

Regulation Impact Statement

25. The Office of Regulation Review has been consulted and has advised that a Regulation Impact Statement is not required.

Future Treaty Action

26. Article 12 provides that the Protocol may be amended in two ways, either by amendment after consideration by the IMO or by amendment by a Conference (a Conference may be convened by the Secretary-General to consider amendments to the Protocol). Where considered by the IMO, amendments are adopted by a two-thirds majority of the Parties to the Protocol present and voting in the Marine Environment Protection Committee (MEPC). Where considered by a Conference, amendments are adopted by a two-thirds majority of those Parties present and voting. Where amendments have been adopted, they are to be communicated by the Secretary-General to all Parties to the Protocol for acceptance.

27. An amendment to an Article or the Annex of the Protocol is deemed to be accepted on the date on which two-thirds of the Parties have deposited a notification of acceptance with the Secretary-General of the IMO. An amendment to an Appendix is deemed to be accepted at the end of the period determined by the MEPC but no longer than ten months, unless within that time one-third of Parties notify the Secretary-General that they object to the amendment.

28. An amendment enters into force six months after the date on which it is deemed to have been accepted with respect to the Parties which have notified their acceptance. Any Party that has declined to accept, or has objected to an amendment is treated as a non-Party for the purposes of application of that amendment.

29. Any notifications or declarations under Article 12 must be made to the Secretary-General in writing.

30. Australia's acceptance of amendments to the Protocol would be subject to the Australian treaty process.

Withdrawal or Denunciation

31. Article 16 enables Australia to denounce the Protocol by written notification to the Secretary-General of the IMO at any time after five years from the date on which the Protocol enters into force for Australia. Denunciation takes effect one year after receipt of the notification by the Secretary-General or after a longer period if specified in the notification. If Australia denounces the OPRC Convention, it automatically denounces the Protocol.

32. Denunciation would be subject to the Australian treaty process.

Contact details

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