Environmental Defenders Office

EDO Community Briefing note: *State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026*

19 June 2026

On 2 June 2026, Deputy Premier the Hon. Jarrod Bleijie introduced the State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026 (**the Bill**) into the Queensland Parliament. The Bill proposes major changes to how resource and infrastructure projects can be assessed and approved in Queensland. The proposed changes would not just apply to critical minerals projects but instead could include a broad range of different types of developments.

If the Bill passes as it is currently drafted, it will likely mean that more developments can be fast-tracked, by-passing (or with the modification of) usual assessment processes and decision-making criteria. The Bill would erode community consultation, reduce third party appeal rights, undermine landholder rights and impact the human rights of Queenslanders across the State.

It appears the Government did not undertake any consultation with community-focussed, public interest organisations on any parts of the draft Bill before tabling it in Parliament, while it did so with Queensland government departments, industry peak bodies and government owned corporations.[1]

This briefing note provides an overview of the key changes proposed in the Bill and EDO's analysis of the possible implications of those changes. It does not address all the changes proposed in the Bill.

[1] Department of State Development, Infrastructure and Planning, *Written Briefing for the Primary Industries and Resources Committee regarding the State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026,* pp 26-27.

Outline of this briefing note

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Summary of key issues

MAJOR CONCERNS	• Applies to *any* development type → not limited to critical minerals • Broad discretion and lack of accountability in declaring a development as a State strategic project • Broad-reaching and unjustified powers to exclude or modify the application of other legislation to State strategic projects ('Henry VIII' clause), with inadequate and/or unclear limits on those powers • Expanded powers to issue State significance notices requiring decision-makers to consult with the Minister before making certain decisions, and requiring those decisions be made within a certain time • Lower threshold requirements to take land for State strategic projects • Increased proponent access to, and use of, land • Incompatibility with human rights, especially fundamental rights not to be arbitrarily deprived of property • Impacts on Native Title, First Nations cultural and other rights
ISSUES TO WATCH	• Generally reduced or limited community consultation in making development-related decisions • Reduction in community appeal/review rights • Creation of "SDA-related development" enabling activities outside of State development areas • Creation of Infrastructure Coordination Plans • Integration of approvals under the *Regional Planning Interests Act 2014* (Qld) and *Transport Infrastructure Act 1994* (Qld) into the coordinated projects assessment process
LEAST CONCERN	• new enforcement provisions

How to have your say

The Bill has been referred to the Parliament's Primary Industries and Resources Committee, which is now undertaking a review. You can access details of the Bill and the Committee's inquiry here, including relevant associated documents.

A public briefing about the Bill will be held on **Monday 10am, 22 June 2026**. This briefing will be broadcast live on Parliament TV, and available for viewing afterwards from the Committee's Parliament TV Archive.

If you would like to make a submission to the inquiry, submissions are due by **Thursday 4pm, 25 June 2026**.

EDO's Factsheet on Writing Effective Law Reform Submissions provides some information and tips for supercharging your submission. You should also review the Queensland Parliamentary Committee's guide to making a submission.

The Parliamentary Committee will hold a public hearing on **Tuesday, 14 July 2026**. There is usually an opportunity for members of the public to register to attend to further explain or add to information included in their submissions. Typically, the Committee members decide who is invited to give evidence. We recommend monitoring the Committee's website for further information about how to participate.

What new powers will the Minister and Coordinator-General have?

State strategic projects

What is proposed?

The Bill creates a new category of development called 'State strategic projects', which would have special streamlined approvals and greater land access and acquisition powers than what is currently provided for under the *State Development and Public Works Organisation Act 1971* (Qld) (**SDPWO Act**). [2]

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. [3]

[2] Bill cl 17, proposed s 76EB.
[3] Bill cl 17, proposed ss 76EB(1)(a) and (b).

The Minister's decision to declare a State strategic project would not be reviewable under the *Judicial Review Act 1991* (Qld) (**JR Act**); however, common law actions for judicial review may still be available.[4]

Why are the proposed powers to declare State strategic projects problematic?

Despite the name of the Bill, this change does not just apply to critical minerals development and could include a range of different types of developments, infrastructure or resource 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.

