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

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**Submission By:** Queensland Law Society

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Office of the President

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Our ref: [SS:MC]
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Committee Secretariat
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**By email**: PIRC@parliament.qld.gov.au

Dear Committee

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

Thank you for the opportunity to provide feedback on the Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 (**Bill**).

The Queensland Law Society (**QLS**) is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This submission has been based on feedback from the QLS Water and Agribusiness Law Committee, Energy and Resources Law Committee and Planning and Environment Law Committee, whose members have substantial expertise in this area.

**Condamine Alluvium CSG Area – Mapping Clarity**

We note proposed section 206(2A) of the *Environmental Protection Act 1994* (**EP Act**) intends to introduce an implied condition into all environmental authorities issued for coal seam gas (**CSG**) activities in the CSG area (**Area**) prohibiting the release of contaminants into the waters in the Area that result in water quality inconsistent with the water quality objectives that apply to those waters.

Relevantly, the Area is determined by proposed section 11A of the *Regional Planning Interests Act 2014*, which provides the Area is shown on a map approved by regulation and published on the department's website.

Our committee members have noted the following observations which would enhance this proposal:

1. Map to reference topographical locations/boundaries

   The mapping currently available on the department's website for the Area is hydrographically focused, showing riparian and sub-surface aquifer information with scant information that would enable a landholder to identify if the landholder's property is located within the Area. To make the tool more useful, we suggest the map of the Area, when published, should have clear markings (and be of a suitable scale) to enable a landholder to clearly identify whether a property title is within, or partly within, the Area.

2. Interaction with land title mapping information

   Ideally, the Area boundary would be able to be searched or located by reference to the 'lot on plan' descriptions used by the Titles Queensland data system (in much the same way as vegetation mapping is able to be searched).

**Directional well drilling as an advanced activity**

Our committee members have provided the following feedback in relation to the proposed new Part 9 to Chapter 3 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (**MERCPA**).

***Division 2 – Drilling directional well requires agreement***

1. Clarify if grandfathering intended

While proposed section 101I will apply to directional wells drilled under petroleum leases or exploration permits issued after the commencement of MERCPA on 21 November 2014, we recommend clarification to address wells proposed to be drilled under authorities issued before that date. Our members recommend the legislation should apply to all new directional wells to be drilled regardless of the date the relevant resource authority under which the drilling of the well is authorized was issued.

2. Clarify if directional wells are 'prescribed activities'

We recommend Parliament use this opportunity to consider and address whether drilling of directional wells should be addressed as a 'prescribed activity' for the purposes of Part 4 of Chapter 3 of MERCPA and, if so, be included as an addition to section 67(a) of MERCPA.

Under section 67(a), a 'prescribed activity' for a resource authority means an authorised activity carried out on the surface of land or below the surface of land in a way that is likely to cause an impact on the surface of the land. Whether or not an activity is an 'advanced activity' is not a relevant consideration for section 67. Therefore, we recommend clarification as to whether directional drilling is a 'prescribed activity'.

3. Clarify the term 'lateral' when used in relation to restricted land

Under section 68 of MERCPA, a prescribed activity cannot be undertaken within 200m laterally from certain sensitive uses (e.g., residences, childcare centres, hospitals and places of worship) and 50m laterally from artesian wells, bores, dams etc.

If it is intended to include directional drilling of wells as a prescribed activity, we recommend amending the definition of 'restricted land' in section 68 of MERCPA to clarify what is meant by 'laterally'.

One of our committee members reported a scenario where it was disputed whether a directional well was passing within a restricted distance from a dwelling (i.e., within 200m laterally). The two-dimensional mapping provided to the landowner showed the well passing within 80m of the back door of the residence. It was unclear whether 'laterally' meant when the path was measured on a two-dimensional map (in which case the well path was within restricted land) or when measured in respect to a 'globe' with a radius, including depth (in which case the well path was not within restricted land).

The resource authority holder proceeded to drill the well on the basis that the well was passing at a depth exceeding 200m, which it argued was not within the restricted area. The landowner complained to the department, which determined that 'lateral' meant measured in any direction, including depth, so the well was determined not to be within restricted land.

