



Statutory Rules 1987 No. 187¹

Extradition (Physical Protection of Nuclear Material) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Extradition (Foreign States) Act 1966*.

Dated 13 September 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

Citation

1. These Regulations may be cited as the Extradition (Physical Protection of Nuclear Material) Regulations.

Interpretation

2. (1) In these Regulations, unless the contrary intention appears:

“Physical Protection Convention” means the Convention on the Physical Protection of Nuclear Material (being the Convention referred to in, and the English text of which is set out in Schedule 4 to, the *Nuclear Non-Proliferation (Safeguards) Act 1987*);

“the Act” means the *Extradition (Foreign States) Act 1966*.

(2) In these Regulations, a reference to a prescribed offence for the purposes of these Regulations is a reference to an offence that is constituted by an act of a kind referred to in paragraph 1 of Article 7 of the Physical Protection Convention.

Application of Act

3. (1) Notwithstanding any limitations, conditions, exceptions or qualifications to which the application of the Act in relation to each foreign state specified in Part I of Schedule 1 is subject by reason of subsection 9 (2) or 11 (2) of the Act, the Act applies in relation to each of those states subject to the Physical Protection Convention.

(2) Notwithstanding any limitations, conditions, exceptions or qualifications to which the application of the Act in relation to each foreign state specified in Part II of Schedule 1 is subject by reason of subsection 11 (2) of the Act, the Act applies in relation to each of those foreign states subject to:

- (a) the Physical Protection Convention; and
- (b) the condition that offences against a law of, or of a part of, that state that are prescribed offences for the purposes of these Regulations are extradition crimes for the purposes of the Act.

(3) The Act applies in relation to the foreign state specified in Part III of Schedule 1 subject to:

- (a) the Physical Protection Convention; and
- (b) the condition that the only offences against a law of, or of a part of, that state that are extradition crimes for the purposes of the Act are offences that are prescribed offences for the purposes of these Regulations.

Amendment of related Regulations

4. The Regulations set out in Schedule 2 are amended as set out in that Schedule.

SCHEDULE 1

Regulation 3

PART I

Czechoslovakia
Guatemala
Hungary
Paraguay
Poland
Switzerland
Yugoslavia

PART II

Bulgaria
German Democratic Republic
Indonesia
Korea, Republic of
Mongolia
Philippines
Turkey
Union of Soviet Socialist Republics

PART III

Liechtenstein

SCHEDULE 2

Regulation 4

AMENDMENT OF RELATED REGULATIONS

EXTRADITION (BRAZIL) REGULATIONS¹

Subregulation 2 (2):

Add at the end the following paragraph:

- “(e) the Convention on the Physical Protection of Nuclear Material (being the Convention referred to in, and the English text of which is set out in Schedule 4 to, the *Nuclear Non-Proliferation (Safeguards) Act 1987*).”.

EXTRADITION (NORWAY) REGULATIONS¹

Subregulation 4 (1):

Omit all the words after “to Norway”, substitute:

“subject to the following treaties:

- (a) the Treaty between Australia and Norway concerning Extradition done at Oslo on 9 September 1985 (being the treaty a copy of the English text of which is set out in the Schedule);
- (b) the Convention on the Physical Protection of Nuclear Material (being the Convention referred to in, and the English text of which is set out in Schedule 4 to, the *Nuclear Non-Proliferation (Safeguards) Act 1987*).”.

EXTRADITION (SWEDEN) REGULATIONS¹

Regulation 3:

Add at the end the following paragraph:

- “(f) the Convention on the Physical Protection of Nuclear Material (being the Convention referred to in, and the English text of which is set out in Schedule 4 to, the *Nuclear Non-Proliferation (Safeguards) Act 1987*).”.

EXTRADITION (UNITED STATES OF AMERICA) REGULATIONS¹

Regulation 3:

Add at the end the following paragraph:

- “(f) the Convention on the Physical Protection of Nuclear Material (being the Convention referred to in, and the English text of which is set out in Schedule 4 to, the *Nuclear Non-Proliferation (Safeguards) Act 1987*).”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 18 September 1987.
2. Statutory Rules 1974 No. 130 as amended by 1983 No. 166; 1985 No. 61.
3. Statutory Rules 1987 No. 29.
4. Statutory Rules 1974 No. 27 as amended by 1983 No. 167; 1985 Nos. 57 and 349.
5. Statutory Rules 1976 No. 185 as amended by 1983 No. 164; 1985 No. 60.