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Primary Industries and Resources Committee
Parliament House
George Street
Brisbane QLD 4000

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

Dear Committee Secretary

RE: SUBMISSION ON THE REGIONAL PLANNING INTEREST (CONDAMIME ALLUVIUM) AND OTHER LEGISLATION AMENDMENT BILL 2026

AgForce Queensland Farmers Ltd is the peak representative body for Queensland's cane, cattle, grain, and sheep, wool and goat producers. Together, these industries generated approximately $11.2 billion in on-farm value of production in 2022-23. AgForce's purpose is to advance sustainable agribusiness and to support the long-term growth, viability, competitiveness and profitability of Queensland agriculture. More than 6,000 farmers, individuals and agribusinesses support AgForce through membership, collectively owning and managing approximately 55 million hectares—around one-third of Queensland's land area. Queensland producers supply high-quality food and fibre to domestic and international markets, contribute significantly to the social and economic fabric of regional, rural and remote communities, and play a central role in stewardship of the state's natural environment.

AgForce welcomes the opportunity to provide a submission on the proposed amendments in the Regional Planning Interest (Condamime Alluvium) and other Legislation Amendment Bill 2026. While aspects of the Bill seek to address impacts associated with coal seam gas (CSG) development, AgForce has significant concerns that the amendments weaken existing protections for agricultural land and shift the regulatory framework from prevention of impacts to compensation after the fact.

INTRODUCTION

AgForce's primary concerns with the Bill include

- Removal of the Regional Interest Development Application ('RIDA') requirement without an equivalent replacement safeguard;
- Failure to give statutory effect to the State Interest – Agriculture;
- Absence of mechanisms ensuring consistency with the Darling Downs Regional Plan;
- Reliance on a compensation-based framework rather than prevention of impacts;
- Limitations in the proposed subsidence compensation provisions, including the 5 km spatial restriction;
- Inconsistent application of groundwater protection measures under the *Environmental Protection Act (Qld) 1994*; and

- Lack of practical mechanisms to ensure the compensation framework is accessible, equitable, and effective for landholders.

REGIONAL PLANNING INTERESTS ACT 2014

Removal of the Requirement for Regional Interest Development Application

AgForce has serious concerns with the Bill's removal of the requirement for a Regional Interest Development Application (RIDA) under the *Regional Planning Interests Act (Qld) 2014* for resource activities within the Condamine Alluvium, which is a Designated Priority Agricultural Area ('PAA').

The removal of a requirement for a RIDA eliminates the only statutory mechanism that requires proponents to demonstrate that impacts to Prime Agricultural Land ('PAL') and Priority Agricultural Land Uses ('PALUs') will be avoided or mitigated so as to preserve ongoing productive capacity.

The Bill replaces the previous framework to safeguard PALUs with a compensation regime under the *Mineral and Energy Resources (Common Provisions) Act 2014* ('MERCP Act'), including liability for CSG-induced subsidence.

However:

- There is no requirement that a decision-maker be satisfied that impacts to PAL or PALUs are avoided; or that the productive capacity of that land is to be maintained.
- Compensation is only accessible after impact occurs, which is contingent upon proof of loss.
- There is no enforceable standard of land protection required by the amendments within the Bill that require maintenance of soil function, preservation of hydrological integrity or continuity of agricultural use.

Therefore it is AgForce's view that the removal of a RIDA requirement results in:

- An abolition of the 'material impact' threshold on activities.
  - There is no legal barrier preventing approval of activities that will either foreseeably degrade PALs or impair PALUs.

- Substitution of protection from harm with compensation.
  - Shifting from a framework that avoids harm to the monetisation of damage ignores that fact that compensation does not restore land capability and that certain impacts, such as subsidence, are irreversible.

- Complete failure to protect recognised State interests.
  - Priority agricultural areas are meant to safeguard regionally significant food and fibre production and long-term land productivity.
  - The removal of a test for protection is inconsistent with the purpose of and undermines the integrity of the statutory planning framework.

