

Mineral Resources and Other Legislation Amendment Bill 2026

Submission No: 135

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Publication: Making the submission and your name public

12 October 2026

Primary Industries & Resources Committee
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Property Rights Australia Inc submission to the Mineral Resources and Other Legislation Amendment Bill 2026

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The role of Property Rights Australia

Property Rights Australia Inc. (PRA) is a not-for-profit, apolitical organisation which formed in 2003, to protect the property rights of landowners adversely affected by the actions of government, private companies and others who negatively impact on their properties and their right to do business. Our members are small, medium, and large enterprises, mostly in Queensland and a few are from other states. PRA strives for ecologically and economically sustainable natural resource management, whilst protecting private property rights. PRA wants to ensure government policies and natural resource management decisions are based on sound science and responsible economic management.

Introduction

Property Rights Australia PRA would like to express their concern that the timeframe from introduction to close of submissions on this Bill is less than a calendar month. Unlike resources, landowners who are forced to host resources and volunteer organisations, must make submissions

on matters which will materially change their businesses, out of hours and often with little professional help. This is not how our democracy is supposed to work.

PRA is also disappointed that there will be no public briefing until after close of submissions.

Property Rights Australia believes that this Bill has not taken into sufficient consideration the rights of landowners/occupiers¹ who will be forced to accommodate mining activity.

This supposedly conservative government has taken a machete to landowner rights and protections when it could have taken a scalpel. Just reducing who has the right to object, which has been done in this bill, would have reduced the burden.

Instead, landowners can be cut either advertently or inadvertently from a process which can materially affect their lives and businesses.

Most landowners, when they object, are concerned with protecting their water sources, their soil, their ability to run their businesses, their health and amenity.

Property Rights Australia cannot find where any effort has been made to preserve the rights and viability of landowners. It is further eroding their ability to negotiate a system which is already heavily skewed in favour of the resources companies. It relies a lot on the attitude and expertise of a Minister and Chief Executive.

Recommendations

Recommendation 1

Property Rights Australia believes this Bill should be withdrawn.

Recommendation 2

Property Rights Australia believes there should be no discretionary powers to prevent landowners from automatic access to the Land Court with a properly made objection to a mining lease application.

Recommendation 3

There should be no discretionary powers by the Chief Executive of the Environment Department to prevent a landowner access to a merits-based review for an Environmental Authority application.

Recommendation 4

If the discretionary power of the Minister and Chief Executive of DETSI to refer or not refer objections to the Land Court is to be retained, there needs to be an exhaustive list of criteria included in the legislation. If the Minister or Chief Executive refuses access to the Land Court or a merit base review, they must publish a detailed analysis of reasons.

If a landowner disagrees with those reasons, they must have access to a merits-based review challenging such reason.

¹ Where landowners are mentioned in this document, it should be taken to mean occupiers as well.

Recommendation 5

That no amendment impedes landowner protection of both underground and surface water from depletion or contamination. Also, near neighbours and directly affected landowners are protected from environmental nuisance of dust, noise, light, vibration, odours and any health hazards.

Recommendation 6

That response times for objections and/or submissions be increased to a minimum of 30 business days.

Recommendation 7

That affected landowners and near neighbour landowners are directly contacted on the commencement of both the environmental authority and the mining lease application process. Furthermore, that a notification letter is sent to all residents within the catchment of the closest post office to the proposed mining development.

That the same procedure is followed to any variations of MLAs, EAs and PRCPs.

Bill lacks consideration of landowner rights

No amendments should impede landowner rights.

Does the Department of the Environment, Tourism, Science and Innovation (DETSI) have the required knowledge and expertise to make a decision on an objection from a landowner such as depletion or contamination of an aquifer.

There is a cumulative impact from recent Amendment Bills where landowner rights have been eroded. No consideration has been given to correcting any of the many disadvantages and damage suffered by landowners who would prefer not to share their land with other industries.

Expansion of Executive Powers

State Development and Public Works Organisation (Critical Minerals) and other Legislation Amendment Bill 2026.

