



COTTON
AUSTRALIA



State Development and Public Works Organisation (Critical
Minerals) and Other Legislation Amendment Bill 2026
Inquiry

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25-6-2025

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ABOUT COTTON AUSTRALIA

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 notes the Qld Parliament Passed Legislation on the 24-6-2026 which implemented the Recommendations made by the Inquiry into the Regional Planning Interest (Condamine Alluvium) Other Legislation Amendment Bill 2026 (This occurred after the bulk of this submission was drafted.

1. Executive summary

Cotton Australia welcomes the opportunity to submit to this Inquiry and would appreciate the opportunity to appear at the Public Hearing on 14 July 2026.

Cotton Australia represents Australia's cotton growers, including approximately 500 farms in Queensland. Australian cotton is grown across some of the nation's most productive agricultural land, including areas designated as Strategic Cropping Land (SCL) and Priority Agricultural Areas (PAAs) under Queensland's planning framework. These designations exist because the land in question — and the water resources that sustain it — are finite, irreplaceable and of enduring national economic importance.

Cotton Australia would like to declare that its knowledge on this Bill is imperfect. In Cotton Australia's view this Bill is highly complex, crosses over and interacts with numerous pieces of legislation and legislative powers.

Given the complexity of this, and there very limited time and resources Cotton Australia has had to fully review and appreciate this Bill, it is relying very heavily on this Committee to thoroughly interrogate every aspect of this Bill, and ensure it is not diminishing the limited protection that Queensland's most valuable soil and water resources currently have.

If and until, Cotton Australia can be convinced this Bill does not diminish those protections, it is its view that the Bill cannot be supported in its current form.

While Cotton Australia acknowledges the Queensland Government's legitimate objectives of attracting critical minerals investment and streamlining major project approvals, the Bill introduces powers that are, in Cotton Australia's present view, disproportionately weighted in favour of project proponents and the State, at the direct expense of the rights and interests of agricultural landholders — particularly those whose land is recognised under existing frameworks as being of the highest agricultural significance.

Of particular concern:

- The creation of State Strategic Projects (SSPs) unlocks sweeping powers including compulsory acquisition of agricultural land, expanded land access arrangements and strategic infrastructure easements, without adequate protections for the productive capacity of Strategic Cropping Land or Priority Agricultural Areas.
- Modification orders give the Governor in Council, on the Minister's recommendation, the power to exclude or modify the application of Queensland legislation to an SSP by executive action. This power could be used to disapply protections that landholders on SCL and PAAs currently rely on, including elements of the Regional Planning Interests Act 2014.
- The Bill significantly restricts merits review and appeal rights for decisions related to SSPs. While judicial review is retained, the removal of Planning and Environment Court appeal rights leaves landholders with fewer, more expensive avenues to challenge decisions that directly affect their land and livelihoods.

- The Bill contains no meaningful guardrails to protect the long-term productive capacity of Queensland's highest-value agricultural land and water systems — including SCL and PAAs across the state — from the cumulative impacts of major resource and infrastructure projects.
- Most seriously, the Bill may have the capacity to render entirely hollow the outcomes of a separate parliamentary process. The Committee inquiring into the Regional Planning Interest (Condamine Alluvium) and Other Legislation Amendment Bill 2026 recommended that the provisions of the Regional Planning Interest Act 2014 which that Bill sought to remove should be fully restored. Cotton Australia strongly supports that recommendation. However, if the present Bill is passed with modification order powers intact, it is Cotton Australia's concern that the Queensland Government and project proponents could circumnavigate the Regional Planning Interests framework entirely — by ministerial regulation and without further parliamentary scrutiny. If the Cotton Australia position is accurate, then the Government's pursuit of this outcome while simultaneously accepting the RPI Committee's recommendations is, in Cotton Australia's view, deeply troubling and constitutes a failure to act in good faith toward Queensland's agricultural landholders.

Cotton Australia does not oppose economic development, investment in critical minerals, or the proposition that Queensland should be competitive as a destination for major projects.

However, Cotton Australia's foundational position is that the productive capacity of the land our growers operate on, and the water resources they depend upon, must be maintained. That principle must be non-negotiable in any legislative framework, however broad the economic aspirations.

