

EXPLANATORY STATEMENT

SELECT LEGISLATIVE INSTRUMENT 2006 No

Issued by the Authority of the Minister for Defence

ANTI-PERSONNEL MINES CONVENTION ACT 1998

Decision-Making Principles Governing the Retention of Anti-Personnel Mines by the Australian Defence Force (ADF)

These Decision-Making Principles are made under authority of subsection 8(3) of the *Anti-Personnel Mines Convention Act 1998* ('the Act'). The Decision-Making Principles are in accordance with relevant provisions of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction* ('the Ottawa Convention').

Section 8 of the Act has the effect that the Minister for Defence may grant permission to retain anti-personnel mines for the development of, and training in, mines detection, clearance, destruction and deactivation techniques, and also that the Minister for Defence must, by writing, formulate principles to be complied with when granting such permission, and that the Minister for Defence must consult the Minister administering the Act (the Minister for Foreign Affairs) before formulating such principles.

The purpose of the Decision-Making Principles is to set out the criteria that the Minister for Defence must consider before granting permission for the use, possession, movement, production, and disposal of anti-personnel mines.

The Decision-Making Principles were developed in consultation with the Minister for Foreign Affairs in accordance with subsection 8(4) of the Act, and are designed to embody the content and spirit of the provisions for the retention of anti-personnel landmines for training and other purposes as contained in the Ottawa Convention. For the purposes of the *Legislative Instruments Act 2003* no further consultation was undertaken as the Decision-Making Principles relate to a matter of national security.

The Decision-Making Principles are a Legislative Instrument for the purposes of the *Legislative Instruments Act 2003*, and will commence effect from the day after the date upon which the Instrument is registered on the Federal Register of Legislative Instruments.

Authority: Subsection 8(3) of the
Anti-Personnel Mines Convention
Act 1998