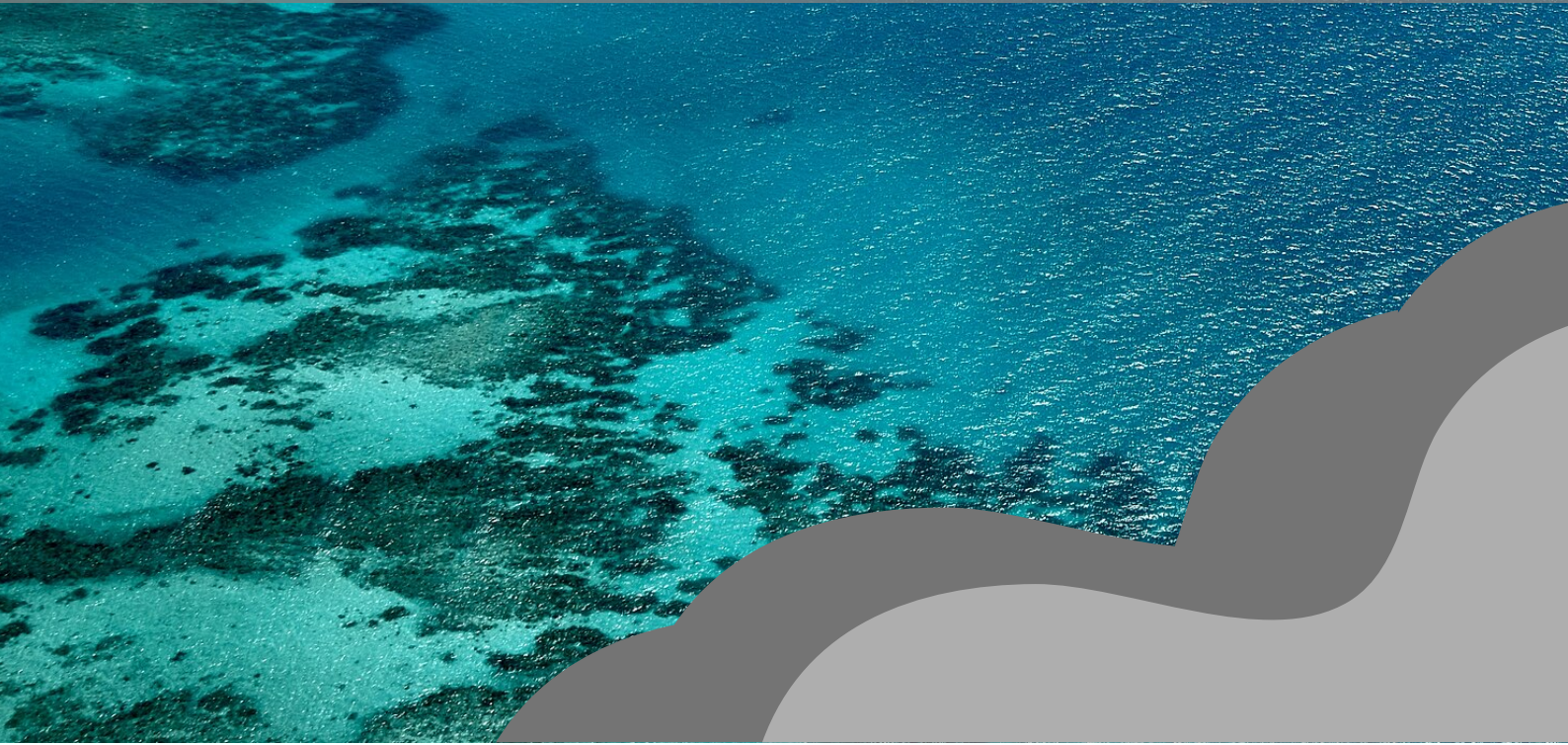




Feedback regarding the High Seas Biodiversity Act 2026



the climate centre





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The Department of Climate Change, Energy, the Environment and Water has invited interested parties and members of the public to share their views on how Australia will implement requirements stemming from the High Seas Biodiversity Act 2026 (the Act) and its implementation of Australia's obligations under the High Seas Biodiversity Treaty (BBNJ).

The Climate Centre welcomes the opportunity to comment on how Australia will implement its obligations to the BBNJ through the Act. This represents an important opportunity for Australia to manage the high seas as a genuine extension of its own marine parks. If implemented intelligently, this can result in increases to Australia's own marine biomass and biodiversity, as well as its international reputation, and the health of the global ocean, upon which billions of people rely for ecosystem services (Woods Hole Oceanographic Institution, n.d.).

Environmental impact assessments and Ministerial decisions

The Act's environmental impact assessment provisions are one of the main mechanisms that DCCEE will have over activities proposed for the high seas. Given how little baseline data exists for most of the areas beyond national jurisdiction (ABNJs) relevant to Australia, we recommend that implementing regulations and policy require proponents to address climate exposure and cumulative impact as a standard component of any EIA under the Act.

Of greater concern is "Division 4—Ministerial decision whether to authorise controlled activity" of the Act. The Minister for the Environment has used equivalent powers to authorise industrial activities that have caused or will cause great harm to the environment, as well as considerable social and political backlash. Examples, such as the extension of Woodside's operations on the Burrup Peninsula to 2070, directly violate the commitment Australia has made internationally, such as net zero by 2050 (Australian Conservation Foundation, 2026). It also shows that the Minister for the Environment puts harmful industrial activities above protection of the environment, preservation of cultural heritage, and the wellbeing of humanity, both locally and globally (Morton, 2023). As such, powers that are proposed to rest in the hand of the Minister should instead be transitioned to a more trustworthy plural executive group or body to prevent the Minister acting as a single point of corruption and failure.