Cotton Australia urges the Committee to recommend substantial amendments to the Bill to ensure that the rights and interests of landholders on Strategic Cropping Land and Priority Agricultural Areas across Queensland are appropriately protected, and that the outcomes of the RPI Inquiry cannot be circumvented by executive action. If those amendments are not made, Cotton Australia recommends the Bill be withdrawn.

2. Recommendations

- *The Bill cannot be supported in its current form and should be substantially amended to protect the rights of agricultural landholders, particularly those on land designated as Strategic Cropping Land (SCL) or within Priority Agricultural Areas (PAAs) across Queensland.*
- *The Bill must be amended to expressly exclude Strategic Cropping Land and Priority Agricultural Areas from the scope of compulsory acquisition powers available to State Strategic Projects, except in the most exceptional circumstances and with independent assessment of agricultural productive capacity impacts.*
- *The modification order power must be amended to expressly prevent modification orders from disapplying or weakening the Regional Planning Interests Act 2014, or any protections afforded to Priority Agricultural Areas and their associated water resources.*

- *The Committee inquiring into the Regional Planning Interest (Condamine Alluvium) and Other Legislation Amendment Bill 2026 recommended that the provisions of the Regional Planning Interest Act 2014 which that Bill sought to remove should be fully restored. Cotton Australia strongly supports that recommendation. The present Bill must be amended to ensure that the modification order power, the SSP regime and any other mechanism under the SDPWO Act cannot be used to circumnavigate the RPI Act or the RIDA process — whether directly or by rendering those frameworks inapplicable to particular projects.*
- *Merits review and appeal rights for landholders affected by SSP decisions must be preserved, including access to the Planning and Environment Court, and should not be diminished merely because land is the subject of an SSP declaration.*
- *The Bill must incorporate clear, legislatively enforceable guardrails that require decisive government action if major projects declared as SSPs produce impacts on SCL, PAAs or their dependent water resources that are materially worse than forecast.*
- *Any conduct and compensation agreement framework applicable to SSPs on or near SCL or PAAs must require that compensation ensures restoration of productive capacity, not merely acknowledgement of impact.*
- *Failing substantial amendment along these lines, Cotton Australia recommends the Bill be withdrawn.*

3. Submission response

Cotton Australia represents the interests of Australia's 1,500 cotton growers operating across the nation. Approximately 500 of those growers are located in Queensland, many of whom operate on the State's best agricultural land and water resources with formal recognition as Strategic Cropping Land (SCL) or located within Priority Agricultural Areas (PAAs).

The Darling Downs is used throughout this submission as the primary example, but it is expressly not the limit of Cotton Australia's concern — the protections we are calling for should apply to all SCL and PAA land across the state.

Strategic Cropping Land and Priority Agricultural Areas are not bureaucratic categories. They represent a formal acknowledgment by successive Queensland governments that certain land — because of its soil quality, productive capacity, water access and irreplaceability — warrants a higher level of protection than ordinary rural land.

The Regional Planning Interests Act 2014, and the associated planning frameworks give statutory force to that recognition. Cotton Australia submitted to the inquiry into the Regional Planning Interest (Condamine Alluvium) and Other Legislation Amendment Bill 2026, opposing that Bill's proposal to remove key provisions of the RPI Act. The Committee conducting that inquiry has recommended that those provisions be fully restored. Cotton Australia strongly supports that recommendation and all other recommendations from that inquiry. The concerns raised in Cotton Australia's RPI submission are directly and materially relevant to the present inquiry, for reasons that are set out in detail at section 4.5 below.

Cotton Australia is neither supportive of, nor opposed to, resource or critical minerals development as a general proposition. We acknowledge that individual growers hold a range of views — some are engaging constructively with developers, others are publicly opposed,

and many are quietly managing co-existence through the existing regulatory framework. Much is said about industries co-existing; Cotton Australia's view remains that industries do not co-exist — individuals and entities can co-exist, but only in the right environment, with clear and fair rules, enforceable protections and adequate compensation mechanisms. The Bill, as drafted, and as understood at this time, risks dismantling the conditions that make co-existence possible.