To prevent these types of disputes, we suggest the Bill should consider and address this issue to provide clarity for landholders and resource authority holders.

4. Additional information for mapping of directional wells

We suggest the proposed amendment to section 101I of MERCPA should have a new sub-section added to specifically require the resource authority holder to include sufficient details in all maps provided of the proposed entry, including the depth (and aquifer intercept) information and path of the well. This will allow the landholder to understand the depth of the proposed well at the point of entry (and exit) onto the land and the proposed termination depth of the well, including the depth of any expected aquifer intercepts.

***Division 3 – Liability to compensate for regional subsidence***

The intention of the interaction between proposed section 101J(2) of MERCPA and the transitional provisions in proposed section 251 of MERCPA may be unclear.

A conduct and compensation agreement (**CCA**) negotiated between a landholder and a resource authority holder for well activities may include terms to the effect that the agreed compensation is in full and final satisfaction of all claims that may potentially arise out of the CSG activities mentioned in the CCA.

It appears that proposed new section 251 of MERCPA is intended to clarify that the new compensation right for subsidence compensation liability identified in proposed section 101(3)(a) does not nullify or upset an existing CCA that had been negotiated by a landholder (or a previous landholder). It may be possible to read proposed sections 251(2) to (5) of MERCPA as a statement that an existing CCA that had been negotiated by a landholder (or a previous landholder) includes a component for subsidence compensation liability.

However, in our committee members' experience, it would be extremely unusual for any landowner to include the potential subsidence impact in the landowner's compensation calculations. Some CCAs specifically exclude the impact of subsidence as a carveout of the agreed compensation, but many do not specifically state that. Therefore, it appears that proposed sections 251(2) to (5) will have a retrospective effect to deny landholders compensation for a loss that has now been expressly recognised but may not have been understood as a risk that needed to be considered when the CCA was agreed.

For those existing CCAs that expressly carved out subsidence, we recommend the legislation confirm that those landholders are entitled to claim compensation for subsidence.

We query whether consideration has been given to the interaction of the proposed amendments with the Land Court's role under section 101 of the MERCPA in reviewing compensation agreements between a resource authority holder and an eligible claimant. In particular, should the impact of CSG-induced subsidence be a matter that is a material change in circumstances for the purposes of section 101(1)(b).

**Removing the regional interests development approval (RIDA) requirement**

In the short timeframe available for considering the Bill, during the Easter holiday period, we have not been able to obtain detailed feedback from our members regarding the proposed replacement of the RIDA process with the new deemed condition in any new environmental authority issued under the EP Act.

However, we raise the following initial concerns for further consideration:

- The success of the deemed condition approach will depend on the adequacy of the water quality objectives as defined in the prescribed environmental protection policy (new definition in proposed section 206(4) of the EP Act). Given the significance of these objectives to the protection of the Condamine Alluvium, we query whether there should be a minimum standard set in the authorising Act.
- We understand the Bill is intended to address a "Queensland Government election commitment to require gas companies to demonstrate beyond any reasonable doubt that new projects would not have a detrimental, long-term impact on the Condamine Alluvium (Government Election Commitment 20; GEC20). The Bill also responds to landholder concerns about the impacts of CSG activities in the Condamine Alluvium by strengthening compensation for CSG-induced subsidence impacts." The Bill does not include a 'test' of "beyond any reasonable doubt" and we suggest it might be useful for Parliament to include some guidance for gas companies in the legislation or, at least that guidance should be published on the department's website.
- The information in the Explanatory Notes provides limited explanation of how the EP Act / EA framework will provide an equivalent level of protection to landowners and occupiers as the *Regional Planning Interests Act 2014* (**RPI Act**).
    - The EP Act provides a structured framework for assessing environmental impacts of certain activities and a compliance and enforcement framework.
    - However, the purpose of the RPI Act was to establish a process to manage the impacts of resource activities on areas of regional interest including a priority agricultural area, a priority living area, a strategic cropping area or a strategic environmental area. This was a carefully designed process to balance and weigh the competing interests of resource activities with agricultural or environmental values.
- On the information available, some members hold concerns that the new process is not a neat substitute for the RIDA process, meaning the practical effect of this change is to

diminish an existing layer of regulatory protection available to landholders in priority agricultural areas and strategic cropping areas.

