to put it.

Mr KEMPTON: Ultimately, there will still be open space available for people to use?

Ms Handley: There is open space, but how much open space? We started with 130. We are now down to 60. We are going to lose 60 per cent of that. We are down to 20, and it will not be 20 in one area; it will be 20 over various areas and it will be broken up. The question I ask you is—

CHAIR: Elizabeth—

Ms Handley: Sorry. I have just been to London. If I said to the people of London, 'Let's put a stadium in Hyde Park,' there would be rioting in the streets. That is what we are proposing to do.

CHAIR: Thanks, Elizabeth. Dr Peach, you offered to provide a research paper. I cannot table that today because we do not have it, but if you could share that with the committee, we will consider that at a future meeting.

Dr Peach: I am happy to do that. Also, there is a full statement I have made in regard to the heritage details of it. Whether that would be helpful to you or not, I would be happy—

CHAIR: We will consider those at a future meeting. Thank you. I wish you well for the rest of the day.

BATTY, Mr Mitchel KC, President, Queensland Environmental Law Association

CONNOR, Mr Michael, Chair, Planning and Environment Law Committee, Queensland Law Society

DUNN, Mr Matt, Chief Executive Officer, Queensland Law Society

HEYWORTH-SMITH, Ms Cate KC, President, Bar Association of Queensland

HODGE, Ms Kristen, Co-Chair, First Nations Legal Policy Committee, Queensland Law Society (via videoconference)

WEBB, Mr Troy, Member, Planning and Environment Law Committee, Queensland Law Society

CHAIR: I now welcome representatives from our legal fraternity—the Queensland Law Society, the Bar Association and the Queensland Environmental Law Association. I invite you to make an opening statement and then we will have questions for you.

Ms Heyworth-Smith: I appreciate the opportunity to address the committee on behalf of the Bar Association of Queensland in relation to the draft planning legislation. I will focus on the proposed amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021, and particularly in relation to the addition of proposed new chapter 3A headed 'Provisions facilitating development etc. for the games'.

The Bar Association acknowledges the purposes and objectives for the addition of this chapter, the matters that are set out in section 53DA of the draft legislation, and that is the timely delivery of development for or relating to authority venues, other venues and villages, and the construction of games related transport infrastructure, as well as protecting the public interest in ensuring the state is ready to host the games and to facilitate legacy uses of venues and villages. The authority venues are the 17 venues listed in proposed schedule 1, along with the games related uses and legacy uses. The association has no submission to make on the appropriateness of those purposes or objectives, venues or uses. That is entirely a matter for government. However, how those purposes are to be carried out under the draft legislation is of significant concern to the association.

Primary among those is the proposal to deny access to the courts for civil proceedings in relation to development use or activity if there is a reasonable prospect that the proceeding will prevent the timely delivery of an authority venue, other venue or village for the games or the timely completion of games related transport infrastructure. The provision does not simply aim to render otherwise unlawful acts lawful or to provide immunity from prosecution for what would otherwise be criminal offences. Those are dealt with in section 53DD(1) and (2), and I will come to those briefly.

The truly concerning section, as far as the Bar Association is concerned, is section 53DD(3) which exists to prevent two or more private individuals, whether companies or natural persons, from suing each other. It might also extend to proceedings involving the state as a litigant, but that would be incidental, rather than by design. It begins with the word 'also' which rather does tend to suggest that it might have been an afterthought. But it then commences and says, '…a civil proceeding may not be started against a person…' So it is not the case that the provision is aimed towards a summary or speedy determination of a dispute after the plaintiff has already commenced a proceeding but to, in fact, stop the proceeding from being commenced in the first place to completely oust the jurisdiction of the courts to hear and determine a private dispute, stopping a private individual from accessing the courts to resolve a private dispute with another private individual.

Aside from the breathtaking dismantling of the rights of individuals, this appears very much to be a challenge to the institutional integrity of the Supreme Court by state legislation. It would be unsurprising to this committee, with respect, that there is High Court authority which may be called in aid of having that legislation struck down.

Aside from the question of its constitutionality, when individuals are prevented from accessing independent courts and tribunals to resolve their disputes, there is a contravention of the rule of law. This is not simply a theoretical construct. It has been the experience of history that when the rule of law is not present to provide a mechanism for independent resolution of disputes, humans find some other way to do it and it is rarely peaceful.

While the proposed provision has practical difficulties, which I will come to, they must not be allowed to distract from the fundamental proposition that the rule of law must not be a casualty in the battle for efficient development of Olympics infrastructure. It should be instead viewed as a key driver of it. Economic development requires the participants to have confidence in their ability to enforce contractual rights. Adherence to the rule of law, the administration of justice and the absence of graft are the hallmarks of flourishing economies which is what this government and the people of Queensland want. Asked rhetorically, from a practical perspective, why would a company tender for a contract worth hundreds of millions of dollars if it could not enforce that contract by regular application to the courts of the jurisdiction in question?

Having stated that a civil proceeding may not be commenced by a person, the provision sets out the nature of the proceedings to which it might apply. Those are proceedings in relation to the development, use or activity if there is a reasonable prospect that the proceeding will prevent the timely delivery of the venue et cetera. This leads to the practical problems with that provision. Who decides prior to the commencement of a proceeding whether a proceeding is one in relation to a development, use or activity under the act? 'In relation to' is a phrase of the widest import, so it will capture a lot of proceedings that might be considered prima facie, incidental to the development, use or activity.

Who decides prior to the commencement of the proceeding if there is a reasonable prospect that the proceeding will prevent the timely delivery of a venue? What plaintiff will simply accept that they cannot commence the proceeding on the basis that those hazily drafted criteria might be found to exist? Those criteria can only realistically be pleaded as a defence after the claim has been regularly instituted. The best the courts could do would be to see whether early summary determination might be appropriate. The position becomes hopelessly circular.

The provision introduces two other facts for determination as part of its criteria for the application. This will expand the scope of litigation, not contract it. The Bar Association submits, with the greatest respect, that the provision will not achieve the purposes or objectives which it is said to be enacted. It will have the almost inevitable effect of creating more and longer litigation, rather than the opposite.

There are other mechanisms which might be considered and employed to see to the efficient determination of civil cases while maintaining adherence to the rule of law. Those include: fast-tracking rules of litigation for relevant proceedings; the process of disclosure of documents, which is a very large and time-consuming part of civil litigation to be prima facie inapplicable as or subject to application as in the Federal Court; legislation promoting summary determination or guillotine orders for breach of fast-track rules and directions, for instance, non-compliance with an order results in a proceeding being dismissed or, alternatively, noncompliance results in fixed costs orders, payable with a short timeframe or a defence is struck out—mechanisms that require legislation in order to see to the timely determination of disputes. The potential also exists for the creation of a special Olympics list similar to the commercial list in the courts, of course in consultation with the Chief Justice of the Supreme Court; alternatively, the creation of a special Olympics court. There is longstanding precedent for specialists courts requiring such expedition and one, of course, is the Queensland Court of Disputed Returns which requires very quick disposition of its disputes because sometimes who holds government can turn on those decisions. So there are mechanisms to see to the quick resolution of disputes without actually preventing those disputes from ever being commenced in a court.

I mentioned the issues with respect to sections 53DD(1) and (2). These are addressed in the association's written submissions but, in short, the first of these negates the application of certain legislation enacted for the benefit of the people, the environment and the economic development of Queensland. Unusually, the provision assumes that a person to whom it would otherwise apply has acted unlawfully. It is predicated on that presumption of unlawfulness. Then it renders the conduct lawful. It deems the unlawful act to be lawful, which is a relatively astonishing thing in a piece of legislation. The purpose of this appears to be so that developments that would be subject to those acts can be fast-tracked for the games—again, a matter for government whether or not that occurs.