Cotton Australia's core policy position is unchanged:

- The productive capacity of the land our growers operate on — including all land designated as Strategic Cropping Land or located within a Priority Agricultural Area — must be maintained.
- The productive capacity of water resources — in terms of both quality and quantity — must be maintained.
- Where co-existence can be demonstrated and appropriately assured, landholders must be fairly compensated.

These principles are not negotiating positions. They are the floor below which Cotton Australia will not accept any legislative outcome.

What is essential — and currently missing from the Bill — is a genuine framework of guardrails: enforceable mechanisms that will allow government to take decisive action if the impacts of State Strategic Projects on SCL, PAAs and their associated water resources prove materially worse than forecast. Cotton Australia is deeply disappointed that the Crisafulli Government, in drafting legislation that creates sweeping new powers for project facilitation, did not take the opportunity to simultaneously establish clear, binding protections for Queensland's most productive agricultural land and water.

4. Key Concerns

4.1 STATE STRATEGIC PROJECTS AND THE EROSION OF LANDHOLDER RIGHTS

The Bill's central innovation is the creation of a new category of development — the State Strategic Project (SSP) — replacing the existing "critical infrastructure project" designation. SSPs are declared by the Minister for State Development and, once designated, unlock a suite of powers unavailable to ordinary projects, including State significance notices, compulsory acquisition, strategic infrastructure easements and expanded land access arrangements.

Cotton Australia's fundamental concern is that the SSP framework is industry-agnostic and geographically unrestricted. The Bill's explanatory materials focus primarily on critical minerals projects in Queensland's north-west, but the legislation contains no geographic limitation, no land classification exclusion and no express protection for Strategic Cropping Land or Priority Agricultural Areas. Any project anywhere in Queensland — including projects within or adjacent to the Darling Downs, the Lockyer Valley, the Burnett, the Atherton Tablelands or any other PAA or SCL region — could be declared an SSP and thereby trigger these expanded powers over the land and water resources that farming families depend upon.

This geographic and land-use agnosticism is not a minor oversight. It is a structural flaw. The Queensland planning system has invested decades in identifying and designating the land and water resources of greatest agricultural significance — through the SCL framework, through PAAs, through Regional Plans. The SSP regime, as drafted, can override all of that by ministerial declaration, without any express obligation to consider the agricultural productive capacity implications.

4.2 MODIFICATION ORDERS: EXECUTIVE POWER WITHOUT ADEQUATE SAFEGUARDS

Perhaps the most significant provision in the Bill, from a landholder rights perspective, is the introduction of modification orders — regulations made by the Governor in Council, on the recommendation of the Minister for State Development, that can exclude or modify the application of other Queensland legislation to a State Strategic Project.

Cotton Australia regards this power with grave concern. In plain terms, if a modification order could be used to disapply the Regional Planning Interests Act 2014, neutralising the Regional Interests Development Approval (RIDA) process in relation to an SSP on or near a PAA. It could reshape compensation frameworks and CCA requirements in ways that are wholly unforeseeable at the time of this Bill's passage.

The Bill's explanatory notes acknowledge that modification orders represent a departure from fundamental legislative principles, including the principle that only an Act of Parliament should authorise the amendment of another Act. That acknowledgement is appropriate, but it does not address the substantive concern. The RPI Act exists because Parliament determined, after proper deliberation, that certain land and water resources warrant a legislated floor of protection. The modification order power allows that floor to be removed by the Governor in Council acting on a Minister's recommendation — without parliamentary scrutiny, and potentially without any public process for affected landholders.

Cotton Australia calls for modification orders to be expressly prohibited from weakening or disapplying any provision of the Regional Planning Interests Act 2014, or any other legislation that affords protection to land designated as Strategic Cropping Land or located within a Priority Agricultural Area.

4.3 LAND ACCESS, COMPULSORY ACQUISITION AND STRATEGIC CROPPING LAND

The Bill extends the existing compulsory acquisition mechanism to SSPs, subject to procedural safeguards including requirements for good-faith negotiation and a final unconditional offer. Cotton Australia acknowledges that those procedural safeguards are preserved, but the extension of compulsory acquisition to the new, broad category of SSPs significantly expands the circumstances in which agricultural landholders can be compulsorily dispossessed of their land.