- An increased litigation burden on landholders.
  - Without a preventative approval test landholders must rely on compensation claims, pay for expert evidence and endure Land Court proceedings.
  - This shifts the costs and evidentiary burden onto producers who are already have a weakened bargaining position.

AgForce's position is that this compensation-only model is structurally inadequate and unlikely to preserve PALUs in practice.

State Planning Policy

The amended Bill does not identify any mechanism by which the State Interest- Agriculture, as articulated in the State Planning Policy, is to be given ongoing statutory force once the RIDA trigger under the RPI Act is removed for CSG activities in the Condamine Alluvium.

Under the existing framework, the State Interest policies, particularly those requiring the protection of Priority Agricultural Areas from incompatible uses and the avoidance of irreversible impacts on agricultural land, are operationalised through statutory decision-making processes such as RIDAs, where proponents must demonstrate consistency with those outcomes.

In the absence of that mechanism, the Bill does not insert any equivalent requirement that resource activities be assessed against, or achieve, the agricultural State Interest policies. Nor does it require decision-makers to consider whether proposed activities will avoid fragmentation of agricultural land, protect soil and water resources, or maintain long-term productive capacity. Instead, the amended framework relies predominantly on post-impact compensation under the Mineral and Energy Resources (Common Provisions) Act 2014 ('MERCP Act'), which does not give effect to the State Interest in a preventative or land-use planning sense.

Accordingly, the practical consequence is that the State Interest – Agriculture is reduced from an enforceable statutory benchmark to a policy statement without a clear implementation pathway for CSG development in the Condamine Alluvium. This creates a material gap in the planning framework: there is no longer a legal requirement to avoid incompatible land uses or prevent irreversible impacts on finite agricultural resources before they occur. Without explicit provisions re-linking resource approvals to the State Planning Policy outcomes, the Bill fails to give statutory force to the State's own agricultural protection objectives.

Darling Downs Regional Plan

AgForce also has concerns on the Bill's silence as to how CSG activities within the Condamine Alluvium will continue to be assessed against, or required to contribute to, the regional outcomes and policies of the Darling Downs Regional Plan once the RIDA requirement under the RPI Act is removed. Under the current framework, the RIDA process provides the primary statutory mechanism through which resource activities are tested for consistency with regional land use priorities, including the protection of Priority Agricultural Areas and the maintenance of long-term agricultural productivity. Its removal creates a clear regulatory gap: there is no equivalent provision in the amended scheme that requires decision-makers, or resource authority holders, to demonstrate alignment with regional planning outcomes or to avoid conflict with stated regional policies. In the absence of such a mechanism, CSG development may proceed without any enforceable obligation to support or be consistent with the strategic intent of the regional plan, undermining coordinated land use planning and weakening the policy framework intended to safeguard the ongoing productive capacity and agricultural significance of the Condamine Alluvium.

Recommendation:

AgForce recommends that the Bill be amended to reinstate a statutory land-use protection mechanism equivalent to the RIDA under the RPI Act for CSG activities within the Condamine Alluvium, or alternatively to insert an enforceable approval test requiring decision-makers to be satisfied that impacts to PALs and PALUs are avoided or mitigated to preserve ongoing productive capacity. At a minimum, the Bill should require that resource activities demonstrate consistency with the State Interest – Agriculture under the State Planning Policy and the outcomes of the Darling Downs Regional Plan, including the protection of soil function, water resources, and long-term agricultural productivity. Without such provisions, the

amendments will replace a preventative, effects-based planning framework with a compensation-only model that does not prevent irreversible impacts, fails to give statutory force to established State interests, and shifts the burden of managing land-use conflict onto landholders through costly and complex post-impact litigation.

