

EXPLANATORY STATEMENT

Issued by authority of the Minister of State
for Primary Industries and Energy

Statutory Rule No 258

Subject - Nuclear Non-Proliferation (Safeguards) Act 1987

Nuclear Non-Proliferation (Safeguards) Regulations (Amendments)

Section 74 of the Nuclear Non-Proliferation (Safeguards) Act 1987 (No 8 of 1987, assented to on 17 March 1987) (the Act) provides that the Governor-General may make regulations for the purposes of the Act. The Act came into force on 31 March 1987 with the exception of Division 2 of Part III, which has been proclaimed to come into force on 28 October 1987, and sections 23 to 26 which are still to be proclaimed. Notice that the Nuclear Non-Proliferation (Safeguards) Regulations (the principal regulations) had been made was given in the Gazette on Wednesday 13 May 1987.

The principal regulations were made pursuant to paragraph 9(c), subsection 20(2) and paragraph 29(2)(b) of the Act. The regulations exempt certain nuclear material from control provisions, prescribe the form of certain Gazette notices and prescribe time limits for giving notice of intention to construct or modify a nuclear facility.

Section 23 of the Act makes possession of nuclear material and associated items without a permit an offence. Section 24 outlines special provisions for carriers in relation to an offence under Section 23. Pursuant to paragraph 24(1)(b), proposed regulation 4A prescribes the quantities of nuclear material and the associated items which may be transported by a carrier without a transport permit. The purpose of the

2.

regulation is to allow carriers to transport certain nuclear materials and associated items in common use and of no nuclear proliferation significance without being guilty of an offence under the Act.

The proposed regulation 4A should come into force with the proclamation of sections 23 to 26 of the Act, intended to be proclaimed next year. Accordingly it is made under section 4 of the Acts Interpretation Act which permits the making of regulations before the commencement of the relevant provisions of an Act. The proposed regulation will take effect when the relevant provisions of the Act are proclaimed.

Regulation 3 exempts nuclear material that is of no proliferation significance and is not subject to safeguards under Australia's safeguards agreement with the International Atomic Energy Agency or any of Australia's safeguards agreements with other countries. The proposed amendment to regulation 3 exempts small amounts of prescribed alloys in industrial or laboratory use from the requirement to have a permit.

(S.R. /87)