Strategic Cropping Land and Priority Agricultural Areas are, by definition, Queensland's most agriculturally significant land. The express purpose of that framework is to prevent the permanent loss of the state's most productive cropping land. Compulsory acquisition of SCL for an SSP — particularly where that acquisition bypasses or modifies the SCL trigger assessment through a modification order — directly contradicts the policy intent of the SCL framework.

The Darling Downs is a concrete illustration of the risk. Some of Australia's highest-value cropping country sits above or adjacent to resource tenures that may, in the future, be associated with SSPs for critical minerals processing, downstream manufacturing or infrastructure. The possibility that this land could be compulsorily acquired to facilitate an SSP, without an express obligation to first demonstrate that acquisition of SCL or PAA land is unavoidable and without a requirement to offset the productive capacity lost, is deeply concerning.

Cotton Australia is also concerned by the expanded land access provisions available to SSPs under investigation notices. The ability to access land for investigation, even with compensation for direct losses, creates practical disruptions to farming operations that may

not be fully captured in compensation mechanisms — and that could, over time, undermine a landholder's ability to conduct their farming enterprise effectively.

Cotton Australia's position is that Strategic Cropping Land and land within Priority Agricultural Areas should be expressly excluded from the scope of compulsory acquisition powers under the SSP regime, except where independent assessment confirms that acquisition is the only practicable option, a full SCL trigger assessment has been conducted, agricultural productive capacity impacts have been evaluated against the standard applicable under the RPI Act, and compensation arrangements ensure full restoration of productive capacity rather than merely compensating for its diminution.

4.4 RESTRICTION OF MERITS REVIEW AND APPEAL RIGHTS

The Bill significantly restricts merits review rights for decisions related to SSPs. Decisions subject to a State significance notice will not be open to third-party merits review or appeal to the Planning and Environment Court. The Bill retains access to judicial review under the Judicial Review Act 1991 and the Supreme Court's inherent jurisdiction, but those avenues are limited to questions of legal error rather than the substance of a decision.

Cotton Australia is strongly opposed to the removal of meaningful appeal rights for landholders on SCL and within PAAs who are affected by SSP decisions. Merits review is not merely a procedural technicality — it is the mechanism by which affected parties can ensure that decision-makers have genuinely weighed the impacts of a proposed development against the legislated protections for agricultural land. The Planning and Environment Court exists because those trade-offs are complex, consequential and benefit from independent rigorous scrutiny.

Judicial review, by contrast, is expensive, slow and limited in scope. A cotton grower on the Darling Downs — or the Lockyer Valley, the Burnett or the Atherton Tablelands — facing an SSP decision that could compromise their SCL, alter the water resources their operation depends upon, or result in compulsory acquisition, does not have access to the same resources as a well-resourced project proponent. Judicial review is not a realistic or adequate substitute for merits review for most affected landholders.

Cotton Australia calls for the Bill to be amended to preserve third-party merits review rights for landholders directly affected by SSP decisions where the decision has a material impact on Strategic Cropping Land or land within a Priority Agricultural Area, including access to the Planning and Environment Court on agricultural productivity grounds.

4.5 CIRCUMVENTION OF THE REGIONAL PLANNING INTERESTS FRAMEWORK AND THE RPI COMMITTEE'S RECOMMENDATIONS

This section addresses what Cotton Australia regards as the most serious concern arising from the SDPWO Bill, and one that must be understood in the context of parallel legislative developments. It is also an area where Cotton Australia is aware of conflicting advice, and one on which it is strongly relying on this Inquiry to determine beyond doubt whether protections offered by the Regional Planning Interest Act can be over ridden if this Bill becomes law.

What is contained in the submission below, it based on Cotton Australia's current understanding of the potential powers contained in the Bill.

Queensland has two principal legislative frameworks specifically designed to protect its highest-value agricultural land from the impacts of resource and industrial development: the Regional Planning Interests Act 2014 (RPI Act) This Act represent Parliament's considered judgment that Priority Agricultural Areas and Strategic Cropping Land require a level of assessment and protection that is not provided by standard environmental approvals. The RPI Act, through the Regional

Interests Development Approval (RIDA) process, requires explicit consideration of the economic and agricultural productive capacity impacts of development in PAAs. This is not replicated by an Environmental Authority or an EIS under the SDPWO Act. These are not duplicative processes — they serve fundamentally different and complementary functions.

