

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.im.

1. **Name of Working Group:** IWG Environment

2. **Name(s) of Delegation(s) making the proposal:** Australia

3. **Please indicate the relevant provision to which the textual proposal refers.**

DR 53(3) - proposed amendments are in green text

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.**

**Regulation 59
Closure Plan**

...

~~5. In the five years preceding the planned end of the period of Exploitation, the Closure Plan shall be updated annually and be finalized in accordance with regulation 60(1). Otherwise, The Closure Plan shall be reviewed and updated taking into account the results obtained from monitoring post-closure activities and each time there is a Material Change in a Plan of Work, including new knowledge, technologies, devices and new scientific findings, change of contractor or sponsoring State, also, in cases where no such Material Cehange has occurred and no monitoring data and information or improved knowledge or technology has signalled a need for updates, every five years and at the end of the project and be finalized in accordance with regulation 60 (1).~~

The Closure Plan shall be reviewed and updated ~~taking into account the results obtained from monitoring post-closure activities~~ and be finalized in accordance with regulation 60(1):

- (a) each time there is a Material Change in a Plan of Work, including new knowledge, technologies, devices and new scientific findings, change of contractor or sponsoring State;
- (b) in cases where no ~~such~~ Material Change has occurred and no monitoring data and information or improved knowledge or technology has signalled a need for updates, every five years; ~~and at the end of the project.~~

Commented [SA1]: Robyn – Regulation 59(5) is where we made a textual suggestion prior to the last session, as follows:

In the five years preceding the planned end of the period of Exploitation, the Closure Plan shall be updated annually and be finalized in accordance with regulation 60(1). Otherwise, the Closure Plan shall be updated each time there is a Material Change in a Plan of Work, or, in cases where no such change has occurred, every five years and be finalized in accordance with regulation 60 (1).

While our suggestion was adopted, it was also mixed in with other suggestions and so made the revised text very confusing. I've tried to pull apart the different intentions and step it through in the below suggestion, but I wonder whether we leave it as I'm not sure I've done a great job.

(c) in the five years preceding the planned end of the period of Exploitation, annually; and-

(e)(d) at the end of the project, taking into account the results obtained from monitoring post-closure activities.

Commented [RF2]: I've suggested moving 'at the end of the project' into a separate sub-paragraph as I understand from earlier comments from Heather that the Closure Plan should also be reviewed at the end of the project for the purposes of required post-closure monitoring. Is that correct, Heather?

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

Australia suggests restructuring Regulation 59(5) for clarity. In addition to reviewing the Closure Plan during exploitation, the Closure Plan should be reviewed and updated annually in the five years before the projected end of exploitation. The implementation of the Closure Plan should be evaluated at the end of the project.