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Office of the President

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Our ref: [SS:MC]
Email: policy@qls.com.au

Committee Secretariat
Primary Industries and Resources Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: [redacted]

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 policy@qls.com.au or by phone on [redacted]

Yours faithfully

[redacted]

Peter Jolly
President