

# Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026

## Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Jarrod Bleijie MP, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations make this statement of compatibility with respect to the Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026.

In my opinion, the Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

The Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 (the Bill) proposes to amend the following Acts:

- *Environmental Protection Act 1994* (EP Act);
- *Mineral and Energy Resources (Common Provisions) Act 2014* (MERC Act); and
- *Regional Planning Interest Act 2014* (RPI Act).

The main purpose of the amendments is intended to ensure that new coal seam gas (CSG) projects will not have a detrimental impact on the Condamine Alluvium.

The Condamine Alluvium is a major aquifer situated within the Condamine River catchment, extending across the Southern Downs, Toowoomba, Western Downs and South Burnett regional council areas. It is a vital groundwater resource for the region, supporting predominantly high value agricultural land. The Condamine Alluvium intersects with a priority agricultural area (PAA) detailed in the Darling Downs Regional Plan 2013 and is prescribed as a *regionally significant water source* under the RPI Act for assessment in the PAA. The Condamine Alluvium area overlays a section of the Walloon Coal Measures, a highly productive and well-developed source of CSG. While CSG operators have a statutory right to take underground water, as it is a necessary activity to extract the gas, the agricultural use of groundwater from irrigation bores relies on groundwater levels and water quality, which may be impacted by CSG extraction and land use changes.

While there are existing frameworks for managing coexistence, land access and groundwater impacts occasioned by CSG activities, a coordinated approach is sought to promote community confidence and ensure a clear operating environment for agricultural and CSG industries.

The Bill seeks to achieve this by:

- amending the EP Act to impose a condition on any new environmental authority application issued for CSG activity in the Condamine Alluvium CSG area to prohibit the release of contaminants into waters, from new CSG wells, in the Condamine Alluvium CSG area;
- amending the MERCPC Act to make drilling a directional well in relation to private land in the Condamine Alluvium CSG area an ‘advanced activity’, with the result that a conduct and compensation agreement (CCA) may be required before the drilling is carried out; and establishing an express statutory ‘subsidence compensation liability’ in respect of impacts of CSG-induced subsidence in relation to specified land;
- mapping a new geographical area in the RPI Act within which a regional interest development approval (RIDA) will not be required for a CSG activity; and
- making consequential amendments to the MERCPC Act, *Petroleum Act 1923* and *Petroleum and Gas (Production and Safety) Act 2004*

## Human Rights Issues

*EP Act amendments contained in Part 2 of the Bill*

**Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the human rights that are relevant to the Bill are:

- right to recognition and equality before the law (section 15)
- right to life (section 16)
- property rights (section 24); and
- cultural rights (sections 27 and 28)

Clause 3 of the Bill amends section 206 of the EP Act to impose a condition on all new environmental authorities applied for and issued for CSG activities in the Condamine Alluvium CSG area. The condition prohibits the release of contaminants by the operation of a well into waters in the Condamine Alluvium that results in water quality that is inconsistent the water quality objectives prescribed by an environmental protection policy (the deemed condition).

Clause 4 of the Bill inserts a new ch 13, pt 36 into the EP Act containing transitional provisions. The deemed condition will not apply to an existing well that is, on commencement, authorised under an environmental authority or is the subject of an existing application granted after commencement.

*The promotion of human rights*

The right to life in section 16 of the *Human Rights Act* provides that every person has the right to life and has the right not to be arbitrarily deprived of life. This right may be promoted by protecting water quality.

The right to property in section 24 of the *Human Rights Act* may be enhanced through the bettering of water quality by making water used for agricultural purposes in or around the Condamine Alluvium more productive and generating higher incomes for owners and occupiers.

Lastly, cultural rights (sections 27 and 28 of the *Human Rights Act*) may be enhanced through the bettering of water quality that supports the biological integrity of aquatic ecosystems, and the cultural and spiritual values of water.

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)**

The Bill will potentially engage the right to recognition and equality before the law (section 15) and property rights (section 24), in relation to the below amendments. However, for the below proposals, they are not considered to limit human rights:

(a) the nature of the rights

*Recognition and equality before the law (section 15 of the Human Rights Act)*

The right to equal protection of the law without discrimination and to equal and effective protection against discrimination (section 15(3) and (4)) embody the notion that all laws and policies should be applied equally and must not result in discriminatory treatment or effects. The definition of discrimination under the *Human Rights Act* includes discrimination as defined under the *Anti-Discrimination Act 1991*.