Recently, the Queensland Government amended the *State Development and Public Works Organisation Act 1971 (Qld)* with the critical minerals amendments to give the government wide powers to largely override any development assessment laws and compulsorily acquire land for any “State Strategic Project”. Any mining objection process whether old or in the amended version will be inapplicable where the project has been declared to be a State Strategic Project and a modification order has been made to appropriate legislation. Taken together, these amendments show a clear trend of erosion of landowner rights.

As written, with power in the hands of the executive government, a government with no appreciation of agriculture could wreak havoc for our food security.

Under the *Legislative Standards Act 1992*:-

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review – LSA section 4(3)(a)²

PRA does not believe that the executive power has been sufficiently defined under Section 271 (Criteria for deciding mining lease application) of the Bill with scant consideration of landowner rights and the rights to peacefully and profitably conduct their businesses on the land. Neither the mining lease (ML) application nor the environmental authority (EA) is subject to appropriate merits based review under MROLA Bill 2026.

Landowners are not even mentioned in the criteria used for deciding a mining lease application under Section 271.

The expansion of executive power is largely unbridled with landowner rights nobbled at every turn.

The explanatory notes point to what PRA considers a severe shortcoming of the Bill.

“As the powers under each Act do not prescribe specific criteria for referral, the amendments could be perceived as making the right for an objection to be heard dependent on an insufficiently defined power.”³

No effort has been made to adhere to fundamental legislative principles under the *Legislative Standards Act 1992*.

Notification of Mining Lease and Environmental Authority

Notifications for MLs and EAs have been melded into the same timeframe. How landowners may fare is unknown. PRA contends that all landowners within the footprint, those who must provide access and neighbours should all be individually notified by their preferred method of communication. Not only should they be alerted to the basic information about the activity but timeframes within which objections need to be made and in what form.

Even low-risk projects should be notified to affected landowners who should be given an option to put in an objection to inform the next steps of the Minister. If serious concerns are raised, the Minister should still refer to the Land Court. The changes in who can raise an objection has already reduced the objections pool so this should not be too arduous.

Unfair objection process for affected landowners

The grounds on which an objection to the ML is made have been narrowed and NO environmental grounds can be entered into a ML objection. They must be done separately, but at the same time under the same, and on time, one chance notification, under this Bill. This is a reduction in landowners' ability to respond. Objections to the EA will need to be made on the draft EA with no new notification for variations which are often significant. This is a problem. How this process will work for landowners needs more thought, clarification, and amendment.

² Legislative Standards Act 1992. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1992-026>

³ Explanatory notes page 5. <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5826T1611/5826t1611.pdf>

Responses, unless extended, can be as little as fifteen days. This is not long enough for landowners to even be aware of a notification, much less respond to what will often be a long and technical subject.

Landowners also note that there is a difference between a properly made objection and a submission, with a submission likely to carry almost no weight. However, under the MROLA 2026, with proposed changes to the EP Act, these two processes, particularly for the EA and PRCP, seem to be conflated.

Landowners need clarity on these points.

Discretionary access to the Land Court and no merits-based review

No effort at all has been made to expand or clarify Section 271 of the *Mineral Resources Act* to balance the loss of automatic referral to the Land Court and loss of review. Very few of the conditions for referral can even be construed to have any significance to an owner/occupier.

Almost all the criteria refer to the business of resources companies with no mention of impacts on landowners or agriculture. It does not look promising that an executive decision for a merits-based review will hinge on an ill-defined set of criteria and whether the Minister regards agriculture is important or not, not on legislative protection. This is not a minor consideration.

Automatic access to a Land Court hearing for properly made objections will no longer be available. This abolition has resulted in there being NO merits-based review available to landowners. It will depend on the executive decision. In a unicameral system such as Queensland, this removal and replacement with discretionary Ministerial or Chief Executive decision making with limited criteria means that the parliamentary committee must do its job in reviewing the Bill and insert some landowner protections.

Even where referral is made by the Minister, it still does not overcome one of the most serious flaws in the system as identified by the Queensland Law Reform Commission's incomplete review of mining lease objections to the Land Court⁴. That is that resources companies can provide extra information to the process as it becomes available whereas the landowner cannot and must rely on the original objection. This Bill does not clearly state that a landowner can present expanded or new evidence.