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.

The importance of these initial issues is underscored by the fact that a declaration then would enable subsequent powers, including the making of extraordinary 'modification orders' and 'State significance notices', increased land acquisition powers and also increased proponent land access to conduct works.

Modification Orders

What is proposed?

The Bill would create a new power for the Minister to recommend the Governor in Council make a 'modification order', which would be a regulation that changes the ways a law/s in Queensland apply to a State strategic project.[5] Modification orders could also impose conditions on State strategic projects to prevent or mitigate environmental harm that may arise from modified provisions not applying.[6]

The Minister would only be able to recommend that a modification order be made if satisfied that:[7]

- it is in Queensland's interests that the project proceed without unnecessary or unreasonable impediment; and

[4] Bill cl 23, amendments to s 76W.
[5] Bill cl 22, proposed s 76RH and s 76RI.
[6] Bill cl 22, proposed s 76RH(2)(b).
[7] Bill cl 22, proposed s 76RI.

- the modification order is necessary to prevent duplication of a process or to exclude/modify a process that does not appropriately apply to a project of that kind; and
- the detrimental environmental effects resulting from the modification order are not significant, or can be appropriately dealt with under modified provisions or with conditions; and
- the detrimental effect on the achievement of the objects of the modified Acts is not significant or is outweighed by the benefit of the project proceeding.

Prior to recommending that a modification order be made, the Minister must consult with the project proponent, the Minister(s) responsible for any Act proposed to be modified and the local council, if the council may be impacted by the modification orders.[8] However, there would be no requirement that the Minister consult with the broader community.

The Bill contains minimal restrictions on the scope of modification orders. The key limitations would be that the modification orders would not be able to:

- remove the requirement for key authorisation to undertake the activity like an environmental authority, development approval, cultural heritage management plan, mining lease or other resource tenure,[9] (however, the modification order can alter the assessment process or criteria for deciding applications for key authorities);[10]
- alter the person required to make a decision from the Minister, Governor, or Governor in Council to another person/entity;[11]
- modify a Commonwealth bilateral or accredited assessment process under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);[12]
- exclude or modify the application of a provision of an Act to the extent the provision relates to the protection of rights and interests of Aboriginal and Torres Strait Islander peoples;[13]
- alter State tax, royalties, levies or fees unless a modification order changes an assessment process making the fee unreasonable in the circumstances;[14]
- remove the appeal rights of proponents under other Queensland legislation or the application of the *Judicial Review Act 1991* (Qld) to decisions made (even if under a modified process) under other Queensland laws.[15]

[8] Qld Bill cl 22, proposed s 76RI(2)
[9] Bill cl 22, proposed s 76RJ(1).
[10] Bill cl 22, proposed s 76RJ(2).
[11] Bill cl 22, proposed s 76RK.
[12] Bill cl 22, proposed s 76RL(a) and (b).
[13] Bill cl 22, proposed s 76RL(c).
[14] Bill cl 22, proposed s 76RM.
[15] Bill cl 22, proposed s 76RN.

Why are the proposed modification orders problematic?

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.[16] As outlined above, there would be no requirement for the Minister to consult with the public, or even regions or landholders likely to be affected by a modification order, prior to recommending that the modification order be made.[17] 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 (sometimes known as 'Henry VIII clause') 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.

State significance notices

What is proposed?

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.[18] State significance notices could only be given in relation to State strategic projects.[19] When issuing a State

[16] *Statutory Instruments Act 1992* (Qld) s 49(1).
[17] Bill cl 22, proposed s 76RI(2) outlines the only consultation requirements.
[18] Bill cl 22, proposed s 76RB(1).
[19] Bill cl 22, proposed s 76RB(2).

significance notice, the Minister can require the decision maker to make the decision within a specified amount of time.[20]

Why are the proposed State significant notices problematic?

In addition to modification orders, these notices provide additional extraordinary power for the Minister to override other decision makers and dictate decision criteria. Further, except for judicial review, decisions made under State significance notices would not be able to be reviewed or appealed by anyone other than the proponent for a development.[21] The decision to issue a State significance notice would not be reviewable under the JR Act (though common law avenues for judicial review may still exist).[22] The Bill does not propose that there would be any requirement for public consultation prior to issuing a State significance notice.

