



Advancing Australian Cotton

Environment Law Reform Taskforce

Via EPRconsultation@dcceew.gov.au

5 June 2026

Environmental Protection Reform Consultation: Subordinate Legislation

Dear Madam/Sirs,

Cotton Australia welcomes the opportunity to provide feedback to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the *Environment Protection Reform Consultation: Subordinate Legislation* public consultation process.

Introduction

Cotton Australia is the peak body for Australia's cotton growers, representing up to 1,500 cotton farms mainly in New South Wales and Queensland but also in the Northern Territory and Western Australia. Cotton Australia works with growers and stakeholders to ensure the Australian cotton industry remains viable. Cotton Australia supports the Australian cotton industry to be globally competitive, sustainable and valued by the community. It drives the industry's strategic direction, retains a strong focus on research and development, promotes strength of the industry, manages sustainability reporting and implements policy objectives.

Cotton Australia is making this brief submission as a member of the National Farmers Federation and therefore endorses the concerns raised their separate submission "NFF Submission : Tranche 2 Legislation". To that end we have included a summary of our jointly held concerns and recommendations as an attachment.

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Submission

Cotton Australia does not support the current implementation direction of reforms to the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*, including the proposed Tranche 2 package and *National Environmental Standards* released thus far for public comment and scrutiny.

The *Environment Protection Reform Act 2025*, has placed further regulatory burden on land holders and this is creating major concern and distress to our members. There is still no clarifying guidance on how low-risk and routine agricultural activities are to be treated under the revised framework, including whether such activities will be exempt or otherwise clearly distinguished from actions requiring assessment.

It is also very concerning that the proposed Tranche 2 package has been substantially brought forward, BEFORE the full regulatory framework has been finalised. In fact, the National Environmental Standards have only begun to navigate the public consultation and refinement process. Furthermore, the draft Standard examples so far presented have not been fit for purpose. It is therefore premature and inappropriate for The Department to seek advice now on an element of the reforms that must be consistent the finalised framework.

Cotton Australia notes for example, the timing of the consultation material has resulted in the discussion concerning Protection Statements being unable to explain how they will interact with Significant Impact Guidelines, Bioregional Plans, mapping products and tools. Consequently, it is also unable to shed light on what will take precedence when future Standards may overlap or conflict with one another.

We are also concerned by the draft materials suggesting that landholders are expected to have the same means (personal expertise, time and money) to have access to the level of detailed information the Commonwealth uses to make its assessments. Also, there has been no discussion about extension services or information sessions the Department will undertake for landholders to be aware of the obligations arising from these reforms.

Our comments and concerns are informed by several decades of documented improvement undertaken by Australian cotton growers in many sustainability areas. Our industry has developed PLANET. PEOPLE. Paddock. as the industry's framework to continue that trend.

[The suite of sustainability reports and resources can be found at:
<https://australiancottonsustainability.org.au/>]

The value of economic, social and environmental sustainability to cotton growers is clear: carefully managing the natural, human and economic resources they depend on makes a farm more efficient, productive, and resilient to seasonal, economic or political shocks.

For further information about this submission, please contact Jennifer Brown, Senior Policy Officer on jenniferb@cotton.org.au or mbl 0404 803 14.

Attachment

Summary of key concerns and recommendations

- Farmers should not be compelled to provide data beyond existing statutory requirements, and any farm-level environmental data used in mapping, Protection Statements, Rulings, decision-support tools, or compliance activity must be protected, de-identified where appropriate, risk-stratified, accurate, and subject to a practical correction or review pathway.
- Protection Statements must not become catch-all instruments that shift responsibility onto farmers to disprove a Significant Impact. Protection Statements must also clearly distinguish between known habitat, likely habitat, potential habitat, and habitat genuinely critical to the survival and recovery of a protected matter.
- Agriculture must be directly involved in the design and road-testing of the Protection Statement pilots.
- Expanded National Environmental Protection Agency (NEPA) compliance powers, increased penalties, and audit arrangements must not commence until the broader reform package, guidance materials, education activities, implementation tools, and agricultural impact assessments are sufficiently complete to provide farmers with practical certainty.
- The *Minister's Statement of Expectations* or an equivalent binding mechanism must expressly recognise farmers as responsible environmental stewards and require agricultural expertise to inform NEPA's advisory arrangements should that be contemplated formally.
- A dedicated *Code of Compliance Conduct* be developed to ensure NEPA adopts a proportionate, risk-based, and cooperative compliance approach that recognises food and fibre production as a national strategic priority and gives practical effect to the principles of *Ecologically Sustainable Development* which is an Object of the EPBC Act.
- The *Register of Registrable Decisions* and *Register of Prescribed Matters* include safeguards to ensure farmers and landholders are not exposed to reputational harm or commercial damage where no breach of *National Environmental Law* has been established.
- Reaffirm Rulings are to be used as a reactive tool to clarify genuine implementation issues and not be used to pre-emptively lock in contested regulatory interpretations before the full regulatory framework has been finalised and tested in a practical sense.