

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto: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.**

DR 99 1 and 2(ter)- 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.**

1. If, as a result of an inspection, an Inspector has reasonable grounds to determine [or anticipates] that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a threat of ~~Serious Harm~~ harm to the Marine Environment, including Underwater Cultural Heritage or a Contractor is otherwise in breach of the terms of its contract with the Authority the Inspector shall give any instruction of a temporary nature considered reasonably necessary to remedy the situation, in accordance with [the] any applicable Standards, including:

...

2. ter. An instruction shall be for a specified period not exceeding seven days. The Chief Inspector may extend such period by an additional seven days, or until such time until the Contractor has complied with the instruction and fulfilled all requirements, and shall report any such extension to the Compliance Committee.

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

In relation to chapeau to sub-paragraph (1), Australia prefers to revert to ‘harm’ rather than ‘serious harm’ for consistency with the Convention.

Australia considers clarification on this draft regulation is needed to ensure that the seven-day period specified is able to be extended by the Chief Inspector. If it is not able to be extended, Australia believes that this conflicts with Regulation 99(3), which states that an instruction will be in force until the Contractor has complied with the instruction and fulfilled all requirements. In light of this, Australia proposes to amend this draft regulation for consistency with Regulation 99(3).

This proposal is equally applicable to DR 99 (3 Alt bis).