

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

- 1. Name of Working Group: Inspection, Compliance and Enforcement**

- 2. Name(s) of Delegation(s) making the proposal: Australia**

- 3. Please indicate the relevant provision to which the textual proposal refers.**

DR 96 (1alt) - proposed amendments are in **green** text

- 4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

1alt. The Council shall before the start of any mining operation, establish an independent staff of inspectors which shall inspect activities in the Area to determine whether the Convention, the Agreement and the Rules of the Authorities as well as the terms and conditions of any contract with the Authority are being complied with as provided for in articles 153 (5) and 162 (2) (z) of the Convention. Inspections shall be undertaken by Inspectors who meet the qualification requirements set out by the Council pursuant to Regulation 97(1). The Inspectors shall be guided by transparency, accountability, independence, and the precautionary approach. In their **election appointment**, equitable geographical representation and gender balance shall be taken into account. The Council, through the Compliance Committee, shall exercise oversight over the Inspectors.

- 5. Please indicate the rationale for the proposal. [150-word limit]**

Australia considers it would be more appropriate to refer to the appointment of inspectors, rather than their election.

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- 1. Name of Working Group: Inspection, Compliance and Enforcement**

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- 3. Please indicate the relevant provision to which the textual proposal refers.**

DR 96(3 bis) – proposed amendments are in **green** text

- 4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

3 bis. Where the Secretary-General or the Inspector have reasonable grounds to consider the matter to be so urgent that **reasonable** notice cannot be given, the Secretary-General shall instruct the Inspector to conduct an inspection without **reasonable notice and to provide notice as soon as practicable**.

- 5. Please indicate the rationale for the proposal. [150-word limit]**

If, due to the urgency of the situation, reasonable notice of an inspection cannot be given to the contractor, notice should still be given as soon as practicable. This would allow time for the contractor to provide for logistical arrangements and the safety of the Inspector.