

## EXPLANATORY STATEMENT

Statutory Rules

No. 187

Issued by the authority of the Attorney-General

### EXTRADITION (PHYSICAL PROTECTION OF NUCLEAR MATERIAL) REGULATIONS

These Regulations are made pursuant to sections 10 and 31 of the Extradition (Foreign States) Act 1966.

The Regulations apply the Extradition (Foreign States) Act to Foreign States which are parties to the Convention on the Physical Protection of Nuclear Material ("the Convention"), subject to the terms of the Convention. The effect of the application is to ensure that Australia may accede to and make requests for extradition for the offences specified in the Convention in respect of all non-Commonwealth countries which are parties to the Convention.

Article 11 of the Convention in effect enables Australia to use the Convention as the legal basis for extradition in respect of offences referred to in the Convention. That article also provides that where extradition treaties exist between States Parties, the offences under the Convention shall be deemed to be included in those treaties.

In cases where Australia has an extradition treaty other than an "inherited" extradition treaty with a State Party to the Convention, the Regulations applying the Act to that State subject to the Treaty, will be amended by these Regulations to apply the Act to that State subject to the treaty and the Convention.