Queensland Parliament
Primary Industries and Resources Committee

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25 June 2026

## Re: Inquiry into the State Development and Public Works (Critical Minerals) and Other Legislation Amendment Bill 2026

Please accept this submission on the proposed amendments to the S*tate Development and Public Works Organisation Act 1971* (**the Act**) as outlined in the *State Development and Public Works (Critical Minerals) and Other Legislation Amendment Bill 2026* (**the Bill**)[1].

### Environmental Advocacy in Central Queensland

Environmental Advocacy in Central Queensland (**EnvA**) is a community-based organisation concerned about the environmental and social impacts of coal mining, coal seam gas development and climate change in Central Queensland. In particular, EnvA is concerned about the cumulative impacts of the growing number of new and expanding coal and gas projects on threatened species, water resources, ecosystem health and greenhouse gas emissions.

EnvA has significant concerns about the intent and drafting of the Bill which are outlined in our comments below.

### The naming of the Bill

EnvA considers that the naming of the Bill is highly misleading as the proposed changes apply to a range of different types of developments and is not constrained to critical minerals.

Its most powerful tools apply to any project of State or regional significance, from water security infrastructure to defence facilities to downstream manufacturing.

The misleading title of the Bill, combined with the short timeframe for consultation is likely to have limited public awareness of the potential impacts of this Bill proceeding and the ability of many to make comment on the Bill.

EnvA recommends that the Committee, having regard to submissions received, recommend that the Minister revise the title of the Bill to more accurately reflect its scope and intent and release an amended Bill for further public consultation. Any further consultation should be appropriately advertised and provide a reasonable timeframe for submissions.

[1] State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026

## General intent of the Bill

The current Act is composed of a collection of powers, functions and systems that can be deployed to facilitate vital economic development, providing the tools to realise government objectives and capitalise on economic development opportunities as they arise.[2]

The Act, as it stands, has facilitated the assessment and approval of numerous major resource and infrastructure projects over many decades.

The State Development Minister has previously used the Act to provide for fast-tracked and stream-lined assessments as noted in several recent media statements. (examples: 3,4,5)

EnvA is not aware of any evidence demonstrating that existing assessment and approval frameworks have prevented the delivery of projects of State significance. In the absence of such evidence, the extraordinary powers proposed by the Bill are neither necessary nor justified.

## Changes to project categories

Critical infrastructure projects and private infrastructure facilities under the current Act are proposed to be rolled into the classification of 'State strategic project'.

Prescribed projects (generally projects that are assessed under the Planning Act) and coordinated projects remain as categories (generally complex projects that require whole-of-government approvals).[6]

It is unclear as to whether prescribed projects (other than infrastructure identified as a State strategic project) or coordinated projects could be considered as State strategic projects in the explanatory notes or in the Bill. We note that the Minister would be able to declare a State strategic project if they consider the project:

- is critical or essential to Queensland for economic, environmental or social reasons; or
- will, or is likely to, significantly contribute to the achievement of the Queensland Government's economic, environmental or social objectives for Queensland or a specific region.

There is a need for further clarification on the Minister's ability to change (upgrade) prescribed projects and coordinated projects as State strategic projects which would then be granted streamlined approvals, and greater land access and acquisition powers than what is currently provided for under the Act.

## Concerns about the declaration of State strategic projects

The terminology used in the criteria for declaring State strategic projects is not defined in the Bill, and there is no further guidance as to what kinds of projects would be considered 'critical' or 'essential' or what the Queensland Government's 'objectives' might be for the State or a region. This means the Minister's power to declare State strategic projects would be wide-reaching and relatively unconstrained.