These new State significance notices would be different from existing powers held by the Coordinator-General under the SDPWO Act (such progression notices, notices to decide and step in notices[23]) and call in powers under the *Planning Act 2016* (Qld)[24] as the new notice could relate to decisions of other Ministers.[25]

State Development Area (SDA) related-developments

What is proposed?

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.[26]

Why are the proposed amendments problematic?

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', rather than the community generally.[27] The Bill does not

[20] Bill cl 22, proposed s 76RE.
[21] Bill cl 22, proposed ss 76RF(3) and (4).
[22] Bill cl 23, proposed amendment to s 76W.
[23] SWPWO Act s 76I – 76R.
[24] *Planning Act 2016* (Qld) ss 101-106.
[25] Bill cl 15, proposed amendment to s 76D(2) definition of 'prescribed decision'.
[26] Bill cl 24, proposed s 79A(4)(b)(i); (ii).
[27] Bill cl 36, proposed s 85C.

define who 'affected entities' are, so it would again be up to the Coordinator-General's discretion to determine who is consulted.

How will this Bill affect landholder rights?

Broader powers to take land

What is proposed?

Currently, the SDPWO Act provides for the Coordinator-General to take land: [28]

- within State Development Areas, [29] or
- for specified purposes, including for purposes approved by the Governor in Council, for governmental works or, most relevantly, for private infrastructure facilities. [30]

The Bill proposes that the Coordinator-General's acquisition powers would apply to any State strategic project for which the Governor in Council has made a regulation declaring it to be one to which s 125 of the SDPWO Act applies. [31] This means land could be taken under this process for infrastructure, energy or resources projects, or any other project the Minister considers to be a State strategic project.

The threshold under the current Act to take land for a private infrastructure facility is comparatively much higher, e.g. requiring a completed Environmental Impact Statement (**EIS**) before the land can be taken, [32] meaning in practice the Coordinator-General has rarely exercised this power to take land (if at all). [33] However, 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 under s 125(1)(f) 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 table provided at **Annexure A** compares the existing requirements in relation to taking land under s 125(1)(f) of the SDPWO Act and the changes proposed by the Bill.

How would this affect landholder rights?

The main takeaway for landholders is that the amendments proposed by the Bill would mean that the Coordinator-General could take land (and subsequently transferred to a

[28] In this context, to "take" land means to compulsorily acquire the land.
[29] SDPWO Act, s 82.
[30] SDPWO Act s 125(1).
[31] Bill cl 37, proposed amendment to s 125(1)(f).
[32] Bill cl 39, proposed s 144 compared with SDPWO Act s 153AA(1).
[33] This is also noted as being a basis for these amendments by the Department in their Briefing Paper, p 21.

private person or entity) for more types of projects, with weakened consultation obligations and application requirements. This means these powers to take land could be used more than they have previously.

However, the Bill does not propose to amend s 125(4) of the SDPWO Act. This means the process provided for in Part 2 of the *Acquisition of Land Act 1967* (Qld) would still apply to land acquired by the Coordinator-General for State strategic projects. This acquisition process includes an opportunity to object to the notice of intent to resume.[34]

Under the Bill, 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 about the potential impacts of the project would no longer be required, and any such further consultation would be at the discretion of the Coordinator-General.[35]

Broadly, the provisions relating to final negotiations would be similar to the existing requirements.[36]

Increased access by proponents to private land

What is proposed?

Presently, the SDPWO Act only allows the Coordinator-General to authorise people to access land to investigate its suitability for private infrastructure facilities.[37] However, the Bill proposes to broaden the activities for which access authorities can be granted.

The Bill would insert an entirely new part, Part 6A, into the SDPWO Act, providing for proponents to apply for access authorities.[38]

Significantly, proponents of State strategic projects would be able to apply for an access authority to carry out enabling works, which could include:

- 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,
- depositing or taking materials including clay, earth, timber, stone etc), and

[34] More information about the acquisition process is available here: https://www.coordinatorgeneral.qld.gov.au/work-with-us/access-to-land/land-acquisition-process.
[35] Bill cl 39, proposed s 145(4).
[36] Bill cl 39, proposed ss 152-153; SWPDO Act s 153AE.
[37] SDPWO Act pt 6 div 7 sub-div 1.
[38] Bill cl 18, proposed ss 76HA and 76HB.

