

## Resources - Uranium

July, 08

---

### **Australia ratifies Amendment to the Convention on Physical Protection of Nuclear Material**

Australia has ratified an amendment to the International Atomic Energy Agency's Convention on the Physical Protection of Nuclear Material (***the Convention***) designed to substantially toughen security measures relating to nuclear materials and facilities. Australia deposited its instrument of ratification with the International Atomic Energy Agency (***IAEA***) on 17 July 2008, as part of its continuing commitment to play a leading international role in developing and encouraging the implementation of internationally accepted standards of nuclear safety and security.

According to the IAEA, the Convention is the only legally binding international undertaking relating to physical protection of nuclear material. The Convention entered into force on 8 February 1987 and establishes standards for the prevention, detection and punishment of offences relating to nuclear material used for peaceful purposes when it is either in international transport or in domestic use, storage or transport.

The amendment extends those standards to cover nuclear facilities used for peaceful purposes.

The amendment recognises that the purposes of the Convention are to:

- achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and protection of nuclear facilities used for peaceful purposes;
- prevent and combat offences relating to such material and facilities worldwide; and
- facilitate co-operation among States Parties to those ends.

As such, when in force, the amendment will require member nations to take measures to protect nuclear facilities and material in peaceful domestic use, storage and transport. It also provides for expanded cooperation between member nations for the implementation of rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.

Australia's ratification of the amendment will not itself affect the way in which nuclear materials and facilities are regulated in this country. Australia has already had legislation in place for several years that protected nuclear material and facilities in line with the standards set out in the amendment. No further changes to Australian legislation will be necessary in order to be compliant with the amendment once it does come into force.

This Alert is intended as an alert only. It does not purport to be a comprehensive advice. Readers should seek professional advice before acting in relation to these matters.

## Resources - Uranium

July, 08

---

Further, while the ratification of the amendment by Australia will not have immediate international effect, it brings the international community a step closer to having a strong, uniform nuclear safety standard applied across the globe. The Convention provides that the amendment will enter into force after two-thirds of the States Parties to the Convention have deposited their instruments of ratification with the IAEA. At this stage, 17 States Parties (including Australia) have deposited their instruments with the IAEA. It will be necessary (based on the current status of the Convention) for 91 States Parties (of a total of 136) to ratify the amendment before it comes into force.

When the amendment does come into force, the governments of each State Party will be required to:

- establish a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements;
- impose conditions on licence holders relating to the physical protection of the nuclear material; and
- establish a means to enforce applicable requirements and conditions, including effective sanctions.

The amendment also provides that any resulting legislation should make the holders of relevant licences or other authorising documents (e.g. shippers), responsible for implementing the physical protection measures established by the government.

Consequently, resources companies dealing with nuclear material in Australia can be satisfied that despite the recent lodgement of documents with the IAEA, their current responsibilities for complying with licence requirements and measures relating to the protection of nuclear material will not be altered as a result. In future, the standards currently applied in Australia may be uniformly applied around the world.

Links to copies of the amendment and the Convention are below.

[Amendment](#)

[Convention](#)

### Contacts:

For further information or advice, please contact: **Julia Dnistrianski** on telephone +61 8 8235 7814 or at email [julia.dnistrianski@finlaysons.com.au](mailto:julia.dnistrianski@finlaysons.com.au), or **Kyra Reznikov** on telephone +61 8 8235 7561 or at email [kyra.reznikov@finlaysons.com.au](mailto:kyra.reznikov@finlaysons.com.au).