Cotton Australia submitted to the inquiry into the Regional Planning Interest (Condamine Alluvium) and Other Legislation Amendment Bill 2026 (the RPI Bill), opposing that Bill's proposal to remove key provisions of the RPI Act framework. The Parliamentary Committee conducting that inquiry has recommended that the provisions of the RPI Act which the RPI Bill sought to remove should be fully restored. Cotton Australia strongly supports that recommendation and all other recommendations of the RPI Committee. Those recommendations represent a proper and considered parliamentary response to the concerns of agricultural landholders on the Darling Downs and beyond.

It is against that background that the present Bill must be assessed. The SDPWO Bill introduces modification orders — regulations made by the Governor in Council on the Minister's recommendation — that can exclude or modify the application of other Queensland laws to a State Strategic Project. On the face of the Bill, there is nothing to prevent a modification order from disapplying the RPI Act's RIDA requirements to an SSP located within or affecting a Priority Agricultural Area.

The consequence is stark: the Government could, by accepting the RPI Committee's recommendations on the RPI Bill, restore the full protections of the RPI Act — and then, through a modification order under the SDPWO Act, exempt individual SSPs from those very protections, one project at a time, without parliamentary debate and without any requirement to demonstrate that agricultural productive capacity will be maintained. The RPI Act's protections would remain on the statute book in form while being rendered inoperative in substance.

Cotton Australia considers this outcome deeply troubling. It is not a theoretical risk or a remote possibility — it is a direct and foreseeable consequence of the modification order power as drafted. The Bill provides the executive with a standing mechanism to circumnavigate the very protections that the RPI Committee, after hearing extensive evidence from affected landholders and stakeholders, has recommended be restored and maintained.

Cotton Australia does not use the following words lightly: if the Queensland Government accepts the RPI Committee's recommendations while simultaneously retaining in the SDPWO Bill a power that can nullify those recommendations by executive action, it will have acted in bad faith toward Queensland's agricultural landholders. Growers who participated in the RPI inquiry in good faith, and whose interests were properly recognised by the Committee, are entitled to expect that the Government's acceptance of those recommendations means something. A legislative framework that restores the RPI Act's protections while simultaneously providing an executive mechanism to bypass them does not honour that expectation.

Cotton Australia calls on the Committee to recommend that the Bill be amended to:

- Expressly prohibit modification orders from disapplying, modifying or limiting the operation of the Regional Planning Interests Act 2014 or the RIDA process in relation to any SSP on or affecting Priority Agricultural Areas.
- Require expressly that, where an SSP is located within or materially affects a Priority Agricultural Area, the full RIDA process under the RPI Act must be completed as a condition of any SSP approval, and that the EIS and approval processes under the SDPWO Act must incorporate, not substitute for, the agricultural productive capacity assessment that the RIDA process provides.

- Confirm in express terms that the recommendations of the RPI Committee, and any consequent amendments to the RPI Act, cannot be undermined or rendered inoperative by any power exercised under the SDPWO Act.

Absent those amendments, Cotton Australia cannot have confidence that the Government's acceptance of the RPI Committee's recommendations provides any genuine or durable protection to the landholders whose interests those recommendations were designed to protect.

4.6 ABSENCE OF GUARDRAILS FOR UNEXPECTED IMPACTS

Cotton Australia has consistently argued that the most important element of any co-existence framework is not the management of anticipated impacts — it is the management of unexpected ones. Proponents model anticipated impacts. Regulators assess those models. Conditions are set and Conduct and Compensation Agreements (CCAs) are negotiated on the basis of those anticipated impacts. But modelling is not reality, and the history of major project development in Queensland demonstrates that actual impacts can diverge materially from forecasts.

The SDPWO Bill, in vastly expanding the suite of powers available to fast-track major projects, does nothing to address the absence of guardrails for when things go wrong. If an SSP produces impacts on groundwater that materially exceed modelled estimates, what mechanism exists to halt or amend the project? If an SSP causes subsidence or physical impacts that render SCL or PAA land unworkable, what enforceable remedy beyond the existing compensation provisions of the Common Provisions Act is available? If cumulative infrastructure development across an SSP-designated region progressively degrades the water resources underpinning a Priority Agricultural Area, at what point does the State intervene, and under what authority?