Alternatively, if the RIDA framework under the RPI Act is not reinstated, AgForce recommends that the Bill be amended to insert an equivalent statutory assessment and approval framework within the MERCP Act or associated legislation that:

- **requires a decision-maker to be satisfied, prior to approval, that impacts to Prime Agricultural Land and Priority Agricultural Land Uses will be avoided or minimised to the extent necessary to preserve ongoing productive capacity;**
- **expressly incorporates and gives binding effect to the State Interest – Agriculture under the State Planning Policy and the outcomes of the Darling Downs Regional Plan;**
- **establishes enforceable standards for the protection of soil function, groundwater integrity, and agricultural land capability; and**
- **includes a merits-based assessment process with rights for affected landholders to participate.**

In addition, any such framework should be supported by clear, enforceable conditions on resource authorities and not rely solely on post-impact compensation mechanisms.

Absent either the reinstatement of RIDA or the introduction of an equivalent statutory protection framework, AgForce submits that the Bill should not proceed, as it would remove the only effective mechanism for preventing irreversible impacts to the State's finite agricultural resources without providing an adequate substitute.

MINERAL AND ENERGY RESOURCES (COMMON PROVISIONS) ACT 2014

AgForce acknowledges that the proposed amendments to the MERCP Act, particularly the introduction of sections 101G–101M, are necessary, appropriate, and long overdue.

The Bill provides important statutory recognition that:

- CSG-induced subsidence occurs;
- directional drilling constitutes an 'advanced activity'; and
- resource authority holders are liable to compensate landholders for impacts caused by those activities.

These reforms are significant and should proceed.

AgForce submits that whilst the Bill establishes a compensation pathway, it does not provide the statutory evidentiary and operational framework required to make that pathway workable in practice. Without this framework, the provisions introduced by sections 101G–101M cannot operate as intended and will not deliver consistent or equitable outcomes for impacted landholders.

Recognition of Subsidence and Expansion of Compensation

Sections 101G–101J appropriately recognise CSG-induced subsidence as a compensable effect, including impacts on agricultural productivity.

AgForce supports section 101J, which clarifies that compensation is not dependent on the existence of infrastructure on the impacted land and appropriately attributes liability to the tenure holder responsible for

the authorised activity. This is in line with the effects-based framework under section 81, where liability is determined by causation, not location.

However, AgForce notes that this effects-based framework is not applied consistently across the Bill. In particular, the introduction of spatial limitations (including the proposed 5 km framework) undermines the logic of section 101J by reintroducing arbitrary geographic constraints that are not supported by the science of the Condamine Alluvium.

Directional Drilling

AgForce supports the recognition that directional drilling constitutes an 'advanced activity', requiring a higher level of regulatory oversight and landholder protection. However, AgForce has concerns regarding the practical implications of section 101L, as it does not clearly apply to existing directional wells, and therefore does not resolve the impacts that landholders are currently experiencing.

AgForce is concerned that in practice :

- existing directional wells may continue to be treated as 'preliminary activities';
- landholders impacted by those wells may not have the benefit of Conduct and Compensation Agreements; and
- there is no clear mechanism to require monitoring, data sharing, or impact assessment.

Further, the interaction between sections 101J, 101K and 101L creates uncertainty as to whether subsidence impacts from existing wells are fully captured by the new provisions. There is a real risk that section 101L may be relied upon to limit the application of the subsidence framework to future activities, or, to contest the liability for impacts associated with existing directional drilling.

Interaction with Existing Framework

AgForce supports section 101k in principle as it confirms that the subsidence provisions operate alongside, and do not displace, the broader compensation framework under section 81. AgForce also supports the recognition that subsidence impacts may extend beyond tenure boundaries and the ability to adjust the prescribed distance by regulation as scientific understanding evolves.

However, AgForce has concerns that the section introduces practical uncertainty as it:

- does not clearly address how the new provisions interact with existing Conduct and Compensation Agreements ('CCAs');
- does not resolve how legacy agreements that did not contemplate subsidence are to be treated; and
- provides no mechanism for identifying liable tenure holders where impacts arise across multiple tenures

In particular, for landholders situated between multiple tenures, there is:

- no statutory decision-maker;
- no prescribed scientific method;
- no role for an independent body; and
- no framework for apportioning liability.