- If the concern with the existing RPI Act is that the self-assessment process was lacking, it is unclear that replacing it with the EP Act process will improve the assessment of the competing interests and priorities in the Condamine Alluvium. The more appropriate response to an ineffective regulatory mechanism is generally to reform and strengthen it, rather than to remove it.
- The Explanatory Notes indicate targeted consultation has been undertaken in developing this Bill but we understand there was not public consultation on the proposals.
- The removal of the purpose-built RIDA assessment process, designed to protect valuable agricultural land, is a cause for concern without further time to consider the Bill. Given the significant agricultural value of the Condamine Alluvium, we suggest the amendments in Part 2 of the Bill be paused until the wider community has the opportunity to assess the consequences of these amendments.
- If Parliament ultimately decides to remove the RIDA process from regulating resource activities in the Condamine Alluvium, we recommend a formal review of landholder experiences within 12 months of the commencement of the new EA process. This review should assess whether the key benefits of the RIDA process are still being achieved under the deemed EA condition. If not, consideration should be given to updating the water quality objectives, prescribed under the relevant environmental protection policy [add footnote], to address any shortfalls or gaps in protecting priority agricultural areas and strategic cropping areas.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [redacted] or by phone on [redacted] [redacted]

Yours faithfully

[redacted]

Peter Jolly
**President**

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Office of the President

21 April 2026

Our ref: [WD:SS:KB:MC]

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Dear Committee

**Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 – Supplementary submission**

We refer to our submission of 14 April 2026 in response to the Regional Planning Interests (Condamine Alluvium) and Other Legislation Amendment Bill 2026 (the **Bill**).

We have subsequently received further feedback from members and had the opportunity to review submissions published on the Committee's inquiry page. We respectfully ask the Committee to accept this supplementary submission.

QLS recognises there is often an inherent tension between balancing the protection of agricultural land with progressing resource developments. Ultimately, it is a matter for the Government of the day to determine how this will be achieved.

However, in light of the wide-ranging concerns raised in response to the Bill, it is critical there is adequate time for the Committee and the Department to investigate the concerns and provide considered responses. As QLS has outlined below, there are significant technical and legislative issues to be addressed before the Bill is progressed further.

The proposals in the Bill are clearly of interest to the wider community and the Bill would benefit from wider consultation and engagement. We recommend the Committee seek an extension of time to deliver its report, to allow this process to occur.

As outlined below, QLS considers the Bill as drafted does not achieve its stated objectives, removes existing rights without adequate consultation and requires drafting amendments to ensure those affected by the legislation can understand and apply the law.

**Executive Summary**

- Until there is a more detailed and considered public consultation process, QLS recommends extending the parliamentary inquiry process to ensure there is an opportunity for submitter feedback to be addressed by the Committee and the Department.

- As drafted, the Bill does not achieve its stated objective to "require gas companies to demonstrate beyond any reasonable doubt that new projects would not have a detrimental, long-term impact on the Condamine Alluvium, a large and significant water aquifer used for agricultural purposes (Government Election Commitment 20; GEC20)."[1]
- The removal of an existing legislative approval process is a significant alteration of legal rights which should not be progressed without careful consideration and wide public consultation. A thorough public consultation period is required to examine the consequences, both intended and unintended, of removing the Regional Interests Development Authority (**RIDA**) process for projects in the Condamine Alluvium.
- There are technical drafting issues which must also be addressed and clarified before the Bill is progressed. Otherwise, this lack of clarity will lead to confusion in the industry which adds to costs of the parties and increases disputes.

