



<b>Document reviewed</b>	
<b>Title of the draft being reviewed:</b>	Standard and guidelines for the safe management and operation of mining vessels and installations
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<b>General Comments</b>	
<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 (<b>Regulations</b>) 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>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 has previously provided comments that the level of safety regulation in regulation 30 is insufficient and not commensurate with the risks of the high hazard offshore industry. The same concerns apply here, particularly in relation to the draft Standard, which contains less detail than the draft regulation. The draft Standard solely focuses on the safety management system, but with inadequate level of detail.</p>	
<p>There does not appear to be any is no or little focus on design or process safety, only high level descriptions of obligations. More detail is required on :</p> <ul style="list-style-type: none"> <li>• Identification of hazards and risk assessments</li> <li>• Measures to mitigate risks</li> <li>• Monitoring, audit, review and continuous improvement</li> </ul> <p>Noting the high hazard environment of offshore drilling, Australia considers that it is not appropriate to only provide high level obligations on Contractors, but that a detailed approach of specific obligations is more suited to ensuring the safety of people and the environment.</p>	
<p>Further, Australia considers that any proposed amendments to the Regulations should also be reflected in the Standard and Guidelines.</p>	
<p>Both the draft Standard and the draft Guidelines should capitalise defined terms, as defined in the draft Regulations.</p>	

Australia has concerns about the introductory paragraph of the Guidelines, which seek to provide definitions for vessels and installations. It is not clear to us what the purpose of these definitions is intended to achieve noting that the obligations apply to both vessels and installations. Further, at law constructions such as floating installations can be either a vessel or an installation, depending on whether it is affixed to the seabed surrounding circumstances. We consider these definition are not necessary for the purpose of the Guidelines and should be deleted.

The safety management system should also be:

- In accordance with any applicable international obligations, codes or regulations developed by other international organisations;

In accordance with any applicable national laws and regulations on safety management systems.

Australia queries why the Guidelines appear to refer to withdrawn standards on page 3. It is not clear why these standards have been withdrawn and whether they are therefore suitable guidance that will effectively achieve the desired safety outcomes.

Support the document’s focus on strong environmental regulation.

***Specific Comments***

Page	Line	Comment
2	12	Please insert “and national” after “international”.
2	14	Please insert “and implementation” after “development”.
2	91	Please provide more guidance on what constitutes relevant documentation in this instance.
3	99	Please amend as indicated: “ <u>Collectively, F</u> the Exploitation Regulations and the Standard require that the management and operation of all Mining Vessels and Installations comply with applicable international rules and standards, ISA rules, regulations and procedures, and with the national laws of the flag State relating to vessel standards and crew safety in the case of vessels, or of the sponsoring State or States in the case of Installations. <u>Additionally, the Contractor is required to comply, and</u> with the national laws of the sponsoring State or States in relation to any matters that fall outside of the jurisdiction of the flag State, such as worker rights for non-crew members and human health and safety that pertains to the mining process rather than to ship operation.”
3	108-109	Please amend as indicated: “Compliance shall be demonstrated <u>through documented</u> <del>by means of</del> processes, procedures and <del>documented</del> actions that conform to <u>these</u> rules, regulations and required safety standards.”
3	130-132	Please delete. Under the draft Exploitation Regulations, the Contractor is required to meet the obligations of any application international and national legal requirements. The operator is not subject to the Exploitation Regulations and as such it is not appropriate to seek to place any (non-mandatory) obligations on the operator under the Guidelines.
3	135	Please amend as indicated: “ <u>While the Contractor may sub-contract certain activities, F</u> the ultimate responsibility lies with the Contractor.”
4	143	Please provide a reference for the “Classification Rules” or an explanation on what the rules are.

4	152	Please clarify "adequate management system." Is this a reference to the safety management system? Or is this about designating responsible individual for various tasks/ responsibilities?
4	162	Please amend as indicated: " <a href="#">As required by Regulation 30, T</a> he Contractor <del>should</del> <u>must</u> [...].'
5	178	Please expand "S&G".
5	193	Please expand "SMS".