

# Chapter 1

## Introduction

### Background

1.1 Senator the Hon. Ian Campbell, then Minister for the Environment and Heritage, introduced the Non-Proliferation Legislation Amendment Bill 2006 into the Senate on 6 December 2006. On 7 December 2006, the Senate referred the bill to the Senate Standing Committee of Foreign Affairs, Defence and Trade for examination and report by 8 February 2007.

1.2 The bill principally amends the *Nuclear Non-Proliferation (Safeguards) Act 1987*. This Act gives effect to Australia's international obligations as a party to the Nuclear Non-Proliferation Treaty (NPT), the International Atomic Energy Agency's (IAEA) Safeguards Agreement and the Convention on the Physical Protection of Nuclear Material.

### Purpose and effect of the bill

1.3 The purpose of the bill is to:

- satisfy new requirements of the amendments to the Convention on the Physical Protection of Nuclear Material;
- regulate, with respect to nuclear safeguards, the decommissioning of a nuclear facility to ensure that Australia is able to meet its international obligations to the International Atomic Energy Agency;
- make penalties for the most serious offences in the Safeguards Act consistent with penalties under comparable Commonwealth non-proliferation legislation; and
- extend the geographical jurisdiction for various non-proliferation offences in the Safeguards Act.

1.4 The Second Reading Speech noted that the bill 'will demonstrate Australia's ongoing commitment to the physical security of nuclear facilities, material and related information, and the application of nuclear safeguards to such items'. To this end, the bill:

- creates new offences under the Safeguards Act relating to trafficking nuclear material into or out of Australia or a foreign country and interfering with the operation of a nuclear facility;
- updates existing penalty provisions for several offences under the Safeguards Act;
- extends the geographical jurisdiction of offences by an Australian citizen or resident anywhere; and

- requires a permit for the decommissioning of a nuclear facility and a corresponding offence under the Safeguards Act for failing to obtain a permit.

### **Submissions**

1.5 The committee advertised the inquiry on its website and in *The Australian* on 12 December 2006. The committee wrote to the Minister for Foreign Affairs, the Hon. Alexander Downer, on 12 December 2006 to invite him or the Department of Foreign Affairs and Trade to make a submission. A number of organisations and stakeholders were also contacted and invited to make submissions to the inquiry. The committee received submissions from the Australian Safeguards and Non-Proliferation Office (ASNO) within the Department of Foreign Affairs and Trade, Friends of the Earth (FoE) and the Medical Association for the Prevention of War (MAPW).

### **Acknowledgments**

1.6 The committee thanks those who assisted with the inquiry.