Those acts are protective in nature and, given ministerial call-in powers that the government already has and the exclusion clause that exists in section 53EG of the draft bill, it is difficult to conjure a reason this approach is necessary. The government already has the ability to fast-track the developments and it has restricted judicial review of its decision to matters of jurisdictional error alone. The immunity from prosecution for what would be contraventions of those acts if someone causes harm—it is, with respect, unfathomable that they should be immune from prosecution for it. Prosecution for contraventions of those acts usually takes place well after the impugned conduct

occurs, which means that the fact of a prosecution is not going to be holding up or hindering the development in question. It happens after an investigation and after the institution of proceedings, so well after the actual conduct. There is good reason immunity from prosecution is so very rare in the legislative regime of this or other jurisdictions. Thank you.

CHAIR: Mr Dunn, would you like to a make a brief opening statement?

Mr Dunn: Thank you very much for inviting the Queensland Law Society to appear today. I would like to start off by acknowledging the Turrbal and the Yagara peoples as the traditional custodians of the land on which we are meeting today and also recognise the traditional custodians throughout Queensland with respect to these matters. We recognise their continuing connection to the land and waters particularly, and it is because of this strong connection to the land that the perspectives of First Nations Queenslanders are fundamental to the purposes of the inquiry that we are dealing with today. The cultural heritage aspects of this legislation must incorporate and respect the perspectives of the traditional custodians of the land.

We have provided a submission to the committee and I will not restate our submission. We have identified a number of issues that we wanted to raise today. We are fortunate enough to be joined by Ms Kristen Hodge, co-chair of our First Nations Legal Policy Committee. She would be pleased to speak to proposed removal of safeguards in relation to Aboriginal and Torres Strait Islander cultural heritage issues relating to the Olympic and Paralympic Games development. I am also joined by Mr Michael Connor, the chair of our Planning and Environment Law Committee, and Mr Troy Webb from our Planning and Environment Law Committee. They would be pleased to answer questions on the proposed social impact and community benefit amendments, including how to progress and how the issues at hand may create uncertainty, delay and other adverse consequences.

I would like to briefly draw the committee's attention to our concerns with respect to the civil liability proceedings of the Brisbane games in the section 53DD(3). We have outlined some concerns with respect to how that legislation may work and the particular type of unintended consequences that our colleague at the bar talked so elegantly about that maybe hindered types of actions that relate to safety or the ability to enforce contracts or recover costs or other types of uses, and there are other submitters who have gone into that territory. One way that we submitted we could address that is to give the court the power to require leave to bring a proceedings in a circumstance and then give some relevant consideration to the court so the court maintains control—the court maintains its sovereignty—but also can deal with valid matters that need to be progressed in order to affirm rights. We would take any questions and try to assist the committee. Thank you.

CHAIR: Thank you, I will go to Mitchel.

Mr Batty: The Queensland Environmental Law Association is grateful for the opportunity to present this afternoon. Similar to the other bodies here this afternoon, its submissions are non-political and are based on process. The association supports the submissions that have been made by both the Queensland Law Society and the Queensland Bar Association. In the interests of time I will not repeat what has been said, but, effectively, the submission of QELA is focused on paragraph 5(a) of its written submission, which is the proposed introduction of a community benefit system by requiring a proponent to conduct a social impact assessment and enter into a community benefit agreement with the relevant local government before lodging particular development applications. For the reasons that QELA has set out in its submission, its position is that that amendment is not in the best interests of the community and ought to be changed. Other than that, we are content to rely on the opening of the other two associations that have presented this afternoon.

Ms BUSH: Cate, you have outlined some really quite outstanding technical flaws in the bill. Were you consulted on the bill prior to its introduction and, in your view, is there any way to make those particular sections workable?

Ms Heyworth-Smith: Prior to the bill's introduction, no, we were not consulted about the draft amendments, but we were consulted in a timely way after the bill was presented. In relation to mechanisms for making it workable, yes, we do believe that there are mechanisms that make it workable, but one of them is not to simply prevent civil proceedings from actually being commenced. The chief executive of the Law Society has raised a point of a potential aspect being the seeking of leave to commence a proceeding. That is a type of proceeding that is a pre-proceeding that does exist in a number of different facets of litigation, so it is another way that could be added to the armament of ensuring timely disposition of this. As I say, the key to this is ensuring, in our position, with respect, that the courts are armed with legislation and subordinate legislation that gives them the ability to effectively fast-track litigation once it has commenced. The clearer the legislation, the less likely there will be extraneous litigation about it.

Ms BUSH: Can I clarify if those recommendations are in the body of your submissions and whether that would sort out the example that you raised around the lack of confidence from proponents in wanting to bid for work without having the ability to seek civil remedies?

Ms Heyworth-Smith: If I understand the query correctly, we have set that out as a risk. As soon as you stop people litigating, that risk subsists and there is very little that litigation can do to stop that risk. We would say that, as it currently stands, that provision at the very least needs to be omitted entirely, with a different focus being on the practical aspects of fast-tracking the litigation so that that confidence can be retained in people who would bid for contracts.

Mr KEMPTON: Cate, the alternatives you talk about may require legislative and regulatory reform change and so on, so bills will have to be prepared and brought before the House. There would be time delays. Then they would have to be retrospective because a lot of these obligations and liabilities are arising now and there are going to be a lot of people very upset that we will be list jumping. How is that really a practical outcome where it is not just creating the same quagmire that we have now?

Ms Heyworth-Smith: There is a bit in that question, with respect, and all very sensible points to be added. The first is in relation to having litigation move quickly through the courts. That would be answered with the appeal to having a separate list or a separate, indeed, court established in relation to Olympics proceedings, but that is a matter for resourcing. The more that is invested in those aspects of the proceedings, the faster they will go has been my experience as a barrister in all areas of practice. Particularly in relation to the issue of queue jumping, properly resourced, the courts are able to see to all of the obligations to the people of Queensland, not just those derived from Olympics games litigation.

To the other point that you made about new legislation and retrospectivity, this provision does not exist in the legislation at the moment so there is no problem about people entering into contracts. As the matter stands, they can still have access to the courts. In relation the further steps, they would arise and could be legislated to be clear that they arise from the point of the dispute occurring and apply to the dispute as opposed to applying to the underlying contract. I am perhaps trying to draft legislation as I speak.

Mr KEMPTON: You are suggesting that your alternatives exist within the current legislative regime? There would not be any requirements to amend the Judicial Review Act or anything else to bring that about?

Ms Heyworth-Smith: The fast-track through the courts, however that mechanism might be achieved, or, as the Law Society has suggested, with respect to leave of proceeding, would require legislation or regulation or a practice direction. It would require further steps for fast-tracking. The restrictions on judicial review for jurisdictional error exists in, I think it is, 53EG of the new legislation, but that provision is already there. It was just that part 4 of chapter 3 is to be omitted by the draft bill. It exists in that part and it has been replicated in the new part so it already exists. That is, the limitation on judicial review for jurisdictional error only already exists.

Mr MELLISH: To each of the three organisations appearing: do you believe that the bill contains sufficient legislative checks to ensure that Olympics infrastructure decisions are evidence-based, transparent and appropriately open to public scrutiny?

Ms Heyworth-Smith: Was the question: do we consider that it has sufficient checks?

Mr MELLISH: Yes, as it is drafted.

Ms Heyworth-Smith: The bill itself as it is drafted or the extant legislation?

Mr MELLISH: The bill as it is drafted.

Ms Heyworth-Smith: The disapplication of a suite of legislative provisions does suggest a lack of transparency. How that is to be implemented in practice will be a matter for government.

Mr Dunn: We are dealing with a very extraordinary bill that is asking the parliament of Queensland to make a very extraordinary choice in relation to games infrastructure. I appreciate that there is a significant public interest in terms of delivering games infrastructure in a timely way so that Queensland looks good and everyone comes out of 2032 smiling, which is one end point that we would all like to achieve. The other side of that is, of course, allowing individuals to be able to resolve their concerns and their disputes and also to make sure there are the appropriate checks and balances of development and the programs and progresses.

Perhaps the bill as drafted is an extraordinary choice for the parliament to make and it is choosing one or the other of those two opportunities. It would be a useful thing, if we had our time again, to go back and see if we could choose both of those two outcomes without getting to that

particular end point. We were not consulted in the process of the bill being created so we did not have the opportunity to try to assist in that regard. There are perhaps ways that we can ameliorate some of the most concerning aspects of this particular bill in front of the House. Perhaps that way of leave with respect to judicial proceedings might be one way, so that regulators and authorities can still do the work that they need to be able to do. Ultimately, I thank the member for the question. It is an extraordinary choice for the parliament to make and you are balancing some very significant considerations in a very binary way.

