



17 December 2025

Senator the Hon. Murray Watt
Minister for the Environment and Water
By email: Senator.Watt@aph.gov.au

Hon Julie Collins MP
Minister for Agriculture, Fisheries and Forestry
By email: Minister.Collins@aff.gov.au

Senator the Hon. Anthony Chisholm
Assistant Minister for Agriculture, Fisheries and Forestry
By email: Senator.chisholm@aph.gov.au

EPBC Act reforms - Clarifying continuing use provisions

Dear Ministers and Assistant Minister,

Cotton Australia is writing in relation to the recent *Environment Protection and Biodiversity Conversation Act 1999* (EPBC Act) reforms, to raise concerns about the uncertainty that these reforms have created. We are particularly concerned by the lack of clear and practical guidance on the amendments to the continuing use provisions under Sections 43A and 43B of the Act.

We are also concerned that these changes became operational during what is the busiest time of year for majority of our members, winter harvest. It cannot be emphasized how critical a point in time this period is for so many agribusinesses, if they are to ensure an income. Time is of the essence, making it unlikely they would be diverting resources to spend time on a hotline or website; also reflective of why there has only been 75 calls to the hotline to dateⁱ.

This is despite the findings of 2018 *Independent Review of Interactions between EPBC Act and the agriculture sector*, The Craik Reviewⁱⁱ, commissioned by the government. Namely, that the regulatory complexity and uncertainty in how the Act applies to routine farm practices create barriers for land managers and recommended strategic clarification for the agriculture sector.

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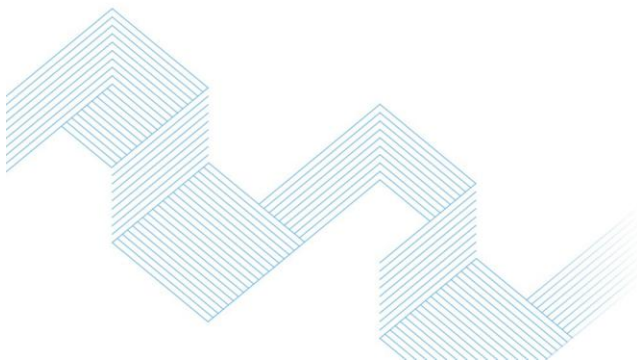
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However, the EPBC Act reforms require our New South Wales, Queensland, Northern Territory and Western Australia members to interpret multiple Commonwealth instruments, draft standards and technical guidance to reveal what is permissible. It is unreasonable to expect growers to almost instantaneously, considering harvest or the current summer fire conditions, have time to access: the website materials, conduct a self-assessment, then document the location and activities, including photos with geolocation references.

We are also concerned by the Department of Climate Change, Energy, the Environment and Water's advice that: an interim 'safe harbour' can't be granted to growers conducting activities consistent with their jurisdictions' requirements now, while being ignorant of these changes.

Could the Minister instead, look at another option? For example, using the newly created Ministerial directions, allowing a deference to current state legislation during a time bound interim period until more clarity is available.

We ask your urgent attention on this matter.

Yours Sincerely,



Adam Kay
CEO
Cotton Australia

Cc:

Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, The Hon. Tara Moriarty, MLC; Tara.Moriarty@parliament.nsw.gov.au

ⁱ Pers. comms. DCCEEW Ag sector continuing use briefing 16/12/2025

ⁱⁱ <https://www.dcceew.gov.au/sites/default/files/documents/review-interactions-epbc-act-agriculture-final-report.pdf>

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