Note on regional cooperation

Australia's marine park networks, most notably the Coral Sea Marine Park and the South-west Marine Parks Network, already sit with long stretches of frontage directly onto ABNJs. Species that marine parks have been established to protect extend far beyond their boundary lines. For example, humpback whales use the Coral Sea Marine Park as a migratory pathway; while hawksbill turtles nesting on the Great Barrier Reef travel thousands of kilometres to foraging grounds in Vanuatu, the Solomon Islands, Papua New Guinea and Indonesia (Miller et al. 1998). Migratory areas and pathways should be fully protected beyond Australia's own



maritime borders. This will require Australia to cooperate with its regional neighbours.

The Agreement's provisions can give Australia a practical mechanism to deepen cooperation with the neighbours whose waters connect to ours, including Indonesia, Papua New Guinea, Timor-Leste, the Solomon Islands, Vanuatu, New Caledonia and New Zealand. We recommend the implementing framework name regional cooperation with these neighbours as a specific priority for Australia's use of the Agreement's mechanisms, rather than leaving it to be addressed only through general diplomatic channels.

Arrive at the first Conference of the Parties with proposals ready

Under the Agreement, proposals for protecting high-sea areas are made by States Parties. We strongly encourage Australia to arrive at the first COP with candidate areas already identified. This is consistent with the 30 by 30 model, to which Australia is already committed in policy, and also speaks to the credibility of Australia's position at the COP, which will depend on turning up with something concrete. After an embarrassing inability to secure the hosting of COP 31 and the inability to properly organise its supplemental meeting in the Pacific (Sridhar, 2025 and Dziedzic, 2026), it is important that Australia demonstrate effective climate leadership.

We recommend Australia arrive to the first COP with proposals for protecting areas adjacent to its maritime boundaries that align with the areas identified in the Important Marine Mammal Area (IMMA) dataset. This includes areas that are ecologically continuous with the Coral Sea Marine Park and South-west Marine Parks Network frontages, as well as migratory corridors such as the Australian East Coast Migration Corridor, the Western Australian Humpback Whale Migration Route, and the Eastern Indian Ocean Blue Whale Migratory Route (Marine Mammal Protected Areas Task Force, n.d.). We encourage the Australian government to propose protection for the following areas so they are fully covered and connected (please note some of these areas are already subject to various levels of fragmented protection):

- Geographe Bay to Eucla Shelf and Coastal Waters IMMA
- Southeastern Australian and Tasmanian Shelf Waters IMMA
- Australian East Coast Migration Corridor IMMA
- Western Australian Humpback Whale Migration Route IMMA
- Ningaloo Reef to Montebello Islands IMMA
- Albany Canyon Region IMMA
- Gourdon Bay to Bigge Island IMMA
- Southern Great Barrier Reef Lagoon and Coast IMMA
- South Australian Gulfs and Adjacent Waters IMMA
- Moreton Bay IMMA
- Northwestern Australian Coastal Waters and Inlets IMMA
- Northern Great Barrier Reef IMMA
- Mapoon to Aurukun IMMA
- Southern Gulf of Carpentaria IMMA
- Hinchinbrook to Round Hill Network IMMA



- Shark Bay IMMA
- Great Barrier Ribbon Reefs and Outer Shelf IMMA
- Houtman Abrolhos to Rottnest Shelf Waters IMMA
- Dampier Archipelago IMMA
- Hervey Bay and Great Sandy Strait IMMA
- Central and Western Torres Strait IMMA
- Eastern Indian Ocean Blue Whale Migratory Route IMMA

This will ensure that Australia's proposals are based on scientific evidence. Any implementation of the Act should also acknowledge that protection of these areas needs to account for climate-driven range shifts when designing area boundaries, rather than fixing boundaries to present-day species distributions that are already moving (Thirukanthan et al. 2025; Assis et al. 2026).

Summary of recommendations

- Name climate change as a factor the implementing framework actively manages, with a funded, standing monitoring commitment attached to any area-based management measure created under the Act.
- Require climate exposure and cumulative-impact analysis as a standard component of high-seas EIAs.
- Ministerial decision whether to authorise controlled activity should instead be transitioned to a more trustworthy plural executive group or body to prevent the Minister acting as a single point of corruption and/or failure.
- Cross-reference existing IMMA and migratory-corridor science when identifying candidate areas, and design boundaries around projected climate-driven range shifts rather than present-day distributions alone.
- Name regional cooperation with Indonesia, Papua New Guinea, Timor-Leste, the Solomon Islands, Vanuatu, New Caledonia and New Zealand as a specific priority for the Agreement's capacity-building provisions.
- Ensure Australia arrives at the first COP with candidate areas for protection already identified, consistent with its stated 30 by 30 ambition, prioritising areas continuous with the Coral Sea Marine Park and South-west Marine Parks Network, and those that align with migratory corridors and other IMMAs.
- Report publicly on progress against these commitments annually.

We would welcome the opportunity to discuss any of the above with DCCEE, and to contribute further as implementation detail is developed.



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The Climate Centre is a volunteer-run charitable not-for-profit focused on building bridges between research, policy and communities. It achieves this by undertaking research relevant to local communities, providing digital materials and outreach initiatives that make it easier to interpret climate information and apply it to a local scale, as well as engaging in policy analysis and advocacy to government, and fostering conversations and understanding at individual, community, and national scales through its various projects.