CHAIR: Do you have anything to add?

Mr Batty: No, I am content to adopt Mr Dunn's answer, thank you.

Mr JAMES: Cate, how will the coordination powers in this bill, such as ministerial planning powers and fast-tracked approvals, improve the state's ability to deliver the Brisbane games within the required timeframes?

Ms Heyworth-Smith: The extant powers that include the ministerial call-in powers, as you say, and the restrictions on the aspects of judicial review that can be sought will—I think that the answer is probably in the name, that they are fast-track review processes. They are processes that do tend to take the applications as made and can be called in by ministers, by government, to actually see to the approval or disapproval of applications without the wholesale discarding of the legislative regimes. It is not an assessment process as currently exists for approvals of this nature with respect to the games infrastructure, but it is also not a complete disapplication of those provisions. It is something of a compromise position that is designed to ensure efficiency and designed to ensure that it is taking place faster than it otherwise would. Guarantees are not something that any legislation can give.

Mr WHITING: Ms Hodge, I will bring you into this. One of the things we have talked about and the Law Society has flagged concerns about is the proposed alternative framework for Aboriginal and Torres Strait Islander cultural heritage. Can you outline what your concerns are and what safeguards you believe are necessary to protect those cultural rights and legal obligations?

Ms Hodge: Cultural heritage for First Nations people is vital to our wellbeing and our mental health. It contributes to closing the gap. It helps preserve our unique identities, our languages, our traditions and our histories and it gives a strong sense of belonging. The cultural heritage legislation in Queensland is already at the bare minimum. It already provides mechanisms where, if there is no Aboriginal party, the proponent or the land user can proceed if they do not reach agreement. By taking those stop-work orders and injunctions away from First Nations people, you are taking away their ability to identify what is culturally significant to them. We have a Commonwealth piece of legislation with native title that has a stringent procedure that the court goes through, but this is the only legislation in Queensland that gives First Nations people the ability to say, 'This is culturally important to me.'

It is very concerning that there is a default plan put into the legislation because it is essentially setting up groups in Queensland. We had a Cultural Heritage Management Plan guideline but we do not have an agreement that is open to the public. It might potentially create a standardised agreement that prevents Aboriginal and Torres Strait Islander people from having a say in their cultural heritage. Therefore, it is quite concerning to have a default plan included in the legislation when you already have the ability to proceed if you do not have an Aboriginal party. The difference is that, if you proceed without an Aboriginal party under the current legislation, there are dispute resolution clauses. Perhaps in the future, in a couple of years time, if an Aboriginal party is identified then cultural heritage is identified and then the Aboriginal party will be able to use those dispute resolution orders to get into that agreement.

CHAIR: I understand that the current planning and legislative framework has bottlenecks in terms of development processes that you may be experienced with, given your background. Will this bill assist in overcoming some of those current impediments?

Mr Connor: I think the answer is, yes, it will help to streamline things but the question is, at what cost? That is really the question. As Mr Dunn put earlier, it gives you a couple of very strong binary choices. A ministerial infrastructure designation has been a feature of planning law for some time. Does it streamline things and make things quicker? It does. Is it appropriate in some circumstances? It is. Can the government exercise that power from time to time? They do. But here is the cost of what is being swept away to achieve the outcome.

Ms BUSH: In the QLS submission you note that the bill does not adequately provide for public participation. In your view, what is missing from the bill in relation to that? Why is public engagement important from a legal and a governance perspective?

Mr Connor: Public consultation is an important aspect of fairness and justice to the community. It does not mean that the public's views have to be determinative of the outcomes. It is about, in an ordered democratic society, the opportunity for the public to have a say. I think Ms Cate Heyworth-Smith, on behalf of the Bar Association, made the point well about what happens when people do not get the opportunity to be consulted. I think it is fundamental and I think it is important for this outcome to be successful.

Mr Webb: I should also add that, with respect to, say, the wind farm and the solar projects, they are also designated to be impact assessable so members of the public will have an opportunity to make a submission and secure rights of appeal if they are concerned.

CHAIR: I was picking up the point with my colleagues about the extraordinary nature of the bill that you referred to, Mr Dunn. If there was not the extraordinary number of 1,200 days under the former government, do you think that we would be in this situation?

Mr Dunn: I am not sure that that is a legal issue.

CHAIR: I am happy to take your advice.

Mr Dunn: I am not sure that is a legal issue. That is really a matter for the parliament.

Ms BUSH: Noting the chair's point about timing, in your legal opinion or view, is there still time to put a proper process in place that would allow for a proper planning framework, for transparency and consultation and appeals rights and still expedite projects?

Ms Heyworth-Smith: I am no braver than Mr Dunn in answering those questions. My answer would be, yes, but everybody would have to work very hard and very fast and there should be some changes to enable that to occur, but, as you have heard, not these ones.

Mr Dunn: Time is ebbing away and that is a given. However, there is at least always a little more time to be able to work on amendments to this bill, some drafting changes to deal with some of the civil litigation issues that we talked about or alternately to consider some of the other planning options that are available. The parliament can choose its own adventure with respect to this. Of course, time is getting away with respect to this. We could always work on some more things.

Ms BUSH: The publishing of decisions and prescribing consultation periods does not take six years. That can happen in quite a short period; would you agree?

Mr Dunn: We have certainly seen some very short-term consultations. My memory is 24 hours was about the shortest one that I have ever seen. I would not want to go back there again. Certainly, stakeholders in Queensland are ready to engage on issues if there is a need or an opportunity to do so.

CHAIR: Some submitters have raised concerns about the lack of consultation with regard to environment issues and cultural heritage protection. Do you recognise that the bill and the explanatory notes outline the compliance with the federal government requirements under the EPBC Act as well as the obligation for engagement and consultation with stakeholders to develop a cultural heritage management plan? That is to each of the organisations.

Ms Heyworth-Smith: We would defer to Ms Hodge with respect to that.

Ms Hodge: Can I clarify the question, please?

CHAIR: The explanatory notes refer to the obligation for consultation and engagement with the relevant stakeholders in developing a cultural heritage management plan.

Ms Hodge: There are concerns with that because we essentially have two Aboriginal parties in some of the areas. My concern is that for the games a notice for a cultural heritage management plan will go on a website. That means that First Nations people who might not have access to the internet or who live in remote and regional communities might not get access to that information. The current avenue is done by public notice and it usually includes a newspaper. There will be several people who will be disadvantaged from being able to participate in a cultural heritage management plan. A cultural heritage management plan is a mandatory requirement if you need an environmental impact statement. It is the only time you need a cultural heritage management plan and it protects you from any sort of litigation in relation to that.

Ms BUSH: Picking up on the chair's comment about the EPBC Act, it is my understanding that the federal and state legislation do different things and protect different things; is that correct?

Mr Connor: The answer is, yes. The Commonwealth legislation cannot be overridden by state legislation so effectively the bill seeks to override what it can deal with and what it cannot.

CHAIR: Cate, in your opening remarks you mentioned an Olympics court as a novel approach. Is there anywhere else around the world where that has happened?

Ms Heyworth-Smith: There are courts of arbitration for disputes in sport and obviously they have existed for a very long time, but that is different to the potential suggestion, as I say, as a novel approach with respect to solving a problem in a manner that might serve a number of different purposes. I cannot cite a particular type of court.

Ms BUSH: Mitchel, I am conscious that we have you here and probably have not heard from you as much. In the time that we have left, is there anything that you would like to add in addition to your submission in relation to the renewable components, particularly of the bill, and some of the issues that are coming up particularly around the community benefit assessment regime?

