

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

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:** Protection and Preservation of the Marine Environment
- 2. Name(s) of Delegation(s) making the proposal:** Australia
- 3. Please indicate the relevant provision to which the textual proposal refers.**

DR50 - proposed amendments in green; black text and red text is from the Facilitator's fourth revised draft text circulated prior to the November 2023 Council meeting.

- 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.A Contractor shall not dispose, dump or discharge into the Marine Environment any Mining Discharge, except where such disposal, dumping or discharge is permitted in accordance with:

(a) The assessment framework for Mining Discharges as set out in the Standard;

(b) The Environmental Management and Monitoring Plan; and

(c) International [agreed] [applicable] rules, standards and recommended practices and procedures. ~~regulations set out by the International Maritime Organization.~~

2. Paragraph 1 above shall not apply if such disposal, dumping or discharge into the Marine Environment is necessary for the safety of the vessel or Installation or the safety of human life, provided that such disposal, dumping or discharge is conducted so as to ~~all~~ minimize the ~~likelihood possibility~~ of harm to human life and ~~human life and prevent Harm to~~ the Marine Environment. If ~~Serious~~ Harm to the Marine Environment occurs as a result of disposal, dumping or discharge, the Contractor shall monitor, ~~[and]~~ Mitigate ~~[and remediate]~~ the impacts of such harm, and shall report forthwith about such disposal, dumping or [discharge] to the Authority. Such disposal, dumping or discharge shall constitute a notifiable event under regulation 34 and Appendix 1.

~~[2.Alt. Paragraph 1 above shall not apply if such disposal, dumping or discharge into the Marine Environment is necessary for the safety of the~~

~~vessel or installation or the safety of human life, provided that such disposal, dumping or discharge is conducted so as to minimize the likelihood of harm to human life and prevent Harm to the Marine Environment.]~~

3. The disposal, dumping or discharge into the Marine Environment of any Mining Discharge that is not permitted in accordance with paragraphs 1 ~~and 2~~ above is considered an unauthorized Mining Discharge and constitutes a Notifiable Event under regulation 34 and Appendix 1.

4. The applicant or contractor must also keep a register of discharges to be updated at least [weekly] [monthly,] where possible, allowing to it be consulted in real that shall be reported annually to the Authority as part of the mandatory annual report that must be prepared throughout the operation.

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

Australia supports paragraph 2 over 2 alt as it establishes important follow up obligations that must occur following disposal, dumping or discharge.

Australia considers it is very important that this paragraph not just establish certain forms of allowable dumping, but also establishes follow up obligations with respect to mitigation, remediation and reporting, to ensure that the contractor reports to the ISA and advises what measures have been put in place to prevent future occurrences.

In the same vein, Australia also considers that any such dumping, even if allowed to protect safety or human life, should nonetheless constitute a notifiable event.

Australia would also support reinserting the reference to 'human life' when discussing how the dumping, discharge or disposal must be conducted.