

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

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# First Nations Clean Energy Network

**Submission to the State Development, Infrastructure and Works Committee Inquiry - Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025**

**May 2025**



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## About the First Nations Clean Energy Network

The [First Nations Clean Energy Network](#) is made up of First Nations people, groups, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others - working in partnership to ensure that First Nations share in the benefits of Australia's clean energy transition.

The Network is led by a [Steering Group](#) of First Nations leaders.

As a national, First Nations-led coalition, the Network aims to enable and empower First Nations to participate in, benefit from, respond to, and shape clean energy projects that impact their communities, land, waters and Sea Country.

The Network's approach is built on three pillars:

- **Community**      The First Nations Clean Energy Network supports First Nations communities to shape the design, development and implementation of clean energy projects at every scale.
- **Industry partnerships**      The First Nations Clean Energy Network acts as an innovation hub, promoting best practice standards and principles that companies should adopt and investors should require before committing capital to a clean energy project.
- **Policy reform**      The First Nations Clean Energy Network advocates to lift significant federal and state regulatory barriers and stoke government investment, provide meaningful opportunities for energy security and clean energy generation for First Nations.

The Network was established to ensure that First Nations people play a central role in and harness the opportunities from Australia's clean energy transition.

After being launched in November 2021 on Arrente country in Mparntwe (Alice Springs), the Network has achieved a lot, supported by our Steering Group, over 1200 First Nations members (comprising organisations and individuals) and our thousands of other supporters.

The Network's website (<https://www.firstnationscleanenergy.org.au/>) provides access to an array of resources, submissions, briefings and other information, Network training programs and events.

## Introduction

The [First Nations Clean Energy Network](#) (the **Network**) welcomes the opportunity to provide a submission to the State Development, Infrastructure and Works Committee Inquiry on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill (the Bill).

Since being launched in November 2021, the Network has advocated broadly for a policy and regulatory system that ensures First Nations participation and benefit in Australia's transition to clean energy.

The commitment by all Australian Energy Ministers through the National Energy Transformation Partnership to the development of a [First Nations Clean Energy Strategy](#) (the Strategy) underscores the importance of ensuring First Nations have a say in policies and programs as Australia transitions its energy system. The Strategy was launched on 6 December 2024 alongside all Australian Energy Ministers, and is a priority action under the National Energy Transformation Partnership.

Aside from the Strategy, and in other notable policy examples, the Network has advocated strongly and successfully for the inclusion of First Nations-specific criteria in the design of the [Capacity Investment Scheme](#), and for the [inclusion of a specific focus](#) on First Nations outcomes in the design of the Community Benefit Principles in the *Future Made in Australia Act 2024*.

In addition to ensuring a proper focus on First Nations rights, interests and priorities in the development of projects and proposals, as the [Network has noted and observed](#), there are quantifiable commercial, social and economic benefits of recognising and incorporating First Nations rights, interests and outcomes in the design of policy and regulatory systems. Jurisdictions in Australia similarly realise that investing in, incentivising and specifically including First Nations consent, partnerships and participation in the energy transition and through policy and planning processes is an investment decision, not an additional cost.

## Comments on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill

The Network acknowledges and welcomes the Queensland Government's efforts to strengthen social impact assessment and mechanisms to ensure community benefit from clean energy developments, however, we hold serious concerns that as presently framed, the proposed social impact assessment and community benefit agreement processes in the Bill risk further excluding Traditional Owners and First Nations communities from decision-making and equitable benefit-sharing. This creates the potential to undermine efforts towards genuine partnerships and may create new barriers for First Nations participation and leadership in clean energy developments.

## **Potential diversion of Community Benefits Away from Traditional Owners and First Nations communities**

The Bill enables proponents to meet their social licence / benefit-sharing obligations by negotiating directly with local governments. The Network is concerned that this diminishes the value of agreement-making and engaging early and properly with Traditional Owners and First Nations communities. By directing proponents to engage with and enter into community benefit agreements with local councils, the scheme established by the Bill has the potential to silence and diminish the priorities, rights and interests of Traditional Owners and First Nations communities impacted by proposed developments.

The Network recommends that the Queensland Government should clarify that proponents should enter into benefit sharing agreements with Traditional Owners, that benefit sharing agreements and that agreements with Traditional Owners should not be set-off or diminished in any way by community benefit agreements with local councils.

## **Failure to Embed First Nations Engagement in the Planning and Assessment Process**

Neither the Development Assessment Rules nor the SIA Guideline includes clear and enforceable mechanisms mandating proper, informed and appropriate engagement with First Nations people and communities.

While the SIA guideline briefly references native title in the context of defining the study area, this is not supported by mandatory engagement or consent processes.