Mr Batty: The focus of the submission from QELA has been on what is required for particular development applications to achieve a status of properly made. Pursuant to the amendments effectively, a community benefit agreement has to be entered into with the local government. That is a fundamental shift because, in summary terms, as things presently stand for a development application you still have the right form, you pay the correct fee and you have owner's consent and you can make a development application. QELA is not supportive of effectively the extra layer of regulation that would see other requirements being introduced in order for a properly made development application to be lodged. Effectively, if there is an intent to further regulate particular types of development then there is an ability to do that in the current system through the already in place assessment processes. That is all we really wish to add. Otherwise, we are supportive, as I say, of the submissions made by the Law Society and the Bar Association this afternoon.

Mr Webb: Section 50 of the Planning Act has a heading, 'Right to make development applications', reinforcing the open nature of Queensland's planning system. The recent trend has been away from having barriers to entry to that system. Under the former Sustainable Planning Act, there was a barrier that required an applicant for development on state land to demonstrate that they had a state resource entitlement prior to making an application. That was abolished by act No. 32 of 2012, section 41, and the explanatory notes recorded a policy intent to decouple the resource allocation or entitlement process from the development assessment process. These proposed reforms facilitate a barrier to the development assessment system that has not existed previously—a system that has been open for a period of about 13 years. The QLS has submitted that this barrier, which has no clear circuit breaker, is a move away from the current integrated development assessment system whereby government authorities are held accountable for timeframes and concerned stakeholders can exercise rights if those timeframes are not met.

CHAIR: Unfortunately, the time for this session has now expired. Thank you for your presentations and your submissions. We are going to take a short break of 15 minutes.

Proceedings suspended from 2.45 pm to 2.57 pm.

ROBINSON, Ms Paula, Chief Corporate Services Officer (General Counsel and Company Secretary), Brisbane 2032—Brisbane Organising Committee for the 2032 Olympic and Paralympic Games

CHAIR: Good afternoon, Paula. I invite you to make a brief opening statement, after which the committee will have some questions.

Ms Robinson: Thank you, Chair, and good afternoon to the committee. I do not propose to make an opening statement other than to say that Brisbane 2032 is supportive of the changes that are proposed to its board. That is the main body of our submission. Otherwise, I am happy to take the submission as read and to take any questions the committee might have.

Ms BUSH: I do have a question about your submission around ministerial observers, but I wanted to respectfully ask: I would have thought we would have the CEO here today. I am curious about why they would send general counsel to this hearing.

Ms Robinson: Just because it relates to legislation and I am the best person in the organisation to speak to that. I would have been here regardless.

Ms BUSH: Okay. Your submission questions the need for a ministerial observer when a Queensland government representative is already on the board. Can you expand on why you see that role as potentially unnecessary or duplicated?

Ms Robinson: The previous iteration of the legislation had an observer position on the Finance and Audit Committee which we are supportive of maintaining. Whilst Brisbane 2032 is privately funded—it does not use any taxpayer dollars—if there is a budget overrun then the state government has an obligation to cover any shortfall. There was an observer position created on the Finance and Audit Committee so that the government could have a level of oversight as to the financial progress of the organising committee.

This round of amendments expands that to be a full-blown observer position on the Brisbane 2032 board. Every person in the boardroom is either a Brisbane 2032 director or a Brisbane 2032 employee which means that they have fiduciary duties to Brisbane 2032 and duties of confidentiality, whereas an observer coming in does not have those obligations. As you can appreciate, at a board level there is a lot of sensitive material covered—material that relates to our commercial program and our ability to be self-funded—and if that information is disclosed in an unplanned way that can create some significant issues for the commerciality of the delivery of the games.

We are proposing that the government, by way of the ministerial nominee to the board, who will also be the vice-president of the board, has a sufficient level of oversight for the government and that there is no need for an additional observer position. The changes we have proposed, however, do allow for a situation where the minister may nominate a non-elected official into that director/vice-president role, in which case then we would be open to having an observer in the room. However, we have also suggested some amendments to manage the confidentiality risk and the risk of fiduciary duties not being imposed on the observer.

Mr KEMPTON: Paula, with your general counsel hat on, we have had a lot of questions and criticisms about the legislation in terms of cultural heritage and making lawful that which would otherwise be unlawful in planning considerations and so on. With another 1,200 days up your sleeve, do you think we could have done a better job?

Ms Robinson: What I will say about the amendments to the planning provisions is that the construction of the venues is very much a matter for government; it is not a matter for the organising committee. We are there to deliver the games and to work with the venues that we are given. I do not feel it is our place to comment on the way the government is choosing to go about enabling that construction. Obviously, the sooner we know the venues the sooner we can plan our sporting program and get on with some important aspects of our delivery, so the quicker that is resolved the better from an operational perspective.

Mr MELLISH: You have raised concerns in your submission that a ministerial observer would not have the same legal duties as other board members. You have touched on that briefly, but what risks could that create if sensitive decisions, documents or information are discussed?

Ms Robinson: Brisbane 2032 has to raise somewhere to the vicinity of—it depends on which metric you are looking at: sponsorship revenue, ticketing revenue or licensing revenue. There is a $1.7 billion sponsorship target, for example, to be raised. In order for us to be able to raise that, we need to have certain conversations at the boardroom table in relation to things like emblem design, mascot design, torch relay locations—and the list goes on and on. If any of that information is leaked

before we would like it to be leaked from an operational or commercial perspective, it puts our financial viability and our ability to deliver the games in a cost-neutral way under an enormous amount of risk. It is a genuine concern of ours to make sure there is confidentiality. There are also things around legal professional privilege being waived. There are a raft of things that we do not have to worry about when there are board members in the room, but the minute there is someone external in the room all those issues become live.

Mr MELLISH: You would be concerned that, with things like a mascot or an emblem, someone might see a potential announcement opportunity and use it for their own purposes, whereas you have a games to run and you have to raise the funds for that?

Ms Robinson: Yes. As you can imagine, we would have to put protections in place for our commercial assets such as an emblem or a mascot design. If that was leaked early—I am not saying anyone would intentionally do that, but sometimes these things happen—that would completely undermine the commercial value of that particular asset and potentially impact on our ability to protect it ourselves. It could have longer term implications for the International Olympic Committee and International Paralympic Committee. Ultimately, we are custodians of their brand while the 2032 edition sits with us, so we are very conscious of our obligations to them in that respect.

Mr JAMES: Paula, how can government oversight and public reporting support transparency while still allowing infrastructure to be delivered?

Ms Robinson: Again, I think that question probably goes to the planning side of things, which, with respect, I am probably not best placed to comment on. Developing the venues, constructing the venues and how they choose to go about it is a matter for government. We are supportive, we will be the beneficiary and we will use venues that are made available to us, but the construction of those venues is not something we will be involved in.

Mr WHITING: My question is about the early processes being removed, which this committee has talked about. Do you foresee any risks at the delivery stage—such as delays, disputes or redesigns—if your typical checks and balances, like community consultation and technical oversight, are removed up-front because bypassing those early processes may lead to problems later on? I am talking particularly about disputes that our earlier witnesses from the Bar Association spoke about.

Ms Robinson: I will not speak to the mechanisms that are being proposed, but I will say that it is very important for us as an organising committee that the venues are delivered in time for games related use. One of the minor points in our submission is a tweaking to one of the definitions that they are not just ready for the games but for games related use. We will need access to venues potentially six and maybe even 12 months ahead of the games to enable us to come in with our temporary overlay. That will not be all venues. Equally, things like test events and those sorts of activities, which we will be heavily involved in delivering, are all part of games related use. We would definitely be supportive of activities that ensure the venues will be delivered to us in a timely manner.

CHAIR: I think you would be well placed to give us a quick explanation of how the new governance arrangements will be a benefit for the committee. For the community's awareness, can you take us through each of those new governance arrangements and the responsibilities? You referred to your responsibilities in respect of the delivery of the games and said that infrastructure is a matter for government.

Ms Robinson: Yes. Often we use the example—it gets used a lot, so apologies to anyone who has heard it before—of putting on a show. The construction of the stage is the responsibility of government and the governance groups sit with GIICA. We are responsible for putting on the show as an organising committee, so that is with us. The third part of that—the performers—is the Australian Olympic Committee and Paralympics Australia that will bring our Olympic and Paralympic teams to the games, and to have a good show you have to have good performers. They are the three parts of the delivery.