This creates a significant risk that landholders will be left to resolve complex attribution issues without regulatory support.

Off-Tenure Landholders

AgForce sees that section 101M raises significant concerns for landholders located outside the tenure area. While section 101J adopts an effects-based approach for land within tenure, section 101M creates a more restricted pathway for off-tenure landholders, which will result in:

- the unequal treatment between on-tenure and off-tenure landholders;
- Increased evidentiary burden for those outside the tenure area; and
- Potential exclusion from compensation despite demonstratable impacts.

Further, the 5km threshold also risks excluding landholders based on proximity to tenure locations rather than impact, which is inconsistent with the effects-based framework of the MERCP Act.

Additionally, section 101M does not address cumulative impacts across multiple tenures, which creates a risk that each proponent denied responsibility and landholders are left without a practical pathway to compensation.

Multi-Tenure Impacts

AgForce has concerns that the Bill does not provide a mechanism for managing impacts arising from multiple overlapping tenures.

This means that landholders will have to pursue multiple claims against different tenure holders, establish causation separately for each impact and engage experts to provide expert evidence. This risk is also increased where a property is located within one tenure but also within the impact zone of an adjacent tenure.

AgForce suggests that the Bill is amended to include a framework for joint and several liability or apportionment, otherwise landholders are burdened with resolving these issues.

AgForce sees that the absence of a coherent statutory evidentiary framework to support the operation of the subsidence compensation regime is a fundamental deficiency of the Bill.

The Bill does not require the establishment of:

- pre-development baseline elevation data;
- baseline soil or landform condition data;
- independent subsidence monitoring;
- mandatory measurement or reporting requirements;
- transparent and accessible data-sharing systems; or
- a standardised methodology for determining when subsidence materially affects land use or agricultural productivity.

This is not a minor technical omission. It is a structural failure that undermines both the substantive operation of sections 101G–101M and the practical ability of landholders to enforce their rights.

The framework places substantial reliance on the Land Court to resolve disputes.

In practice this will mean:

- landholders are required to prove subsidence, causation, and quantum without access to reliable data;
- disputes will become highly technical, requiring multiple expert witnesses;
- proceedings become longer, more complex, and significantly more expensive; and

- proponents are placed in a structurally advantageous position due to control of data.

This creates a system in which the Land Court becomes the default forum for resolving scientific uncertainty and the amount of complexity of disputes increases, thus resulting in the Land Court becoming overburdened or 'clogged'.

Additionally, landholders face substantial barriers to access, including:

- prohibitive costs of expert evidence;
- difficulty obtaining relevant data; and
- the need to litigate complex causation issues against multiple parties.

The result is that the compensation framework risks becoming theoretically available but practically inaccessible.

The absence of a statutory evidentiary framework does not merely create technical uncertainty—it directly undermines:

- the operation of the compensation provisions;
- the accessibility of the Land Court; and
- the ability of landholders to enforce their rights in practice.

Recommendations

To ensure the framework is both effective and accessible, AgForce recommends that the Bill be amended to:

Establish a statutory evidentiary framework, including:

- **mandatory pre-development baseline data collection (elevation, soil and landform);**
- **ongoing, standardised monitoring requirements; and**
- **legally recognised datasets suitable for compensation purposes.**

Introduce independent monitoring and oversight, including:

- **third-party or regulator-led subsidence monitoring; and**
- **verification of all datasets used in compensation claims.**

Mandate data transparency and accessibility, including:

- **obligations on proponents to share relevant data with landholders; and**
- **creation of a central, publicly accessible data repository.**

Develop a statutory methodology for assessing impact, including:

- **clear criteria for determining when subsidence materially affects land use; and**
- **standardised approaches to quantifying agricultural productivity loss.**

Reduce reliance on litigation by supporting alternative pathways, including:

- **administrative or expert panel determination of subsidence impacts; and**
- **mechanisms to resolve disputes without requiring full Land Court proceedings.**

Ensure alignment with Land Court processes, including:

- **provision of agreed datasets to reduce evidentiary disputes; and**
- **procedural mechanisms to streamline technical matters.**

Without these reforms, the Bill will continue to rely on landholders to prove complex scientific matters in an adversarial forum without the tools required to do so. This will increase disputes, delay outcomes, burden the Land Court, and ultimately undermine the effectiveness and fairness of the compensation regime.

