

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented pursuant to leave granted and read 1^o, 30 May 1985)

(SENATOR CHIPP)

A BILL

FOR

An Act to prohibit the importation of nuclear hardware, and for purposes connected therewith

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

5 1. This Act may be cited as the *Customs (Prohibition of Importation of Nuclear Hardware) Act 1985*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Incorporation of Customs Act

10 3. The *Customs Act 1901* is incorporated in, and shall be read as one with, this Act.

Interpretation

4. In this Act—

“nuclear hardware” means—

15 (a) equipment specially designed or prepared for the enrichment or separation of uranium isotopes, including, but without limiting the generality of the foregoing—

(i) gaseous diffusion barriers;

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- (ii) gaseous diffusion housings;
 - (iii) gas centrifuge separation units;
 - (iv) jet-nozzle separation units;
 - (v) vortex separation units;
 - (vi) large axial or centrifugal compressors and special seals for compressors of such a kind; 5
 - (vii) frequency changers capable of multiphase electrical output of not less than 600 hertz and not more than 2000 hertz, and parts, components and sub-assemblies for frequency changers of such a kind; and 10
 - (viii) bulging dies;
 - (b) major components for nuclear reactors, including, but without limiting the generality of the foregoing—
 - (i) reactor vessels;
 - (ii) core support structures; 15
 - (iii) coolant pumps;
 - (iv) fuel element handling equipment;
 - (v) heat exchangers;
 - (vi) control rod drive mechanisms; and
 - (vii) nuclear fuel rods; and 20
 - (c) spent nuclear fuel rods;
- “vessel” means a ship or aircraft.

Act extends to Crown

5. This Act extends to the importation of nuclear hardware by or on behalf of the Crown in right of the Commonwealth, a State or the Northern Territory. 25

Prohibited imports

6. (1) The importation into Australia of nuclear hardware is prohibited unless a permission in writing to import the nuclear hardware has been granted by the Minister.

- (2) A permission to import nuclear hardware— 30
 - (a) may be granted only to the Australian Atomic Energy Agency;
 - (b) shall not be granted to the Australian Atomic Energy Agency unless the Minister is satisfied that the nuclear hardware is essential for the purpose of enabling the Australian Atomic Energy Agency to maintain its capacity to produce isotopes for medical or industrial use; 35
 - (c) shall be granted subject to compliance by the Australian Atomic Energy Agency, after the importation of the nuclear hardware, with the following conditions:
 - (i) that the Australian Atomic Energy Agency will not use any nuclear hardware imported by it in accordance with the permission except in the production of isotopes for medical or industrial use; 40

- 5 (ii) that the Australian Atomic Energy Agency will not dispose of any nuclear hardware imported by it in accordance with the permission unless it is satisfied that it is no longer essential for the purpose of enabling it to maintain its capacity to produce isotopes for medical or industrial use;
- 10 (iii) that the Australian Atomic Energy Agency will, within 1 month after any of the nuclear hardware imported by it in accordance with the permission is put into use by it, furnish to the Minister a statement, in writing, setting out the manner in which, and purpose for which, that hardware is being used; and
- 15 (iv) if the Australian Atomic Energy Agency disposes of any of the nuclear hardware imported by it in accordance with the permission—that it will, within 1 month after disposing of the hardware, furnish to the Minister a statement, in writing, setting out its reasons for the disposing of the hardware, the manner in which it disposed of the hardware and, if the hardware was acquired by another person, particulars of the person by whom it was acquired.

20 (3) The Minister shall cause a copy of a statement referred to in sub-paragraph (2) (c) (iii) or (iv) to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

25 (4) The Minister shall, as soon as practicable after granting a permission to the Australian Atomic Energy Agency to import any nuclear hardware, cause to be laid before each House of the Parliament a statement setting out particulars of the nuclear hardware to which the permission relates and of the manner in which that hardware is intended to be used.

30 (5) For the purpose of the condition specified in sub-paragraph (2) (c) (iv), the Australian Atomic Energy Agency shall be taken to have disposed of nuclear hardware imported in accordance with a permission granted under sub-section (2) if it disposes of it as a separate article or if it disposes of equipment or another article of which the hardware forms part or in the construction or maintenance of which the hardware has been used.

(6) In this section, “the Minister” means the Minister administering the *Atomic Energy Act 1953*.

35 **Application**

7. Sub-section 6 (1) does not apply to nuclear hardware loaded onto a vessel before the day on which this Act receives the Royal Assent for importation into Australia.