The other governance mechanism that is in the legislation is the Games Leadership Group. That body is there to provide a coordination role and to be a point of escalation if there are issues that need to be resolved—I guarantee that there will be when it comes to delivering an event like this—as a collective by a group of delivery partners. That group is made up of the highest level of decision-makers in each of our delivery partners, and they will step in and be able to help resolve issues, hopefully quickly and efficiently, so that all of those entities can get on with the business of putting on a fantastic show in 2032.

CHAIR: I like the analogy of the show. What benefits do you see in having a more streamlined governance arrangement?

Ms Robinson: As the company secretary, I currently work with the president to look after a board that is made up of 24 people. That is a lot, and they represent a very wide and diverse group of stakeholders. Each one individually is a fantastic contributor—I do not want to diminish the contribution that any of those board members have made—but it is very difficult to manage a group that size. We put a lot of effort in. We have four board meetings a year at the moment. I call them 'home games' and 'away games'. We have two in Brisbane and two out in the regions. You can imagine the logistics challenge, as well as the cost, to transport 24 board members to the away games, as well as the entourage that has to travel with them to make that possible. Streamlining the board to 15 people will make a massive difference to us—to our bottom line and to the time we spend managing board meetings. That is why, as an organising committee, we are very supportive of the changes to do that streamlining.

CHAIR: Thank you. That is well said.

Mr WHITING: You have spoken about the new governance structure of the Games Leadership Group. You have talked about it as an escalation mechanism if there are issues, but the Deputy Premier has described it as the most senior decision-making group that can solve those issues. How will that new governance structure work with the other governance structures we have? There are a lot of governance structures now over these games.

Ms Robinson: I think that decision-making aspect applies in that Brisbane 2032 are the organising committee. The Games Leadership Group does not have the ability to make decisions for us; it is more of a point of escalation. It is similar for GIICA, because we are both statutory bodies with a level of independence from government. I think the decision-making piece probably comes in in that there will come times in our future when we might need a solution on transport, health or security which will sit outside of Brisbane 2032 or GIICA but still be part of Queensland government or maybe one of our council delivery partners. That leadership group will be able to make the decision: 'Okay, we need Transport and Main Roads to do this' or 'We need Queensland Health to do that.' I do not want to speak on behalf of the Deputy Premier, but that would be where I would see the value in having that group to help make some of those decisions for government very quickly and in the context of having all of the delivery partners at the same table.

Mr WHITING: I am looking for clarity in respect of that because the Deputy Premier once said that it would provide direction and advice to GIICA and the organising committee. I do not know if we can clarify that today but, clearly, there are some views on what that body will do.

Ms Robinson: I must say that our review has been very much through the lens of Brisbane 2032, so I do not want to overstep and comment too much on the arrangements with GIICA.

CHAIR: It might be helpful, to answer the member's question, to identify who is in that leadership group. The governance structure of that is quite a coordinated and powerful group.

Ms Robinson: I can refer to my notes but it is essentially all of the delivery partners: the state government, the federal government, Brisbane City Council, GIICA and Brisbane 2032.

CHAIR: It really is a coordination leadership group for escalation, as you said. Thank you.

Ms BUSH: Paula, we have heard today from community representatives, the QLS and the Bar Association about the very real potential for broadscale community opposition to some of these locations, about unresolved infrastructure issues and about land constraints and that those things would ordinarily be picked up through a standard planning process, but in this bill that planning process does not exist so there is a very real risk that those things will become an issue and may ultimately delay things. Is that a concern that you have detected or that you share? Given the importance of putting on a show, do you see that as a risk?

Ms Robinson: I probably sound a little bit repetitive, but our main concern is that we know what our venues are going to be sooner rather than later so that we can get on with our operational planning. Those venues are being built primarily and predominantly for legacy reasons for Queensland. They are not being built for the games. We will be the beneficiary. We will use them, but there is not a single venue build or upgrade in that delivery plan that is purely being included just for the games. We very much respect that is the government's domain and how the government chooses to go about that is really a matter for the government and we do not want to weigh in on that.

Ms BUSH: Put another way, if those issues arise that would ordinarily be dealt with in a standard planning process and they are not going to be dealt with and so they continue to lag too long into 2032, there is a risk that stadiums simply may not be approved. Does that concern you?

Ms Robinson: Certainly if we were planning our operations around a venue that was not delivered on time, it would be a challenge. On time, on budget delivery is a risk and a challenge that we live with every day. It is also a challenge that our delivery partners live with every day. This opening

ceremony date does not move. Things not being delivered on time, yes, is a risk and would be a concern. Do I think that that is a risk that we need to be overly concerned about at the moment? Not really.

CHAIR: Paula, you have done very well. Thank you. You have satisfied all of our questions. We appreciate your presentation here today and also the thoughtful submissions. There are no questions on notice, so you do not have any homework. Thank you very much.

BENNETTS, Mrs Nicole, State Manager, Queensland and Northern Territory, Planning Institute of Australia

GARRED, Mr Martin, Queensland Vice President, Planning Institute of Australia

CHAIR: We are going to change the order of the program. We are running a few minutes ahead of time. The representatives from AgForce are not ready yet, but we do have the representatives from the Planning Institute of Australia here. Welcome, Mrs Nicole Bennetts and Mr Martin Garred. Thank you for your submission and thank you for being here today. I invite you to make some short opening remarks and then we will have questions for you.

Mrs Bennetts: Good afternoon, Chair and committee members. Thank you for the opportunity. We are here on behalf of the Planning Institute of Australia—Australia's trusted voice on planning. We are the peak national body representing town planners. As outlined in our submission, PIA does support the intent of the bill. We recognise this as an opportunity to recalibrate the planning processes for both renewable energy projects and the Brisbane 2032 Olympic and Paralympic Games. These are significant state-shaping opportunities and it is vital we get the planning frameworks right.

In relation to part A—the social impact and community benefit amendments—PIA supports the proposed changes that make prescribed renewable energy projects impact assessable by the state government. This is a positive step in embedding stronger community engagement and transparency in the planning system. However, we do recommend some key refinements to improve clarity, functionality and local involvement. These are around empowering local governments in those non-prescribed or smaller scale renewable energy projects where they could assess those. It is also around strengthening the link between social impact assessments and the community benefit agreements. We believe there needs to be a clearer statutory connection between the social impact assessment and the community benefit agreement and ongoing monitoring and public reporting on these.

We also would like to see some clarity in terms of community expectations. Given the social impact assessment process is front-loaded before the development application is lodged, we believe we need to communicate well with the community so that they can understand that the proposals will likely change during the assessment of the application. Finally, there needs to be an opportunity to preserve some flexibility. Because those social impact assessments are done up-front, the community benefit agreements will need to be amended if the project is approved in a different form to that originally proposed.

In relation to part B—the Brisbane 2032 Olympic and Paralympic Games amendment—we support the bill's intent in this regard to streamline assessment processes for Olympic venues and infrastructure. We understand the urgency of timely delivery, but we also emphasise the importance of upholding good planning principles not only to deliver the games but also to leave a lasting legacy Queenslanders can be proud of. To that end, PIA recommends clearer processes are established to ensure stakeholders are informed and involved in the planning and delivery of 2032 venues and infrastructure. This would include working with local governments to integrate venues and infrastructure into their planning schemes and infrastructure plans and to maximise legacy outcomes for the community. It would also include providing a public statement of intent, identifying how venues and infrastructure development responds to its local context and how it addresses key planning issues such as environment and infrastructure.

We also recommend providing a notice of the proposed plans for each venue and infrastructure so that the community are kept well informed of what is happening and also maintaining a publicly available register of development that lists what development has been exempted from what acts. Secondly, we would like to see a clear transition plan post-2032 to prevent uncertainty and inefficiencies that often accompany the dismantling of temporary planning powers. We thank the committee for your careful consideration of our submission and we would be pleased to respond to your questions.

CHAIR: Thanks, Nicole. Did you have anything to add, Martin? No. We will go to the member for Aspley for the first question.

Mr MELLISH: Thanks for your submission and for appearing early today. That is great. In your experience, does going through proper planning processes help avoid delays, rework or disputes later in the delivery process?

