

# ANTARCTIC ACT 2013

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Environmental Emergencies**

##### **Preparatory measures**

##### *Section 6 – Insurance relating to environmental emergencies*

34. This section requires organisers of activities in Antarctica to secure adequate insurance cover or other financial security for (a) the costs of taking any response action required by section 1; and (b) any liability which may be incurred under section 2 or 3. This section reflects Article 11 of the Liability Annex.
35. Examples of “other financial security” are bonds or guarantees of a bank or similar institution.
36. *Subsections (4) and (5)* specify conditions that the insurance cover or financial security must satisfy to qualify as “adequate” for the purposes of subsection (1). It must not be subject to any limitation, exception or exclusion that makes it fundamentally deficient and the level of cover for liability under sections 2 and 3 must be at least as high as the limits on liability as set out in the Schedule to the Act.
37. Failure to secure adequate insurance or other financial security to cover potential liabilities before entering Antarctica is an offence under *subsection (6)* and will give rise to the penalties set out in *subsection (7)*.
38. *Subsection (8)* exempts the Crown (as defined in section 10) and other Parties to Annex VI from the requirement to obtain insurance. This reflects Article 11(3) of the Liability Annex, which is based on the recognition that governments usually self-insure.