

Commonwealth laws associated with Nuclear activities

Title	Purpose
Treaties	
Convention on Nuclear Safety	An incentive-based instrument that commits States operating nuclear power plants to establish and maintain a regulatory framework governing the safety of nuclear installations.
Convention on the Physical Protection of Nuclear Material (CPPNM) & and 2005 Amendment	The only legally binding international agreement focusing on the physical protection of peaceful use nuclear materials. The 2005 Amendment legally binds States to protect nuclear facilities and material in peaceful domestic use, storage, and transport. Also provides for expanded cooperation among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.
Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	Focuses on minimising the effects of hazardous radiological materials and promoting an effective nuclear safety culture.
Comprehensive Nuclear-Test-Ban Treaty (CTBT)	Prohibits nuclear weapon test explosions.
International Convention on the Suppression of Acts of Nuclear Terrorism	Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors. It criminalises the planning, threatening, or carrying out acts of nuclear terrorism.
Treaty on the Non-Proliferation of Nuclear Weapons (NPT)	Aims to limit the spread of nuclear weapons through the three pillars of non-proliferation, disarmament, and peaceful use of nuclear energy.
South Pacific Nuclear-Free Zone (SPNFZ) Treaty of Rarotonga	Prohibits nuclear explosive devices in the South Pacific. It is the second treaty to establish a nuclear weapons-free zone; also bans the testing and use of nuclear explosive technologies.

Title	Purpose
Statutes	
Environment Protection and Biodiversity Conservation Act 1999 (discussed in detail in Section 2.2.1 below)	Provides a legal framework for the protection and management of matters of national environmental significance, which includes protection of the environment from nuclear actions. A nuclear action requires approval under the Prohibitions Act if it has, will have, or is likely to have a significant impact on the environment. Specifically prohibits approval of actions involving the construction or operation of a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant, or a reprocessing facility.
South Pacific Nuclear Free Zone Treaty Act 1986 Comprehensive Nuclear Test-Ban Treaty Act 1998	Implements Australia's treaty obligations
Nuclear Non-proliferation (Safeguards) Act 1987	Provides the legislative basis for Australia's safeguards system. The principal object is to give effect to Australia's obligations under the NPT, Australia's Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency (IAEA), the Convention on the Physical Protection of Nuclear Material (and its 2005 amendment); and agreements with various countries on the transfer of nuclear material, equipment and technology. Provides for commitments under international treaties to be managed through a system of permits issued by the Australian Safeguards and Non-proliferation Office (ASNO) for the possession of nuclear material, equipment and technology. Regulates the possession, transport and communication of nuclear material, and associated material, facilities, equipment and technology, as well as arrangements for the physical protection of nuclear material and facilities.
Australian Nuclear Science and Technology Organisation Act 1987	Establishes the Australian Nuclear Science and Technology Organisation (ANSTO) and provides for the development and utilisation of nuclear and associated technologies, in particular, radiation and radioisotope applications in medicine, industry, science and agriculture.

Title	Purpose
Statutes	
<p>Australian Radiation Protection and Nuclear Safety Act 1998 (and Australian Radiation Protection and Nuclear Safety Regulations 2018) (discussed in detail in Section 2.2.2 below)</p>	<p>Provides for the protection of human health and the environment from the harmful effects of radiation through a regime to regulate the operation and safety of nuclear installations and the management of radiation sources, where these activities are undertaken by Commonwealth Government entities.</p> <p>Establishes the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).</p> <p>Specifically prohibits approval of actions involving the construction or operation of a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant, or a reprocessing facility. General provisions regulate the transportation of uranium and its by-products relating to radiation hazards.</p> <p>Regulations set out the licensing, inspection and enforcement framework, and specify licence conditions and dose limits. Also require ARPANSA to take into account international best practice in radiation protection and nuclear safety when assessing licence applications.</p>
<p>National Radioactive Waste Management Act 2012</p>	<p>Provides for the selection of a site for a radioactive waste management facility on voluntarily nominated land and the establishment and operation of such a facility on the site to ensure that radioactive waste generated, possessed or controlled by the Commonwealth is safely and securely managed.</p>
<p>Customs (Prohibited Exports) Regulations 1958 (made under the Customs Act 1901)</p>	<p>Regulation 9 requires an export licence for the export of radioactive material including refined uranium, plutonium and thorium.</p>

Source: Legislative Council Environment and Planning Committee (Vic)