Mrs Bennetts: Yes, absolutely. Planning is key to ensuring that we deliver public benefit and public interest. Good planning up-front in a process prevents disputes down the track. That is why investing in good planning at the beginning of a project and then the process is absolutely something that we stand for.

Mr KEMPTON: In terms of the renewables and the Olympic Games, we have had a lot of theoretical criticism of what might go wrong with this legislation. In practical terms, do you think it will deliver what we are trying to achieve?

Mr Garred: Maybe if I can start with the Olympics, I reflected before arriving here that I think we went through a similar process ahead of the Commonwealth Games. I think you can reflect on the fact that the venues and the legacies that we have been left with from the Commonwealth Games have made a positive contribution to the state. I think the important part of making sure that good planning is still embedded in the process is that, whilst the legislation will exempt certain acts, there are still some important processes that the authority needs to follow to embed that responsibility that they ultimately have. It will support the intent, but it does put the onus on the delivery authority to make sure that they are following those processes.

CHAIR: Did you have anything to add, Nicole?

Mrs Bennetts: I would only add that with great power comes great responsibility. This is obviously a moment of state significance. There is certainly state interest and that means extraordinary powers are appropriate. However, the eyes of the world will be on us, so doing it well is of critical importance. The IOC contract embeds many of the environmental practices that we expect—net positive games and the rest of it. Those aspects will ensure that we do see good planning embedded throughout.

Mr WHITING: Mrs Bennetts, you talked about being able to list what developments have been exempted because of the act. It is important for communities to understand how and why planning decisions are made, especially when they are fast-tracked or special powers are used. Did you want to expand on that in light of what you said earlier?

Mrs Bennetts: I will start and then you can add, Marty. That is the purpose of our first recommendation in relation to the bill. Whilst it may be appropriate for these applications to be fast-tracked, we do believe there is a responsibility on government to make it really clear to the community as to what is occurring and to engage them on those state significant projects. That should be up-front. Rather than required as a statutory process, there should be mechanisms in place for each project to engage with the community, including those in publicly available registers, making sure that it is transparent and there is some accountability. That is separate to the statutory requirements. We would like to see best practice go over and above.

Mr JAMES: With regard to the wind farm developments, what we are hearing is that the communities and the local councils welcome the investment but the investors require stable policy. The communities require a minimum social benefit baseline, which has clear and consistent guidelines and consistent and transparent community consultation, which they are saying is not happening at the moment. Would you be in favour of looking at a policy that could be embedded in the DA conditions that would, I suppose, speed things up, because a lot of the investors are saying that front-loading the conditions is going to either drive away investment or slow up the process too much?

Mr Garred: I am happy to take that question. I think one of the recommendations we made in relation to the changes around the community benefits was that there needed to be a level of flexibility. One of the things we identified was, as things go through the development assessment process or even after the development assessment process, you often get proposals changing. There needs to be that level of flexibility in the system so that as projects move from a conceptual design to a detailed design the planning process has not unnecessarily constrained their ability to adapt to things changing.

Planning is ultimately a balance between how we can provide certainty to investors whilst providing communities with the outcomes they need in this process. That balancing exercise of planning is not always an easy task. I think the way in which you embed that in the development assessment process, especially in the context of its performance based in Queensland, does strike that appropriate balance between those two competing interests.

Mrs Bennetts: There is a separate process, which you might be familiar with, and that is infrastructure agreements. It often frustrates development assessment processes where an infrastructure agreement cannot be reached and therefore a development approval cannot be given.

This process by taking it outside of that DA process and requiring it up-front and having the chief executive being able to deal with disputes tries to get away from the frustrations we currently have in those infrastructure agreement processes. It is probably not perfect how it is currently drafted, but I think the alternatives also have challenges.

CHAIR: That is a great reflection, Nicole. Thank you. I have had personal challenges with representing people in that space. Some of those infrastructure agreements are very difficult and have seen a lot of supply of developments hindered.

Ms BUSH: Sticking with the wind farms and the renewable section of the bill, we have just come from the regions and it is clear that there is some conflict there between proponents, landholders and the agriculture industry. There are different interests there. My question from a planning perspective is: is managing those land use conflicts between those different parties more effective when it is done through a regional landscape level assessment process rather than on that case-by-case basis, looking at developments in isolation?

Mrs Bennetts: Yes, absolutely. That is a great question. It is part of our regional plan advocacy. We believe strongly in the importance and value of good regional planning, particularly in those regions where there is good agricultural land and there is renewable energy potential. We have housing pressures. It is about land prioritisation. It is about understanding what is best where and why. That is best done at a regional plan scale because you can make those trade-offs at that scale. It is really challenging at a DA level to make those trade-offs. However, we do do that as well. If you have really clear strategic planning up-front, it is a lot easier to be sure that the land use that is proposed is the best fit for that site.

Ms BUSH: I would imagine with the urgency of renewable targets and housing targets—and we heard yesterday how food supply is an issue—those pressures then make it more critical to get that regional planning happening.

Mrs Bennetts: Yes, absolutely.

Mr Garred: Just to reinforce the importance of good regional planning, it then helps you in the development assessment process. The absence of poor regional planning only leads to more pressure being placed on things having to be resolved in the development assessment process. The system works best when all these bits are well coordinated and integrated.

CHAIR: Thank you both for being here today. My question is with regard to the cultural heritage plans that are prescribed in the explanatory notes as well as the compliance with EPBC, so environmental approvals. Some submitters have said that we are bypassing all of those things. Does the Planning Institute recognise that those environmental concerns and also the cultural heritage plans are included in that and are intended to be done well?

Mrs Bennetts: Yes, we do acknowledge that those elements remain in the bill. I think I do agree with some of the people here earlier who acknowledged that the cultural heritage management plan may not need to seek agreement and so there could be an issue with that. However, we would just say that it is really important that best practice planning is delivered as part of delivering the games, and that means going over and above the statutory requirements of EPBC. It means really demonstrating to the world that we are doing the best practice standards from an environmental perspective, an infrastructure integration perspective, a heritage perspective, working with our First Nations people and so forth, so the bill is really the minimum starting point and we really should be aiming to far exceed it.

CHAIR: I think your response earlier touched on some of the requirements for the Olympic standards that we are going to meet as well. No other witnesses have talked about that. Can you touch on that again to reinforce that point?

Mrs Bennetts: I am not an expert on the IOC contract, but I know that there are a number of clauses within that contract that require us—the government and all of the organising bodies—to deliver on things like a net positive games, to do First Nations engagement really authentically and well and to take our sustainability practices to another level. That requires engaging with the community meaningfully and deeply, so we are looking forward to seeing us deliver on those clauses, and I think we have the potential to.

I note that there has been some conversation about whether we have enough time. I would just like to note that most other games have only been given a seven-year runway, which is this year, so Paris was given seven years to deliver on their games. We did have additional time, but we are at that point now that most games have had pre the awarding from, I think it was, 2019 when they started giving longer runways, so we do have the time to do it right.

CHAIR: Did you have anything to add, Martin?

Mr Garred: Whilst I appreciate the views of the others who have been before us here today, just because you do not have a legislative thing behind you does not mean you cannot necessarily deliver it really well. I think that was our view. It does not have to be this overly scary thing that we are walking away from this legislative process. The fact that we have done it in a similar way for the Commonwealth Games I think stands us in good stead in how we move forward as well.

CHAIR: Nicole and Martin, thank you for coming on early today and giving us well-performed, well-delivered and some great information. There are no questions on notice, so you do not have any homework to do. Thank you very much. Safe travels.

Mrs Bennetts: Thank you.

FISKBEK, Ms Anna, Policy Officer, Land Use Protection, AgForce Queensland (via videoconference)

SHEPPARD, Ms Jo, Chief Executive Officer, Queensland Farmers' Federation (via videoconference)

CHAIR: Welcome. Thank you for your patience while we brought the Planning Institute on a bit earlier. I invite you both to make an opening statement. Then we will ask questions.

Ms Sheppard: Thanks very much for allowing QFF here to talk to the committee about this bill—obviously something that is really important to our sector. My input will be directed at the proposed amendments to the Planning Act which aim to bring the community benefit system into Queensland's planning system and how that might impact on Queensland agriculture.