Applicants (who are individuals) for an environmental authority relating to a CSG activity in the Condamine Alluvium CSG area will have the deemed condition apply to their environmental authority. Holders of an existing environmental authority will not be subject to the deemed condition, unless they apply to amend their existing authority to include a new well. Therefore, future applicants for an environmental authority will be treated differently than existing authority holders.

Section 15 of the *Human Rights Act* is concerned with ‘discrimination’ (direct or indirect) based on a relevant attribute as defined in the *Anti-Discrimination Act 1991*, or an additional characteristic not covered by the *Anti-Discrimination Act 1991*. In this case, the proposed amendments to the EP Act will apply equally to all new applicants for an environmental authority relating to a CSG activity in the Condamine Alluvium CSG area. There is no direct or indirect discrimination in relation to applicants for an environmental authority, opposed to holders of an existing environmental authority, based on a protected attribute under the *Anti-Discrimination Act 1991* (or any additional characteristic). Therefore, the right is not limited.

*The right to property (section 24)*

The right to property in section 24 of the *Human Rights Act* protects the right to own property and not to be arbitrarily deprived of property. ‘Property’ is a broad concept and includes real and personal property, including money. The Bill engages the right to property by introducing a deemed condition, for new CSG wells applied for through an environmental authority application, and that the holders must comply with.

The deemed condition is intended to provide certainty and clarity about the minimum acceptable standards and constraints to protect the environmental values of the Condamine Alluvium waters. The environmental values and water quality objectives for waters referenced in the deemed condition are not new, as they are currently defined in the Environmental Protection Regulation 2019 and Environmental Protection (Water and Wetland Biodiversity) Policy 2019 and must be considered and addressed in an application for an environmental authority, where proponents are proposing to undertake a resource activity including a CSG activity. Additionally, the administering authority will then impose site-specific conditions on the EA to prevent or restrict environmental harm and contamination of the Condamine Alluvium waters.

The deemed condition does not alter the existing EP Act framework, rather it reinforces and standardises the existing approach to managing impacts on water quality. This amendment introduces a mandatory condition that addresses contaminants in the Condamine Alluvium CSG area, eliminating the need for site-specific conditions to be placed on each individual EA, and will assist in achieving the purpose ensuring the protection of water quality in the Condamine Alluvium is protected in a way that is appropriate and proportionate. In my opinion, the right to property is not limited by the introduction of the deemed condition.

*MERCP Act amendments contained in Part 3 of the Bill*

**Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the human rights that are relevant to the Bill are:

- right to freedom of expression (section 21)
- right to take part in public life (section 23)
- property rights (section 24)
- right to a fair hearing (section 31).

Clause 7 of the Bill inserts a new chapter 3, part 9 into the MERCP Act. The new part 9 comprises:

Division 1 – Preliminary (new sections 101G and 101H)

Division 2 – Drilling directional well requires agreement (new section 101I)

Division 3 – Liability to compensate for CSG-induced subsidence (sections 101J to 101P)

The part applies to private land in the Condamine Alluvium CSG area (affected land).

Section 101I expands the operation of section 43 (Carrying out advanced activities on private land requires agreement) by specifying that drilling a directional well on affected land within the authorised area of a CSG resource authority is an advanced activity. It will therefore be an offence for a person to enter private land to drill a directional well unless one of the circumstances in s43(2) or (1)(a)-(d) applies to each owner or occupier of the land.

Section 101J makes the holder of a CSG resource authority liable to compensate the owner or occupier of affected land within an authorised area of a CSG resource authority, or access land, for impacts of CSG-induced subsidence caused by the carrying out the authorised activities (whether or not the activities were carried out on that owner's or occupier's land). Section 101K provides similarly in respect of affected land outside, but within a prescribed distance of, the authorised area of a CSG resource authority. The prescribed distance is the distance set by regulation or otherwise 5 km.

Sections 101L to 101P provide a framework for the resolution of disputes about subsidence compensation liability outside the conduct and compensation agreement framework.

Clause 8 inserts a new chapter 10, part 4 into the MERCP Act. These transitional provisions specify how sections 101I, 101J and 101K in the new part 9 are to apply. Section 101I applies to the drilling of a directional well that happens after commencement. A CSG resource authority holder's subsidence compensation liability under sections 101J and 101K applies in relation to CSG activities carried out under the CSG resource authority before or after commencement.

