

**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:** 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.**

DR97 – proposed amendments in green; black text and tracked changes text is from the Facilitator’s fourth revised draft 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.**

Inspectors: Appointment and supervision

1.The Council, shall on the basis of the recommendations of the Commission, determine the relevant qualifications and experience for Inspectors to be included in the Roster of Inspectors appropriate to the areas of duty of an Inspector under this Part.

1 bis. States Parties may, subject to the requirements of this regulation, nominate Inspectors for consideration, and [individual applications may be submitted directly for] inclusion in the Roster of Inspectors. Nominees [and applicants] will be considered against the qualification and experience requirements. Equitable geographical representation and gender balance will also be considered, in line with the Convention principle. Subject to considerations of protection of personal data, the roster of Inspectors shall be made publicly available on the Authority’s website.

2.The Compliance Committee shall make recommendations, to the Council on the appointment, supervision and direction of Inspectors included in the Roster of Inspectors, and on an inspection programme and schedule for the Authority in accordance with any applicable Standards and taking into account any applicable Guidelines.

3. The inspection programme shall be ~~[overseen]~~~~managed~~ by the Council and ~~[managed]~~ ~~administrated~~ by the Compliance Committee, ~~[and implemented by the Chief Inspector and the Inspectors]~~.

4. The Inspectors shall be independent in the fulfilment of their tasks and ~~[be guided by]~~ shall comply with the Inspector Code of Conduct. ~~[transparency, accountability and non-discrimination]~~

5. The Authority will cooperate with the Sponsoring State or State to ensure that inspections performed by Inspectors are aligned with enforcement at the national level. Inspectors shall report to the Compliance Committee in writing regarding any difficulties relating to the enforcement of the measures.

6. Inspectors may be required to undertake relevant training programmes, ~~[including but not limited to project and ship instructions, health and safety, as well as undergo fit for work medical evaluations]~~, at the request of the Council, based on the recommendations of the Compliance Committee. The Secretariat shall facilitate the requisite trainings ~~and evaluations~~.

7. The Compliance Committee shall keep the Roster of Inspectors under review and updated. The Council may, ~~for reasonable cause, following non-compliance with the Inspector Code of Conduct~~, remove an Inspector from the Roster of Inspectors, on the basis of the recommendations of the Compliance Committee.

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

On paragraph 4, Australia considers it is important that the actions of the Inspectors are specifically guided by the rules and obligations contained within the Code of Conduct.

On paragraph 7, Australia is strongly supportive of the independence of Inspectors being protected. Accordingly, we have proposed deleting 'removal for reasonable cause' and instead providing that an inspector can only be removed for breach of the inspector code of conduct. This ensures that removal of an inspector is tied to an objective standard, and supports the independence of the Inspectors.