

**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 98 (1)(b).bis, (f), (g) and (h 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.

1. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract:

...

(b).bis Inspect any ~~relevant~~ documents or items which are necessary to monitor the Contractor’s compliance, all other recorded data and samples and any vessel or Installation **used in connection with activities** in the Area including its log, personnel, equipment, records and facilities and question relevant personnel.

{(f) Seize any document, article, substance or any part or sample of such for examination or analysis that the Inspector may reasonably require;}

{(g) Remove any representative samples or copies of assays of such samples from any vessel or equipment used for or in connection with the Exploitation activities;}

■

(h bis) A do not disturb notice, in writing, in order to allow the further inspection, examination or measurement of, or the conducting of tests concerning, any vessel, installation, equipment or facilities used in connection with activities in the Area.

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

The words ‘used in connection with activities’ in paragraph 1(b)bis should be retained for consistency with DR96, paragraph 5(c) and to not restrict the operation of the Inspector’s powers to the Area only, when it may be necessary to inspect other vessels or installations used in connection with activities, eg to enable inspections in port of vessels used in

transporting mineral resources from the Area. The square bracketed text in paragraphs 1(f) and (g) should be retained. The reference to seizing documents in paragraph (f) could possibly be deleted, as Inspectors have powers in 98(1)(b)-(d) to inspect documents and make copies or extracts. However, removing the power to seize samples and assays is problematic, as physical acquisition of items such as these may be necessary for certain inspection activities, including analysis at onshore facilities. An Inspector should be able to issue a 'do not disturb notice' to allow for further inspection, examination or tests – see proposed (h bis). Draft Regulation 96, paragraphs (6)(a) and (b) would ensure that these powers would not be used to inhibit the safety or normal operations of the contractor or the vessel.