When we have been reviewing the draft bill we have really tried to keep sight of the problems we are trying to solve with this bill, and for us that includes ensuring agriculture is a long-term viable industry across productive agricultural landscapes within the participating regions; giving landholders the freedom to make decisions in relation to the best use of their land and the future viability of their enterprises; ensuring renewable energy opportunities are realised and their risks are appropriately mitigated so Queensland and the ag sector and regional communities can gain maximum benefit; allowing opportunities for farmers like on-farm renewable energy, distributed energy, behind-the-grid technology microgrids et cetera to develop in the future and not be hindered inadvertently by legislation that was not really developed for that purpose; reducing cumulative impacts and consultation fatigue in the regions; and maximising the benefits for as many people as possible. That is the lens through which we have been looking at this bill.

QFF supports the primary objective of the bill, which is to build a community benefit system into the Queensland planning framework, but we do have some concerns in relation to the impact of the bill on a couple of key points: consultation fatigue and cumulative impacts; the role of local government; a complaints process; the impact to neighbours, which Anna will talk more about; and the large-scale solar farms provision proposed under the planning regulation. We would also like to make the point quite strongly that this bill and other regulatory tools alone will not be sufficient to deliver strong coexistence or optimal land use outcomes for Queensland. We are still going to need community education, support for landholders to make informed decisions, the mandatory code of conduct for developers et cetera.

The issue of decommissioning remains one of the most concerning risks for farmers. That risk, we believe, needs to sit with the developer and/or the state—it cannot sit with the farmer or the community—and this risk needs to be managed up-front, but I would be really happy to elaborate on any of those points that I have outlined.

CHAIR: Thank you, Jo. We will go to you, Anna.

Ms Fiskbek: Thank you for having me this afternoon. AgForce would echo everything that Jo has just outlined that is QFF's position. I would probably like to make a few other comments and just reiterate the main points within our submission before going to any questions. At the outset I would also like to make the comment that this bill and other pieces of legislation or regulation will not suffice to create perfect coexistence, and the role of local government needs to be carefully considered with regard to their capacity to enforce and regulate, as Jo has just said.

AgForce supports the requirement for wind farms and large-scale solar farms to undertake social impact assessments. Foremost, AgForce emphasises that primary producers and their representatives must be at the forefront of the social impact assessment process. We would also particularly like to see neighbouring landholders to projects afforded more attention, as neighbouring landholders will feel and experience direct impacts from the renewable energy projects but currently there has been no requirement for them to be compensated for any negative impacts they have felt. We also echo QFF's position in their submission that the bill does not adequately address the cumulative impact certain regions may experience, and we support their view that conducting regional assessments as part of the REZ approach would be beneficial in mitigating consultation fatigue.

AgForce also supports the requirement for proponents to enter into a community benefit agreement, and, again, we support the views of QFF which have suggested the creation of a separate governing entity to negotiate, administer and distribute these funds. We also support that the State Assessment and Referral Agency will assess wind farms and large-scale solar farms and the requirement for public notification. Lastly, we also have concerns over whether qualifying criteria should be implemented so that who has third-party appeal rights are limited in some regard to

individuals or businesses that may be directly impacted by the project—again, for example, neighbouring landholders—as we think this would reduce the number of frivolous and vexatious claims before the Planning and Environment Court. That is all I have for my introduction. I am happy to answer questions.

CHAIR: Very good. There is a lot in that, Anna.

Ms BUSH: Thanks, Jo and Anna, both for your written submissions and for being here today and for the work that you do. We are all very aware of the wonderful work that both of your organisations champion, so thank you so much for making the time to be here today. You have both touched on this idea of assessing the cumulative impacts and stakeholder fatigue, particularly in the regions and with your members. In your view, can the case-by-case approach that is designed in this bill adequately account for those cumulative impacts across a region such as the loss of agricultural land or environmental fragmentation?

Ms Sheppard: In relation to the consultation fatigue and cumulative impacts, we are thinking about areas that are real hotspots or have a lot of activity going on—for example, Western Downs and Gladstone. If each proponent is required to do an SIA, you could end up in a situation where you have multiple—as in, like, 40 or more—individual companies going through that process at any time. That will obviously put quite a strain on the council but also potentially result in some extensive community consultation fatigue because it is being done on an individual basis. We would suggest that consideration be given to these processes being applied at a REZ level so that that coordination piece is enhanced but also so that regional impact assessments can be undertaken so we are better able to understand the cumulative impact rather than just looking at a project-by-project scenario. Anna, did you have anything to add?

Ms Fiskbek: No, I think you covered that off well, Jo. We share those concerns, so we echo what Jo has just said on that one.

Mr KEMPTON: Social licence has been bandied around a lot for a number of years by companies in various ways but it is very hard to enforce, especially when all of the power is with the large companies, the government and the councils but not the landholders. Would you support a process whereby these community benefit agreements have some form of performance guarantee during the term of the agreement and in particular at the end where you might have a decommissioning component so that landholders are not left with a court battle with a big organisation?

Ms Sheppard: As a former mayor myself, that is one of the concerns I have in relation to the role of local government. I think councils have varying capacity and varying skills in different locations and they need to be adequately supported. I think the pressure of application appeals going to court being borne by individual councils is something that we need to think about and obviously engage with councils around how they feel about that. I would support performance measures being included because my concern is—and we have seen it in other industries across Queensland—where a proponent might agree to be doing certain things for a council or for a community and then years into the development it is still not done and we end up in a situation where councils potentially then have to take that proponent to court. I support having KPIs or performance measures built into agreements, but then I think we need to think through how these are enforced because that is difficult when it lands on an individual council or an individual landholder.

The decommissioning issue is still the No. 1 issue that is raised with me around the state. There is still a lot of risk being borne by landholders in that regard, which we think is not okay. It is not done in the mining and resources sector, so we really feel that that needs to be addressed, whether it is addressed here or in the broader planning reform. That is a real concern for landholders. For those landholders who are already in agreements, it is a concern for those landholders who feel they have it covered off in agreements but now might be feeling that it is not covered off well enough. I think that is something we would like to see the government prioritise to really address that end-of-life decommissioning process so that the risk sits with the proponent and/or the state but not with the landholder and not with the community.

CHAIR: Did you have anything to add, Anna?

Ms Fiskbek: Not really. I just reiterate that, from our point of view, decommissioning is also one of the largest issues and most common questions that we receive with regard to hosting renewable projects, just because that framework is different to mining and gas, as I am sure you are aware. I have nothing super significant to add to Jo's comment.

Mr MELLISH: My question is to both of you. Do you think the absence of a clear energy plan going forward is creating confusion and conflict between renewable energy development and existing land uses like existing resources uses or agriculture?

Ms Fiskbek: In a way, I would say, yes. I suppose the unknown is very confusing or concerning from the perspective of landholders and where this whole world is going and how many projects we are going to need and all those things. Probably more what I see is at an individual landholder level and what the impacts are on their business, but I think it would be useful to have a clear timeline or project development on how the renewable energy is going to play out.

Ms Sheppard: I agree. It is a confusing time at the moment. We do need a plan. I think the sector and regional communities, but certainly agriculture, are looking for government to take a leadership role in developing an integrated energy strategy that utilises all of our best assets in Queensland to provide reliable, affordable and resilient energy. Resilience is something that should be front of mind for all of us in our energy plan, but for the good of all Queenslanders. Obviously, we have lots of energy resources. When we talk to farmers they are relatively agnostic in terms of where their energy comes from, but we do have an abundance of wind and sun so it makes perfect sense that solar and wind are part of our integrated energy strategy moving forward.

I think for landholders they are assessing this as an opportunity or a risk as they would any other opportunity or risk. For some landholders it is a really good fit to host some infrastructure, for but others it is not. QFF has been very strong in that we need to help inform landholders and regional communities to make informed decisions because we do not want landholders for whom it might be a really good fit in terms of an opportunity for their enterprise to miss out because they are not informed or do not have a clear pathway or it is all too confusing, but we also do not want landholders for whom it is not a good fit pulling the wrong rein and then regretting it or having agreements that leave them exposed in later years. I think we definitely need a very strong plan and I think the sector really needs the state and the federal government to take a leadership role and to work with us to develop that really clear pathway to an integrated energy strategy for the good of all Queenslanders, not just our sector.