ENVIRONMENTAL PROTECTION ACT 1994

The Bill proposes amendments to section 206 of the *Environmental Protection Act 1994* ('EPA') to insert a deemed condition prohibiting the release of contaminants from CSG wells into waters of the Condamine Alluvium where such releases would adversely affect water quality.

However, section 862 of the Bill limits the application of this amendment so that it applies only to certain wells, with the effect that a substantial number of already approved but not yet constructed wells within the Condamine Alluvium will not be subject to the new deemed condition.

On this basis, while the Bill purports to strengthen groundwater protection, the practical effect is that a large proportion of future CSG development within the Condamine Alluvium will proceed without being captured by the amended section 206. This significantly reduces the effectiveness of the reform and creates a fragmented regulatory regime within a single connected aquifer system.

AgForce supports the principle of inserting an enforceable statutory prohibition on the release of contaminants from CSG activities into the Condamine Alluvium. However, the proposed package requires amendment to ensure it achieves its stated objective. In particular, section 862 should be amended to remove the exclusion of approved but unconstructed wells from the operation of section 206, and the scope of section 206 should be expanded to apply to all relevant CSG activities, including associated infrastructure and legacy or decommissioned (capped and abandoned) wells where ongoing risk pathways may exist.

Gas as a Contaminant and Regulatory Gap

AgForce further submits that, to ensure the Condamine Alluvium is adequately protected, the regulatory framework must expressly address gas migration and gas dissolution in groundwater as a potential contaminant pathway associated with coal seam gas extraction.

During CSG production, methane and other gases may migrate into groundwater systems. At present, these gases are not consistently treated as contaminants within the groundwater regulatory framework, except indirectly where they affect bore functionality.

Under the *Water Act 2000*, the 'make good' framework applies where groundwater extraction impacts the quantity or pressure of water available to landholders, requiring resource tenure holders to restore bore performance, provide alternative supply, or compensate affected users.

However, this framework does not directly regulate or assess free gas migration or dissolved gas contamination as a distinct groundwater quality issue. Instead, current assessment mechanisms—principally Underground Water Impact Reports prepared by the Office of Groundwater Impact Assessment ('OGIA'), focus on pressure, drawdown, and bore impact assessments. OGIA has acknowledged that free gas migration and gas contamination pathways are outside the primary scope of these assessments.

This represents a significant regulatory gap, as it means potential gas-related groundwater impacts are not systematically identified, monitored, or regulated under the current framework.

Recommendation

AgForce recommends that:

1. **Section 862 of the Bill be amended to ensure that all approved but unconstructed wells within the Condamine Alluvium are captured by the amended section 206 of the Environmental Protection Act 1994.**
2. **Section 206 be expanded to apply to all relevant CSG activities, including associated infrastructure and long-term well integrity risks from capped and abandoned wells.**
3. **The regulatory framework be amended to expressly recognise gas migration and dissolved gas in groundwater as a potential contaminant pathway requiring assessment and regulation.**
4. **The scope of Underground Water Impact Reports prepared by OGIA be expanded to include assessment of free gas migration and groundwater gas quality impacts.**
5. **Following this, appropriate regulatory amendments be developed based on independent scientific assessment and consultation with landholders to ensure gas-related groundwater impacts are properly defined, monitored, and regulated within the Condamine Alluvium.**

We appreciate the opportunity to provide feedback to the Regional Planning Interest (Condamime Alluvium) and Other Legislation Amendment Bill 2026 and look forward to continued engagement.

If you have any questions or require further information please contact Anna Fiskbek, Policy Advisor by email fiskbeka@agforceqld.org.au or mobile 0407 813 470.