Enabling works of the above nature would require approval from the Governor in Council,[39] who would need to be satisfied that:[40]

- it is necessary to carry out the works on the land to enable the project to be undertaken,
- it would be appropriate, having regard to the "minor and temporary" nature of the works, for the works to be carried out under the access authority,
- despite reasonable efforts, the proponent has not been able to negotiate the carrying out of the works, and
- the works will not interfere with the owner's use of the land to an "*unreasonable extent*".

The holder of the authority could be required to rectify damage or otherwise pay the landowner compensation for damage or loss caused by the activities permitted under the access authority.[41]

Why are these changes problematic for landholder rights?

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 activities provided for by the Bill would be significantly broader, and more impactful, than those currently permitted under the SDPWO Act. In particular, the definition of "enabling works" appears to permit substantive activities, including manufacturing materials of any kind and building employee facilities, with no ability for the landholder to refuse access to their land.

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.[42] However, the Bill does not prescribe what would constitute "reasonable steps" by either the proponent or Coordinator-General in relation to their consultation with the relevant land owner; it also does not propose any protections for the landholder during the application process.

[39] Prior to the access authority being granted by the Coordinator-General under proposed s 153P.
[40] Bill cl 46, proposed s 153Q.
[41] Bill cl 46, proposed s 153X and 153Y.
[42] Explanatory Notes, p 12.

How will this Bill affect human rights generally?

The Bill would limit, without reasonable justification, fundamental human rights that are recognised and protected under the *Human Rights Act 2019* (Qld) (**HR Act**) and international law.[43]

If passed, 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[44] and the general position that land can only be compulsorily acquired for public purposes;
- by providing for incredibly broad access authorities and related "enabling works" with very little notice to landholders, the Bill would arbitrarily deprive landholders of their right to property and non-interference with the right to privacy, family and home;[45]
- 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 (especially merits review) 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;[46]
- Queenslanders may lose rights to seek access to justice and access to a court or tribunal through reduce opportunities for appeals and judicial review, and therefore the ability to enforce human rights in the courts by "piggy-backing" human rights grounds onto other causes of action;[47]
- the expedited and expanded development assessment process for State strategic projects, which could include any energy or resources projects and other developments in the Bill, could contribute to climate change and therefore limits rights to life, privacy, children and families, and cultural rights.[48]

Impact on First Nations rights

[43] Some of the rights in the *Human Rights Act 2019 (Qld)* are also protected by common law.
[44] The fundamental right to property has long been recognised by the common law as well as international law: The Universal Declaration of Human Rights (UDHR) explicitly declares that everyone has the right to own property and that "no one shall be arbitrarily deprived of his property" (Article 17).
[45] HR Act ss 24 and 25. It also places the onus on the landholder to spend the time, money and effort to seek compensation for any damage caused, with a limited amount of time to do so.
[46] HR Act ss 21, 22 and 31.
[47] For example, clause 23 amending section 76W to exclude the Minister's decisions to give a State significance notice, or the decision maker the advice notice described at section 76RD(4), from review under the *Judicial Review Act 1991* means that if those decisions are made inconsistent with or without proper consideration of human rights, the remaining avenue available for persons aggrieved is limited to a human rights complaint without legal force.
[48] See pages 12-13 of the Statement of Compatibility.

The Bill would have significant impacts on the cultural rights of First Nations peoples,[49] and further watering down First Nations people's rights to access and protect Country and Cultural Heritage.[50] These impacts would arise from, for example:

- the effect the Bill would have on expediting extractive resources in Queensland on First Nations land that contribute to climate change and inevitably impact Country and Cultural Heritage,
- the absence of guarantees that cultural heritage protections and native title legislation will be upheld, and
- removing opportunities to be involved in and review decision-making.

The Bill undermines the rights of First Nations people outlined in the *United Nations Declaration on the Rights of Indigenous Peoples*, through lack of consultation with First Nations people in the development of the Bill, as well as in its content. In practice, the fast-tracking of approvals may also reduce consultation times and put pressure on First Nations groups negotiating with proponents, under the native title regime or otherwise.

