

Energy (Renewable Transformation and Jobs) Bill 2023

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10 January 2024

Committee Secretary
Transport and Resources Committee

By Email: trc@parliament.qld.gov.au

Dear Secretary,

Re: Energy (Renewable Transformation and Jobs) Bill 2023

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$10.4 billion in on-farm value of production in 2021-22. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,500 farmers, individuals and businesses provide support to AgForce through membership. Our members own and manage around 55 million hectares, or a third of the state's land area. Queensland producers provide high-quality food and fibre to Australian and overseas consumers, contribute significantly to the social fabric of regional, rural and remote communities, as well as deliver stewardship of the state's natural environment.

AgForce thanks the Committee for the opportunity to comment on the Energy (Renewable Transformation and Jobs) Bill 2023.

AgForce supports climate action and recognises that the transition to renewable energy plays a key part in delivering Queensland's commitment to net zero emissions by 2050. Queensland's farmers are crucial to enabling this transition, with their land expected to host an increasingly extensive network of renewable energy infrastructure.

Key points

Ensuring a fair and equitable transition to renewables will necessitate forging a sensible pathway that balances the rights and needs of farmers and protects the welfare of their families and businesses. In this submission, AgForce seeks to convey to the Committee:

- The crucial importance of protecting agricultural land use in the rollout of renewable energy infrastructure.
- The development of renewable energy zones (REZs) must not receive preferential treatment. Landholders must retain the right to say "no".
- Best practice guidelines and an enforceable code of conduct for renewable energy companies are needed, with a key focus on ensuring respectful treatment of agricultural producers.

Consultation and Protection of land use

Respectful cooperation with our state's farmers should be enshrined in any development process associated with renewable infrastructure, with fair and timely consultation, appropriate compensation, and with due care to avoid adverse impacts on land use and long-term profitability of farm businesses.

AgForce has a strong policy position on representing members' interests in the protection of land use and is supportive of efforts by all authorities, at federal, state and local levels, that enable the effective coexistence of agriculture with other forms of land use. Our Land Use Protection Principles (see Appendix 1) provide an overall expectation of what AgForce hopes to achieve when seeking coexistence with other sectors. This coexistence must operate effectively at the single paddock, to property, to regional, to sector and state levels.

As noted in the Explanatory notes for the Bill, it is vital that affected communities are supported through the energy transformation. To achieve this, the Bill establishes three new governance and advisory bodies and associated functions – the Queensland Energy System Advisory Board, Energy Industry Council, and the Queensland Renewable Energy Jobs Advocate. As primary producers will form the core of affected communities, AgForce urges representation by the agricultural industry in these governance arrangements to ensure protection of agricultural land use.

The establishment of "renewable energy zones" ("REZs")

For AgForce, a key feature of the new Bill relates to the establishment of "renewable energy zones" ("REZs"). Our members are particularly interested in how the State Government will coordinate the proposed REZs. As per the 2023 Queensland Renewable Energy Zone Roadmap, we are aware that the Queensland Government has worked with Powerlink to identify 12 potential REZs to be developed by 2035. The Bill contains few details about what the REZ declaration will mean. We request that AgForce is granted the opportunity to assist Government in devising the detail of related forthcoming regulations, with the objective of ensuring that assessment criteria for development projects in a REZ are compatible with priorities for agriculture in Queensland.

We particularly note in the Explanatory Notes for the Bill:

"The Bill empowers a REZ delivery body to develop a management plan for a REZ that may prevent or otherwise regulate an individual's access to the REZ transmission network or REZ controlled assets (see Part 6, Division 3 and clauses 54 and 57)"

and

"Several measures are also included in the Bill to limit any negative impact on individuals, including consultation on a draft management plan and requiring the REZ delivery body to consider whether amendments should be made to the management plan in response to submissions. The amendments that can be made to the management plan are also limited once it is approved by Regulation."

If consultation is not managed properly or once the management plan is approved by regulation, we are concerned that lack of access for landholders could disrupt farming activities or present barriers to conducting necessary management operations. AgForce urges the Committee to recommend that the Bill contains language that explicitly provides farmers with reasonable access to, and the ability to transit through, areas of their property where REZ infrastructure and assets are situated. Potentially access to controlled areas can be managed via permit (at no cost to the landholder) if this is suitable for landowners and REZ asset managers.

