

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal: Australia

2. Please indicate the relevant provision to which the textual proposal refers.

DR43(2) – Compliance with other laws and regulations

3. 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.

...

2. Contractors shall maintain the currency of all permits, licences, approvals, certificates, {insurance policies,} and clearances not issued by the Authority and that may be required to lawfully conduct Exploitation activities in the Area, **including by conducting [Contractors must conduct] regular reviews to ensure that all necessary documents are up to date and valid.**

...

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

Australia proposes deleting the last sentence in paragraph (2) because introducing a requirement for the Contractor to conduct regular reviews risk qualifying the primary (and essential) obligation to maintain currency of all necessary documentation.

By way of illustration, in circumstances where documentation loses currency in between regular reviews, a Contractor may argue that it has nevertheless complied with the primary obligation to maintain currency because it has satisfied the minimum level of due diligence required by the provision. This avenue can be foreclosed by limiting paragraph (2) to a clear, forthright and unqualified requirement to maintain currency of documentation.

Australia suggests new wording in paragraph 2 to clarify that regular reviews are merely one possible means to ensure that currency is maintained.