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[2] Explanatory notes: State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026

[3] Bleijie, J (21 April 2026) Media Statement. Queensland back in business as Crisafulli Government unlocks major resources projects

[4] Bleijie, J (2 April 2026) Media Statement. Crisafulli Government streamlines approvals to get major resource projects moving

[5] Bleijie, J and Last, D (24 November 2025) Media Statement. Major Central Queensland Coal Mine Extension Declared Coordinated Project

[6] Office of the Coordinator-General. Glossary

There would be no requirement for public consultation prior to declaring State significant projects, and no requirement for the Minister to publish any reasons or rationale for a declaration.

This Bill places too much power in the hands of Ministers by allowing projects to be designated as State Strategic Projects and then subject to special approval processes. Decisions that may affect communities, environmental assets and future generations should be based on transparent and independent assessment rather than relying heavily on ministerial discretion.

EnvA considers that a declaration as a State strategic project must be guided by specified criteria and not be based on the Minister's views alone. We further consider that there must be an opportunity for public consultation on a proposed State strategic project given the significant and unprecedented powers for the Government to issue modification orders, State significant notices and increased land access and acquisition (further comments below).

Queensland Government's 'objectives' change when an alternate government is elected and generally also change over time. Decisions regarding whether a project is genuinely critical or essential to Queensland should be guided by clear statutory criteria and independent assessment rather than broad ministerial discretion.

## Modification Orders

Modification Orders would empower the Minister for State Development, through regulations made by the Governor in Council, to place a project of strategic importance to the State in a position to obtain approvals without unnecessary delay.[7]

The proposed modification orders would give extraordinary powers to the Minister to seek to waive or change the application of important long-standing laws that protect the environment and communities from the impacts of developments and that provide for community consultation and appeal rights.

As regulations, modification orders would be subordinate legislation and therefore would likely not be able to be appealed or judicially reviewed. However, as all regulations in Queensland are required to be tabled in Parliament, modification orders would be subject to disallowance by a vote of Parliament.

There would be no requirement for the Minister to consult with the public, local communities or landholders likely to be affected by a modification order, prior to recommending that the modification order be made.

There would also be no requirement for the Minister to publish any reasons or rationale for their recommendation that a modification order be made.

Provisions like modification orders that allow the Minister to recommend amendments to Acts of Parliament by regulation are problematic as they:

- undermine the rule of law, through allowing some projects or developments to be treated differently under the law to other;
- shift the law-making power from Parliament to the Executive, reducing parliamentary oversight and control and increasing the power of the Executive.

These kinds of powers are usually only provided for in extreme circumstances like responding to pandemics or environmental disasters – extending these powers to facilitate project development represents a significant and unjustified expansion of executive authority.

[7] MinterEllison (2026) Major reforms to fast-track projects in Queensland

## State significance notices

The Bill would create a new 'State significance notice', which would empower the Minister to issue a notice to a decision maker, requiring a decision to be made in consultation with the Minister taking into account matters noted in the notice and specify a timeframe for a decision.

In addition to modification orders, these notices provide additional extraordinary power for the Minister to override other decision makers and dictate decision criteria.

There would be no public consultation prior to issuing a State significance notice. Decisions made under State significance notices would not be able to be reviewed or appealed by anyone other than the proponent for a development and would not be reviewable under the Judicial Review Act.

## Land access and acquisition

*Acquisition*

The Bill proposes that the Coordinator-General's current acquisition powers would be extended to any State strategic project.

The threshold under the current Act to take land for a private infrastructure facility is comparatively much higher before the land can be taken which has rarely (possibly never) been exercised. The amendments proposed by the Bill would not only lower the bar to use these powers (no more requirement for a completed EIS prior to taking the land) but also provide for the power to take land to be used for a broader range of development types, not just private infrastructure facilities, meaning the acquisition powers could be used more readily in future.

The Coordinator-General would still be required to consult with the landholders about the negotiations conducted by the proponent, however, consultation with people that may be affected by the project would no longer be required. Further public consultation would be at the discretion of the Coordinator-General.

*Access*

Presently, the Act only allows the Coordinator-General to authorise people to access land to investigate its suitability for private infrastructure facilities. The Bill proposes to broaden the activities for which access authorities can be granted.