Sincerely,

Niki Ford
Chief Executive Officer

Appendices

Appendix 1: AgForce Land use Protection Principles

Third Party Access to Farming and Grazing Lands Across Queensland

1. Access

1.1 Process for access shall include landholder negotiations. No access prior to activities being agreed or determined and compensated.

1.2 Full and frank disclosure of all likely impacts and liabilities associated with a project must be made to the landholder.

1.3 Landholder negotiations shall be carried out in a manner that minimises time and financial impacts on the land holder e.g. not to clash with planting harvesting or mustering activities.

1.4 Access roads and tracks must be maintained, or improved where necessary, at the proponent's cost so that they are fit for purpose, support safe road use and minimise impacts on the environment and surrounding lands.

1.5 Users of roads and tracks must operate in accordance with workplace health and safety (e.g. safe speed limit for conditions).

1.6 Landholders to have legal and relevant specialist representation fully funded by the proponent as incurred.

2. Impact on Agricultural Land Uses

2.1 Agriculture is essential to our economy, food security and integral to our communities.

2.2 Agriculture must be protected from development that compromises productivity, sustainability and accessibility.

2.3 Where the long-term costs of a project exceed the long-term benefit from existing land use, the project should not be approved.

2.4 Land uses that could have a detrimental impact on an existing agricultural land use or the health or safety of people in agricultural areas should require assessment by an independent, statutory authority.

2.5 The independent statutory authority should be comprised of members representative of rural interests / with practical experience in assessing the impacts to rural operations/grazing/farming businesses.

2.6 The authority should have strong governance standards that ensure transparency and accountability to all stakeholders.

2.7 The assessment process should require the project proponent to fund independent investigation of the project's potential impacts by experts chosen by the authority.

2.8 The independent experts' reports should be made publicly available alongside the project proponent's plans for the project and own assessment of likely impacts.

2.9 To be properly made and considered by the authority, submissions should not need to be supported by the submitter's own evidence, it being important that a submitter's financial resources should not prevent the authority's ability to consider and address legitimate concerns.

2.10 The authority's decisions should be supported by reasons and published publicly.

2.11 Appeals from the authority's decisions should be considered by a court in which submitters can be heard at relatively low cost with principles similar to the Land Court, e.g. not bound by the rules of evidence, may inform itself in the way it considers appropriate and must act according to equity, good conscience and the substantial merits of the case without regard to legal technicalities and forms or the practice of other courts.

3. Compensation

3.1 Landholder must be involved in assessment of impacts and calculation of compensation.

3.2 Compensation must include payment for landholders' time calculated at commercial rates and payment for any negative impact on the peaceful enjoyment of land.

3.3 Compensation must encompass the loss/impact on natural capital and livestock/crop production losses.

3.4 Material change in circumstances and/or unexpected consequences must trigger ability of landholder to re-negotiate compensation.

3.5 Impacted neighbours must be compensated.

4. Compliance

4.1 Compliance is a regulatory role that shall require landholder contact and on-ground inspections at not more than 6 month intervals.

4.2 Landholders should have the right but not the responsibility to compel regulator investigation and enforcement of compliance.

4.3 Proponents and regulators must proactively identify, disclose and manage cumulative impacts.

4.4 Non-compliance should be immediately reported to the landholder and should trigger cease work.

4.5 All projects must have comprehensive monitoring and transparent reporting.

5. Rehabilitation

5.1 Land needs to be progressively rehabilitated and revegetated.

5.2 All plants and other materials used in rehabilitation must have demonstrated safe practices for biosecurity including appropriate permits, forms and checklists.

5.3 Rehabilitation and revegetation must achieve pre-existing conditions, or better.

5.4 There should be financial assurance for rehabilitation and revegetating for farming and grazing land use.

6.5 Rehabilitation must be up to date and financial assurance re-assessed prior to additional approvals or tenures being granted or renewed.

6. Biosecurity

6.1 Proponents must comply with the landholders' farm biosecurity plan.