Under Section 271C, if a referral is made, the Land Court will be sent,

- 2 (b) a copy of the mining lease application; and
- 2 (c) a copy of any additional information given by the applicant under section 386J(1)(b);
- 2 (d) either— (i) for a hearing mentioned in subsection (1)(a)—a copy of each properly made objection to the mining lease application; or

(ii) for a hearing mentioned in subsection (1)(b)—a copy of each properly made objection to the mining lease application to the extent the Minister considers the objection relevant to the specific matter.

⁴ Queensland Law Reform Commission. 2025. Mining lease objections review
<https://www.qlrc.qld.gov.au/reviews/completed/2025/mining-lease-objections-processes-review/review-publications>

Twenty business days from the setting of a Land Court date to a hearing, if one is granted, may not give landowners time to engage suitable advisors.

That the automatic referral to the Land Court will no longer apply, is a travesty. Low risk applications (standard and variation applications) no longer requiring notification, not be subject to objections nor the Land Court is unacceptable.

Objections will also need to be made against draft documents with no notifications of variations. This means that not all points will necessarily be covered and some that are may no longer apply to final approvals. At best this is a random process where a landowner must guess at what may or may not be in the final approvals.

Objections made on environmental grounds must be made separately but in the same timeframe, and whether or not they will be sent to the Land Court, will be made against a limited set of criteria, which are not defined in the legislation. This decision will be made, not by the Minister but by the Chief Executive of the Environment Department. The Chief Executive will have discretionary power rather than legislated criteria.

While every effort is being made by this government to streamline legislation for resources, landowner rights are being eroded with NO attempt made to balance this or ensure that the negative impacts are adequately dealt with or compensated for.

Landowner protection of water and environmental nuisance

The criteria for the Minister to make a decision on what objections to an ML will go to the Land Court do not include those matters which may be categorised as environmental concerns.

Depletion or contamination of an aquifer or above ground agricultural water source must occur under the judgment of the Minister, not a Chief Executive. These grounds need to be specifically named within the legislation.

While the process for resources has been streamlined, landowners will be required to put in two sets of objections, one to the mining lease which hopefully receives some attention from the Minister and another under the EPA for environmental concerns which will be adjudged by the Chief Executive of the Environment Department. The Minister is not required to take environmental objections into consideration, and they will not go to the Land Court.

It is vital that the viability of agricultural water supply is not put only into the environmental category. It must be considered by whichever executive department it comes before. Anything else is assuming that landowners have the knowledge and skill of a specialist lawyer.

That all concerns objected to, for a ML application, even if some may be environmental concerns of great importance to landowners such as water and surface area, be considered by the Minister, and passed to the Environment Department. These sorts of objections must not be lost regardless of where they are sent.

Progressive Rehabilitation and Closure Plan (PRCP)

Objections can be made to Progressive Rehabilitation and Closure Plan PRCP.

All proponents must be required to pay a bond which can be repaid under progressive rehabilitation. This bond must be held by, administered by government and enforced by government to ensure that landowners are not left with a mess.

The case of Tricia Goodwin at Bluff⁵ is a well-known example of landowners being left with a mess and expenses which they should not have had to incur.

There is no mention of the fate of progressive rehabilitation and closure plan although it is included in the amendments to the EP Act.

As with the draft EA, a draft PRCP is able to be objected to by eligible people.

A Note to Section 185 of the MROLA 2026 Bill says

Note— If the administering authority received neither an objection under section 183 nor a submission under section 184 relating to the draft documents for the application, the administering authority is required to issue an environmental authority and PRCP schedule under section 195(1)(f) and (2)(b) or, for an amendment application, under section 242(1)(c) and (2)(b).⁶

This appears to negate some of the discretionary power of the authorising authority.

Section 183(b) states :- an objection to the draft PRCP schedule for the site-specific application for a matter mentioned in 176A. Section 176A⁷ of the Mineral Resources Act 1989 pertains to adding excluded land to an existing permit.