The Network recommends that the Development Assessment Rules and the SIA Guideline must be updated to:

- require proponents to engage with Traditional Owners and First Nations communities early and continuously in the project lifecycle
- recognise First Nations people and groups as rightsholders with specific rights and interests in land, culture and development, and that Traditional Owners and First Nations communities must be engaged with and heard in the development of a SIA
- ensure principles of Free, Prior and Informed Consent (as articulated in the United Nations Declaration on the Rights of Indigenous People) is incorporated as a core principle of engagement
- require that providers undertaking social impact assessments must include First Nations people, or at a minimum, ensure that providers are culturally competent and wherever possible, that priority is given to providers with deep local experience and understanding of First Nation community priorities and aspirations in Queensland.

## **An opportunity to embed self-determination and incentivise First Nations outcomes in clean energy developments**

As noted above, policy frameworks like the First Nations Clean Energy Strategy, and schemes like the *Future Made in Australia Act 2024* (Cth) and the Capacity Investment Scheme are taking steps towards specifically incorporating First Nations outcomes in their design.

The Bill, as presently framed, fails to appropriately incorporate First Nations rights, interests and perspectives in its processes. This will diminish the planning system as a whole and the potential for it to shape projects that realise the best value for Queensland.

The Network recommends that the Queensland Government:

- establish a First Nations-specific assessment pathway and guidance for proponents engaging with Traditional Owners and First Nations communities
- require that all SIA include a cultural heritage assessment and incorporate First Nations-defined priorities.
- develop templates and resources to support First Nations participation in community benefit agreements, including governance, monitoring and accountability mechanisms.

## **First Nations Protections in New State Code 26 – solar farm development**

The Network considers that the current draft of State Code 26: *Solar Farm Development* under the *State Development Assessment Provisions v3.3* requires urgent amendment to ensure that First Nations individuals, communities and Country are appropriately recognised and protected in the assessment and regulation of solar farm projects.

While the Code contains general environmental and community safeguards, it fails to meet the minimum standards for engaging with and protecting the rights and interests of First Nations peoples in Queensland.

In relation to New State Code 26: Solar farm development, the Network raises the following concerns:

### **Absence of Specific Recognition of First Nations People**

- The code broadly refers to "individuals and communities" without acknowledging First Nations people as distinct rights-holders with unique legal, cultural and historical status.
- **Recommendation:** Amend the Purpose Statement and relevant Performance Outcomes to explicitly refer to "First Nations individuals and communities, including Traditional Custodians and Native Title holders."

### **No Requirement for Free, Prior and Informed Consent (FPIC)**

- There is no mention of FPIC or culturally appropriate consultation in the assessment benchmarks.

- **Recommendation:** Introduce a new performance outcome requiring evidence of FPIC and engagement with Traditional Custodians in accordance with international and domestic obligations (e.g., UNDRIP, Native Title Act 1993 (Cth)).

### **Cultural Heritage Protection Inadequate and Narrow**

- Cultural heritage is only briefly mentioned in the context of stock route networks (PO6), which is wholly insufficient.
- **Recommendation:** Introduce a standalone performance outcome requiring cultural heritage assessments (both tangible and intangible), developed in collaboration with Registered Aboriginal Parties or appropriate cultural representatives under the *Aboriginal Cultural Heritage Act 2003* (Qld).

### **Workforce Accommodation Risks Overlooked**

- Workforce accommodation (PO17–PO18) does not require any engagement with First Nations communities, despite known social and cultural risks from transient workforces.
- **Recommendation:** Require proponents to assess and mitigate cultural safety risks for nearby Indigenous communities, including housing pressures, community services.

### **Landscape and Visual Impacts Ignore Cultural Values**

- PO13–PO15 address “scenic amenity” but overlook Indigenous cultural landscapes, storylines, or sacred sites that may not be visibly marked.
- **Recommendation:** Include cultural landscape values in visual and environmental assessments, recognising that First Nations connection to Country often includes spiritual dimensions.

### **Decommissioning Lacks First Nations Inclusion**

- While decommissioning is well-considered technically (PO25–PO28), there is no obligation to consult First Nations people on land restoration or future land uses.
- **Recommendation:** Require co-design of rehabilitation plans with Traditional Owners and ensure land restoration supports future cultural or traditional use.

### **Terminology and Definitions Exclude First Nations Concepts**

- The glossary omits critical terms such as “Traditional Owner,” “Native Title,” “Cultural Heritage,” or “Indigenous Land Use Agreement (ILUA).”
- **Recommendation:** Expand the glossary to include these terms and ensure they align with Queensland and Commonwealth legislation.



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