Clause 9 makes consequential amendments to schedule 2 (dictionary).

#### *The promotion of human rights*

Making CSG resource authority holders liable to compensate owners and occupiers of certain affected land for CSG-induced subsidence (before or after commencement) may enhance the right to life (section 16) and the right to privacy (section 25(a)), which includes physical and mental integrity. CSG-induced impacts, such as subsidence, can create hazardous conditions that may pose a risk to health. Further, the issues associated with subsidence may have significant impacts on the mental health of owners and occupiers undertaking agricultural activities.

Requiring CSG resource authority holders to negotiate with the owners and occupiers of affected land before commencing drilling directional wells and making CSG resource authority holders liable to provide compensation for certain CSG-induced subsidence impacts may enhance the right to property (section 24) of owners and occupiers, including by providing them with an express statutory right to claim compensation for effects resulting from CSG-induced subsidence that impact on their ability to undertake agricultural activities on their land (or reduces the productivity of agricultural activities).

The right to a fair hearing in section 31 of the *Human Rights Act* entitles a party to a civil proceeding to have the proceeding decided by a competent, independent, and impartial court or tribunal after a fair and public hearing. This includes a right of access to a court or tribunal. In this situation, owners and occupiers who are eligible subsidence claimants under new sections 101J and 101K can have a dispute about subsidence compensation liability decided by the Land Court.

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)**

The Bill will potentially engage and limit (or interfere with) the right to recognition and equality before the law (section 15), right to property (section 24) and right to privacy (section 25(a)). In my opinion, any limits on these human rights are considered reasonable and justified under section 13 of the *Human Rights Act* as follows:

(a) the nature of the rights

*Recognition and equality before the law (section 15 of the Human Rights Act)*

Section 15 of the *Human Rights Act* provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Owners or occupiers of affected land that exceeds the prescribed distance outside the authorised area of a CSG resource authority, and is not access land, will not be owed any statutory subsidence compensation liability by an CSG resource authority holder. This may make it more difficult for them to claim compensation from the resource authority holder in circumstances where they are affected by CSG-induced subsidence impacts than another landowner or occupier whose land does fall within the prescribed distance and who receives the benefit of the statutory liability. Section 15 of the *Human Rights Act* is concerned with ‘discrimination’ (direct or indirect) based on a relevant attribute as defined in the *Anti-Discrimination Act*, or an additional characteristic not covered by the *Anti-Discrimination Act*. In this case, the entitlement to the statutory subsidence compensation liability is based on the geographical location of the land, not on any personal attribute. There is no direct or indirect discrimination based on a protected attribute under the *Anti-Discrimination Act* (or any analogous characteristic). Therefore, the right is not limited.

*The right to property (section 24)*

The expanded requirement on authority holders to negotiate CCAs with an owner or occupier of affected land, and the new express statutory subsidence compensation liability, may limit the right to property in s 24 of the HR Act. Section 24(2) of the HR Act provides that a person must not be arbitrarily deprived of the person’s property. ‘Property’ is a broad concept and includes real and personal property, including money. Authority holders might now be required to pay compensation for CSG-induced impacts where they may not have had to previously. The right in s 24(2) will only be limited if the deprivation of property is ‘arbitrary.’ Arbitrary means capricious, unpredictable, unjust or unreasonable in the sense of not being proportionate to a legitimate aim sought. A deprivation which is proportionate under s 13 of the HR Act will not be arbitrary. Proportionality will be considered below with regards to s 13.

Any limitation on the rights in s 24 will only apply to CSG resource authority holders or owners who are individuals, as corporations do not hold human rights (s 11 of the HR Act).

*Right to privacy*

The right to privacy (section 25(a)) protects against unlawful interference with a person’s privacy and home. In circumstances where owners or occupiers reside on the land that may be or is impacted by CSG-induced subsidence, and subsidence monitoring or agreed management

actions are agreed under a CCA, these management arrangements may potentially interfere with privacy and home by providing land access rights for CSG resource authority holders. However, these rights are not granted by the legislation itself. Furthermore, the right is only limited where the interference is unlawful or arbitrary. Any access rights would be agreed under a CCA and so would therefore be lawful. Arbitrary means capricious, unpredictable, unjust or unreasonable in the sense of not being proportionate to a legitimate aim sought. An interference which is proportionate under s 13 of the HR Act will not be arbitrary. Proportionality will be considered below with regards to s 13.