Proponents of State strategic projects would be able to apply for an access authority to carry out enabling works such as:

- constructing, placing, demolishing or removing plant, machinery or equipment and erecting workshops, sheds or buildings including housing and employee amenities
- making roads, cuttings or excavations,
- manufacturing work working materials of any kind, and
- depositing or taking materials including clay, earth, timber, stone etc).

The amendments proposed by the Bill mean that the proponent of a State strategic project could, if granted an access authority by the Coordinator-General, access private land and carry out substantial "enabling" works approved by the Governor in Council without the consent of the landholder.

Given the Minister has broad discretion to declare projects as State strategic projects, these proposed amendments could have extensive implications for landholders.

The Explanatory Notes for the Bill state that the Coordinator-General's power to grant a person access to private land to carry out activities would be a "last resort function" where negotiations have failed. However, the Bill does not prescribe what would constitute the consultation process

leading to a “last resort” decision, nor does it propose any protections for the landholder during the application for access process.

### Infrastructure coordination plans

The Bill proposes to replace existing Part 5 of the SDPWO Act relating to “prescribed development” and with provisions for “Infrastructure Coordination Plans”.

These amendments would allow the Minister to give the Coordinator-General notice to carry out an investigation in relation to infrastructure relating to resources projects. The investigation notices would need to be publicly notified, although consultation would be limited to proponents, parties to the plan and relevant decision-makers.

There are few, if any, consultation opportunities or appeal rights for the public or parties that may be impacted by the creation of Infrastructure Coordination Plans.

## State Development Areas related developments

The Bill would give the Coordinator-General the power to declare a new category of development called ‘SDA-related development’. It would allow for development outside of a State Development Area (**SDA**) to be assessed under an SDA development scheme if the Coordinator-General is satisfied that, despite the development being outside the SDA, the development is necessary or desirable for the SDA and that the ordinary lawful assessment will get in the way.

SDAs are already exceptions to the normal development laws. The creation of SDA-related development would greatly increase the effect and reach of an SDA development scheme. The proposed changes would also reduce consultation requirements as consultation on SDA-related developments would be at the discretion of the Coordinator-General and limited to ‘affected entities’ with no guaranteed opportunity for broader public consultation.

## Integration of other approval processes

The Bill proposes to integrate assessments and any approvals under the *Regional Planning Interests Act 2014* (**RPI Act**) and *Transport Infrastructure Act 1994* (**TI Act**) into the coordinated projects process.

For coordinated projects, the Bill would enable the Coordinator-General’s report to be used for the purposes of an application for a regional interests development approval (**RIDA**). The Bill proposes to remove separate notification requirements under the RPI Act. The Coordinator-General’s report could specify a specific outcome of the RIDA application and any conditions imposed by the Coordinator-General would prevail over any RPI Act conditions.

For projects involving State-controlled roads and railways that require certain approvals under the TI Act, the Coordinator-General’s report could provide conditions for TI Act approvals. Those conditions would override any other conditions imposed under the TI Act.

This integration would remove a consultation opportunity that would otherwise be available under the RPI Act by no longer requiring separate notification of the development. However, existing consultation requirements for coordinated projects generally would remain. The changes would concentrate powers in the Coordinator- General whose conditions would prevail over conditions imposed under the RTI Act or TI Act.