CHAIR: You mentioned that you were a former mayor. The former mayor for Cairns is about to ask a question.

Mr JAMES: Thank you. Either Jo or Anna, I note your concern around neighbouring landholders and how they are impacted by renewable energy projects. What are the types of issues that adjoining landowners specifically experience?

Ms Fiskbek: From what I have seen, I think a lot of acoustic amenity—noise. I have had landholders talk about the—I forget the correct term—flickering of the wind turbine as that goes round. If that is very close to the boundary, if they are out spraying in the paddock for hours that seems to be a problem, which I can understand. There have been instances of shared bores being interfered with. In terms of general roads, the traffic on what would ordinarily be pretty low-traffic roads has been increased and the noise, dust and all those things has increased too. I guess that is temporary during construction though. Loss of equity in properties has been another thing we have seen. I have one member who has a solar farm a couple of metres off their boundary fence and they have been told that that will decrease the equity or the market value of their place. If you sell you obviously lose out in terms of what it could have potentially sold for. If you want to go to the bank and borrow money you lose the equity to borrow against. Things like that are probably something that maybe was not really considered but is materialising now.

Ms Sheppard: I would also add things like he biosecurity risk. We are expecting the biosecurity risk to increase fourfold in the coming years. A lot of that is due to increased activity in the region. If you are a neighbour to a wind farm that is being built, you bear that increased biosecurity risk even though you are not participating. The cumulative impact is something we need to think really carefully about, which is why we are keen to take a regional approach as well to these assessments. If you are in one of those busy areas where there are a lot of developments going on potentially you can have impacts for 10 or 15 years in terms of busier roads and all of those things—that is, if you have solar farms being built one after another. That cumulative impact I think is really starting to be front of mind for people.

I think in some communities we have the scenario developing of the haves and the have-nots. If you are hosting a piece of infrastructure and you are being financially rewarded you have made the decision that you feel it is a good thing for your business, but if you are the neighbour you have the impacts without the benefits. That is actually starting to be divisive in some communities, which is the

last thing we want. A couple of years ago we worked closely with Powerlink around making sure that they included a neighbour payment in their compensation framework. They would be the things that I would add to what Anna has already said.

Mr WHITING: I will talk about the role of local government. Jo, you talked a bit about this. We have heard today that it is important to support local government authorities as they may have to deal with the creation or negotiation of SIAs or CBAs, for example. What kind of support do you think that local government needs to help carry this extra burden, as it were?

Ms Sheppard: By way of summary, I would say that they are going to need to be resourced. Anyone who has worked closely with local government over the last two decades knows that over half of the councils in Queensland are struggling financially. They have sustainability challenges. I think they are actually going to have to be resourced to have the skills in-house to be able to cope with the extra workload. I think more than that we actually need to think through the role of councils. I think they need to be front and centre. They have an important role to play and in many instances to date they have been in the dark a little, particularly with wind. They are the last ones to find out sometimes. They need to be front and centre.

I have concerns around the pressure it is going to place on councils. For instance, if a developer wants to take someone to court it is potentially going to be the local council. If we go down this track councils are going to have to be resourced so that they cannot only manage the assessment process, but also then afterwards, post approval, actually manage the compliance and chasing these companies up to make sure they are delivering on their community benefit agreement. The only other thing I would raise, which is why we have been supportive of introducing a regional type governance structure, is that I would hate to see other key stakeholders, like agriculture, not have a strong seat at the table when it comes to developing these community benefit agreements. A whole range of other stakeholders may or may not have the opportunity to have a strong seat at the table if it is the councils that are taking a lead on it.

CHAIR: I have a couple of questions for you both. I think you are probably well placed to understand that many of your representatives will be affected by what I term a speculative project, where there is a powerline on a map and there is some rural land and speculative opportunists go and get non-binding confidential agreements with those landholders and it creates a lot of angst. I have dealt with a couple of those in my Lockyer Valley community. Do you think this bill will alleviate some of that because it will make those companies realise they have to negotiate with the councils and the community up-front to get some meaningful benefits right from the start?

Ms Sheppard: I think it will help because companies that are serious are going to go through this. We have already seen companies that have done a good job in terms of their consultation process so they are not at all concerned around the new planning reforms. Yes, I do think it will help. I think for a farmer one of the biggest risks, once you have actually made the decision that you do want to host renewable infrastructure, is you might be approached by up to nine developers and how do you pick the right partner and pick a partner that is actually going to get a project up so that you do not have that opportunity lost if your partner does not actually get the project up. I think it will help with that.

One of the concerns we do have though is in relation to the provisions which relate to the one-megawatt threshold. We are concerned that that is too low. We are worried that that might actually deter some of the smaller and medium projects that are actually quality projects and well suited to some areas of ag and for some farmers to diversify their income. Those opportunities might subsequently be missed. We are also concerned that having a threshold so low in the future may also be a deterrent or a barrier for those farmers who are investing in solar on-farm, or when we move into an era where we have microgrid technologies or distributed energy technologies. We would really like that to be thought through to make sure that we are not creating any unintended consequences for those future opportunities. Yes, is the short answer to your question, but we do feel that the one-megawatt threshold is potentially a little bit too low.

Ms Fiskbek: Again, I will support what Jo has just said there. I think from what I see as well, landholders are uncertain whether they are dealing with the right company, a reputable company, that is going to follow through, as Jo has just said. I guess, the onus is more on them to go and seek professional advice. I have a lot of people who are anxious about whether they are getting something similar to what their neighbour is getting and if they are also hosting similar infrastructure. That is just the nature of commercial agreements, I suppose, but there is a little bit of angst there. I suppose there is not much you can do about it with those confidentiality clauses anyway. That is probably all I would add to what Jo has just said.

Mr MELLISH: We heard earlier today that some stakeholders were consulted prior to the bill being introduced. Were AgForce and QFF included in that round of informal consultation?

Ms Sheppard: QFF has been. We have a close relationship with both the department and the government of the day. We worked closely with the previous government. We are working closely with today's government. So, yes, QFF has been consulted and we hope will continue to play an active role and contribute and represent. Yes, is the short answer.

Ms Fiskbek: Yes, we were also consulted before the formal opening of the consultation.

CHAIR: I will go to the member for Cook for the last question.

Mr KEMPTON: As time goes on these community benefit agreements will not be re-invented each time. I just know with the old native title agreements the first one was cut out in blood, but after a couple of years they became quite routine. Do you think that will alleviate some of the tension and worry from both sides of the fence; that these things will become a matter of course with this legislation?

Ms Sheppard: Yes. We have seen it, as you have said, in other sectors. When you start out it is a bit messy. In other sectors we have seen legislation playing catch up. The horse has already bolted. We are kind of in that position in the renewable sector as well. I think, to the comments earlier around having a clear plan and moving forward, yes, we will see a lot of things bedded down and hopefully it is best practice that becomes the norm, which is why I made the comments around this legislation is a good first step but it is not going to be a magic wand. We still need to do the community landholder education, the compulsory code of conduct, those additional things so that what becomes the norm is actually best practice engagement and also achieves the broader goal of optimising our land use in Queensland. As you know, we have land use demand off the Richter in this state—competing land uses all over the state. Ultimately, the bigger picture is around making sure that we do hit what we want to achieve for Queensland in land use optimisation, but also best practice coexistence.

CHAIR: Anna, do you have anything to add?

Ms Fiskbek: No, nothing to add. Again, I support what Jo has just said.

CHAIR: The time allocated for this session has now expired. Thank you for appearing before the committee today and answering our questions. You have no homework either. There were no questions taken on notice. That concludes the hearing today. Thank you to everyone who has participated today. Thank you to our Hansard reporters and broadcast staff. Responses to any questions that have been taken on notice are required by Monday, 9 June. We only had a couple of those during the day. A transcript of these proceedings will be available on the committee's webpage in due course. I declare the public hearing closed

The committee adjourned at 4.01 pm.