- (b) The nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to expand the existing land access and compensation framework to clearly deal with CSG-induced subsidence impacts for owners and occupiers of private land, and to generally require negotiation with owners and occupiers of affected land before carrying out directional drilling. This is a proper purpose.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose.

The amendments will assist owners or occupiers of affected land, including assisting those impacted by CSG-induced subsidence to obtain compensation.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

In my opinion, there is no less restrictive (on human rights) way other than the proposed amendments to ensure CSG resource authority holders are liable to compensate owners or occupiers of affected land impacted, or which may be impacted, by CSG-induced subsidence.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Ensuing owners and occupiers of affected land impacted by CSG-induced subsidence are properly compensated is of significant importance. Insofar as any right of access for CSG resource authority holders to enter land to implement management measures agreed to under a CCA interferes with the right to property privacy of owners and occupiers, it is considered that the interference is minor and necessary. Furthermore, any management measures would be agreed under a CCA and not required by the legislation itself. Insofar as the expansion of the CCA and compensation framework may increase costs for CSG resource authority holders, it is considered this is reasonably necessary to properly compensate owners and occupiers of affected land. A fair balance is struck.

Because any deprivation of property or interference with privacy and home is not disproportionate, the interference is not arbitrary. Accordingly, those rights are not limited.

(f) Any other relevant factors

None applicable.

RPI Act amendments contained in Part 4 of the Bill

**Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the human rights that are relevant to the Bill are:

- the right to freedom of expression (section 21)
- the right to take part in public life (section 23)
- property rights (section 24); and
- right to a fair hearing (section 31).

Clause 12 of the Bill inserts a new section 5A into the RPI Act. Section 5A removes the requirement to comply with Part 2 (Restrictions on resource and regulated activities in areas of regional interest) when carrying out a CSG activity in the Condamine Alluvium CSG area.

Clause 13 of the Bill inserts a new section 11A. Section 11A defines the Condamine Alluvium CSG area. It is an area that includes all or part of the aquifer known as the Condamine Alluvium and is shown as the Condamine Alluvium CSG area on a map approved by regulation and published on the department's website.

The effect of new sections 5A and 11A is that a person carrying out a CSG activity in the Condamine Alluvium CSG area is exempt from the requirement to hold a RIDA before carrying out a resource activity in an area of regional interest.

Clause 15 of the Bill inserts a new part 11. These transitional provisions specify the amendments do not affect an assessment application for carrying out a CSG activity in the Condamine Alluvium CSG area made, but not decided, before the commencement (new section 111). Further, a RIDA for a CSG activity in the Condamine Alluvium CSG area that is in effect prior to commencement is not affected by the amendments (new section 112).

The promotion of human rights

If an individual was proposing to carry out a CSG activity in the Condamine Alluvium CSG area following commencement, the right to property (s 24) may be enhanced by removing the costs associated with the RIDA application, namely the application fee, obtaining an impact report, public notification and the time associated with these processes.

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)**

A RIDA effectively requires resource activities and regulated activities proposed in an area of regional interest to undergo an assessment of impacts. Applications must be published and a copy given to landowners. Interested persons, including landowners, may make submissions. All properly made submissions must be considered before a decision is made on the

application. The amendments will remove the requirement for a RIDA for CSG activities in the Condamine Alluvium CSG area.

The Bill will potentially engage and limit (or interfere with) the right to freedom of expression (section 21), the right to take part in public life (section 23), property rights (section 24) and the right to a fair hearing (section 31). In my opinion, any limits on these human rights are considered reasonable and justified under section 13 of the *Human Rights Act* as follows:

(a) the nature of the rights

*Freedom of expression (section 21)*

Every person has the right to hold an opinion without interference and the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. The approval process for a RIDA involves public consultation for a notifiable application. Removing the public consultation requirements under the RPI Act may limit this right as a person will not be able to have a formal ‘say’ in relation to impacts an activity may have on the Condamine Alluvium. Likewise, the removal of review rights may preclude people from expressing their opinion by challenging decisions made by the chief executive on an assessment application for an activity in the Condamine Alluvium CSG area. However, given the broad exemptions from the requirement for a RIDA under the RPI Act, the notification of activities in the area in many cases is currently not required to be undertaken.