## Inconsistency with the fundamental legislative principles

The *Legislative Standards Act 1992* defines fundamental legislative principles (**FLP**) as 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law.' Queensland legislation is required by law to have regard to the fundamental legislative principles, including having sufficient regard to the rights and liberties of individuals and the institution of Parliament. Departures from FLP must be justified with sound reasoning.[8]

As outlined in the explanatory notes, this Bill in inconsistent with the FLPs in respect of the:

- introduction of the power to make a modification order,
- repositioning and broadening of compulsory land acquisition powers for State strategic projects,
- delegation of powers to the SDPWO Act's Minister in relation to infrastructure coordination plans,
- creation of a power of entry for the Coordinator-General when undertaking a development investigation under the reformed part 5,
- establishment of SDA-related development and associated impact on decision making processes and appeal rights,
- modification of requirements for Governor in Council approval of land disposal within State development areas,
- validating provisions for properly made applications for SDA applications,
- the ability for the Coordinator-General to make rules outside of legislation about processes for SDA applications and requests,
- introduction of access authorities for prescribed projects, including authorising enabling works for State strategic projects,
- introduction of entry and investigation powers in relation to development offences,
- introduction of powers to enter land and take action to remedy contravention, including contraventions occurring before commencement, and
- the exclusion of certain rights of appeal, for decisions relating to State significance notices, modification orders, and infrastructure coordination plans.

Many of our concerns with these legislative amendments are addressed in this submission above.

The reasons for departure from the FLP outlined in the explanatory notes can be summarised as the desire to have complete set of mechanisms to reduce time delays due to requirements for appropriate assessment projects and public consultation. EnvA does not consider that it is useful to rearticulate the 'Consistency with fundamental section' detailed within the Bill's explanatory notes, but we firmly believe that there are no sound reasons for departure from the FLP – particularly in respect to the impacts on the rights and liberties of individuals.

The Bill would significantly affect the human rights of individuals and the community because:

- it would prioritise some private interests over others by expanding the ability for the Coordinator-General to compulsorily acquire land and transfer it to project proponents, which breaches the individual right to property and the general position that land can only be compulsorily acquired for public purposes,
- it would provide broad access authorities and related "enabling works" with very little notice to landholders and would arbitrarily deprive landholders of their right to property and non-interference with the right to privacy, family and home,

[8] Office of the Queensland Parliamentary Counsel. Fundamental legislative principles

- it would limit the rights of third parties to make submissions, have a say on projects, and challenge government decisions regarding projects covered by the Act which unnecessarily limits the right to freedom of expression, the right to take part in public life and the right to a fair hearing and access to justice,
- Queenslander's may lose rights to seek access to justice and access to a court or tribunal through reduced opportunities for appeals and judicial review, and therefore the ability to enforce human rights in the courts, and
- It allows for the expedited assessment process for State strategic projects which could contribute to climate change and therefore limit rights to life, privacy, children and families, and cultural rights.

## Cumulative impacts

While many of the proposed amendments may appear procedural when considered individually, their combined effect is substantial. Taken together, the amendments would significantly expand executive power, reduce transparency, diminish opportunities for public participation, weaken independent oversight and restrict access to review and appeal mechanisms, and fundamentally alter the balance between development facilitation and public accountability.

Robust environmental assessment, public consultation and independent review are not administrative obstacles to development. They are essential safeguards that improve decision-making, identify risks, protect environmental values and help maintain community confidence in government decisions.

## Final concluding statement

EnvA strongly opposes the *State Development and Public Works (Critical Minerals) and Other Legislation Amendment Bill 2026* in its current form.

The Bill represents one of the most significant concentrations of planning and development decision-making power proposed in Queensland in recent decades, with insufficient safeguards to protect transparency, accountability and community participation.

EnvA therefore urges the Committee to recommend that the Bill not proceed in its current form. At a minimum, the Bill should be substantially amended to remove modification order powers, retain existing consultation and appeal rights, establish clear statutory criteria for State strategic project declarations, strengthen transparency and accountability requirements, and ensure any departures from fundamental legislative principles are fully justified and subject to appropriate parliamentary scrutiny.

The long-term prosperity of Queensland depends not only on economic development, but also on maintaining strong democratic institutions, protecting environmental values and ensuring communities have a genuine voice in decisions that affect their future. The Bill, as drafted, fails to achieve that balance.

Yours sincerely,

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Director
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