While modification orders cannot override the need for a Cultural Heritage Management Plan (**CHMP**) under the *Aboriginal Cultural Heritage Act 2003* (Qld) or the *Torres Strait Islander Cultural Heritage Act 2003* (Qld), it is unclear whether other provisions of the cultural heritage legislation could be modified or excluded by modification orders. [51]

First Nations peoples would be impacted by the increased opportunities for the Coordinator-General to compulsorily acquire land in the Bill and the expansion of resource activities, which may be "future acts" under the *Native Title Act 1993* (Cth) (**NT Act**). The Bill also may not be consistent with the NT Act.[52] It is also unclear whether the Bill purports to remove current statutory rights to negotiate Indigenous Land Use Agreements held by registered native title claimants (in addition to native title holders).

First Nations people and corporations that own, or have rights or interests in land (including freehold) would also, like all landowners, be impacted by potential access authorities and related enabling works.

Therefore, the substance, effect, and uncertainty regarding process of the Bill is inconsistent with the cultural rights of Aboriginal and Torres Strait Islander peoples protected in section 28 of the HR Act. This includes First Nations peoples' right to preserve

[49] See page 15 of the Statement of Compatibility.
[50] See in particular Articles 3, 4, 25, 26, 29 and 31 of UNDRIP.
[51] Bill cl 22, proposed s 76RJ(3)(d).
[52] Proposed section 146.

cultural heritage, and to conserve and protect the environment and productive capacity of land, territories, waters, coastal seas and other resources.

What other amendments are proposed?

Infrastructure Coordination Plans

What is proposed?

The Bill proposes to replace existing Part 5 of the SDPWO Act relating to "prescribed development" and with provisions for "Infrastructure Coordination Plans".[53]

Under these amendments, the Minister could give the Coordinator-General notice to carry out an investigation in relation to infrastructure relating to resources projects.[54] The investigation notices would need to be publicly notified, although public consultation would not be required.[55]

If, under the proposed amendments, the Minister determined an Infrastructure Coordination Plan for the infrastructure required for the resources project is required, consultation on the draft Infrastructure Coordination Plan would be limited to parties to the plan, relevant decision-makers and applicants of relevant planning application – there would again be no public consultation.[56] The Minister would then make a recommendation to the Governor in Council to make a regulation declaring the Infrastructure Coordination Plan.[57]

Once an Infrastructure Coordination Plan is in effect, the Minister could determine whether to decide a relevant planning application themselves,[58] in which case:

- public consultation would be limited to circumstances where it would have otherwise been required under the Planning Act,[59] and
- there would be no appeal rights.[60]

Why could Infrastructure Coordination Plans be problematic?

[53] Bill cl 13.
[54] Bill cl 13, proposed s 56.
[55] Bill cl 13, proposed s 56A.
[56] Bill cl 13, proposed s 57B.
[57] Bill cl 13, proposed s 57D.
[58] Bill cl 13, proposed s 58I.
[59] Bill cl 13, proposed s 58K(6).
[60] Bill cl 13, proposed s 58N.

When conducting an investigation, the Coordinator-General could enter land and do anything "reasonably necessary", including digging, clearing vegetation or otherwise disturbing the land.[61] Entry to the land would not require consent from the landowner. The Coordinator-General (or persons authorised to enter the land by the Coordinator-General) would only need to provide 7 days' notice to the owner of the land prior to accessing the land.[62]

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.

Integration of with *Regional Planning Interests Act 2014* (Qld) & *Transport Infrastructure Act 1994* (Qld) approvals into coordinated projects process

What is proposed?

The Bill proposes to integrate assessments and any approvals under the *Regional Planning Interests Act 2014* (Qld) (**RPI Act**) and *Transport Infrastructure Act 1994* (Qld) (**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**).[63] The Bill proposes to remove separate notification requirements under the RPI Act.[64] 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.[65]

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.[66] Those conditions would override any other conditions imposed under the TI Act.[67]

Why is this integration problematic?