Landowner rights to natural justice

Landowners will be notified of an application for a mining lease and a (draft) environmental authority at the same time. Without local newspapers, there is no reliable way of notification unless affected landowners and their neighbours are personally notified. If they miss notification, it is the end of the conversation for the landowner on two fronts. Even if they manage to put in an objection, unless the matter is referred to the Land Court, it is still the end of the conversation. Their right to be heard and their right to a merits-based review have been abolished. The merits-based review is subject to the discretion of the Minister for an ML and the Chief Executive of the Environment Department for an EA which may or mostly may not be the final version.

This is an abuse of natural justice.

There are not “appropriate opportunities” for affected landowners to “participate in statutory assessment processes”, as claimed in the explanatory notes.

This legislation is a total failure when it comes to addressing present landowner problems, or averting similar, future landowner problems.

Harvesting money from resources is all very well but there needs to be legislative protections for landowners and our food security.

In its quest for efficiency for the mining industry, the government has swept away any what scant protections affected landowner had.

⁵ Coalmine on Trish’s Queensland farm has been abandoned.

<https://www.facebook.com/PropertyRightsAustralia/posts/trish-goodwin-has-spent-years-battling-this-coal-mining-caused-blight-on-her-pro/1383209557276306/>

⁶ MROLA 2026 Section 185 lines 28-35 <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5826T1610/5826t1610.pdf>

⁷ *Mineral Resources Act 1989*. Section 176A.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1989-110#sec.176A>

Landowners will be required to be nimble, seven-day bush lawyers, or forever lose their rights and productive capacity.

Government is eroding landholder rights with the accumulative impact from Bills focusing on productivity and energy security.

Quite frankly, any environmental concerns about how a property operates, the integrity of its water supply, dust, noise and health effects and rehabilitation need to continue to be given the protection of a Land Court hearing and this should be guaranteed under the legislation.

Discretionary power must have clear legislative criteria

Decisions on whether or not referral to the Land Court occurs will be made by the Chief Executive of the Environment Department DETSI and without any clear criteria in the legislation on which the decision will be based

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review – Legislative Standards Act 1992 Section 4(3)(a)⁸

This is a clear breach of Fundamental Legislative Principles and Natural Justice and potentially leaves landowners with no merits-based review.

The Bill inserts section 186(1)(c) in the EP Act which provides for a discretionary power to refer. It is only if these powers are exercised that objectors will have the opportunity to promote the merits of their objection before the Land Court and to have a court hearing about the merit of expert evidence advanced by an applicant.⁹

Property Rights Australia categorically rejects that an unelected Chief Executive can refer or not refer an objection to the Land Court on a discretionary power with no clear legislated criteria.

This eviscerates the rights of landowners.

That power is absolutely not sufficiently defined as required by the *Legislative Standards Act 1992*.

At the very least, the Chief Executive's decision should be based on listed criteria that ensure that:-

- water sources for agriculture, both underground and surface water, are protected from depletion or contamination.
- the surface is returned to its original condition and purpose to the standard that existed previously, and livestock and crops can be produced to the same standard as previously.
- that landowners be protected from noise, dust, light, vibration, aerosols, fumes, odours and other health and environmental hazards.
- That no contamination of ground or water from "forever" chemicals such as PFAS occurs.
- Biosecurity and weed washdowns are enforced.
- That amenity is preserved.

⁸ Legislative Standards Act 1992 <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1992-026#sec.4>

⁹ Explanatory Notes Section 186 – Deciding site-specific application. Page 20.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5826T1610/5826t1610.pdf>

Conclusion

The government, in its quest for efficiency for resources companies, has left landowners with little protection. It relies on the landowner taking action to prevent harm to their home and business where the decision to share land and water with another business was not theirs.

Access to a clear, cost effective, merits-based review, with proper protections, must remain, and must be able to be rejoined at later stages, such as when variations are proposed.

This Bill in its present form should not be passed.

Further information

If you require further information or clarification on any points raised in the submission, please contact Joanne Rea at PRA by email on pra1@bigpond.net.au or phone 0493 667 561.

If required, PRA is willing to participate in a public hearing to this Bill, with a preference to a Brisbane location.