## Supplementary comments

1. **The Bill does not achieve the stated objectives of the Second Reading Speech, Explanatory Notes or election commitment.**

   The materials accompanying the Bill indicate the purpose of the Bill is to deliver on the election commitment to legislative reform to "require gas companies to demonstrate beyond any reasonable doubt that new projects would not have a detrimental impact on the Condamine Alluvium." We caution the Bill does not do so. We also reiterate, as noted in our original submission, the Bill does not include a test of 'beyond any reasonable doubt.'

   The effect of the Bill is to remove the existing protections of the *Regional Planning Interests Act 2014* (**RPI Act**) from the Condamine Alluvium area. The RPI Act process ensures there is a clear opportunity for priority agricultural land use, strategic cropping areas, priority living areas and strategic environmental areas to be assessed and balanced when considering the impacts of resource projects.

   Replacing this existing regulatory process with the proposed deemed condition in an Environment Authority (**EA**) under the *Environmental Protection Act 1994* (**EP Act**) does not achieve the stated objectives.

2. **Broader consultation is required before removing existing legislative rights.**

   The Explanatory Notes indicate targeted consultation was undertaken,[2] but the submissions made in response to the Bill, both from individuals and peak bodies, emphasise the high degree of concern with removing the RIDA process from Condamine projects.

   Further stakeholder engagement is required, allowing adequate timeframes for response, before progressing such significant changes to the existing legislative landscape. Removing an existing legislative approval process is a significant alteration

[1] Explanatory Notes to the Bill at page 1.
[2] Explanatory Notes to the Bill at page 5.

of legal rights which should not be progressed without careful consideration and wide public consultation.

3. **The deemed EA condition in clause 3 is not an equivalent replacement for the RIDA process**.

   There are significant differences between the EP Act and the RPI Act:

   a. The RPI Act was introduced in 2014 after many years of careful consultation and negotiation with industry and the community. It stated purposes include to manage the impact of resource activities and other regulated activities on areas of 'regional interest' and manage the coexistence, in areas of regional interest, of resource activities and other regulated activities with other activities, including, for example, highly productive agricultural activities. To achieve its purposes, the RPI Act "provides for a transparent and accountable process for the impact of proposed resource activities and regulated activities on areas of regional interest to be assessed and managed."[3]

   b. Requiring a proponent to obtain a RIDA under the RPI Act is the mechanism under which the proponent is approved to carry out a resource activity, following an assessment of the extent of the expected impact of the activity on the area.[4]

   c. Further, the RPI Act process specifically requires consideration of impacts on others beyond the immediately affected landholder, which reflects the purpose of the legislation in section 3 to manage impacts on the areas of regional interest. This aspect of the legislation is evidenced by:

      i. Section 27 of the RPI Act under which the relevant considerations are on "*impacts (on) an area of regional interest*".

      ii. The availability of the exemption in section 22(2)(b) is prefaced on the activity being *"not likely to have an impact on land in the area of regional interest owned by another person"*. This explicitly requires assessment of impacts on adjoining or nearby properties, presently requiring advertising to alert others potentially affected.

      iii. The RPIA also provides potential rights of appeal by these other affected parties.

      The aspects of the Bill that place those protections and considerations at risk are a significant intrusion on the intent of the RPI Act.

   d. One key benefit of a RIDA is that the RIDA conditions are publicly available for landholders and their legal advisors to review when negotiating with proponents.

[3] Section 3 of RPI Act
[4] Section 16 and Part 3 of RPI Act

e. A further benefit of the RPI Act framework is that a proponent will be exempted from obtaining a RIDA if the proponent and landholder enter into a Conduct and Compensation Agreement (**CCA**) under the relevant resources legislation. The CCA is a site-specific agreement, negotiated on an individual basis with the affected landholder, covering matters relevant to the individual property. The CCA is also enforceable as a contract between the parties, with clear consequences for a breach. The enforcement pathway is clear for an aggrieved landholder.

f. The EP Act's objectives are more broadly directed at protecting Queensland's environment while allowing for development that is consistent with the principle of ecologically sustainable development.[5] Conditions imposed under an EA are typically broad and general, applying across the whole of the project. Details of management or rehabilitation obligations are usually then included in other plans and documents which proponents consider to be commercial in confidence, leading to limited transparency about site specific arrangements.