*Taking part in public life (section 23)*

Section 23(1) of the HR Act recognises that every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. The removal of the ability to make a submission or exercise review rights under the RPI Act regarding the impact an activity may have on the Condamine Alluvium may limit this right. However, given the broad exemptions from the requirement for a RIDA under the RPI Act, formal RIDA applications in the area in many cases are not required.

*Property rights (section 24)*

Section 24(2) of the HR Act provides that a person must not be arbitrarily deprived of the person’s property. ‘Property’ is a broad concept and includes real and personal property, including money. Removing the requirement for a RIDA may potentially limit this right as CSG resource authority holders will no longer be required to consider impacts on the PAA that may affect agricultural values and agro-economic interests. This may contribute to outcomes that prevent owners and occupiers of agricultural land being able to fully utilise their land to derive income. However, given the broad exemptions from the requirement for a RIDA under the RPI Act, the impacts on agriculture in many cases is currently not being assessed. The right in s 24(2) will only be limited if the deprivation of property is ‘arbitrary.’ Arbitrary means capricious, unpredictable, unjust or unreasonable in the sense of not being proportionate to a legitimate aim sought. A deprivation which is proportionate under s 13 of the HR Act will not be arbitrary. Proportionality will be considered below with regards to s 13.

*Right to a fair hearing (section 31)*

The right to a fair hearing in section 31 of the HR Act entitles a party to a civil proceeding to have the proceeding decided by a competent, independent, and impartial court or tribunal after a fair and public hearing. This includes a right of access to a court or tribunal. The right to a fair hearing is relevant to restrictions imposed on a person's ability to commence proceedings as well as restrictions on a person's ability to continue or properly conduct proceedings already commenced. Removing the requirement for a RIDA may limit this right as applicants and affected landowners will not be able to appeal to the Planning and Environment Court in relation to a decision by the chief executive to approve or refuse a RIDA as such a decision will no longer be able to be made. However, given the broad exemptions from the requirement for a RIDA under the RPI Act, the number of applications received and decided are limited.

- (b) The nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to streamline the approval process for CSG activities while strengthening environmental protections for the Condamine Alluvium.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose.

The amendments assist in achieving this purpose by removing the requirement for a RIDA for CSG activities which are regulated under other Acts. Amendments to the EP Act will enhance protections for water quality in the Condamine Alluvium.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

Another way of achieving the purpose would be to leave the existing approval process in place (including retaining and strengthening the requirement for a RIDA). However, this would not be as effective because the process would not be as holistic, transparent, or streamlined. As there is no less restrictive way to deliver the protections for the alluvium in a clear and comprehensive way, the limits imposed on human rights are necessary to achieve that purpose.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On one side of the scales, removing the requirement for a RIDA limits the right to freedom of expression, the right to take part in public life, property rights and the right to a fair hearing. However, the ability for people to express their views on CSG activities in the Condamine Alluvium remains under the public consultation provisions of the EP Act. On the other side of the scales is the strong public interest in having a streamlined and comprehensive regulatory framework for CSG activities. The removal of the requirement for a RIDA in favour of stronger environmental authorities under the EP Act will streamline the approval process. On balance, I am satisfied that the need for a streamlined approval process outweighs the impacts on human rights caused by the removal of the requirement for a RIDA.

Because any deprivation of property is not disproportionate, the interference is not arbitrary. Accordingly, those rights are not limited. If limited, the other rights, being the right to take part in public life, freedom of expression and fair hearing are limited in a way that is reasonable and demonstrably justified.

(f) Any other relevant factors

None applicable.

Other amendments contained in Part 5 of the Bill

**Human rights relevant to the Bill (Part 2, Division 2 and 3 Human Rights Act 2019)**

Clause 17 amends the legislation in Schedule 1. This includes consequential amendments to the Regional Planning Interests Regulation 2014, MERC Act, *Petroleum Act 1923* and *Petroleum and Gas (Production and Safety) Act 2004*. In my opinion, no human rights are engaged or limited by the Bill.

**Conclusion**

In my opinion, the Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**JARROD BLEIJIE MP**

Deputy Premier

Minister for State Development, Infrastructure and Planning and

Minister for Industrial Relations