



Document reviewed		
Title of the draft being reviewed:	Guidelines for the preparation of an environmental management and monitoring plan	
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General Comments		
<p>Australia confirms its position, as previously stated that these Guidelines can only be approved as part of a package, together with the Draft Exploitation Regulations (Regulations) and other Standards and Guidelines. We note also that to the extent these Guidelines refer to other Guidelines which are yet to be developed, it is appropriate to have a further opportunity to comment on this Guideline in the light of the other Guidelines once they have been prepared.</p>		
<p>The draft appears to build on obligations under the Regulations rather than clarifying the content of existing Regulations and how a Contractor can <i>demonstrate</i> compliance with the Regulations. To the extent that failure to include certain considerations or matters in the EMMP may give the LTC cause to reject an EMMP or require that it be amended, these would be obligations. As such, these matters should be contained in a Standard rather than a Guideline.</p>		
<p>These Guidelines should include a statement to the effect that where the Guidelines seemingly conflict with the Regulations, including its annexes, or any Standards, the Regulations or Standards will prevail.</p>		
<p>Australia reiterates comments made to the draft Regulations and Annex VII and considers that any proposed amendments to the Regulations should also be reflected in the Guidelines.</p>		
<p>While Section III seeks to provide additional guidance on completing an EMMP in accordance with Annex VII, not all of the requirements under Annex VII are addressed. Australia considers that Section III either requires clearer linking statements to relevant paragraphs in Annex VII or an overarching explanation that not all requirements in Annex VII are addressed in Section III.</p>		
<p>Support the document's focus on strong environmental regulation.</p>		
Specific Comments		
Page	Line	Comment
2	121-123	<p>Please amend as indicated, to reflect regulation 48 (1) which states that the commitments are to be provided in the EMMP:</p> <p>In accordance with regulation 52, the EMMP remains as shall be subject to regular performance assessment, a 'living document' <u>essentially, to be</u></p>

		used as a management tool to ensure that the commitments made in the EMMP are implemented throughout the project life.
3	127	Please clarify what is meant by 'any limitations' on use of information. For instance, if the intent is to make clear that information may be subject to confidentiality requirements under Regulation 89, then please make this explicit.
3	134	Please insert 'main' before 'aspects' to reflect the language in regulation 48 (3).
3	155	Please include ', in accordance with Section 3.2(e) of Annex X to the Draft Exploitation Regulations' at the end of the sentence.
3	166-170	Please delete lines 169-170 and replace heading with 'Affected Area'. Annex VII(2)(b) requires that the EMMP provides a description of the area <i>likely to be affected</i> by the proposed activities, this may not correlate with the project area as defined in the Regulations as the effects of an activity may extend beyond the defined project area, or conversely be confined to a smaller subsection of the project area.
6	273	Please replace 'should' with 'must, in accordance with Annex VII(g) and (l)' and separate out obligations under the Annex and further suggestions under the Guidelines.
9	386-396	In the absence of obligations in the Regulations or Annex VII on the content of the content of the monitoring requirements, we consider the list to be valuable. However, to the extent failure by a Contractor to monitor in accordance with those listed considerations could result in a rejection of the EMMP, these would constitute requirements rather than guidance and should be included in a Standard rather than a Guideline.
9	413-414	Please amend as indicated to reflect regulation 52(3): Regulation 52(3) requires that the Contractor shall compile and submit a performance assessment reports in accordance with with the relevant Guidelines . The format for the performance assessment report can be found in Appendix A to this Guideline.
9	424	Please include ', for inclusion in the report, as required under Regulation 52(3)' at the end of this line.
11	473	Please replace 'should' with 'must'.
17	689	Please replace 'should familiarize themselves' with 'must comply with'
43	Appendix C – last row of table	Insert in column titled 'DR Requirement', 'regulation 52(3)'. Insert in column titled 'Do the components of the EMMP meet these requirements', 'Does the EMMP set out the frequency with which a performance assessment report should be submitted and details as to what is to be contained in this report?'