g. The breach of an EA is dealt with by way of prosecution under the EP Act, meaning the broad statutory defences to environmental nuisance and environmental damage will be available to the proponent. In practice, this is a more complex and stressful remedial process for an aggrieved landholder.

h. Instead of reforming and strengthening RPI Act, the Bill is shifting to the EP Act process.

i. The deemed EA condition in the Bill is broad and similar conditions are, in our members' experience, already included in EAs. If this is to be the basis of law reform, then it is recommended that appropriate management, monitoring and reporting obligations for each EA be both developed, maintained and submitted by the proponent.

## 4. The terminology in the Bill will cause confusion unless the drafting is revisited.

There are existing definitions in the *Petroleum and Gas (Production and Safety) Act 2004* (**PAG Act**) and EP Act, and new terms introduced in the Bill. Some consideration of the drafting is required to ensure consistency:

a. The Bill uses the term "*well*" throughout the clauses amending the EP Act (see Part 2 of the Bill), but the Bill does not include a definition or reference another legislative definition. This term is not otherwise defined in the RPI Act or the PAG Act. This is likely to cause confusion. The PAG Act uses the terminology "*petroleum well*" and we suggest this could be the basis for a definition in the Bill, provided it is limited to apply only in the context of a CSG activity.

[5] Section 3 of EP Act.

b. The Bill does include a definition of "*directional well*" in clause 9 of the Bill and references the PAG Act definition. However, the Bill intends its provisions only to apply in the context of a CSG activity. The definition should be limited to apply only in the context of a CSG activity.

c. The EP Act defines *CSG activity.* The Bill adds clauses to the *Mineral and Energy Resources (Common Provisions) Act 2014* referencing the concept of *CSG activity* but this clause does not reference the EP Act so as to incorporate the EP Act definition (see clause 7 in particular). The Bill should ensure express acknowledgement for consistency as to the source of the various definitions and terms used.

d. Any definitions must be drafted in contemplation of advances or changes in the nature and impact of 'wells', as is evident from the development of deviated wells themselves. Approvals for a type of well should not be so general in nature that the approval will permit impacts well beyond what is understood at the time the approval is granted. Wells with a depth of 600 metres are vastly different to wells travelling 4 kilometres and may have significantly implications or involve significantly different processes or uses. Similarly, conditions which are imposed on an approval need to be drafted appropriately and prudently, with a view to future impacts.

5. **Progressing the Bill in its current form will introduce two different approval processes in the Condamine Alluvium depending on the petroleum substance that is the subject of the petroleum activity, rather than the type of activity.**

This is a substantial shift in regulatory concepts from regulating by reference to activity, under the PAG Act, to regulating by reference to substance, under the Bill.

The application of the Bill is limited only to petroleum activities for coal seam gas (**CSG**). If the intention of the Bill is not to regulate those petroleum activities related to other petroleum substances which are not CSG (eg gas), then the consequence is that petroleum activities with respect to other petroleum substances will continue to be regulated under the PAG Act and the RPI Act.

This creates a dual and parallel system of regulation, which is dependent on the *type* of petroleum substance, rather than the *activity.* We query whether this is the intended consequence.

In its current form, the result of the Bill is there will be one process under the PAG Act for the exploration and production of petroleum substances, excluding coal seam gas. There will be a different process for the exploration and production of coal seam gas.

This seems to be a curious outcome when the PAG Act regulates the tenures and activities concerning the exploration and production of "petroleum" (which includes coal seam gas as well as a number of other petroleum substances), when the activities involved in the exploration and production of coal seam gas are broadly similar.

It seems possible that on the one property, and at the same time, there will be exploration or production activities relating to a petroleum substance such as gas (which is not CSG) and also exploration or production activities with respect to CSG only.

This situation would mean the proponent(s) and landholder will need to pursue both approval processes in parallel for the same property. Such a distinction, and duplication, has the potential to cause confusion and significantly increase costs for all involved.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [redacted] or by phone on [redacted]

Yours faithfully

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Peter Jolly
**President**