



Dear Senate Standing Committees on Environment and Communications,

Thank you for the opportunity to provide feedback to the Senate Inquiry into the provisions of the Nature Positive Bills.

Action for Dolphins is a non-profit organisation dedicated to ending suffering for marine mammals. We advocate for policies that protect these animals from a range of threats, including captivity, pollution, bycatch in fishing gear, and hunting.

We strongly support amending the Nature Positive (Environmental Information Australia) Bill 2024 as a critical step towards strengthening environmental protection in Australia. We believe a robust legal framework with effective enforcement mechanisms is essential to safeguard marine mammals from a multitude of threats and contribute to a healthier marine environment.

We urge the committee to consider the following in their report to the senate:

Access to accurate and timely data is crucial for effective conservation efforts. We commend the establishment of the EIA and urge the committee to ensure it prioritises the collection and dissemination of data relevant to marine mammal populations and threats.

We recommend the EIA:

- Include a definition of “Nature Positive” that meets the international standard set in the Global Biodiversity Framework, which:
  - Sets a clear criterion of ‘measured against a 2020 baseline’;
  - Halts and reverses nature loss by 2030; and
  - Enhances the resilience of our planet and our societies.
- Develop specific data collection programs focused on marine mammals, including population trends, threats, and habitat health.
- To promote transparency, support community engagement, and encourage improved decision-making, data should be readily accessible and in a

user-friendly format to researchers, conservation organisations, and the public.

- We urge the committee to ensure the EIA provides comprehensive and readily accessible data on marine mammal populations, bycatch incidents, and pollution levels in our oceans. This transparency is crucial for informing conservation efforts and identifying areas of greatest concern.
- Task by statute that the EIA monitor and evaluate the development and implementation of threatened species conservation plans and provide an annual report to Parliament on progress.

The creation of a dedicated EPA with strong enforcement powers is a significant step forward. We believe the EPA should be well-equipped to address threats to marine mammals, including:

- **Pollution:** We recommend the EPA be granted authority to conduct regular inspections of industries that contribute to marine pollution, such as shipping and agriculture. This should include the power to levy substantial fines for non-compliance.
- **Bycatch:** Accidental entanglement in fishing gear is a major cause of death for marine mammals. We urge the committee to consider granting the EPA the power to mandate the use of more selective fishing gear and implement stricter enforcement of existing bycatch regulations.
- **Habitat Destruction:** Habitat degradation is a significant threat to marine mammals. We recommend the EPA be empowered to identify and protect critical marine mammal habitats.

We support strengthening existing environmental laws and introducing new compliance and enforcement powers. The current penalties for environmental offences related to marine mammals are often inadequate to deter illegal activities. We urge the committee to consider significantly increasing these penalties, acting as a stronger deterrent and promoting greater compliance. This should include:

- Increasing the range of criminal and civil penalties for environmental offences related to marine mammals.

- Allocating sufficient resources to the EPA to effectively investigate and prosecute environmental crimes.
- The ability for third parties to seek civil penalties from the court against entities that breach the EPBC Act.

The Nature Positive bills represent a vital opportunity for Australia to enhance environmental protection. By prioritising data accessibility, strengthening enforcement powers, and increasing penalties for violations, these bills can be instrumental in creating a safer and healthier future for marine mammals and the broader marine ecosystem. We strongly encourage the committee to adopt our recommendations to ensure the legislation delivers the intended positive outcomes for Australia's natural environment.

Action for Dolphins commend the committee for its work and stand ready to provide further information or answer any questions you may have.

Warm regards,

Hannah Tait  
CEO, Action for Dolphins