Other suggestions for development of REZs are:

- Criteria for placement of access roads and infrastructure, so as not to detract from the value of agricultural landscapes or otherwise negatively impact the profitability of farm businesses and the wellbeing of farming families.
- Processes for eliminating disruption and the imposition of costs and/or constraints on the farmer, including determination of fair compensation where acceptable.

- Development of a Good Neighbour Policy, that provides a framework for consistent application and interpretation of legislation during development, operation and decommissioning phases. This would include observance of the general biosecurity obligation (GBO) under Queensland's Biosecurity Act 2014.
- Appropriate plans for soil, water and vegetation management, biosecurity protection, fire mitigation, and other disaster response strategies developed in consultation with local landholders. Management practices are more effective if they are developed in consultation with neighbours and local communities and implemented cooperatively across the landscape.
- Provision for regular review of REZ management, and subsequent modification in consultation with a stakeholder advisory committee comprising farmers.

These suggestions will assist Government to make progress towards broader environmental, social and governance outcomes for a truly sustainable energy future in Queensland.

The State has emphasised in its consultation report that the REZ framework will not override existing development and planning processes. AgForce welcomes this assurance but remains concerned about the potential for preferential treatment towards renewable energy projects in planning approval processes. AgForce is adamant about protecting the rights of private landowners in negotiating land access/use arrangements with renewable energy project proponents. Government must remain staunchly opposed to any efforts that detract from the bargaining power of landholders, and crucially, that landholders must retain the right to say "no".

Best practice guidelines and the conduct of developers

AgForce continues to hear serious and concerning reports from our members that representatives of renewable energy companies are approaching them in an unduly alienating manner, often causing friction in farming families and regional communities as a consequence of divisive and disrespectful sales-type tactics. We urge the Committee to recognise that ignoring such activities could have long-term consequences for a fair and just transition to renewable energy.

In the 2023 Queensland Renewable Energy Zone Roadmap, the Queensland Government states they are working to promote best practice by renewable energy developers as they engage with communities through a Community Engagement and Benefit Sharing Developer Guide that is in development. AgForce supports the urgent release of this guide for our review prior to finalisation. It is our strong suggestion that this guide should include a code of conduct that clearly and unequivocally directs developers to provide honest and full disclosure, without coercion or bullying tactics. We suggest that penalties should apply to those found guilty of breaching the code of conduct, including contractors.

Concluding comments

AgForce believes that, with respectful cooperation with agricultural landholders, the Queensland Government can ensure a just and fair transition process to renewable energy. Due care and consideration are needed to ensure the increasing footprint of renewable infrastructure does not dissect agricultural landscapes, disrupting and otherwise adversely impacting existing land use. Crucially, agricultural land must be preserved for future generations, both for domestic and global food security.

AgForce thanks the Committee for the opportunity to provide a submission and encourages the Committee to continue open dialogue with us relating to the Bill and the development of subsequent regulation. The policy contact for this matter is Dr Annie Ruttledge, Senior Policy Advisor (Sustainability and Biosecurity), via e-mail: [REDACTED]

Yours faithfully,

[REDACTED]
Michael Guerin
Chief Executive Officer

Appendices

Appendix 1: AgForce Land Use Protection Principles

As the body for agriculture, AgForce requires that alternative and potentially impacting land uses ensure:

1. There is recognition that natural capital has an inherent value
2. Human health and well-being must not be sacrificed
3. A precautionary approach that avoids negative legacy effects on natural resources including air, soil, water and biodiversity
4. There are no negative impacts on existing or future sustainable agricultural opportunities

Before:

- Recognize that resources are finite
- All projects are assessed on environmental, social and economic criteria
- There is a formal mechanism for agriculture to be involved in assessment
- Projects should not be assessed in isolation and cumulative impacts assessed
- Potential impacts need to be objectively, and accurately quantified rigorously and independently reviewed
- Agricultural landholders to have equal representation, available resources and bargaining power

During:

- All projects must have comprehensive monitoring and transparent reporting
- Non-compliance will trigger cease work
- Enforcement is primarily the responsibility of government, but landholders must have a right to compel action
- Industry and Government must proactively identify and manage cumulative impacts, both individual project cumulative impacts and multiple projects cumulative impacts

After:

- Land needs to be rehabilitated to be the pre-existing natural conditions
- Financial assurance needs to be adequate for rehabilitation

See: <https://www.agforceqld.org.au/knowledgebase/article/AGF-01250/>