The Infrastructure Coordination Plans proposed in the Bill are designed to coordinate enabling infrastructure for SSPs — not to manage the impacts of SSPs on surrounding agricultural land, water and communities. Cotton Australia regards this as a fundamental gap in the framework.

Cotton Australia sincerely hopes that the larger impacts never arise. However, the absence of a clear legal framework requiring decisive government action if they do is not an acceptable legislative position, particularly when the Bill simultaneously confers unprecedented facilitation powers. Cotton Australia calls on the Committee to recommend the inclusion in the Bill of a framework of enforceable guardrails that:

- Require ongoing, independent monitoring of impacts on Strategic Cropping Land, Priority Agricultural Areas and associated water resources from SSPs, with public reporting and ministerial accountability.
- Set legislatively defined thresholds at which the responsible Minister must take decisive action — including the power to suspend or materially amend SSP activities where impacts on SCL, PAAs or dependent water resources exceed modelled parameters by a material margin.
- Require that compensation arrangements in CCAs involving SSPs on or near SCL or PAA land address the full restoration of productive capacity rather than merely the acknowledgement of impact or payment of financial compensation.
- Provide a clear mechanism for existing CCAs to be revisited and renegotiated where SSP-related activities produce impacts on SCL or PAA land not contemplated at the time of execution.

5. Conclusion

Cotton Australia's central concern is ensuring that Queensland's most productive agricultural land — including all land designated as Strategic Cropping Land and all land within Priority Agricultural Areas, of which the Darling Downs is the most prominent example — is protected from the cumulative and unguarded impacts of a new generation of State Strategic Projects. The Bill, as drafted, creates sweeping new powers for project facilitation without providing commensurate, express and enforceable protections for agricultural landholders on that land.

Cotton Australia strongly supports the recommendation of the Parliamentary Committee inquiring into the Regional Planning Interest (Condamine Alluvium) and Other Legislation Amendment Bill 2026, that the provisions of the RPI Act which that Bill sought to remove should be fully restored, along with the Committee's other recommendations. Those recommendations represent what Cotton Australia has long argued for: proper, enforceable protection for the Darling Downs Priority Agricultural Area and the Condamine Alluvium.

However, Cotton Australia cannot accept that recommendation in isolation while the present Bill remains in its current form. If the modification order power in the SDPWO Bill creates a standing executive mechanism by which the Queensland Government or a project proponent seeking SSP designation could circumnavigate the RPI Act entirely — project by project, by regulation, without parliamentary oversight then the Bill is unacceptable. A government that accepts the RPI Committee's recommendations while retaining that power has not genuinely restored the protection those recommendations are designed to provide. Cotton Australia regards this as a fundamental failure of good faith toward Queensland's agricultural landholders, and urges the Committee to say so plainly in its report.

The Bill represents a missed opportunity to take a holistic approach to co-existence. Cotton Australia recognises and supports Queensland's ambition to become a globally competitive critical minerals destination. We do not oppose development. We oppose development that proceeds on or near Queensland's most valuable agricultural land without adequate safeguards, without genuine landholder rights, without meaningful recourse, and without enforceable guardrails against unexpected harm to the land and water resources that underpin the state's agricultural economy.

Cotton Australia urges the Primary Industries and Resources Committee to recommend substantial amendments to the Bill in line with the recommendations set out in this submission — in particular, amendments that ensure the modification order power cannot be used to circumvent the RPI Act, and that the outcomes of the RPI inquiry are given genuine and durable effect. If those amendments are not made, Cotton Australia recommends the Bill be withdrawn. Cotton Australia remains willing to work constructively with the

Queensland Government, regulators, landholders and industry to develop an approach that enables economic development while genuinely maintaining the productive capacity of Queensland's most important agricultural land and water resources, and providing certainty and fairness for all affected growers.

Cotton Australia would welcome an opportunity to appear before the Inquiry. For questions or clarifications, please contact Cotton Australia General Manager Michael Murray – 0427 707 868 or michaelm@cotton.org.au.



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