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-

[61] Bill, cl 13, proposed s 56F.
[62] Bill cl 13, proposed s 56G(4).
[63] Bill cl 11, proposed s 49K.
[64] Bill cl 11, proposed s 49K(3).
[65] Bill cl 11, proposed s 49L.
[66] Bill cl 11, proposed ss 49N-49O.
[67] Bill cl 11, proposed ss 49P.

General whose conditions would prevail over conditions imposed under the RTI Act or TI Act.

New enforcement provisions

The Bill proposes several amendments to the enforcement and offences provisions under the SDPWO Act to bring it into line with the Planning Act, including:

- creation of "authorised officers",[68]
- conditions stated in modification orders are "enforceable conditions" for which the Coordinator-General or other authorised officer can take action to remedy contraventions,[69]creation of offence provisions for providing false or misleading information to an authorised officer, obstructing an authorised officer or impersonating an authorised officer.[70]

Generally, the proposed inclusion of these new and amended enforcement provisions is appropriate to address any potential non-compliance by proponents.

[68] Bill cl 47, proposed divs 1AB-1AE.
[69] Bill cl 48, proposed s 157A and s 157HA.
[70] Bill cl 48, proposed ss 157ND, 157NE and 157NF, respectively.

Annexure A

Summary of land acquisition process and powers under the existing legislation and changes proposed by the Bill.

Current SDWPO Act	Amendments proposed by the Bill
What does s 125(1)(f) apply to?	
Section 125(1)(f) only applies to "Private Infrastructure Facilities" ("PIF")	Section 125(1)(f) applies to "State strategic projects" (more development types possible)[71]
What environmental assessment is required prior to application?	
An application can only be made if there is a completed EIS (or other adequate environmental assessment).[72]	No environmental assessment required for the proponent to apply for the project to be endorsed as one for which land can be taken under s 125.
What are the consultation requirements?	
The Coordinator-General must:[73] • seek submissions on the economic or social significance of the proposed PIF from the persons affected by it, and • undertake consultation with the registered owner of the relevant land about the negotiations to take the land conducted by the proponent.	The Coordinator General:[74] • must consult with register owner of the relevant land about the negotiations to take the land conducted by the proponent, and • may consult with other persons they consider may be affected by the decision to endorse the project.
When can the application be approved or endorsed?	
Criteria for approval:[75] • project has economic or social significance and economic or social benefits to Australia, the State or the relevant region, • proponent has the financial and technical capability to complete the project in a timely way, • satisfies an identified need or demand for the services provided by the project, • will be completed in a timely way to satisfy the identified need or demand, • land is sufficiently identified,	Criteria for endorsing the project as one for which land can be taken under s 125:[76] • proponent has the financial and technical capability to undertake the project in a timely way, • the relevant land is sufficiently identified, • the proponent has negotiated for at least 6 months with the registered owner and taken reasonable steps to purchase the land and, if native title exists, the proponent has taken reasonable steps to enter into an ILUA, and

[71] Bill cl 37, proposed amendments to s 125(1)(f).
[72] SDPWO Act s 153AA(1)
[73] SDPWO Act s 153AB.
[74] Bill cl 39, proposed s 145(4).
[75] SDPWO Act s 153AC.
[76] Bill cl 39, proposed s 146.

• project is not inconsistent with State policies, and • the proponent has negotiated for at least 6 months with the registered owner and taken reasonable steps to purchase the land and, if native title exists, the proponent has taken reasonable steps to enter into an ILUA	• it is in the interests of the State that the land be taken to deliver the project.
When can the land be taken?	
Land can be taken under s 125(1) if:[77] • the proponent complies with their negotiation obligations,[78] • the project will proceed within a reasonable time frame, and • if native title exists, the proponent has taken reasonable steps to enter into an ILUA for the land.	Land can be taken under s 125(1) if:[79] • the land is identified in a declaration made under s 143 as land that can be taken under s 125, and • the Coordinator-General is satisfied that: - the proponent has the financial and technical capability to undertake the project in a timely way, and - it is in the interests of the State that the land is taken to deliver the project.

[77] SDPWO Act s 153AH.
[78] SDPWO Act s 153AE.
[79] Bill cl 39, proposed s 142.