**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Nuclear Non-Proliferation (Safeguards) Amendment Regulation 2012 (No. 1)**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

The *Nuclear Non-Proliferation (Safeguards) Act 1987* (the Safeguards Act) gives effect to certain obligations that Australia has under international agreements on the peaceful use of nuclear material and facilities, including all of Australia’s bilateral nuclear cooperation agreements, as well as the *Treaty on the Non-Proliferation of Nuclear Weapons,* the *Convention on the Physical Protection of Nuclear Material* (Physical Protection Convention), and Australia’s agreements with the International Atomic Energy Agency.

Section 74 of the Safeguards Act provides that the Governor-General may make regulations, not inconsistent with the Safeguards Act, prescribing matters required or permitted by the Safeguards Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Safeguards Act. In addition, section 70 of the Safeguards Act provides that powers, duties, functions or discretions under the Safeguards Act are to be exercised in accordance with specified international agreements identified in the Safeguards Act, or prescribed in regulations.

The regulations currently list relevant agreements for the purposes of the Safeguards Act. The purpose of this Legislative Instrument is to update the list of such international agreements. This Legislative Instrument would amend the *Nuclear Non-Proliferation (Safeguards) Regulations 1987* by adding agreements to the list of prescribed international agreements:

**Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Bob Carr**

**Minister for Foreign Affairs**